THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 23, 2013

Senate called to order at 11:57 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Louis Locke.

The prayer today is not original with me, but is known as the Lord's Prayer. If you are familiar with it and would like to join me, please do.

Our Father, who art in Heaven; hallowed be Thy Name. Your kingdom come, Your will be done, on earth as it is in Heaven. Give us this day, our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the power and glory, forever and ever. Amen.

Please bless each Senator, their family and staff.

In the Name of the One who is alive forevermore.

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 220, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. President:

Your Committee on Finance, to which was referred Senate Bill No. 460, 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:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 245, 390, 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:

Your Committee on Transportation, to which was referred Senate Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK A. MANENDO, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 22, 2013

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 244, 442, 455.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 9, 25, 54, 93, 168, 172, 182, 200, 209, 218, 283, 293, 306, 327, 334, 354, 358, 391, 403, 417, 434, 438, 453, 456, 460.

MATTHEW BAKER

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bills Nos. 220, 245, 303, 390, 460, just reported out of Committee, be placed on the Second Reading File for this legislative day.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 9.

Senator Smith moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 25.

Senator Smith moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 54.

Senator Smith moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 93.

Senator Smith moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 168.

Senator Smith moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 172.

Senator Smith moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 182.

Senator Smith moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 200.

Senator Smith moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 209.

Senator Smith moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 218.

Senator Smith moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 244.

Senator Smith moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 283.

Senator Smith moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 293.

Senator Smith moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 306.

Senator Smith moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 327.

Senator Smith moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 334.

Senator Smith moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 354.

Senator Smith moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 358.

Senator Smith moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 391.

Senator Smith moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 403.

Senator Smith moved that the bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 417.

Senator Smith moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 434.

Senator Smith moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 438.

Senator Smith moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 442.

Senator Smith moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 453.

Senator Smith moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 455.

Senator Smith moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 456.

Senator Smith moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 460.

Senator Smith moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 220.

Bill read second time.

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

Amendment No. 577.

"SUMMARY—Makes various changes relating to certain professional licensing boards. (BDR 54-502)"

"AN ACT relating to professional licensing boards; revising provisions relating to the disclosure of certain information by certain licensing boards; requiring the Board of Medical Examiners to adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox; revising provisions relating to the reporting of certain information by certain ~~[professional]~~ licensing boards to law enforcement agencies; requiring, to the extent feasible, certain ~~[professional]~~ licensing boards to communicate or cooperate with or provide documents or other information to another licensing board or agency or a law enforcement agency that is investigating a person; providing for the filing of anonymous complaints with certain licensing boards; authorizing members and agents of certain licensing boards to enter certain premises to enforce provisions governing professions regulated by the respective boards; providing for the forfeiture of certain personal property used in the commission of the unlicensed practice of certain professions; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes various licensing boards to regulate persons who practice medicine, perfusion or respiratory care, homeopathic medicine, dentistry or dental hygiene, nursing, osteopathic medicine, chiropractic, Oriental medicine, podiatry, optometry, audiology, speech pathology, pharmacy, physical therapy, occupational therapy and cosmetology, and persons who practice as dispensing opticians, hearing aid specialists or administrators of facilities for long-term care. (Title 54 of NRS) This bill amends various provisions of NRS to ensure that these professions are similarly regulated.

Sections 2, 7, 13, 18, 25, 30, 35, 43, 49, ~~[55,]~~ 62, 69, 76, 86 and 106 of this bill authorize a member or any agent of the various licensing boards to enter , with the cooperation of the appropriate law enforcement agency, any premises in this State where a person is engaging in acts for which the person is required to obtain from the board a license, certificate or permit to

determine whether the person holds the appropriate license, certificate or permit issued by that board.

Sections 9, 15, 21, 31, 37, 42, 51, ~~[59,]~~ 64, 71, 78, 88, 91, 97 and 108 of this bill provide for the filing of anonymous complaints concerning certain professions with the appropriate board.

Sections 3, 8, 14, 26, 29, 36, 41, 47, ~~[56,]~~ 63, 70, 77, 85, 93, 99 and 105 of this bill require each of these various licensing boards to forward to the appropriate law enforcement agency any substantiated information submitted to the board concerning a person who, without the appropriate license, certificate or permit, engages in or offers to engage in activity for which a license, certificate or permit is required in this State. Sections 5, 10, 16, 23, 27, 32, 38, 44, 48, ~~[57,]~~ 65, 72, 80, 87, 94, 101 and 108 of this bill require, to the extent feasible, each of the boards to communicate or cooperate with or provide documents or any other information to another licensing board or any other agency that is investigating a person, including a law enforcement agency.

Sections 6, 11, 17, ~~[19, 20,]~~ 22, 28, 33, 39, 45, 50, ~~[58, 59,]~~ 66, 73, 79, 81-84, 89 ~~[,]~~ and 95 ~~[, 100 and 109]~~ of this bill ~~[provide that a person who engages in]~~ revise existing criminal penalties for the unlicensed practice of certain professions ~~[is guilty of a category D felony or]~~ and authorize various licensing boards to impose administrative fines against, issue citations to, and issue and serve orders to cease and desist on persons who engage in the unlicensed practice of certain professions, or both. Section 110 of this bill provides for the forfeiture of all personal property used by certain persons to engage in the unlicensed practice of certain professions.

Sections 98 and 107 of this bill require the State Board of Cosmetology and the Board of Examiners for Long-Term Care Administrators, respectively, to refer complaints concerning matters within the jurisdiction of certain other licensing boards to the other licensing boards.

Existing law provides that notwithstanding any other provision requiring disclosure of information to the public pursuant to any proceeding by a state agency, board or commission with the authority to regulate certain occupations or professions, personal medical information or records of a patient are not required to be disclosed under certain circumstances. (NRS 622.310) Section 1 of this bill extends this protection from disclosure to any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board, and specifically requires such information to be kept confidential by the licensing board in whose possession the information is held.

Section 3.5 of this bill requires the Board of Medical Examiners to adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox, by a medical assistant or any other person.

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

Section 1. NRS 622.310 is hereby amended to read as follows:

622.310 *1.* If any provision of this title requires a regulatory body to disclose information to the public in any proceeding or as part of any record, such a provision does not apply ~~[to]~~ :

(a) To any personal medical information or records of a patient that are confidential or otherwise protected from disclosure by any other provision of federal or state law.

(b) To any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board. Such information must be kept confidential by the licensing board in whose possession the information is held.

2. As used in this section, "licensing board" has the meaning ascribed to it in section 98 of this act.

~~[Section 1.]~~ *Sec. 1.5.* Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *Any member or agent of the Board may , with the cooperation of the appropriate law enforcement agency, enter any premises in this State where medicine, perfusion or respiratory care is practiced and inspect it to determine whether any person at the premises is practicing medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 3. *The Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 3.5. NRS 630.138 is hereby amended to read as follows:

630.138 The Board ~~[may]~~ :

1. May adopt regulations governing the supervision of a medical assistant, including, without limitation, regulations which prescribe limitations on the possession and administration of a dangerous drug by a medical assistant.

2. Shall adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox, by a medical assistant or any other person, including, without limitation:

(a) The qualifications and training required for administration; and

(b) The manner and place of administration.

Sec. 4. NRS 630.307 is hereby amended to read as follows:

630.307 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against ~~[a physician, perfusionist, physician assistant or practitioner of]~~ *any person who is ~~[engaged in the practice of medicine, perfusion or~~ respiratory care~~]~~ within the jurisdiction of the Board or any other licensing board* on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is

submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing medicine, perfusion or respiratory care in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice while the physician, perfusionist, physician assistant or practitioner of respiratory care is under investigation and the outcome of any disciplinary action taken by that facility or society against the physician, perfusionist, physician assistant or practitioner of respiratory care concerning the care of a patient or the competency of the physician, perfusionist, physician assistant or practitioner of respiratory care within 30 days after the change in privileges is made or disciplinary action is taken.

4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice that is based on:

(a) An investigation of the mental, medical or psychological competency of the physician, perfusionist, physician assistant or practitioner of respiratory care; or

(b) Suspected or alleged substance abuse in any form by the physician, perfusionist, physician assistant or practitioner of respiratory care.

5. The Board shall report any failure to comply with subsection 3 or 4 by a hospital, clinic or other medical facility licensed in this State to the Health Division of the Department of Health and Human Services. If, after a hearing, the Health Division determines that any such facility or society failed to comply with the requirements of this subsection, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

6. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a physician, perfusionist, physician assistant or practitioner of respiratory care:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

7. On or before January 15 of each year, the clerk of each court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding physicians pursuant to paragraph (e) of subsection 6.

8. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

9. As used in this section, "licensing board" has the meaning ascribed to it in section 98 of this act.

Sec. 5. NRS 630.336 is hereby amended to read as follows:

630.336 1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, perfusionist, physician assistant or practitioner of respiratory care to undergo a physical or mental examination or any other examination designated to assist the Board or committee in determining the fitness of a physician, perfusionist, physician assistant or practitioner of respiratory care are not subject to the requirements of NRS 241.020.

2. Except as otherwise provided in subsection 3 or 4, all applications for a license to practice medicine, perfusion or respiratory care, any charges filed by the Board, financial records of the Board, formal hearings on any charges heard by the Board or a panel selected by the Board, records of such hearings and any order or decision of the Board or panel must be open to the public.

3. Except as otherwise provided in NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application;

(b) Any report concerning the fitness of any person to receive or hold a license to practice medicine, perfusion or respiratory care; and

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

4. Except as otherwise provided in subsection 5 and NRS 239.0115, a complaint filed with the Board pursuant to NRS 630.307, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

5. The formal complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

6. ~~[This section does not prevent or prohibit the]~~ *The* Board ~~[from communicating or cooperating with]~~ *shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to* any other licensing board or agency or any agency which is investigating a ~~[licensee,]~~ *person,* including a law enforcement agency. Such cooperation may include, without limitation, providing the board or agency with minutes of a closed meeting, transcripts of oral examinations and the results of oral examinations.

Sec. 6. NRS 630.400 is hereby amended to read as follows:

630.400 *1.* ~~[A]~~ *It is unlawful for any* person ~~[who:]~~ *to:*

~~[1.]~~ *(a)* ~~[Presents]~~ *Present* to the Board as his or her own the diploma, license or credentials of another;

~~[2.]~~ *(b)* ~~[Gives]~~ *Give* either false or forged evidence of any kind to the Board;

~~[3.]~~ *(c)* ~~[Practices]~~ *Practice* medicine, perfusion or respiratory care under a false or assumed name or falsely ~~[personates]~~ *personate* another licensee;

~~[4.]~~ *(d)* Except as otherwise provided by a specific statute, ~~[practices]~~ *practice* medicine, perfusion or respiratory care without being licensed under this chapter;

~~[5.]~~ *(e)* ~~[Holds]~~ *Hold* himself or herself out as a perfusionist or ~~[uses]~~ *use* any other term indicating or implying that he or she is a perfusionist without being licensed by the Board;

~~[6.]~~ *(f)* ~~[Holds]~~ *Hold* himself or herself out as a physician assistant or ~~[uses]~~ *use* any other term indicating or implying that he or she is a physician assistant without being licensed by the Board; or

~~[7.]~~ *(g)* ~~[Holds]~~ *Hold* himself or herself out as a practitioner of respiratory care or ~~[uses]~~ *use* any other term indicating or implying that he or she is a practitioner of respiratory care without being licensed by the Board. ~~[,~~

~~➥]~~

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony *; or*

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ and shall be punished as provided in NRS 193.130.

~~*[2.]*~~ *3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:*

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this

State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 7. Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows:

Any member or agent of the Board may , with the cooperation of the appropriate law enforcement agency, enter any premises in this State where homeopathic medicine is practiced and inspect it to determine whether any person at the premises is practicing homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 8. NRS 630A.155 is hereby amended to read as follows:

630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of such practice, to protect the public health and safety and the general welfare of the people of this State.

2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of such applicants.

3. License or certify those applicants it finds to be qualified.

4. Investigate and, if required, hear and decide in a manner consistent with the provisions of chapter 622A of NRS all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. If a complaint concerns a practice which is within the jurisdiction of another licensing board or any other possible violation of state law, the Board shall refer the complaint to the other licensing board.

5. *Forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter.*

6. Submit an annual report to the Legislature and make recommendations to the Legislature concerning the enactment of legislation relating to

alternative and complementary integrative medicine, including, without limitation, homeopathic medicine.

Sec. 9. NRS 630A.390 is hereby amended to read as follows:

630A.390 1. Any person who becomes aware that a person practicing medicine in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a written complaint with the Board. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

2. Any medical society or medical facility or facility for the dependent licensed in this State shall report to the Board the initiation and outcome of any disciplinary action against any homeopathic physician concerning the care of a patient or the competency of the physician.

3. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a homeopathic physician:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law relating to controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence.

4. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 10. NRS 630A.555 is hereby amended to read as follows:

630A.555 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 11. NRS 630A.600 is hereby amended to read as follows:

630A.600 *1.* Except as otherwise provided in NRS 629.091, a person who practices homeopathic medicine without a license or certificate issued pursuant to this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty prescribed by law, if the Board determines that a person is practicing homeopathic medicine without a license or certificate issued pursuant to this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 12. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. *Any member or agent of the Board may , with the cooperation of the appropriate law enforcement agency, enter any premises in this State where dentistry or dental hygiene is practiced and inspect it to determine whether any person at the premises is practicing dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter.*

Sec. 14. *The Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter.*

Sec. 15. NRS 631.360 is hereby amended to read as follows:

631.360 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for ~~[refusal, suspension or revocation of a~~

~~license or certificate under this chapter,~~] *initiating disciplinary action,* investigate the actions of any person ~~[holding a certificate.]~~ *who practices dentistry or dental hygiene in this State. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

2. The Board shall, before ~~[refusing to issue, or before suspending or revoking any certificate,]~~ *initiating disciplinary action,* at least 10 days before the date set for the hearing, notify *the accused person* in writing ~~[the applicant or the holder of the certificate]~~ of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

7. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 16. NRS 631.368 is hereby amended to read as follows:

631.368 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board ~~[may]~~ *shall, to the extent feasible, communicate or cooperate with or* provide any record or information described in subsection 1 to any other licensing board or ~~[agency or]~~ any *other* agency

~~[which]~~ *that* is investigating a person *,* ~~[licensed pursuant to this chapter,]~~ including a law enforcement agency.

Sec. 17. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter :

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

6. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, 2 or 3, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1, 2 or 3.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each

activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 18. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

Any member or agent of the Board may , *with the cooperation of the appropriate law enforcement agency,* *enter any premises in this State where nursing is practiced and inspect it to determine whether any person at the premises is practicing nursing or as a nursing assistant or medication aide-certified without the appropriate license or certificate issued pursuant to the provisions of this chapter.*

Sec. 19. ~~[NRS 632.285 is hereby amended to read as follows:~~

~~632.285 1. Any person, except a nursing assistant trainee, who practices or offers to practice as a nursing assistant in this State shall submit evidence that he or she is qualified so to practice and must be certified as provided in this chapter.~~

~~2. It is unlawful for any person:~~

~~(a) To practice or to offer to practice as a nursing assistant in this State or to use any title, abbreviation, sign, card or device to indicate that he or she is practicing as a nursing assistant in this State unless the person has been certified pursuant to the provisions of this chapter.~~ *~~A person who violates the provisions of this paragraph is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~*

~~(b) Except as otherwise provided in NRS 629.091, who does not hold a certificate authorizing the person to practice as a nursing assistant issued pursuant to the provisions of this chapter to perform or offer to perform basic nursing services in this State, unless the person is a nursing assistant trainee.~~ *~~A person who violates the provisions of this paragraph is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~*

~~(c) To be employed as a nursing assistant trainee for more than 4 months.~~

~~3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice as a nursing assistant without a certificate issued pursuant to the provisions of this chapter.~~

~~4. The Executive Director of the Board shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice as a nursing assistant without a certificate issued pursuant to the provisions of this chapter.~~] (Deleted by amendment.)

Sec. 20. ~~[NRS 632.291 is hereby amended to read as follows:~~

~~632.291 1. Any person who practices or offers to practice as a medication aide-certified in this State shall submit evidence that he or she is qualified to practice and must be certified to practice as a medication aide-certified as provided in this chapter.~~

~~2. It is unlawful for any person to practice or to offer to practice as a medication aide-certified in this State or to use any title, abbreviation, sign, card or device to indicate that the person is practicing as a medication aide- certified in this State unless the person is certified as a medication aide-certified pursuant to the provisions of this chapter. *A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.*~~

~~3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice as a medication aide-certified without a certificate to practice as a medication aide-certified issued pursuant to the provisions of this chapter.~~

~~4. The Executive Director of the Board shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice as a medication aide-certified without a certificate to practice as a medication aide-certified issued pursuant to the provisions of this chapter.~~] (Deleted by amendment.)

Sec. 21. NRS 632.310 is hereby amended to read as follows:

632.310 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person, if the complaint alone or together with evidence, documentary or otherwise, presented in connection therewith, is sufficient to require an investigation, investigate the actions of any licensee or holder of a certificate or any person who assumes to act as a licensee or holder of a certificate within the State of Nevada. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

2. The Executive Director of the Board may, upon receipt of information from a governmental agency, conduct an investigation to determine whether the information is sufficient to require an investigation for referral to the Board for its consideration.

3. If a written verified complaint filed with the Board does not include the complete name of the licensee, nursing assistant or medication aide-certified against whom the complaint is filed, and the Board is unable to identify the licensee, nursing assistant or medication aide-certified, the Board shall request that the employer of the licensee, nursing assistant or medication aide-certified provide to the Board the complete name of the licensee, nursing assistant or medication aide-certified. The employer shall provide the name to the Board within 3 business days after the request is made.

4. The employer of a licensee, nursing assistant or medication aide-certified shall provide to the Board, upon its request, the record of the work assignments of any licensee, nursing assistant or medication aide-certified whose actions are under investigation by the Board.

5. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 22. NRS 632.315 is hereby amended to read as follows:

632.315 1. For the purposes of safeguarding life and health and maintaining high professional standards among nurses in this State, any person who practices or offers to practice nursing in this State shall submit evidence that he or she is qualified to practice and must be licensed as provided in this chapter.

2. ~~[Any]~~ *It is unlawful for any* person ~~[who:]~~ *:*

(a) ~~[Practices]~~ *To practice* or ~~[offers]~~ *offer* to practice nursing in this State or ~~[uses]~~ *use* any title, abbreviation, sign, card or device to indicate that he or she is practicing nursing in this State unless that person has been licensed pursuant to the provisions of this chapter; or

(b) ~~[Does]~~ *Who does* not hold a valid and subsisting license to practice nursing issued pursuant to the provisions of this chapter ~~[who practices]~~ *to practice* or ~~[offers]~~ *offer* to practice in this State as a registered nurse, licensed practical nurse, graduate nurse, trained nurse, certified nurse or under any other title or designation suggesting that the person possesses qualifications and skill in the field of nursing. ~~[,~~

~~➥ is guilty of a] [misdemeanor.]~~

3. A person who violates any provision of subsection 2:

(a) If no substantial bodily harm results, is guilty of a category D felony ; or

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ and shall be punished as provided in NRS 193.130.

~~[3.]~~ *4.* The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

~~[4.]~~ *5.* The Executive Director of the Board shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

Sec. 23. NRS 632.405 is hereby amended to read as follows:

632.405 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the

Board when determining whether to impose disciplinary action are public records.

3. ~~[This section does not prevent or prohibit the]~~ *The* Board ~~[from communicating or cooperating with]~~ *shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to* another licensing board or any agency that is investigating a ~~[licensee,]~~ *person,* including a law enforcement agency.

Sec. 24. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 25 and 26 of this act.

Sec. 25. *Any member or agent of the Board may , with the cooperation of the appropriate law enforcement agency, enter any premises in this State where osteopathic medicine is practiced and inspect it to determine whether any person at the premises is practicing osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 26. *The Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 27. NRS 633.301 is hereby amended to read as follows:

633.301 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date and number of the license of every osteopathic physician and every physician assistant licensed under this chapter.

2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 28. NRS 633.741 is hereby amended to read as follows:

633.741 *1.* ~~[A]~~ *It is unlawful for any* person ~~[who:]~~ *to:*

~~[1.]~~ *(a)* Except as otherwise provided in NRS 629.091, ~~[practices:]~~ *practice:*

~~[(a)]~~ *(1)* Osteopathic medicine without a valid license to practice osteopathic medicine under this chapter;

~~[(b)]~~ *(2)* As a physician assistant without a valid license under this chapter; or

~~[(c)]~~ *(3)* Beyond the limitations ordered upon his or her practice by the Board or the court;

~~[2.]~~ *(b)* ~~[Presents]~~ *Present* as his or her own the diploma, license or credentials of another;

~~[3.]~~ *(c)* ~~[Gives]~~ *Give* either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license;

~~[4.]~~ *(d)* ~~[Files]~~ *File* for record the license issued to another, falsely claiming himself or herself to be the person named in the license, or falsely claiming himself or herself to be the person entitled to the license;

~~[5.]~~ *(e)* ~~[Practices]~~ *Practice* osteopathic medicine or ~~[practices]~~ *practice* as a physician assistant under a false or assumed name or falsely ~~[personates]~~ *personate* another licensee of a like or different name;

~~[6.]~~ *(f)* ~~[Holds]~~ *Hold* himself or herself out as a physician assistant or ~~[who uses]~~ *use* any other term indicating or implying that he or she is a physician assistant, unless the person has been licensed by the Board as provided in this chapter; or

~~[7.]~~ *(g)* ~~[Supervises]~~ *Supervise* a person as a physician assistant before such person is licensed as provided in this chapter. ~~[,~~

~~➥]~~

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony *; or*

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ and shall be punished as provided in NRS 193.130.

~~*[2.]*~~ *3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:*

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the

violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 29. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice chiropractic or as a chiropractor's assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 30. NRS 634.043 is hereby amended to read as follows:

634.043 1. The Board shall appoint an Executive Director who serves at the pleasure of the Board and is entitled to receive such compensation as may be fixed by the Board.

2. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

~~[(c) Enter]~~

3. The Board or any agent of the Board may , with the cooperation of the appropriate law enforcement agency, enter and inspect any ~~[chiropractic office]~~ *premises* in this State *at which chiropractic is practiced* in order to enforce the provisions of this chapter.

Sec. 31. NRS 634.160 is hereby amended to read as follows:

634.160 1. The Board or any of its members who become aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a person practicing chiropractic in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Executive Director of the Board. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

2. The Board shall retain all complaints filed with the Executive Director pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 32. NRS 634.214 is hereby amended to read as follows:

634.214 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who is licensed *or who performs any act for which a license or certificate is required* pursuant to the provisions of this chapter.

2. *The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.*

3. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

Sec. 33. NRS 634.227 is hereby amended to read as follows:

634.227 1. A person who:

(a) Presents to the Board as his or her own the diploma, license or credentials of another;

(b) Gives false or forged evidence of any kind to the Board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

➥ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105 and 634.1375, a person who does not hold a license issued pursuant to this chapter and:

(a) Practices chiropractic in this State;

(b) Holds himself or herself out as a chiropractor;

(c) Uses any combination, variation or abbreviation of the terms "chiropractor," "chiropractic" or "chiropractic physician" as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 2, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 2. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 2.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 34. Chapter 634A of NRS is hereby amended by adding thereto the provisions set forth as sections 35 and 36 of this act.

Sec. 35. *Any member or agent of the Board may , with the cooperation of the appropriate law enforcement agency, enter any premises in this State where Oriental medicine is practiced and inspect it to determine whether any person at the premises is practicing Oriental medicine without a license issued pursuant to the provisions of this chapter.*

Sec. 36. *The Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice Oriental medicine without a license issued pursuant to the provisions of this chapter.*

Sec. 37. NRS 634A.085 is hereby amended to read as follows:

634A.085 1. If a written complaint regarding a ~~[doctor of]~~ *person who practices* Oriental medicine is filed with the Board, the Board shall review the complaint. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.* If, from the complaint or from other records, it appears that the complaint is not frivolous, the Board may:

(a) Retain the Attorney General to investigate the complaint; and

(b) If the Board retains the Attorney General, transmit the original complaint and any facts or information obtained from the review to the Attorney General.

2. If the Board retains the Attorney General, the Attorney General shall conduct an investigation of the complaint transmitted to the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, the Attorney General shall report the results of the investigation and any recommendation to the Board.

3. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

5. If the Board retains the Attorney General, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 2.

Sec. 38. NRS 634A.185 is hereby amended to read as follows:

634A.185 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 39. NRS 634A.230 is hereby amended to read as follows:

634A.230 *1.* Any person who represents himself or herself as a practitioner of Oriental medicine, or any branch thereof, or who engages in the practice of Oriental medicine, or any branch thereof, in this State without holding a valid license issued by the Board is guilty of a gross misdemeanor. ~~*[category D felony and shall be punished as provided in NRS 193.130.]*~~

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in NRS 634A.250.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 40. Chapter 635 of NRS is hereby amended by adding thereto the provisions set forth as sections 41 and 42 of this act.

Sec. 41. *The Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 42. *Any person who becomes aware that a person practicing podiatry or practicing as a podiatry hygienist in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

Sec. 43. NRS 635.035 is hereby amended to read as follows:

635.035 *1.* The Board may:

~~[1.]~~ *(a)* Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

~~[2.]~~ *(b)* Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

2. The Board or any agent of the Board may , with the cooperation of the appropriate law enforcement agency, enter any premises in this State where podiatry is practiced and inspect it to determine whether any person is practicing podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 44. NRS 635.158 is hereby amended to read as follows:

635.158 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information

compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

5. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 45. NRS 635.167 is hereby amended to read as follows:

635.167 *1.* Any person who:

~~[1.]~~ *(a)* Presents to the Board as his or her own the diploma, license or credentials of another;

~~[2.]~~ *(b)* Gives either false or forged evidence of any kind to the Board;

~~[3.]~~ *(c)* Practices podiatry under a false or assumed name or falsely personates another licensee;

~~[4.]~~ *(d)* Except as otherwise provided by specific statute, practices podiatry without being licensed under this chapter; or

~~[5.]~~ *(e)* Uses the title "D.P.M.," "Podiatrist," "Podiatric Physician," "Podiatric Physician-Surgeon" or "Physician-Surgeon D.P.M." when not licensed by the Board pursuant to this chapter, unless otherwise authorized by a specific statute,

➥ is guilty of a gross misdemeanor. ~~*[category D felony and shall be punished as provided in NRS 193.130.]*~~

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in paragraph (d) of subsection 1 of NRS 635.130.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 46. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 47, 48 and 49 of this act.

Sec. 47. *The Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice optometry without a license issued pursuant to the provisions of this chapter.*

Sec. 48. *The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including a law enforcement agency.*

Sec. 49. *A member or any agent of the Board may , with the cooperation of the appropriate law enforcement agency, enter any premises in this State where optometry is practiced and inspect it to determine whether any person is practicing optometry without a license issued pursuant to the provisions of this chapter.*

Sec. 50. NRS 636.145 is hereby amended to read as follows:

636.145 ~~[No]~~

1. A person shall *not* engage in the practice of optometry in this State unless:

~~[1.]~~ *(a)* The person has obtained a license pursuant to the provisions of this chapter; and

~~[2.]~~ *(b)* Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. ~~[A person who violates the provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~3.]~~ In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in NRS 636.420.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 51. NRS 636.310 is hereby amended to read as follows:

636.310 A complaint must be made in writing . ~~[and signed and verified by the person making it.]~~ The original complaint and two copies must be filed with the Executive Director. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

Sec. 52. NRS 636.325 is hereby amended to read as follows:

636.325 1. Upon conclusion of the hearing, or waiver thereof by the ~~[licensee]~~ *person* against whom the charge is filed, the Board shall make and announce its decision. If the Board determines that the allegations included in the charge are true, it may take any one or more of the following actions:

(a) Publicly reprimand the licensee;

(b) Place the licensee on probation for a specified or unspecified period;

(c) Suspend the licensee from practice for a specified or unspecified period;

(d) Revoke the licensee's license; or

(e) Impose an administrative fine pursuant to the provisions of NRS 636.420.

➥ The Board may, in connection with a reprimand, probation or suspension, impose such other terms or conditions as it deems necessary.

2. If the Board determines that the allegations included in the charge are false or do not warrant disciplinary action, it shall dismiss the charge.

3. The Board shall not ~~[privately]~~ *issue a private* reprimand . ~~[a licensee.]~~

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 53. ~~[NRS 636.410 is hereby amended to read as follows:~~

~~636.410 [A] *Except as otherwise provided in NRS 636.145, a* violation of~~

~~this chapter~~ [shall constitute] ~~*constitutes* a gross misdemeanor and shall be punishable as such.~~] (Deleted by amendment.)

Sec. 54. ~~[Chapter 637 of NRS is hereby amended by adding thereto the provisions set forth as sections 55 and 56 of this act.]~~ (Deleted by amendment.)

Sec. 55. ~~[*A member or any agent of the Board may enter any premises in this State where ophthalmic dispensing is practiced and inspect it to determine whether any person is practicing ophthalmic dispensing without a license issued pursuant to the provisions of this chapter.]*~~ (Deleted by amendment.)

Sec. 56. ~~[*The Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice ophthalmic dispensing without a license issued pursuant to the provisions of this chapter.]*~~ (Deleted by amendment.)

Sec. 57. ~~[NRS 637.085 is hereby amended to read as follows:~~

~~637.085 1. Except as otherwise provided in this section, all applications for licensure, financial records of the Board and records of hearings and any order or decision of the Board or a panel must be open to the public.~~

~~2. Except as otherwise provided in this section and NRS 239.0115, the following may be kept confidential:~~

~~(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application.~~

~~(b) Any report concerning the fitness of any person to receive or hold a license to practice ophthalmic dispensing.~~

~~(c) Any communication between:~~

~~(1) The Board and any of its committees or panels; and~~

~~(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.~~

~~(d) Any other information or records in the possession of the Board.~~

~~3. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.~~

~~4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.~~

~~5. The~~ [provisions of this section do not prohibit the] ~~Board~~ [from communicating or cooperating] ~~*shall, to the extent feasible, communicate or cooperate* with or~~ [providing] ~~*provide* any documents or other information to~~

~~any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.]~~ (Deleted by amendment.)

Sec. 58. ~~[NRS 637.090 is hereby amended to read as follows:~~

~~637.090 A person shall not engage in the practice of ophthalmic dispensing or manage a business engaged in ophthalmic dispensing without holding a valid, active license issued as provided by this chapter. *A person who violates the provisions of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.]*~~ (Deleted by amendment.)

Sec. 59. ~~[NRS 637.181 is hereby amended to read as follows:~~

~~637.181 Notwithstanding the provisions of chapter 622A of NRS:~~

~~1. The Board shall conduct an investigation if it receives a complaint that sets forth reason to believe that a person, without the proper license, is engaging in an activity for which a license is required pursuant to this chapter. The complaint must be [:~~

~~(a) Made]~~ *~~made~~* ~~in writing [;] and~~

~~[(b) Signed and verified by the person filing]~~ *~~may be filed anonymously. If a complaint is filed anonymously, the Board may accept~~* ~~the complaint [.]~~ *~~but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.~~*

~~2. If the Board determines that a person, without the proper license, is engaging in an activity for which a license is required pursuant to this chapter, the Board:~~

~~(a) Shall issue and serve on the person an order to cease and desist from engaging in the activity until such time as the person obtains the proper license from the Board [.]~~ *~~or otherwise demonstrates that he or she is no longer in violation of subsection 1.~~*

~~(b) May, after notice and opportunity for a hearing, impose upon the person an administrative fine of not more than $10,000. The imposition of an administrative fine is a final decision for the purposes of judicial review.~~

~~(c) May issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.~~

~~3. An administrative fine imposed pursuant to this section is in addition to any other penalty provided in this chapter.~~

~~4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.]~~ (Deleted by amendment.)

Sec. 60. ~~[NRS 637.200 is hereby amended to read as follows:~~

~~637.200 The following acts constitute misdemeanors:~~

~~1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.~~

~~2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.~~

~~3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.~~

~~4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription.~~

~~5. Filling a prescription for a contact lens in violation of the expiration date or number of refills specified by the prescription.~~

~~6. [~~Violating~~] *Except as otherwise provided in NRS 637.090, violating* any provision of this chapter.~~]~~ (Deleted by amendment.)

Sec. 61. Chapter 637A of NRS is hereby amended by adding thereto the provisions set forth as sections 62 and 63 of this act.

Sec. 62. *A member or any agent of the Board may* , *with the cooperation of the appropriate law enforcement agency,* *enter any premises in this State where a person engages in the business of a hearing aid specialist and inspect it to determine whether any person is engaged in the business of a hearing aid specialist without a license issued pursuant to the provisions of this chapter.*

Sec. 63. *The Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 64. NRS 637A.260 is hereby amended to read as follows:

637A.260 1. The Board, any of its members or any other person who believes that a licensee or other person has violated a provision of this chapter may file a complaint specifying the relevant facts with the Board. The Board may amend any such complaint to include additional allegations if it becomes aware of any additional information concerning a further violation of the provisions of this chapter.

2. A complaint made against any licensee charging one or more of the causes for which his or her license may be revoked or suspended must be made with such particularity as to enable the licensee to prepare a defense thereto.

3. The complaint must be made in writing and *may* be ~~[signed and verified by]~~ *filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to* the person ~~[making it.]~~ *who is the subject of the complaint.*

4. The Board, on its own motion, may investigate the activities of an

applicant for or a holder of a license issued pursuant to this chapter at any time.

5. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 65. NRS 637A.315 is hereby amended to read as follows:

637A.315 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 66. NRS 637A.352 is hereby amended to read as follows:

637A.352 *1.* A person shall not engage in the business of a hearing aid specialist unless the person:

~~[1.]~~ *(a)* Holds a license issued by the Board; or

~~[2.]~~ *(b)* Is exempted from the provisions of this chapter by NRS 637A.025.

2. ~~*[A person who violates the provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.*~~

~~*3.]*~~ *In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:*

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 67. ~~[NRS 637A.360 is hereby amended to read as follows:~~

~~637A.360 -~~[Any]~~- *Except as otherwise provided in NRS 637A.352, any person violating any provision of this chapter is guilty of a misdemeanor.*]~~ (Deleted by amendment.)

Sec. 68. Chapter 637B of NRS is hereby amended by adding thereto the provisions set forth as sections 69 and 70 of this act.

Sec. 69. *A member or any agent of the Board may , with the cooperation of the appropriate law enforcement agency, enter any premises in this State where a person practices audiology or speech pathology and inspect it to determine whether any person is practicing audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 70. *The Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 71. NRS 637B.260 is hereby amended to read as follows:

637B.260 1. A complaint may be made against any applicant for a license or any licensee charging one or more of the grounds for disciplinary action with such particularity as to enable the defendant to prepare a defense.

2. The complaint must be in writing and *may* be ~~[signed and verified by]~~ *filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to* the person ~~[making it.]~~ *who is the subject of the complaint.*

3. The Board shall retain all complaints made pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 72. NRS 637B.288 is hereby amended to read as follows:

637B.288 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to

initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 73. NRS 637B.290 is hereby amended to read as follows:

637B.290 *1.* A person shall not engage in the practice of audiology or speech pathology in this State without holding a valid license ~~[to do so as provided in]~~ *issued pursuant to the provisions of* this chapter. ~~*[A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.]*~~

2. In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology or speech pathology in this State without holding a valid license issued pursuant to the provisions of this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 74. ~~[NRS 637B.320 is hereby amended to read as follows:~~

~~637B.320 [Any] *Except as otherwise provided in NRS 637B.290, any* person who violates any of the provisions of this chapter is guilty of a misdemeanor.~~] (Deleted by amendment.)

Sec. 75. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 76 to 79, inclusive, of this act.

Sec. 76. *A member or any agent of the Board may , with the cooperation of the appropriate law enforcement agency, enter any premises in this State where a person practices pharmacy and inspect it to determine whether any person is practicing pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter.*

Sec. 77. *The Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter.*

Sec. 78. *Any person who becomes aware that a person practicing pharmacy in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

Sec. 79. *In addition to any other penalty prescribed by law, if the Board determines that a person has violated subsection 1 of NRS 639.100, subsection 1 of NRS 639.2813 or NRS 639.284 or 639.285, the Board may:*

1. Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license, certificate or permit or otherwise demonstrates that he or she is no longer in violation of subsection 1 of NRS 639.100, subsection 1 of NRS 639.2813 or NRS 639.284 or 639.285. An order to cease and desist must:

(a) Include a telephone number with which the person may contact the Board; and

(b) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of this section.

2. Issue a citation to the person. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

3. Assess against the person an administrative fine of not more than $5,000.

4. Impose any combination of the penalties set forth in subsections 1, 2 and 3.

Sec. 80. NRS 639.070 is hereby amended to read as follows:

639.070 1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ an attorney, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. *The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.*

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

Sec. 81. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

(b) Complies with the regulations adopted by the Board.

~~[The]~~

2. A person who violates ~~[the provisions]~~ any provision of ~~[this]~~ subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony ; or

(b) If substantial bodily harm results, is guilty of a category C felony,

and shall be punished as provided in NRS 193.130.

~~[2.]~~ *3.* Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

~~[3.]~~ *4.* Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

~~[4.]~~ *5.* Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon

approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

Sec. 82. NRS 639.2813 is hereby amended to read as follows:

639.2813 1. Except as provided in NRS 453.331 and 454.311, it is unlawful for any person falsely to represent himself or herself as a practitioner entitled to write prescriptions in this state, or the agent of such a person, for the purpose of transmitting to a pharmacist an order for a prescription. *A person who violates the provisions of this subsection* :

(a) If no substantial bodily harm results, is guilty of a category D felony ; *or*

(b) If substantial bodily harm results, is guilty of a category C felony, ➥ *and shall be punished as provided in NRS 193.130.*

2. It is unlawful for the agent of a practitioner entitled to write prescriptions in this state willfully to transmit to a pharmacist an order for a prescription if the agent is not authorized by the practitioner to transmit such order.

Sec. 83. NRS 639.284 is hereby amended to read as follows:

639.284 Except as otherwise provided in NRS 639.23277, any person who:

1. Being the licensed proprietor of a pharmacy, fails to place a registered pharmacist in charge of such pharmacy, or permits the compounding or dispensing of drugs or prescriptions, or the selling of drugs, poisons or devices, the sale of which is restricted by the provisions of this chapter, [,] :

(a) If no substantial bodily harm results, is guilty of a [misdemeanor.] *category D felony* ; *or*

(b) If substantial bodily harm results, is guilty of a category C felony, ➥ *and shall be punished as provided in NRS 193.130.*

Sec. 84. NRS 639.285 is hereby amended to read as follows:

639.285 Any person not licensed by the Board, who sells, displays or offers for sale any drug, device or poison, the sale of which is restricted to prescription only or by a registered pharmacist or under his or her direct and immediate supervision, [,] :

1. If no substantial bodily harm results, is guilty of a [misdemeanor.] *category D felony* ; *or*

2. If substantial bodily harm results, is guilty of a category C felony, ➥ *and shall be punished as provided in NRS 193.130.*

Sec. 85. Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice physical therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 86. NRS 640.050 is hereby amended to read as follows:

640.050 1. The Board shall examine and license qualified physical therapists and qualified physical therapist's assistants.

2. The Board may adopt reasonable regulations to carry this chapter into effect, including, but not limited to, regulations concerning the:

(a) Issuance and display of licenses.

(b) Supervision of physical therapist's assistants and physical therapist's technicians.

(c) Treatments and other regulated procedures which may be performed by physical therapist's technicians.

3. The Board shall keep a record of its proceedings and a register of all persons licensed under the provisions of this chapter. The register must show:

(a) The name of every living licensee.

(b) The last known place of business and residence of each licensee.

(c) The date and number of each license issued as a physical therapist or physical therapist's assistant.

4. During September of every year in which renewal of a license is required, the Board shall compile a list of licensed physical therapists authorized to practice physical therapy and physical therapist's assistants licensed to assist in the practice of physical therapy in this State. Any interested person in the State may obtain a copy of the list upon application to the Board and the payment of such amount as may be fixed by the Board, which amount must not exceed the cost of the list so furnished.

5. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(c) Adopt a seal of which a court may take judicial notice.

6. Any member or agent of the Board may *, with the cooperation of the appropriate law enforcement agency,* enter ~~[an office, clinic or hospital]~~ *any premises in this State* where physical therapy is practiced and inspect it to determine ~~[if the]~~ *whether any person at the premises is practicing* physical ~~[therapists are licensed.]~~ *therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter.*

7. Any member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

Sec. 87. NRS 640.075 is hereby amended to read as follows:

640.075 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 88. NRS 640.161 is hereby amended to read as follows:

640.161 1. A complaint against any person who has been licensed pursuant to this chapter may be initiated by the Board or may be filed with the Board by any member or agent of the Board or any aggrieved person.

2. The complaint must allege one or more of the grounds enumerated in NRS 640.160 and must contain a statement of facts showing that a provision of this chapter or the Board's regulations has been violated. The complaint must be sufficiently detailed to enable the respondent to understand the allegations.

3. The complaint must be in writing and *may* be ~~[signed and verified by the person filing it.]~~ *filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.* The original complaint and two copies must be filed with the Board.

4. The Board shall review each complaint. If a complaint shows a substantial violation of a provision of this chapter or the Board's regulations, the Board shall proceed with a hearing on the complaint pursuant to the provisions of chapter 622A of NRS.

5. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 89. NRS 640.169 is hereby amended to read as follows:

640.169 1. Except as otherwise provided in NRS 629.091 and 640.120, it is unlawful for any person to practice physical therapy in this State unless the person holds a license or a temporary license issued pursuant to this

chapter. *A person who violates the provisions of this subsection is guilty of a ~~[category D felony and shall be punished as provided in NRS 193.130.]~~ gross misdemeanor.*

2. In addition to any criminal penalty that may be imposed for a violation of subsection 1, the Board, after notice and hearing, may ~~[issue]~~ *:*

(a) Issue an order against any person who has violated subsection 1 imposing ~~[a civil]~~ *an administrative* penalty of not more than $5,000 for each violation. Any ~~[civil]~~ *administrative* penalty collected pursuant to this ~~[subsection]~~ *paragraph* must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(d) Impose any combination of the penalties set forth in paragraphs (a) to (d), inclusive.

Sec. 90. Chapter 640A of NRS is hereby amended by adding thereto the provisions set forth as sections 91 and 92 of this act.

Sec. 91. *Any person who becomes aware that a person practicing occupational therapy or as an occupational therapy assistant in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action pursuant to NRS 640A.200 may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

Sec. 92. *Whenever any person has engaged in or is about to engage in any conduct which constitutes a violation of the provisions of this chapter, the district court of any county, on application of the Board, may issue an injunction or any other order restraining such conduct. Proceedings under this section must be governed by Rule 65 of the Nevada Rules of Civil*

Procedure, except that no bond or undertaking is required in any action commenced by the Board.

Sec. 93. NRS 640A.110 is hereby amended to read as follows:

640A.110 The Board shall:

1. Enforce the provisions of this chapter;

2. *Forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter;*

3. Maintain a record of its proceedings;

~~[3.]~~ *4.* Evaluate the qualifications of an applicant for a license as an occupational therapist or occupational therapy assistant and, upon payment of the appropriate fee, issue the appropriate license to a qualified applicant;

~~[4.]~~ *5.* Adopt regulations establishing standards of practice for persons licensed pursuant to this chapter and any other regulations necessary to carry out the provisions of this chapter; and

~~[5.]~~ *6.* Require a person licensed pursuant to this chapter to submit to the Board such documentation or perform such practical demonstrations as the Board deems necessary to determine whether the licensee has acquired the skills necessary to perform physical therapeutic modalities.

Sec. 94. NRS 640A.220 is hereby amended to read as follows:

640A.220 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

4. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 95. NRS 640A.230 is hereby amended to read as follows:

640A.230 1. Except as otherwise provided in NRS 629.091, a person shall not practice occupational therapy, or represent that he or she is authorized to practice occupational therapy, in this state unless he or she

holds a current license issued pursuant to this chapter. *A person who violates the provisions of this subsection is guilty of a ~~[category D felony and shall be punished as provided in NRS 193.130.]~~ gross misdemeanor.*

2. A licensed occupational therapist shall directly supervise the work of any person who assists him or her as an aide or technician.

~~[3.]~~ A person who violates ~~[any provision]~~ *the provisions* of this ~~[section]~~ *subsection* is guilty of a misdemeanor.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has violated the provisions of subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 96. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 97 and 98 of this act.

Sec. 97. *Any person who becomes aware that a person practicing cosmetology in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action pursuant to NRS 644.430 may file a written complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

Sec. 98. *1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.*

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 99. NRS 644.090 is hereby amended to read as follows:

644.090 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. License establishments for hair braiding, cosmetological establishments and schools of cosmetology.

4. Report to the proper prosecuting ~~[officers all violations]~~ *officer or law enforcement agency each violation* of this chapter coming within its knowledge.

5. Inspect schools of cosmetology, establishments for hair braiding and cosmetological establishments to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 100. ~~[NRS 644.190 is hereby amended to read as follows:~~

~~644.190 1. It is unlawful for any person to conduct or operate a cosmetological establishment, an establishment for hair braiding, a school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless the person is licensed in accordance with the provisions of this chapter. *A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.*~~

~~2. Except as otherwise provided in subsections 4 and 5, it is unlawful for any person to engage in, or attempt to engage in, the practice of cosmetology~~

~~or any branch thereof, whether for compensation or otherwise, unless the person is licensed in accordance with the provisions of this chapter. *A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.*~~

~~3. This chapter does not prohibit:~~

~~(a) Any student in any school of cosmetology established pursuant to the provisions of this chapter from engaging, in the school and as a student, in work connected with any branch or any combination of branches of cosmetology in the school.~~

~~(b) An electrologist's apprentice from participating in a course of practical training and study.~~

~~(c) A person issued a provisional license as an instructor pursuant to NRS 644.193 from acting as an instructor and accepting compensation therefor while accumulating the hours of training as a teacher required for an instructor's license.~~

~~(d) The rendering of cosmetological services by a person who is licensed in accordance with the provisions of this chapter, if those services are rendered in connection with photographic services provided by a photographer.~~

~~(e) A registered cosmetologist's apprentice from engaging in the practice of cosmetology under the immediate supervision of a licensed cosmetologist.~~

~~4. A person employed to render cosmetological services in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing requirements of this chapter if he or she renders cosmetological services only to persons who will appear in that motion picture, television program, commercial or advertisement.~~

~~5. A person practicing hair braiding is exempt from the licensing requirements of this chapter applicable to hair braiding if the hair braiding is practiced on a person who is related within the sixth degree of consanguinity and the person does not accept compensation for the hair braiding.~~] (Deleted by amendment.)

Sec. 101. NRS 644.446 is hereby amended to read as follows:

644.446 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging document filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 102. ~~[NRS 644.480 is hereby amended to read as follows:~~

~~644.480 *Except as otherwise provided in NRS 644.190:*~~

~~1. Every person violating any of the provisions of this chapter shall be guilty of a misdemeanor.~~

~~2. Every person required by the provisions of this chapter to perform any act or duty who shall fail, refuse or neglect to perform the duty in the manner directed by the provisions of this chapter shall be guilty of a misdemeanor.~~

~~3. Every person required by the provisions of this chapter to perform any duty at a specified time or in a specified manner who shall fail, refuse or neglect to perform the duty at the time and in the manner provided by the terms of this chapter shall be guilty of a misdemeanor.]~~ (Deleted by amendment.)

Sec. 103. Chapter 654 of NRS is hereby amended by adding thereto the provisions set forth as sections 104 to 107, inclusive, of this act.

Sec. 104. *Whenever any person has engaged or is about to engage in any conduct which constitutes a violation of the provisions of this chapter, the district court of any county, on application of the Board, may issue an injunction or any other order restraining such conduct. Proceedings under this section must be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.*

Sec. 105. *The Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 106. *A member or any agent of the Board may* , with the cooperation of the appropriate law enforcement agency, *enter any premises in this State where a person acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups and inspect it to determine whether any person is acting in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 107. *1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.*

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 108. NRS 654.110 is hereby amended to read as follows:

654.110 1. In a manner consistent with the provisions of chapter 622A of NRS, the Board shall:

(a) Develop, impose and enforce standards which must be met by persons to receive licenses as nursing facility administrators or administrators of residential facilities for groups. The standards must be designed to ensure that nursing facility administrators or persons acting as administrators of residential facilities for groups will be persons who are of good character and otherwise suitable, and who, by training or experience in their respective fields of administering health care facilities, are qualified to serve as nursing facility administrators or administrators of residential facilities for groups.

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether a person meets those standards.

(c) Issue licenses to persons determined, after the application of appropriate techniques, to meet those standards.

(d) Revoke or suspend licenses previously issued by the Board in any case if the person holding the license is determined substantially to have failed to conform to the requirements of the standards.

(e) Establish and carry out procedures designed to ensure that persons licensed as nursing facility administrators or administrators of residential facilities for groups will, during any period they serve as such, comply with the requirements of the standards.

(f) Receive, investigate and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any person ~~[licensed as a nursing facility administrator or an administrator of a~~

~~residential facility for groups]~~ has failed to comply with the requirements of the standards. ~~[The]~~ *Except as otherwise provided in this paragraph, the* Board shall initiate an investigation of any charge or complaint filed with the Board within 30 days after receiving the charge or complaint. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

(g) Conduct a continuing study of:

(1) Facilities for skilled nursing, facilities for intermediate care and their administrators; and

(2) Residential facilities for groups and their administrators,

➥ with a view to the improvement of the standards imposed for the licensing of administrators and of procedures and methods for the enforcement of the standards.

(h) Conduct or approve, or both, a program of training and instruction designed to enable all persons to obtain the qualifications necessary to meet the standards set by the Board for qualification as a nursing facility administrator or an administrator of a residential facility for groups.

2. Except as otherwise provided in this section, all records kept by the Board, not otherwise privileged or confidential, are public records.

3. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

5. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 109. ~~[NRS 654.200 is hereby amended to read as follows:~~

~~654.200 Any person who acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without a license issued pursuant to the provisions of this chapter is guilty of a [misdemeanor.] *category D felony and shall be punished as provided in NRS 193.130.]*~~ (Deleted by amendment.)

Sec. 110. NRS 179.121 is hereby amended to read as follows:

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

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

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

(c) A violation of NRS 202.445 or 202.446;

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

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300 to 201.340, inclusive, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 , ~~[or]~~ 465.070 to 465.085, inclusive ~~[.]~~ *, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, 637A.352, 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.*

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

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

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

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

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

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

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

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

(c) There is a cartridge in the magazine and the magazine is in the firearm

or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

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

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Thank you, Mr. President. Amendment No. 577 makes six changes to Senate Bill No. 220. The amendment requires that all complaints concerning unauthorized practice may be filed with the Board of Medical Examiners and the Board must accept such complaints and either exercise its jurisdiction or forward the complaint to the proper licensing board. It requires boards that issue an order to cease and desist to include a contact number for the board and inform the person that the Board of Medical Examiners may, with or without law enforcement, enter any premises where it is suspected that unauthorized practice is being performed.

It deletes the Board of Dispensing Opticians.

Amendment No. 577 to Senate Bill No. 220 provides that a person who engages in the unlicensed activity of medicine, osteopathic medicine, nursing and pharmacy is guilty of a Category C felony for substantial bodily harm and a Category D felony for no substantial bodily harm. It also requires the identity of any alleged victim of unauthorized practice be kept confidential by the licensing board investigating the matter. Finally, the amendment requires the Board of Medical Examiners to adopt regulations governing the possession and manner and place of administering Botox.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 245.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 561.

"SUMMARY—Enacts provisions relating to ~~[the importation, possession, sale, transfer and breeding of dangerous]~~ captive wild animals. (BDR ~~[50-161)]~~ 20-161)"

"AN ACT relating to animals; ~~[enacting provisions relating to the importation, possession, sale, transfer and breeding of dangerous wild animals;]~~ authorizing ~~[counties to enact certain ordinances regulating dangerous]~~ a board of county commissioners to adopt an ordinance regulating the importation, possession, sale, transfer or breeding of captive wild animals; ~~[providing penalties;]~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[Existing law authorizes the Board of Wildlife Commissioners to adopt regulations to prohibit the importation, transportation and possession of any species of wildlife which the Commission determines is detrimental to the wildlife or habitat of wildlife in this State. (NRS 503.597) Pursuant to that authority, the Commission has adopted regulations governing the possession, transportation, importation, exportation and release of certain species of wildlife. (NAC 503.108-503.140, 504.464, 504.466)]~~ Existing law ~~[also]~~ confers authority upon a board of county commissioners and a city council to

enact certain restrictions and regulations on animals, including, for example, prohibiting cruelty to animals and fixing, imposing and collecting license fees. (NRS 244.359, 266.325) ~~[Existing law also requires any peace officer and certain officers of a society for the prevention of cruelty to animals to, upon discovering any animal which is being treated cruelly, take possession of the animal and provide it with shelter and care. (NRS 574.055) Section 7 of this bill makes it unlawful for a person to import, possess, sell, transfer or breed a dangerous wild animal unless the person meets one of several exemptions. Section 4 of this bill defines the term "dangerous wild animal." Sections 8-10 of this bill provide the exemptions from the prohibition and provide that certain zoos, circuses, research facilities, wildlife sanctuaries and animal shelters may import, possess, sell, transfer or breed a dangerous wild animal, as may veterinarians and certain law enforcement personnel in carrying out their duties. Section 7 also makes it unlawful for a person to allow a dangerous wild animal to come in contact with a person who does not meet one of the exemptions. Section 11 of this bill allows a person who possesses a dangerous wild animal before July 1, 2013, to keep that animal if the person meets certain requirements. Section 12 of this bill authorizes an animal control agent to seize a dangerous wild animal if the agent believes the owner of the animal has violated certain provisions and requires the temporary placement of such an animal with certain animal shelters, zoos or wildlife sanctuaries. Section 13 of this bill provides for the forfeiture or voluntary relinquishment of a seized dangerous wild animal under certain circumstances, and section 14 of this bill provides for the disposition of a dangerous wild animal that is forfeited or relinquished. Section 15 of this bill provides the procedure whereby an entity given temporary custody of a dangerous wild animal pursuant to section 12 may petition a court to order the person from whom the animal was seized to post security in an amount determined to compensate the entity for the cost of caring for the animal.~~

~~Existing law makes it a misdemeanor for a person having the care or custody of any vicious or dangerous animal to allow it to go at large, and it is a category D felony if the animal kills a human being who is not in fault. (NRS 200.240, 575.020) Section 16 of this bill provides that it is unlawful to release from captivity or intentionally or negligently allow to escape from captivity a dangerous wild animal and that a violation of that provision is punishable as a gross misdemeanor. Section 16 further provides that a person who owns or possesses a dangerous wild animal that escapes or is released must report the escape or release immediately to the local animal control agency and is liable for all costs associated with efforts to recapture the animal.]~~

Section 18 of this bill authorizes a board of county commissioners to adopt an ordinance to regulate the importation, possession, sale, transfer or breeding of ~~[dangerous]~~ captive wild animals . ~~[so long as the ordinance does not conflict with or is otherwise consistent with certain provisions of this bill. Section 19 of this bill provides that a violation of certain provisions of this~~

~~bill regarding the importation, possession, sale, transfer or breeding of dangerous wild animals is punishable as a misdemeanor.]~~

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

Section 1. ~~[Title 50 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 19, inclusive, of this act.]~~ The Legislature finds and declares that the ownership of captive wild animals among persons in this State is a matter of public policy that needs to be addressed.

Sec. 2. [~~*As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*~~] (Deleted by amendment.)

Sec. 3. ~~*"Animal control agency" means any entity of a political subdivision authorized to enforce local ordinances and laws of this State related to the control of animals.*~~] (Deleted by amendment.)

Sec. 4. [~~*"Dangerous wild animal" means any of the following live animals held in captivity:*~~

~~*1. All raccoons and other species from the family Procyonidae.*~~

~~*2. All snakes from the families Atractaspidae, Elapidae and Hydrophiidae.*~~

~~*3. All snakes from the family Viperidae, except a species of snake indigenous to this State.*~~

~~*4. All species of alligators, caimans, crocodiles and gharials.*~~

~~*5. All species of hyenas and aardwolves.*~~

~~*6. All species of primates, except humans.*~~

~~*7. All twig snakes from the genus Thelotornis.*~~

~~*8. American black bears (Ursus americanus) that have been bred in captivity.*~~

~~*9. Asiatic black bears (Ursus thibetanus).*~~

~~*10. Boomslangs (Dispholidus typus).*~~

~~*11. Brown bears (Ursus arctos).*~~

~~*12. Cheetahs (Acinonyx jubatus), including hybrids thereof.*~~

~~*13. Clouded leopards (Neofelis nebulosa and Neofelis diardi), including hybrids thereof.*~~

~~*14. Giant panda bears (Ailuropoda melanoleuca).*~~

~~*15. Gray wolves (Canis lupus).*~~

~~*16. Jaguars (Panthera onca), including hybrids thereof.*~~

~~*17. Leopards (Panthera pardus), including hybrids thereof.*~~

~~*18. Lions (Panthera leo), including hybrids thereof.*~~

~~*19. Mountain lions (Puma concolor) that have been bred in captivity, including hybrids thereof.*~~

~~*20. Polar bears (Ursus maritimus).*~~

~~*21. Red wolves (Canis rufus) that have been bred in captivity.*~~

~~*22. Sloth bears (Melursus ursinus).*~~

~~*23. Snow leopards (Panthera uncia), including hybrids thereof.*~~

~~*24. Spectacled bears (Tremarctos ornatus), including hybrids thereof.*~~

~~*25. Sun bears (Helarctos malayanus).*~~

~~*26. Tigers (Panthera tigris), including hybrids thereof.]*~~ (Deleted by amendment.)

Sec. 5. [~~*"Law enforcement officer" means:*~~

~~*1. Sheriffs of counties and metropolitan police departments and their deputies;*~~

~~*2. Personnel of the Department of Public Safety who have the powers of peace officers pursuant to NRS 289.270;*~~

~~*3. Police officers of cities and towns;*~~

~~*4. Officers of an animal control agency; and*~~

~~*5. Any person acting under the authority of NRS 574.040.]*~~ (Deleted by amendment.)

Sec. 6. [~~*"Wildlife sanctuary" means a nonprofit entity that provides refuge and care to animals that have been, without limitation, abused, neglected, unwanted, impounded, abandoned, orphaned or displaced. The term does not include any such entity that:*~~

~~*1. Conducts any commercial activity or business for profit relating to dangerous wild animals, including, without limitation, the sale, trade, auction, lease or loan of dangerous wild animals or parts of such animals;*~~

~~*2. Uses dangerous wild animals for the purpose of entertainment or in a traveling exhibit;*~~

~~*3. Breeds dangerous wild animals; or*~~

~~*4. Except as otherwise provided in section 7 of this act, allows members of the public to come into direct contact with dangerous wild animals.]*~~ (Deleted by amendment.)

Sec. 7. [~~*1. Except as otherwise provided in sections 8 to 11, inclusive, of this act, it is unlawful for a person to import, possess, sell, transfer or breed a dangerous wild animal in this State.*~~

~~*2. It is unlawful for a person to allow a dangerous wild animal to come in direct contact with a person who is not exempt from subsection 1 pursuant to the provisions of sections 8 to 11, inclusive, of this act.]*~~ (Deleted by amendment.)

Sec. 8. [~~*The provisions of subsection 1 of section 7 of this act do not apply to:*~~

~~*1. An institution that is accredited by the Association of Zoos and Aquariums or its successor organization.*~~

~~*2. An institution that:*~~

~~*(a) Is actively seeking accreditation by the Association of Zoos and Aquariums or its successor organization; and*~~

~~*(b) Has a current letter of understanding with an accredited mentor institution.*~~

~~*3. A facility that is certified by the Association of Zoos and Aquariums, or its successor organization, as a certified related facility.*~~

~~*4. A facility that:*~~

~~*(a) Is actively seeking certification by the Association of Zoos and Aquariums or its successor organization; and*~~

~~*(b) Has a current letter of understanding with a mentor certified related facility.*~~

~~*5. A research facility, as defined in 7 U.S.C. § 2132.*~~

~~*6. A wildlife sanctuary.*~~

~~*7. A veterinarian licensed pursuant to chapter 638 of NRS for the purpose of providing treatment to a dangerous wild animal.*~~

~~*8. Law enforcement officers for the purpose of enforcing the laws of this State.*~~

~~*9. Game wardens and other agents and employees of the Department of Wildlife for the purpose of enforcing title 45 of NRS.*~~

~~*10. A person transporting a legally possessed dangerous wild animal through the State for not more than 48 hours if:*~~

~~*(a) The animal is not exhibited; and*~~

~~*(b) The animal is at all times while in the State kept in a cage or travel container that is appropriate to the species and the size of the animal and meets the requirements of 9 C.F.R. §§ 3.137 or 3.87, as applicable.*~~

~~*11. An animal shelter, as defined in NRS 574.240, which is temporarily housing a dangerous wild animal at the written request of an animal control agency or law enforcement officer.]*~~ (Deleted by amendment.)

Sec. 9. [~~*The provisions of subsection 1 of section 7 of this act do not apply to a circus that:*~~

~~*1. Holds a class C exhibitor license pursuant to 9 C.F.R. § 1.1;*~~

~~*2. Conducts performances which include dangerous wild animals and human entertainers, including, without limitation, clowns and acrobats;*~~

~~*3. Performs in this State for less than 90 days in each calendar year; and*~~

~~*4. Does not allow members of the public to be in proximity to dangerous wild animals unless protective barriers which meet all applicable federal, state and local standards are provided to maintain safe distances between the members of the public and any dangerous wild animal.]*~~ (Deleted by amendment.)

Sec. 10. [~~*1. The provisions of subsection 1 of section 7 of this act do not apply to a person who:*~~

~~*(a) Has an active contract regarding, without limitation, the possession, breeding or exhibition of dangerous wild animals with a resort hotel, as defined in NRS 463.01865;*~~

~~*(b) Holds a class C exhibitor license pursuant to 9 C.F.R. § 1.1;*~~

~~*(c) Has not:*~~

~~*(1) Had a license or permit relating to the care, possession, exhibition, propagation or sale of animals revoked or suspended by any federal, state or local governmental entity;*~~

~~*(2) Been cited within the immediately preceding 3 years by the United States Department of Agriculture for a violation of 9 C.F.R. Part 2 or Part 3*~~

~~*in which the health or well-being of a dangerous wild animal was jeopardized; and*~~

~~*(3) Been convicted of or fined by any federal, state or local governmental entity for an offense involving the abuse or neglect of an animal;*~~

~~*(d) Does not:*~~

~~*(1) Employ a person who has been convicted of or fined by any federal, state or local governmental entity for an offense involving the abuse or neglect of an animal;*~~

~~*(2) Breed or sell any dangerous wild animals, except as provided for in a contract pursuant to paragraph (a); and*~~

~~*(3) Allow members of the public to be in proximity to dangerous wild animals unless protective barriers which meet all applicable federal, state and local standards are provided to maintain safe distances between the members of the public and any dangerous wild animal; and*~~

~~*(e) Has:*~~

~~*(1) Liability insurance in an amount not less than $250,000 per occurrence, with a deductible of not more than $250, covering property damage or bodily injury or death caused by any dangerous wild animals that the person possesses; and*~~

~~*(2) Documentation to verify that the person and all employees of the person who are involved in animal care have 300 hours or more of substantial practical experience in the care, feeding, handling and husbandry of the dangerous wild animals possessed by the person, or of other species which are substantially similar in size, characteristics, care and nutritional requirements to the dangerous wild animals possessed by the person.*~~

~~*2. The provisions of subsections 1 and 2 of section 7 of this act do not apply to a resort hotel, as defined in NRS 463.01865, that possesses dangerous wild animals and meets the requirements of paragraphs (b), (c) and (e) of subsection 1.*~~

~~*3. Upon adoption of an ordinance pursuant to section 18 of this act by the county in which the applicable resort hotel is located, a person who possesses, breeds or exhibits dangerous wild animals pursuant to subsection 1 shall file annually with the local animal control agency having jurisdiction over the location of the resort hotel with which the person has a contract pursuant to paragraph (a) of subsection 1:*~~

~~*(a) A written plan for the quick and safe recapture or destruction of a dangerous wild animal that has escaped from captivity, including, without limitation, protocols for training employees of the person and the staff of the resort hotel concerning methods of safe recapture;*~~

~~*(b) A list of all dangerous wild animals which are acquired or disposed of by the person during the year; and*~~

~~*(c) A copy of the written contract the person has with the resort hotel pursuant to paragraph (a) of subsection 1.*~~

~~*4. The provisions of subsection 1 of section 7 of this act do not apply to a person who, before January 1, 2013:*~~

~~*(a) Had an active written contract for at least the immediately preceding 2 years that meets the requirements of paragraph (a) of subsection 1; and*~~

~~*(b) Was in compliance with paragraphs (b) to (e), inclusive, of subsection 1.]*~~ (Deleted by amendment.)

Sec. 11. [~~*The provisions of subsection 1 of section 7 of this act do not apply to a person who does not meet the requirements of section 8, 9 or 10 of this act but who lawfully possessed a dangerous wild animal before July 1, 2013, if that person:*~~

~~*1. Has not:*~~

~~*(a) Been convicted of or fined by any federal, state or local governmental entity for an offense involving the abuse or neglect of an animal; and*~~

~~*(b) Had a license or permit relating to the care, possession, exhibition, propagation or sale of animals revoked or suspended by any federal, state or local governmental entity;*~~

~~*2. Does not acquire any additional dangerous wild animals through purchase, donation or breeding on or after July 1, 2013, except in compliance with section 8, 9 or 10 of this act;*~~

~~*3. If selling or transferring a dangerous wild animal to another person:*~~

~~*(a) Notifies the animal control agency with jurisdiction over the premises where the dangerous wild animal is located in writing not less than 72 hours before the sale or transfer of the name and address of the recipient of the dangerous wild animal; and*~~

~~*(b) Complies with all applicable local, state and federal laws;*~~

~~*4. Maintains all veterinary records and any documents evidencing the acquisition of the dangerous wild animal to establish that the person possessed the dangerous wild animal before July 1, 2013;*~~

~~*5. Maintains liability insurance in an amount not less than $250,000 per occurrence, with a deductible of not more than $250, covering property damage or bodily injury or death caused by any dangerous wild animals that the person possesses;*~~

~~*6. Notifies the local animal control agency with jurisdiction over the premises where the dangerous wild animal is located of the number and species of dangerous wild animals possessed and allows the local animal control agency to enter and inspect the premises where the dangerous wild animal is kept; and*~~

~~*7. Pursuant to an ordinance adopted pursuant to section 18 of this act by the county having jurisdiction over the location where the dangerous wild animal is kept, register with the county, if required, and pay any applicable fee to the county.]*~~ (Deleted by amendment.)

Sec. 12. [~~*1. An animal control agency may seize a dangerous wild animal if the agency has probable cause to believe that the person who owns or possesses the dangerous wild animal has violated any provision of sections 7 to 11, inclusive, of this act or any ordinance adopted pursuant to*~~

~~*section 18 of this act by the county having jurisdiction over the location where the dangerous wild animal is kept.*~~

~~*2. Except as otherwise provided in subsection 3, a dangerous wild animal seized pursuant to this section must be placed in the temporary custody of:*~~

~~*(a) An animal shelter, as defined in NRS 574.240;*~~

~~*(b) An institution that is accredited by the Association of Zoos and Aquariums or its successor organization; or*~~

~~*(c) A wildlife sanctuary.*~~

~~*3. An animal control agency may, if placement with an entity specified in subsection 2 is not immediately available, impound a dangerous wild animal seized pursuant to subsection 1 on the property of the person who owns or possesses the animal until such a placement becomes available.]*~~ (Deleted by amendment.)

Sec. 13. [~~*1. If a person from whom a dangerous wild animal is seized pursuant to section 12 of this act is convicted of or pleads guilty to a violation of a provision of sections 7 to 11, inclusive, of this act or any ordinance adopted pursuant to section 18 of this act by the county having jurisdiction over the location where the dangerous wild animal was kept, the court may order the animal forfeited by the person.*~~

~~*2. A person from whom a dangerous wild animal is seized pursuant to section 12 of this act may voluntarily relinquish the animal. A person who voluntarily relinquishes a dangerous wild animal pursuant to this section remains subject to the imposition of any penalties for a violation of a provision of sections 7 to 11, inclusive, of this act.]*~~ (Deleted by amendment.)

Sec. 14. [~~*1. A dangerous wild animal voluntarily relinquished pursuant to section 13 of this act or forfeited pursuant to subsection 1 of section 15 of this act must be placed in the custody of:*~~

~~*(a) An institution that is accredited by the Association of Zoos and Aquariums or its successor organization; or*~~

~~*(b) A wildlife sanctuary.*~~

~~*2. If placement of a dangerous wild animal pursuant to subsection 1 is not possible after reasonable efforts by an animal control agency to make such a placement, the animal may be humanely euthanized by an animal control agency in compliance with all applicable local, state and federal laws.]*~~ (Deleted by amendment.)

Sec. 15. [~~*1. An entity with whom a dangerous wild animal is placed temporarily pursuant to subsection 2 of section 12 of this act may file a petition in any court of competent jurisdiction to request that the person from whom the animal was seized be ordered to post security adequate to ensure full payment of all reasonable costs incurred in caring for the animal during the pendency of any proceedings regarding the disposition of the animal that was seized.*~~

~~*2. A petitioner who files a petition pursuant to subsection 1 must serve a copy of the petition on the person from whom the dangerous wild animal was*~~

~~*seized and the animal control agent who seized the animal, if other than the petitioner.*~~

~~*3. A court shall set a hearing on a petition filed pursuant to subsection 1 to be held within 5 business days after service of the petition pursuant to subsection 2. At the hearing, the court may determine whether any additional interested parties must be served with the petition. If the court determines that additional parties must be served with the petition, the hearing must be continued to provide time for the petitioner to serve the interested parties with the petition and for the interested parties to respond to the petition.*~~

~~*4. If a court orders the posting of security pursuant to a hearing on a petition, the court may require the entire amount of the security to be posted within 5 business days after the issuance of the order or may allow the person from whom the dangerous wild animal was seized to make installment payments of the total amount ordered. If the security is not paid as ordered by the court, the animal shall be forfeited and the animal control agency that seized the animal shall proceed pursuant to section 14 of this act.*~~

~~*5. Upon resolution of the proceedings regarding the disposition of the dangerous wild animal that was seized, the person having custody of the animal must refund to the person who posted the security any of the security remaining.]*~~ (Deleted by amendment.)

Sec. 16. [~~*1. It is unlawful to release a dangerous wild animal from captivity or to intentionally or negligently allow it to escape from captivity.*~~

~~*2. If a dangerous wild animal is released or escapes from captivity:*~~

~~*(a) The owner or possessor of the dangerous wild animal:*~~

~~*(1) Shall, immediately after receiving knowledge of the release or escape, report the release or escape to the animal control agency having jurisdiction over the location of the release or escape.*~~

~~*(2) Is liable for all:*~~

~~*(I) Costs incurred by an animal control agency or a law enforcement agency as a result of the release or escape; and*~~

~~*(II) Other costs associated with efforts to recapture the animal.*~~

~~*(b) The animal may be captured, seized or destroyed by an employee of the animal control agency or a law enforcement officer if a determination is made that such actions are necessary to protect any life, property or other animals in this State.*~~

~~*3. Except as otherwise provided in NRS 200.240, a person who is convicted of a violation of subsection 1 is guilty of a gross misdemeanor.*~~

~~*4. A person who is convicted of a violation of subsection 2 is guilty of a misdemeanor.]*~~ (Deleted by amendment.)

Sec. 17. [~~*The provisions of this chapter do not apply to the extent that they conflict or are otherwise inconsistent with the provisions of chapter 574 of NRS.]*~~ (Deleted by amendment.)

Sec. 18. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. [Except as otherwise provided in subsection 2, a] A board of county commissioners may adopt an ordinance [as provided in chapter 244 of NRS] to regulate the importation, possession, sale, transfer or breeding of [dangerous] captive wild animals . [if the ordinance does not conflict with the provisions of this chapter.]

2. An ordinance adopted pursuant to subsection 1 [:

(a) May] may provide for, without limitation, reasonable and necessary fees, registration requirements, humane care standards for [dangerous] captive wild animals and [expansion of] the definition of [dangerous] "captive wild animal ." [set forth in section 4 of this act; and

(b) May not alter or amend the provisions of section 10 of this act.]

Sec. 19. [*A person who violates any provision of sections 7 to 11, inclusive, of this act, is guilty of a misdemeanor.]* (Deleted by amendment.)

Sec. 20. [NRS 571.210 is hereby amended to read as follows:

571.210 1. Except as otherwise provided in this section, sections 2 to 19, inclusive, of this act, and any ordinance adopted by a county pursuant to section 18 of this act, a person, or the person's agent or employee may bring into this State any animal not under special quarantine by the State of Nevada, the Federal Government, or the state, territory or district of origin in compliance with regulations adopted by the State Quarantine Officer.

2. Notice that an animal is in transit is not required unless the animal remains in this State, or is to be unloaded in this State to feed and rest for longer than 48 hours.

3. A person, or the person's agent or employee shall not bring any animal into this State unless he or she has obtained a health certificate showing that the animal is free from contagious, infectious or parasitic diseases or exposure thereto. This requirement does not apply to any animal whose accustomed range is on both sides of the Nevada state line and which is being moved from one portion to another of the accustomed range merely for pasturing and grazing thereon. The State Quarantine Officer shall adopt regulations concerning the form of the certificate.

4. A person, or the person's agent or employee shall not:

(a) Alter a health certificate; or

(b) Divert any animal from the destination described on the health certificate without notifying the State Quarantine Officer within 72 hours after the diversion of the animal.

5. To protect this State from the effects of chronic wasting disease, a person, or the person's agent or employee shall not bring into this State any live:

(a) Rocky Mountain elk (Cervus elaphus nelsoni);

(b) Mule deer (Odocoileus hemionus);

(c) White-tailed deer (Odocoileus virginianus); or

(d) Other animal that the State Quarantine Officer has, by regulation, declared to be susceptible to chronic wasting disease and prohibited from importation into this State.

~~6. Any animal brought into this State in violation of this section may be seized, destroyed or sent out of this State by the State Quarantine Officer within 48 hours. The expense of seizing, destroying or removing the animal must be paid by the owner or the owner's agent in charge of the animal and the expense is a lien on the animal, unless it was destroyed, until paid.]~~ (Deleted by amendment.)

Sec. 21. ~~[NRS 574.615 is hereby amended to read as follows:~~

~~574.615 1. "Pet" means an animal that is kept by a person primarily for personal enjoyment.~~

~~2. The term does not include [an] :~~

~~*(a) An* animal that is kept by a person primarily for:~~

~~[(a)] *(1)* Hunting;~~

~~[(b)] *(2)* Use in connection with farming or agriculture;~~

~~[(c)] *(3)* Breeding;~~

~~[(d)] *(4)* Drawing heavy loads; or~~

~~[(e)] *(5)* Use as a service animal or a service animal in training, as those terms are defined in NRS 426.097 and 426.099, respectively [.] *; or*~~

~~*(b) A dangerous wild animal, as defined in section 4 of this act.]~~ (Deleted by amendment.)

Sec. 22. ~~[NRS 575.020 is hereby amended to read as follows:~~

~~*575.020 1. [Every] Except as otherwise provided in section 16 of this act, every* person having the care or custody of any animal known to possess any vicious or dangerous tendencies, who allows it to escape or run at large in any place or manner liable to endanger the safety of any person, is guilty of a misdemeanor.~~

~~2. Any person may lawfully and without liability for damages kill such an animal when reasonably necessary to protect his or her own safety or the public safety, or if the animal chases, worries, injures or kills the person's livestock on the land of any person other than that of the owner of the animal.~~

~~3. Every person having the care or custody of an animal which chases, worries, injures or kills the livestock of another on land other than his or her own is liable to the owner of the livestock for damage to it.~~

~~4. As used in this section, "livestock" means all animals of the bovine, caprine, equine, ovine and porcine species, and all domesticated fowl and rabbits.]~~ (Deleted by amendment.)

Sec. 23. ~~[NRS 244.359 is hereby amended to read as follows:~~

~~244.359 1. Each board of county commissioners may enact and enforce an ordinance or ordinances:~~

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

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

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

~~(d) Prohibiting cruelty to animals.~~

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

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

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

~~*4. The provisions of this section apply only to the extent that they do not conflict with sections 2 to 19, inclusive, of this act.]*~~ (Deleted by amendment.)

Sec. 24. ~~[NRS 266.325 is hereby amended to read as follows:~~

~~266.325 1. The city council may:~~

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

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

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

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

~~*2. The provisions of this section apply only to the extent that they do not conflict with sections 2 to 19, inclusive, of this act.]*~~ (Deleted by amendment.)

Sec. 25. ~~[NRS 278.0177 is hereby amended to read as follows:~~

~~278.0177 1. "Rural preservation neighborhood" means a subdivided or developed area:~~

~~[1.]~~ *(a)* ~~Which consists of 10 or more residential dwelling units;~~

~~[2.]~~ *(b)* ~~Where the outer boundary of each lot that is used for residential purposes is not more than 330 feet from the outer boundary of any other lot that is used for residential purposes;~~

~~[3.]~~ *(c)* ~~Which has no more than two residential dwelling units per acre; and~~

~~[4.]~~ *(d)* ~~Which allows residents to raise or keep animals noncommercially.~~

~~*2. As used in this section, the term "animal" does not include a dangerous wild animal as defined in section 4 of this act.]*~~ (Deleted by amendment.)

Sec. 26. ~~[NRS 501.379 is hereby amended to read as follows:~~

~~501.379 1. Except as otherwise provided in this section [:] *and section 7 of this act:*~~

~~(a) It is unlawful for any person to sell or expose for sale, to barter, trade or purchase or to attempt to sell, barter, trade or purchase any species of wildlife, or parts thereof, except as otherwise provided in this title or in a regulation of the Commission.~~

~~(b) The importation and sale of products made from the meat of game mammals, game birds or game amphibians raised in captivity is not prohibited if the importation is from a licensed commercial breeder or commercial processor.~~

~~2. The provisions of this section do not apply to alternative livestock and products made therefrom.]~~ (Deleted by amendment.)

Sec. 27. ~~[NRS 503.590 is hereby amended to read as follows:~~

~~503.590 1. Except as otherwise provided in this section [,] *and section 7 of this act,* a person may maintain a noncommercial collection of legally obtained live wildlife if:~~

~~(a) Such a collection is not maintained for public display nor as a part of or adjunct to any commercial establishment; and~~

~~(b) The wildlife contained in such a collection is of a species which may be possessed in accordance with regulations adopted by the Commission pursuant to subsection 2 of NRS 504.295.~~

~~2. The Commission may adopt reasonable regulations establishing minimum standards for the fencing or containment of any collection of wildlife.~~

~~3. The provisions of this section do not apply to alternative livestock and products made therefrom.]~~ (Deleted by amendment.)

Sec. 28. ~~[NRS 503.597 is hereby amended to read as follows:~~

~~503.597 1. Except as otherwise provided in this section [,] *and section 7 of this act,* it is unlawful, except by the written consent and approval of the Department, for any person at anytime to receive, bring or have brought or shipped into this State, or remove from one stream or body of water in this State to any other, or from one portion of the State to any other, or to any other state, any aquatic life or wildlife, or any spawn, eggs or young of any of them.~~

~~2. The Department shall require an applicant to conduct an investigation to confirm that such an introduction or removal will not be detrimental to the wildlife or the habitat of wildlife in this State. Written consent and approval of the Department may be given only if the results of the investigation prove that the introduction, removal or importation will not be detrimental to existing aquatic life or wildlife, or any spawn, eggs or young of any of them.~~

~~3. The Commission may through appropriate regulation provide for the inspection of such introduced or removed creatures and the inspection fees therefor.~~

~~4. [The] *Except as otherwise provided in section 7 of this act, the* Commission may adopt regulations to prohibit the importation, transportation~~

~~or possession of any species of wildlife which the Commission deems to be detrimental to the wildlife or the habitat of the wildlife in this State.~~

~~5. [A]~~ *Except as otherwise provided in sections 7 and 16 of this act, a* ~~person who knowingly or intentionally introduces, causes to be introduced or attempts to introduce an aquatic invasive species or injurious aquatic species into any waters of this State is guilty of:~~

~~(a) For a first offense, a misdemeanor; and~~

~~(b) For any subsequent offense, a category E felony and shall be punished as provided in NRS 193.130.~~

~~6. A court before whom a defendant is convicted of a violation of subsection 5 shall, for each violation, order the defendant to pay a civil penalty of at least $25,000 but not more than $250,000. The money must be deposited into the Wildlife Fund Account in the State General Fund and used to:~~

~~(a) Remove the aquatic invasive species or injurious aquatic species;~~

~~(b) Reintroduce any game fish or other aquatic wildlife destroyed by the aquatic invasive species or injurious aquatic species;~~

~~(c) Restore any habitat destroyed by the aquatic invasive species or injurious aquatic species;~~

~~(d) Repair any other damage done to the waters of this State by the introduction of the aquatic invasive species or injurious aquatic species; and~~

~~(e) Defray any other costs incurred by the Department because of the introduction of the aquatic invasive species or injurious aquatic species.~~

~~7. The provisions of this section do not apply to:~~

~~(a) Alternative livestock and products made therefrom; or~~

~~(b) The introduction of any species by the Department for sport fishing or other wildlife management programs.~~

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

~~(a) "Aquatic invasive species" means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.~~

~~(b) "Injurious aquatic species" means an aquatic species which the Commission has determined to be a threat to sensitive, threatened or endangered aquatic species or game fish or to the habitat of sensitive, threatened or endangered aquatic species or game fish by any means, including, without limitation:~~

~~(1) Predation;~~

~~(2) Parasitism;~~

~~(3) Interbreeding; or~~

~~(4) The transmission of disease.]~~ (Deleted by amendment.)

Sec. 29. ~~[~~NRS 504.295 is hereby amended to read as follows:

~~504.295 1. Except as otherwise provided in this section and~~ NRS 503.590, ~~*and sections 7 and 16 of this act,* or unless otherwise specified by a regulation adopted by the Commission, no person may:~~

~~(a) Possess any live wildlife unless the person is licensed by the Department to do so.~~

~~(b) Capture live wildlife in this State to stock a commercial or noncommercial wildlife facility.~~

~~(c) Possess or release from confinement any mammal for the purposes of hunting.~~

~~2. [The]~~ *Except as otherwise provided in section 7 of this act, the* ~~Commission shall adopt regulations for the possession of live wildlife. The regulations must set forth the species of wildlife which may be possessed and propagated, and provide for the inspection by the Department of any related facilities.~~

~~3. [In]~~ *Except as otherwise provided in section 7 of this act, in* ~~accordance with the regulations of the Commission, the Department may issue commercial and noncommercial licenses for the possession of live wildlife upon receipt of the applicable fee.~~

~~4. The provisions of this section do not apply to alternative livestock and products made therefrom.]~~ (Deleted by amendment.)

Sec. 30. This act becomes effective on July 1, 2013.

Senator Roberson moved the adoption of the amendment.

Remarks by Senator Roberson.

Thank you, Mr. President. Amendment No. 561 to Senate Bill No. 245 adds a legislative finding and declaration specifying that the ownership of captive wild animals among persons in Nevada is a matter of public policy, which needs to be addressed. It deletes all sections of the measure except for Section 18. It amends Section 18 to clarify that a county may adopt an ordinance regulating the importation, possession, sale, transfer or breeding of captive wild animals.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 252.

Bill read second time.

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

Amendment No. 566.

"SUMMARY—Revises provisions relating to the portfolio standard for providers of electric service. (BDR 58-775)"

"AN ACT relating to renewable energy; ~~[revising provisions setting forth the amount of electricity which a provider of electric service must generate or acquire from renewable energy systems to comply with the portfolio standard; deleting provisions authorizing a provider of electric service to meet the portfolio standard with savings from the implementation of energy efficiency measures;]~~ revising provisions which specify ~~[those]~~ the renewable energy systems which qualify as portfolio energy systems; ~~[providing that the Public Utilities Commission of Nevada is required to authorize a provider of electric service]~~ revising provisions relating to the implementation of energy efficiency measures by a provider of electric

service for the purpose of complying with the renewable portfolio standard; revising provisions relating to ~~[carry]~~ the carrying forward to ~~[subsequent calendar years for the purpose of complying with the portfolio standard for those]~~ subsequent calendar years ~~[not more than 10 percent]~~ of the excess kilowatt-hours of electricity that ~~[the]~~ a provider generates or acquires from portfolio energy systems; requiring the Public Utilities Commission of Nevada to open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill revises provisions relating to the portfolio standard for providers of electric service, which requires that each year each provider of electric service in this State must generate or acquire from renewable energy systems or save as a result of energy efficiency measures a certain percentage of the electricity sold by the provider to its retail customers in this State.

In 2005, the 22nd Special Session of the Legislature revised the portfolio standard to authorize a provider to meet a portion of the portfolio standard through savings achieved from energy efficiency measures. (Sections 26-29 of chapter 2, Statutes of Nevada 2005, 22nd Special Session, pp. 82-84) ~~[Sections 3-8, 10 and 11]~~ Section 6 of this bill ~~[revise]~~ revises the portfolio standard to ~~[remove the provisions which authorize]~~ limit the use of savings achieved from energy efficiency measures by a provider to satisfy the portfolio standard. ~~[through savings achieved from energy efficiency measures.~~

~~Under existing law, the percentage of electricity sold to retail customers in this State which must be generated, acquired or saved from portfolio energy systems increases each calendar year until calendar year 2025, during which not less than 25 percent of the total amount of electricity sold by each provider to its retail customers in this State must be generated, acquired or saved from portfolio energy systems. (NRS 704.7821) Section 6 revises the portfolio standard for calendar year 2014 and each calendar year thereafter so that for calendar year 2025 and each calendar year thereafter, a provider must generate or acquire from portfolio energy systems not less than 35 percent of the total amount of electricity sold by the provider to its retail customers in this State.~~

~~Existing law requires the Public Utilities Commission of Nevada to adopt regulations establishing methods to classify the financial impact of certain renewable energy contracts. The regulations must allow a provider to propose the addition of certain costs to such contracts as a compensating component in the capital structure of the provider. (NRS 704.7821) Section 6 requires the Commission, in considering such proposals, to consider the effect of such proposals on the economy and the environment of the State.]~~

Section 4 of this bill revises the definition of "portfolio energy system ~~["]~~ or efficiency measure" to provide that a renewable energy system or energy efficiency measure qualifies as a portfolio energy system if: (1) the

renewable energy system was placed into operation before July 1, 1997, and a provider used electricity generated or acquired from the system to satisfy the portfolio standard before July 1, ~~[1997; or]~~ 2009; (2) the renewable energy system was placed into operation on or after July 1, 1997 ~~[.]~~ ; or (3) the energy efficiency measure was installed on or before December 31, 2019.

Existing law provides that, for the purpose of satisfying the portfolio standard, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from certain solar photovoltaic systems for each 1 kilowatt-hour actually generated or acquired. (NRS 704.7822) Section 9 of this bill revises the applicability of this provision to systems that were placed into operation before July 1, ~~[2013. Section 7 enacts a similar multiplier for electricity generated or acquired from certain solar energy systems by certain new providers of electric services that are subject to the portfolio standard.]~~ 2014.

Existing law requires the Public Utilities Commission of Nevada to authorize a provider to carry forward into future years any excess kilowatt-hours of electricity the provider generates or acquires from portfolio energy systems if the provider exceeds the portfolio standard for any calendar year. (NRS 704.7828) Section 11 ~~[requires the Commission to authorize]~~ of this bill authorizes a provider that carries forward excess kilowatt-hours of electricity in an amount that is more than 10 percent but less than 25 percent of the amount necessary to satisfy the provider's portfolio standard for the subsequent calendar year to ~~[carry forward not more than 10 percent of]~~ sell the excess kilowatt-hours of electricity the provider generates or acquires from portfolio energy systems. Section 11 requires a provider to make reasonable efforts to sell any credits which are in excess of 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year.

Section 14 of this bill requires the Commission to open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits and to submit a written report on the results of the investigatory docket and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

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

Section 1. ~~[NRS 701B.290 is hereby amended to read as follows:~~

~~701B.290 1. After a participant installs a solar energy system included in the Solar Program, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 and 704.78213.~~

~~2. The Commission shall designate the portfolio energy credits issued pursuant to this section as portfolio energy credits generated [,] *or* acquired [or saved] from solar renewable energy systems for the purposes of the portfolio standard.~~

~~3. All portfolio energy credits issued for a solar energy system installed pursuant to the Solar Program must be assigned to and become the property of the utility administering the Program.]~~ (Deleted by amendment.)

Sec. 2. ~~[NRS 704.7801 is hereby amended to read as follows:~~

~~704.7801 As used in NRS 704.7801 to 704.7828, inclusive, unless the context otherwise requires, the words and terms defined in NRS [704.7802] *704.7803* to 704.7819, inclusive, have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 3. ~~[NRS 704.7803 is hereby amended to read as follows:~~

~~704.7803 "Portfolio energy credit" means any credit which a provider has earned from a portfolio energy system [or efficiency measure] and which the provider is entitled to use to comply with its portfolio standard, as determined by the Commission.]~~ (Deleted by amendment.)

Sec. 4. NRS 704.7804 is hereby amended to read as follows:

704.7804 "Portfolio energy system ~~*[",]*~~ or efficiency measure" means :

1. Any ~~*[a]*~~ renewable energy system ~~[; or~~

~~2. Any energy efficiency measure.]~~ *:*

~~*[1.]*~~ *(a) Placed into operation before July 1, 1997, if a provider of electric service used electricity generated or acquired from the renewable energy system to satisfy its portfolio standard before July 1,* ~~*[1997;]*~~ *2009; or*

~~*[2.]*~~ *(b) Placed into operation on or after July 1, 1997* ~~*[.]*~~ *; or*

2. Any energy efficiency measure installed on or before December 31, 2019.

Sec. 5. ~~[NRS 704.7805 is hereby amended to read as follows:~~

~~704.7805 "Portfolio standard" means the amount of electricity that a provider must generate [,] *or* acquire [or save] from portfolio energy systems , [or efficiency measures,] as established by the Commission pursuant to NRS 704.7821 and 704.78213.]~~ (Deleted by amendment.)

Sec. 6. NRS 704.7821 is hereby amended to read as follows:

704.7821 1. For each provider of electric service, the Commission shall establish a portfolio standard. The portfolio standard must require each provider to generate , ~~*[or]*~~ acquire or save electricity from portfolio energy systems or efficiency measures in an amount that is:

(a) For calendar years 2005 and 2006, not less than 6 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(b) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(c) For calendar years 2009 and 2010, not less than 12 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(d) For calendar years 2011 and 2012, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(e) For calendar years ~~[year]~~ 2013 ~~[,]~~ and 2014, not less than 18 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(f) ~~[For calendar year 2014, not less than 21 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.~~

~~(g)]~~ For calendar years 2015 through 2019, inclusive, ~~[and 2016,]~~ not less than 20 ~~[24]~~ percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(g) ~~[(h)]~~ For calendar years 2020 through 2024, inclusive, ~~[2017 and 2018,]~~ not less than 22 ~~[26]~~ percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(h) ~~[(i) For calendar years 2019 and 2020, not less than 30 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.~~

~~(j) For calendar years 2021 through 2024, inclusive, not less than 32 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.~~

~~(k)]~~ For calendar year 2025 and for each calendar year thereafter, not less than 25 ~~[35]~~ percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) Of the total amount of electricity that the provider is required to generate, ~~[or]~~ acquire or save from portfolio energy systems or efficiency measures during each calendar year, not less than:

(1) For calendar years 2009 through 2015, inclusive, 5 percent of that amount must be generated or acquired from ~~[portfolio energy systems which are]~~ solar renewable energy systems.

(2) For calendar year 2016 and for each calendar year thereafter, 6 percent of that amount must be generated or acquired from ~~[portfolio energy systems which are]~~ solar renewable energy systems.

(b) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures ~~[during]~~ *:*

(1) During calendar years 2013 and 2014, not more than 25 percent of that amount may be based on energy efficiency measures;

(2) During each calendar year ~~[,]~~ *2015 to 2019, inclusive,* not more than ~~[25]~~ *20* percent of that amount may be based on energy efficiency measures ~~[.]~~ *;*

(3) During each calendar year 2020 to 2024, inclusive, not more than 10 percent of that amount may be based on energy efficiency measures; and

(4) For calendar year 2025 and each calendar year thereafter, no portion of that amount may be based on energy efficiency measures.

➥ If the provider intends to use energy efficiency measures to comply with its portfolio standard during any calendar year, of the total amount of electricity saved from energy efficiency measures for which the provider seeks to obtain portfolio energy credits pursuant to this paragraph, at least 50 percent of that amount must be saved from energy efficiency measures installed at service locations of residential customers of the provider, unless a different percentage is approved by the Commission.

(c) If the provider acquires or saves electricity from a portfolio energy system or efficiency measure pursuant to a renewable energy contract or energy efficiency contract with another party:

(1) The term of the contract must be not less than 10 years, unless the other party agrees to a contract with a shorter term; and

(2) ~~*[The contract must be for the net amount of energy that is delivered to the provider; and*~~

~~*(3)]*~~ The terms and conditions of the contract must be just and reasonable, as determined by the Commission. If the provider is a utility provider and the Commission approves the terms and conditions of the contract between the utility provider and the other party, the contract and its terms and conditions shall be deemed to be a prudent investment and the utility provider may recover all just and reasonable costs associated with the contract.

3. If, for the benefit of one or more retail customers in this State, the provider has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable ~~*[portfolio]*~~ energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider generated or acquired from a renewable ~~*[portfolio]*~~ energy system for the purposes of complying with its portfolio standard.

4. The Commission shall adopt regulations that establish a system of portfolio energy credits that may be used by a provider to comply with its portfolio standard.

5. Except as otherwise provided in subsection 6, each provider shall comply with its portfolio standard during each calendar year.

6. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable ~~*[portfolio]*~~ energy systems or, if applicable, through the use of portfolio energy credits, the provider shall take actions to acquire or save electricity pursuant to one or more renewable energy contracts or energy efficiency contracts. If the Commission determines that, for a calendar year, there is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, the Commission shall exempt the provider,

for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission.

7. The Commission shall adopt regulations that establish:

(a) Standards for the determination of just and reasonable terms and conditions for the renewable energy contracts and energy efficiency contracts that a provider must enter into to comply with its portfolio standard.

(b) Methods to classify the financial impact of each long-term renewable energy contract and energy efficiency contract as an additional imputed debt of a utility provider. The regulations must allow the utility provider to propose an amount to be added to the cost of the contract, at the time the contract is approved by the Commission, equal to a compensating component in the capital structure of the utility provider. In evaluating any proposal made by a utility provider pursuant to this paragraph, the Commission shall consider the effect that the proposal will have on the rates paid by the retail customers of the utility provider. ~~*[and on the economy and the environment of the State.]*~~

8. Except as otherwise provided in NRS 704.78213, the provisions of this section do not apply to a provider of new electric resources as defined in NRS 704B.130.

9. As used in this section:

(a) "Energy efficiency contract" means a contract to attain energy savings from one or more energy efficiency measures owned, operated or controlled by other parties.

(b) "Renewable energy contract" means a contract to acquire electricity from one or more renewable ~~*[portfolio]*~~ energy systems owned, operated or controlled by other parties.

(c) ~~*[(b)]*~~ "Terms and conditions" includes, without limitation, the price that a provider must pay to acquire electricity pursuant to a renewable energy contract or to attain energy savings pursuant to an energy efficiency contract.

Sec. 7. ~~[NRS 704.78213 is hereby amended to read as follows:~~

~~704.78213 1. If the Commission issues an order approving an application that is filed pursuant to NRS 704B.310 or a request that is filed pursuant to NRS 704B.325 regarding a provider of new electric resources and an eligible customer, the Commission must establish in the order a portfolio standard applicable to the electricity sold by the provider of new electric resources to the eligible customer in accordance with the order. The portfolio standard must require the provider of new electric resources to generate [,] *or* acquire [or save] electricity from portfolio energy systems [or efficiency measures] in the amounts described in the portfolio standard set forth in NRS 704.7821 which is effective on the date on which the order approving the application or request is approved.~~

~~2. [Of the total amount of electricity that a provider of new electric resources is required to generate, acquire or save from portfolio energy~~

~~systems or efficiency measures during each calendar year, not more than 25 percent of that amount may be based on energy efficiency measures.~~

~~3.] If, for the benefit of one or more eligible customers, the eligible customer of a provider of new electric resources has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a [renewable] *portfolio* energy system and which reduces the consumption of electricity [, the] .~~

~~*(a) The* total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider of new electric resources generated or acquired from a [renewable] *portfolio* energy system for the purposes of complying with its portfolio standard [.~~

~~4.] ; *and*~~

~~*(b) For the purpose of complying with its portfolio standard, the new provider of electric service shall be deemed to have generated or acquired 2.4 kilowatt hours of electricity from the solar energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired if:*~~

~~*(1) The system is installed on the premises of a retail customer; and*~~

~~*(2) On an annual basis, at least 50 percent of the electricity generated by the system is utilized by the retail customer on that premises.*~~

~~*3.* As used in this section:~~

~~(a) "Eligible customer" has the meaning ascribed to it in NRS 704B.080.~~

~~(b) "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.]~~ (Deleted by amendment.)

Sec. 8. NRS 704.78215 is hereby amended to read as follows:

704.78215 1. Except as otherwise provided in this section or by specific statute, a provider is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates , ~~*[or]*~~ acquires or saves from a portfolio energy system or efficiency measure.

2. The Commission may adopt regulations that give a provider more than one portfolio energy credit for each kilowatt-hour of electricity saved by the provider during its peak load period from energy efficiency measures.

3. For portfolio energy systems placed into operation on or after July 1, 2015, the amount of electricity generated or acquired from a portfolio energy system does not include the amount of any electricity used by the portfolio energy system for its basic operations that reduce the amount of renewable energy delivered to the transmission grid for distribution and sale to customers of the provider.

Sec. 9. NRS 704.7822 is hereby amended to read as follows:

704.7822 For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system, if:

1. The system is installed on the premises of a retail customer; ~~[and]~~

2. *The system was placed into operation before July 1, ~~[2013;]~~ 2014; and*

3. On an annual basis, at least 50 percent of the electricity generated by the system is utilized by the retail customer on that premises.

Sec. 10. ~~[NRS 704.7825 is hereby amended to read as follows:~~

~~704.7825 1. Each provider of electric service shall submit to the Commission an annual report that provides information relating to the actions taken by the provider to comply with its portfolio standard.~~

~~2. Each provider shall submit the annual report to the Commission after the end of each calendar year and within the time prescribed by the Commission. The report must be submitted in a format approved by the Commission.~~

~~3. The Commission may adopt regulations that require providers to submit to the Commission additional reports during each calendar year.~~

~~4. Each annual report and each additional report must include clear and concise information that sets forth:~~

~~(a) The amount of electricity which the provider generated [,] *or* acquired [or saved] from portfolio energy systems [or efficiency measures] during the reporting period and, if applicable, the amount of portfolio energy credits that the provider acquired, sold or traded during the reporting period to comply with its portfolio standard;~~

~~(b) The capacity of each renewable energy system owned, operated or controlled by the provider, the total amount of electricity generated by each such system during the reporting period and the percentage of that total amount which was generated directly from renewable energy;~~

~~(c) Whether, during the reporting period, the provider began construction on, acquired or placed into operation any renewable energy system and, if so, the date of any such event; *and*~~

~~(d) [Whether, during the reporting period, the provider participated in the acquisition or installation of any energy efficiency measures and, if so, the date of any such event; and~~

~~(e)] Any other information that the Commission by regulation may deem relevant.~~

~~5. [Based on the reports submitted by providers pursuant to this section, the Commission shall compile information that sets forth whether any provider has used energy efficiency measures to comply with its portfolio standard and, if so, the type of energy efficiency measures used and the amount of energy savings attributable to each such energy efficiency measure.] The Commission *shall compile the information contained in the reports submitted by providers pursuant to this section and* shall report such information to:~~

~~(a) The Legislature, not later than the first day of each regular session; and~~

~~(b) The Legislative Commission, if requested by the Chair of the Commission.]~~ (Deleted by amendment.)

Sec. 11. NRS 704.7828 is hereby amended to read as follows:

704.7828 1. The Commission shall adopt regulations to carry out and enforce the provisions of NRS 704.7801 to 704.7828, inclusive. The regulations adopted by the Commission may include any enforcement mechanisms which are necessary and reasonable to ensure that each provider of electric service complies with its portfolio standard. Such enforcement mechanisms may include, without limitation, the imposition of administrative fines.

2. If a provider exceeds the portfolio standard for any calendar year ~~[, the]~~ :

(a) The Commission shall authorize the provider to carry forward to subsequent calendar years for the purpose of complying with the portfolio standard for those subsequent calendar years any ~~*[not more than 10 percent of the]*~~ excess kilowatt-hours of electricity that the provider generates , ~~*[or]*~~ acquires or saves from portfolio energy systems or efficiency measures ~~[.]~~ ;

(b) By more than 10 percent but less than 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year, the provider may sell any portfolio energy credits which are in excess of 10 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year; and

(c) By 25 percent or more of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year, the provider shall use reasonable efforts to sell any portfolio energy credits which are in excess of 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year.

➥ Any money received by a provider from the sale of portfolio energy credits pursuant to paragraphs (b) and (c) must be credited against the provider's costs for purchased fuel and purchased power pursuant to NRS 704.187 in the same calendar year in which the money is received, less any verified administrative costs incurred by the provider to make the sale, including any costs incurred to qualify the portfolio energy credits for potential sale regardless of whether such sales are made.

3. If a provider does not comply with its portfolio standard for any calendar year and the Commission has not exempted the provider from the requirements of its portfolio standard pursuant to NRS 704.7821 or 704.78213, the Commission:

(a) Shall require the provider to carry forward to subsequent calendar years the amount of the deficiency in kilowatt-hours of electricity that the provider does not generate , ~~*[or]*~~ acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; and

(b) May impose an administrative fine against the provider or take other administrative action against the provider, or do both.

4. ~~[The]~~ *Except as otherwise provided in subsection 5, the* Commission may impose an administrative fine against a provider based upon:

(a) Each kilowatt-hour of electricity that the provider does not generate , ~~*[or]*~~ acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; or

(b) Any other reasonable formula adopted by the Commission.

5. *If a provider sells any portfolio energy credits pursuant to paragraph (b) or (c) of subsection 2 in any calendar year in which the Commission determines that the provider did not comply with its portfolio standard, the Commission shall not make any adjustment to the provider's expenses or revenues and shall not impose on the provider any administrative fine authorized by this section for that calendar year if:*

(a) In the calendar year immediately preceding the calendar year in which the portfolio energy credits were sold, the amount of portfolio energy credits held by the provider and attributable to electricity generated, acquired or saved from portfolio energy systems or efficiency measures by the provider exceeded the amount of portfolio energy credits necessary to comply with the provider's portfolio standard by more than 10 percent;

(b) The price received for any portfolio energy credits sold by the provider was not lower than the most recent value of portfolio energy credits, net of any energy value if the price was for bundled energy and credits, as determined by reference to the last long-term renewable purchased power agreements approved by the Commission in the most recent proceeding that included such agreements; and

(c) The provider would have complied with the portfolio standard in the relevant year even after the sale of portfolio energy credits based on the load forecast of the provider at the time of the sale.

6. In the aggregate, the administrative fines imposed against a provider for all violations of its portfolio standard for a single calendar year must not exceed the amount which is necessary and reasonable to ensure that the provider complies with its portfolio standard, as determined by the Commission.

~~[6.]~~ *7.* If the Commission imposes an administrative fine against a utility provider:

(a) The administrative fine is not a cost of service of the utility provider;

(b) The utility provider shall not include any portion of the administrative fine in any application for a rate adjustment or rate increase; and

(c) The Commission shall not allow the utility provider to recover any portion of the administrative fine from its retail customers.

~~[7.]~~ *8.* All administrative fines imposed and collected pursuant to this section must be deposited in the State General Fund.

Sec. 12. ~~[NRS 704.7802 is hereby repealed.]~~ (Deleted by amendment.)

Sec. 13. ~~[Section 1 of this act expires by limitation on December 31, 2021.]~~ (Deleted by amendment.)

Sec. 14. 1. As soon as practicable after October 1, 2013, the Public Utilities Commission of Nevada shall open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits, as defined in NRS 704.7803, to determine whether the process can be improved to:

(a) Better enable providers of electric service, as defined in NRS 704.7808, to engage in the sale of portfolio energy credits; and

(b) Provide the greatest economic benefit to customers of providers of electric service in this State.

2. The following parties may participate in the investigatory docket:

(a) Each provider of electric service operating in this State;

(b) The Regulatory Operations Staff of the Commission;

(c) The Consumer's Advocate and the Bureau of Consumer Protection in the Office of the Attorney General; and

(d) Any other interested parties.

3. The Commission shall, on or before January 31, 2015, submit a written report on the results of the investigatory docket and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.~~[~~

~~TEXT OF REPEALED SECTION~~

~~704.7802 "Energy efficiency measure" defined.~~

~~1. "Energy efficiency measure" means any measure designed, intended or used to improve energy efficiency:~~

~~(a) If:~~

~~(1) The measure is installed or implemented on or after January 1, 2005, at the service location of or for a retail customer of a provider of electric service in this State;~~

~~(2) The measure reduces the consumption of energy by one or more retail customers; and~~

~~(3) The costs of the acquisition, installation or implementation of the measure are directly reimbursed, in whole or in part, by the provider of electric service, or by a customer of a provider of new electric resources pursuant to chapter 704B of NRS; or~~

~~(b) Which is a geothermal energy system for the provision of heated water to one or more customers and which reduces the consumption of electricity or any fossil fuel, regardless of when constructed.~~

~~2. The term does not include any demand response measure or load limiting measure that shifts the consumption of energy by a retail customer from one period to another period.~~~~]~~

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President. Amendment No. 566 to Senate Bill No. 252 adds efficiency back into the Renewable Portfolio Standard statute. The measure revises the definition of a "portfolio energy system" or an "efficiency measure" to provide that any renewable system built before 1997 only counts in the Renewable Portfolio Standard if it was used to satisfy the Portfolio

Standard as of July 1, 2009, or the energy efficiency measure is installed on or before December 31, 2019.

Amendment No. 566 to Senate Bill No. 252 limits station use prospectively to provide that for energy systems placed into operation after July 1, 2015, the calculation for the kilowatt-hours generated or acquired does not include the amount of any electricity used by the system for its basic operations that reduce the amount of renewable energy delivered to the grid for distribution and sale to customers of the provider. It clarifies that small distributed generation systems continue to qualify for the 2.4 multiplier only if installed before July 1, 2014. The amendment maintains the value of the energy credits, but reduces the amount of excess credits in future years if a market is available.

Amendment No. 566 to Senate Bill No. 252 provides boundaries around which the sales of portfolio energy credits will be reasonable and when the utility is able to undertake the transaction without risk of disallowance or fine. It requires the Public Utilities Commission of Nevada to open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits. Finally, the amendment provides that any changes to the Renewable Portfolio Standard will not apply to existing eligible customers as defined in Chapter 704B of *Nevada Revised Statutes*.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 303.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 421.

"SUMMARY—Provides for the issuance of ~~[driving privilege]~~ driver authorization cards. (BDR 43-596)"

"AN ACT relating to motor vehicles; providing for the issuance of a ~~[driving privilege]~~ driver authorization card; establishing the contents of an application for a ~~[driving privilege]~~ driver authorization card and certain instruction permits; establishing the information that must be contained on a ~~[driving privilege]~~ driver authorization card and similarly obtained instruction permits; providing for the expiration and renewal of a ~~[driving privilege]~~ driver authorization card; providing that certain provisions of state law which apply to drivers' licenses also apply to a ~~[driving privilege]~~ driver authorization card and similarly obtained instruction permits; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Department of Motor Vehicles issues multiple licenses that confer to a person the privilege of operating a vehicle, including a driver's license, instruction permit, commercial driver's license and certain limited or restricted driver's licenses or instruction permits. (NRS 483.2521, 483.267, 483.270, 483.280, 483.340, 483.360, 483.908) The federal Real ID Act of 2005 requires any driver's license or identification card issued by a state to meet certain standards to be used for federal identification or other official purposes and allows for a state to issue driver's licenses or identification cards that do not meet such standards if such licenses or cards are of a unique design and clearly state that they may not be used for federal

identification or other official purposes. (Real ID Act of 2005 § 202, Pub. Law No. 109-13, 119 Stat. 302, 312-15, 49 U.S.C. 30301 note)

Section 5 of this bill sets forth requirements for applications for ~~[driving privilege]~~ driver authorization cards and alternative requirements for applications for instruction permits. Section 5 establishes the information that must be included in such applications, including, without limitation, documents that must be submitted to prove the applicant's name, age ~~[,]~~ and residence in this State . ~~[and social security number or individual taxpayer identification number.]~~ Section 5 allows an applicant to present various documents, including, without limitation, a birth certificate or passport issued by a foreign government, as proof of his or her name and age. Section 5 provides that a ~~[driving privilege]~~ driver authorization card expires ~~[annually on the holder's birthday and may be renewed.]~~ 1 year after issuance or renewal. Section 5 requires that a ~~[driving privilege]~~ driver authorization card and an instruction permit obtained in accordance with section 5 contain, in addition to the information contained on a driver's license, a clear statement that it may not be accepted for certain ~~[federal]~~ purposes and contain a unique design element to alert federal personnel to this information. Section 5 provides that any provision of title 43 of NRS that applies to a driver's license is deemed also to apply to a ~~[driving privilege]~~ driver authorization card and an instruction permit obtained in accordance with section 5.

Section 1 of this bill prohibits the Director of the Department from releasing any information from the files and records of the Department relating to legal presence to any person or federal, state or local governmental entity ~~[.]~~ for any purpose relating to the enforcement of immigration laws.

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

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

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

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

3. Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human

Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

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

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

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

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

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

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

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

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

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

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or

record relating to a driver's license, identification card, or title or registration of a vehicle.

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

(c) In connection with matters relating to:

(1) The safety of drivers of motor vehicles;

(2) Safety and thefts of motor vehicles;

(3) Emissions from motor vehicles;

(4) Alterations of products related to motor vehicles;

(5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;

(6) Monitoring the performance of motor vehicles;

(7) Parts or accessories of motor vehicles;

(8) Dealers of motor vehicles; or

(9) Removal of nonowner records from the original records of motor vehicle manufacturers.

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

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

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

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

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

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

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

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

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

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

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

7. Except as otherwise provided in paragraph (j) of subsection 6, a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. Such a person shall keep and maintain for 5 years a record of:

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

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

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

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

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

10. *The Director shall not release any information relating to legal presence* *or any other information relating to or describing immigration status, nationality or citizenship* *from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle to any person or to any federal, state or local governmental entity* ~~(.)~~ *for any purpose relating to the enforcement of immigration laws.*

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

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

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

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

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

~~[11.]~~ *12.* It is unlawful for any person to:

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

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

~~[12.]~~ *13.* As used in this section:

(a) *"Information relating to legal presence" means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver's license that a person possesses is a ~~[driving privilege]~~ driver authorization card, whether the person applied for a driver's license pursuant to NRS 483.290 or section 5 of this act and the documentation used to prove name, age and residence that was provided by the person with his or her application for a driver's license.*

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

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

Sec. 2. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. *~~["Driving privilege]~~ "Driver authorization card" means a card obtained in accordance with section 5 of this act.*

Sec. 4. *1. A person who wishes to obtain an instruction permit or a driver's license may apply using the provisions of NRS 483.290 or section 5 of this act.*

2. A person who wishes to apply for any restricted or limited license issued pursuant to this chapter may do so by:

(a) Submitting an application using the provisions of NRS 483.290 or section 5 of this act; and

(b) Fulfilling the requirements for the issuance of the restricted or limited license.

Sec. 5. *1. An application for an instruction permit or for a ~~[driving privilege]~~ driver authorization card must:*

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the name, date of birth, sex and residence address of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her name and age by displaying an original or certified copy of : ~~[any one of the following documents:]~~

(a) ~~[If the applicant was born in the United States, including, without limitation, the District of Columbia or any territory of the United States:]~~ *Any one of the following documents:*

(1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;

(2) A driver's license issued by another state, the District of Columbia or any territory of the United States ~~[,]~~ *which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17;*

(3) A passport issued by the United States Government;

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

(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;

(6) A Certificate of Degree of Indian Blood issued by the United States Government; ~~[or]~~

(7) ~~[Such other documentation as specified by the Department by regulation; or~~

~~*(b) If the applicant was born outside the United States:*~~

~~*(1)]*~~ *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;*

~~*[(2)]*~~ *(8) A Consular Report of Birth Abroad issued by the Department of State;*

~~*[(3) A driver's license issued by another state, the District of Columbia or any territory of the United States;*~~

~~*(4) A passport issued by the United States Government;*~~

~~*(5)]*~~ *or*

(9) Such other documentation as specified by the Department by regulation; or

(b) Any two of the following documents:

(1) A driver's license issued by another state, the District of Columbia or any territory of the United States other than such a driver's license described in subparagraph (2) of paragraph (a);

(2) A passport ~~[or birth certificate]~~ issued by a foreign government;

~~[(6)]~~ (3) A birth certificate issued by a foreign government;

(4) A consular identification card issued by the Government of Mexico or a document issued by another government that the Department determines is substantially similar; or

~~[(7)]~~ (5) Any other proof acceptable to the Department.

➥ *No document which is written in a language other than English may be accepted by the Department pursuant to this subsection unless it is accompanied by a verified translation of the document in the English language.*

3. Every applicant must prove his or her residence in this State by displaying an original or certified copy of any two of the following documents:

(a) A receipt from the rent or lease of a residence located in this State;

(b) A record from a public utility for a service address located in this State which is dated within the previous 60 days;

(c) A bank or credit card statement indicating a residential address located in this State which is dated within the previous 60 days;

(d) A stub from an employment check indicating a residential address located in this State;

(e) A document issued by an insurance company or its agent, including, without limitation, an insurance card, binder or bill, indicating a residential address located in this State;

(f) A record, receipt of bill from a medical provider indicating a residential address located in this State; or

(g) Any other document as prescribed by the Department by regulation.

4. ~~[Every applicant:~~

~~(a) Who has been issued a social security number must furnish proof of his or her social security number by displaying:~~

~~(1) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or~~

~~(2) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.~~

~~(b) Who has not been issued a social security number must furnish proof of his or her individual taxpayer identification number by displaying:~~

~~(1) An original document issued to the applicant by the Internal Revenue Service bearing the individual taxpayer identification number of the applicant; or~~

~~(2) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.~~

~~5.~~ *Except as otherwise provided in subsection* ~~[6,]~~ 5. *a* ~~[driving privilege]~~ driver authorization *card or instruction permit obtained in accordance with this section must:*

(a) Contain the same information as prescribed for a driver's license pursuant to NRS 483.340 and any regulations adopted pursuant thereto;

(b) Be of the same design as a driver's license; and

(c) Be numbered from the same sequence of numbers as a driver's license.

~~[6.]~~ 5. *Pursuant to section 202(d)(11) of the Real ID Act of 2005, Public Law 109-13, Division B, Title II, 119 Stat. 302, 312-15, 49 U.S.C. § 30301 note, a* ~~[driving privilege]~~ driver authorization *card or instruction permit obtained in accordance with this section:*

(a) In addition to the information required pursuant to subsection ~~[5,]~~ 4, *must include the statement "Not for Federal* or State *ID Purposes .* ~~["]~~ Only Authorizes the Holder to Drive." *on its face* ; ~~[, using the same font as the other information contained on the face of the card and printed in type that is not larger than the smallest type used for the other information on the face of the card,]~~ *and*

(b) Must be imprinted with a symbol resembling a globe that is no larger than the symbol or other indicator used pursuant to NRS 483.340 to indicate that a person wishes to be a donor of all or part of his or her body.

~~[7.]~~ 6. *Notwithstanding the provisions of NRS 483.380, every* ~~[driving privilege]~~ driver authorization *card expires on the* ~~[holder's birthday next nearest the date of issuance or renewal. Any applicant whose date of birth was on February 29 in a leap year is, for the purposes of this section, NRS 483.010 to 483.630, inclusive, and sections 3 and 4 of this act, considered to have the]~~ *anniversary of* ~~[the holder's birth fall on February 28.]~~ its issuance or renewal. *Every* ~~[driving privilege]~~ driver authorization *card is renewable at any time before its expiration upon application and payment of the required fee. The Department may, by regulation, defer the expiration of the* ~~[driving privilege]~~ driver authorization *card of a person who is on active duty in the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the* ~~[driving privilege]~~ driver authorization *card of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.*

~~[8.]~~ 7. *A* ~~[driving privilege]~~ driver authorization *card shall not be used to determine eligibility for any benefits, licenses or services issued or provided by this State or its political subdivisions.*

~~[9.]~~ 8. *Except as otherwise provided in this section or by specific statute, any provision of this title that applies to drivers' licenses shall be deemed to apply to a* ~~[driving privilege]~~ driver authorization *card and an instruction permit obtained in accordance with this section.*

Sec. 6. 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 sections 3, 4 and 5 of this act* apply only with respect to noncommercial drivers' licenses.

Sec. 7. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, *and sections 3, 4 and 5 of this act,* unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, *and section 3 of this act* have the meanings ascribed to them in those sections.

Sec. 8. NRS 483.083 is hereby amended to read as follows:

483.083 "License" means any driver's license or permit to operate a vehicle issued under or granted by the laws of this State, including:

1. Any temporary license ~~[or]~~ *;*

2. Any instruction permit ~~[; and~~

~~2.]~~ *obtained in accordance with NRS 483.290; and*

3. The future privilege to drive a vehicle by a person who does not hold a driver's license.

Sec. 9. NRS 483.290 is hereby amended to read as follows:

483.290 1. ~~[Every]~~ *An* application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying an original or certified copy of the required documents as prescribed by regulation.

3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department.

4. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:

(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 10. NRS 483.292 is hereby amended to read as follows:

483.292 1. When a person applies to the Department for an instruction permit or driver's license pursuant to NRS 483.290 ~~[,]~~ *or section 5 of this act,* 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 satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States.

3. If the person declares pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the Department shall count the declaration and maintain it only numerically in a record kept by the Department for that purpose.

4. The Department shall, at least once each quarter:

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

(b) Transmit that number to the Office of Veterans Services to be used for statistical purposes.

Sec. 11. 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 sections 3, 4 and 5 of this act,* unless such violation is, by NRS 483.010 to 483.630, inclusive, *and sections 3, 4 and 5 of this act,* or other law of this State, declared to be a felony.

Sec. 12. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2014, for all other purposes.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 421 to Senate Bill No. 303 clarifies the provision prohibiting the Department of Motor Vehicles from releasing information relating to or describing immigration status, nationality or citizenship. It renames the card the "Driver Authorization Card" and clarifies the documents required to prove identification. The amendment removes provisions requiring a Social Security number or individual taxpayer identification number. It also changes the text on the front of the card from "Not for Federal ID Purposes" to "Not for Federal or State ID Purposes. Only Authorizes the Holder to Drive." Amendment No. 421 changes the annual expiration date of the card from an individual's birthdate to the date of issuance or renewal of the card. Finally, it adds as a co-sponsor, the Senator from District No. 12.

Amendment adopted.

Senator Manendo moved that Senate Bill No. 303 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. 390.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 463.

"SUMMARY—~~[Enacts provisions relating to]~~ Requires the development of a hydraulic fracturing ~~[.]~~ program for the State of Nevada. (BDR 46-929)"

"AN ACT relating to natural resources; requiring ~~[a person who wishes to engage in hydraulic fracturing to obtain a permit from]~~ the Division of Minerals of the Commission on Mineral Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources ~~[; requiring the Division to post certain information on its~~

~~Internet website; authorizing the Division to charge a fee for issuing a permit and to adopt regulations; providing a penalty;]~~ , jointly, to develop a hydraulic fracturing program for the State of Nevada; requiring the adoption of regulations to implement the program; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires persons desiring to drill a well in search of oil or gas to obtain a permit from the Division of Minerals of the Commission on Mineral Resources. (NRS 522.050) ~~[In addition to obtaining the permit, section 3 of this bill requires a person who wishes to engage in hydraulic fracturing, the process of pumping a fluid into or under the ground in order to create fractures in the rock to facilitate the production or recovery of oil or gas, to obtain a permit to engage in hydraulic fracturing from the Division of Environmental Protection of the State Department of Conservation and Natural Resources. Section 3 requires an applicant for such a permit to submit: (1) a hydrologic study of the effects of the proposed hydraulic fracturing on water sources; (2) a seismologic study of the seismographic aspects of the area in which the proposed hydraulic fracturing is to occur; (3) a plan to monitor the air and water quality of the area in which the proposed hydraulic fracturing is to occur; and (4) a list of all chemicals to be used in the proposed hydraulic fracturing. Section 3 requires a person who is issued the permit to revise the required list of chemicals quarterly and at the commencement and cessation of operations at the well. Section 3 further prohibits: (1) the issuance of a permit for the use of hydraulic fracturing within 2,000 feet of certain buildings; and (2) the use of known carcinogens by any person who is issued a permit to engage in hydraulic fracturing in the operation of a well.~~

~~Section 4 of this]~~ Section 1 of this bill requires the Division of Minerals, jointly, with the Division of Environmental Protection ~~[to post on its Internet website information submitted by persons applying for and persons issued a permit to engage in]~~ of the State Department of Conservation and Natural Resources, to develop a program concerning hydraulic fracturing ~~[. Section 5 of this bill authorizes the Division of Environmental Protection to adopt any regulations prescribing a fee for issuing a permit and any other regulations necessary to carry out the provisions of this bill.]~~ to: (1) assess the effects of hydraulic fracturing on the waters of the State of Nevada; (2) require a person who engages in hydraulic fracturing to disclose each chemical used to engage in hydraulic fracturing; and (3) provide for notice to members of the general public concerning activities relating to hydraulic fracturing in this state. Section 1 also requires the Commission on Mineral Resources, in consultation with the Division of Environmental Protection, to adopt regulations to implement the program.

Section 10 of this bill requires the program to be developed by July 1, 2014, and the regulations to implement the program to be adopted by January 1, 2015.

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

Section 1. Chapter 522 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2 to 5, inclusive, of this act.]~~ a new section to read as follows:

1. The Division of Minerals and the Division of Environmental Protection shall, jointly, develop a hydraulic fracturing program to:

(a) Assess the effects of hydraulic fracturing on the waters of the State of Nevada;

(b) Require a person who engages in hydraulic fracturing to disclose each chemical used to engage in hydraulic fracturing; and

(c) Provide for notice to members of the general public concerning activities relating to hydraulic fracturing in this state.

2. The Commission on Mineral Resources shall adopt regulations to implement the hydraulic fracturing program required by subsection 1.

3. As used in this section:

(a) "Division of Environmental Protection" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(b) "Hydraulic fracturing" means the process of pumping a fluid into or under the surface of the ground to create fractures in the rock to facilitate the production or recovery of oil or gas.

Sec. 2. ~~*["Division of Environmental Protection" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.]*~~ (Deleted by amendment.)

Sec. 3. ~~*[1. In addition to a permit required pursuant to NRS 522.050, a person who wishes to engage in hydraulic fracturing while operating a well in search of oil or gas shall, before operating the well, apply to the Division of Environmental Protection for a permit on a form prescribed by the Division of Environmental Protection. The application must include:*~~

~~*(a) A hydrologic study identifying each source of water that may be affected by the proposed hydraulic fracturing, both through drilling and through the disposal of wastewater.*~~

~~*(b) A seismologic study of the region where the applicant proposes to engage in hydraulic fracturing. The study must identify all known and suspected fault lines that may be affected by the proposed hydraulic fracturing and include the results of any seismic surveys.*~~

~~*(c) A plan to monitor the quality of the air and water in locations that may be affected by the proposed hydraulic fracturing. The plan must include:*~~

~~*(1) Baseline measurements of air and water quality in a number of locations sufficient to ensure detection of any significant change to the air and water quality caused by the proposed hydraulic fracturing by the new measurements required by subparagraph (2); and*~~

~~*(2) Quarterly reporting of new measurements of the air and water quality in the locations for which baseline measurements of air and water*~~

~~*quality were measured pursuant to subparagraph (1), to continue throughout the period during which the well is in operation and for at least 3 years immediately after the well ceases to be in operation.*~~

~~*(d) A complete and specific disclosure of all chemicals, including proprietary chemicals, that the applicant plans to use in the proposed hydraulic fracturing. The disclosure for each chemical must include the product name of the chemical, the names and chemical formulas of all chemical compounds present in the chemical and any hazardous components of the chemical which are listed on a material data safety sheet.*~~

~~*2. The Division of Environmental Protection may not issue a permit for a person to engage in hydraulic fracturing within 2,000 feet of any home, school or hospital.*~~

~~*3. The Division of Environmental Protection shall evaluate each application submitted pursuant to subsection 1 and, if the Division determines that the proposed hydraulic fracturing will not be deleterious to the health or welfare of any person or the environment, that the air and water quality will be adequately monitored and that the issuance of a permit does not violate subsection 2, shall issue a permit. A permit issued pursuant to this section is valid only for the well for which the Division of Environmental Protection issues the permit and expires upon the cessation of operations at the well.*~~

~~*4. A person who is issued a permit:*~~

~~*(a) Shall revise the list of chemicals required to be submitted pursuant to paragraph (d) of subsection 1:*~~

~~*(1) Quarterly for the entire period during which the well is in operation; and*~~

~~*(2) Upon the commencement and cessation of operations at the well; and*~~

~~*(b) Shall not use any known carcinogens, as defined by the International Agency for Research on Cancer or the National Toxicology Program, in the operations of the well.*~~

~~*5. As used in this section:*~~

~~*(a) "Hydraulic fracturing" means the process of pumping a fluid into or under the surface of the ground to create fractures in the rock to facilitate the production or recovery of oil or gas.*~~

~~*(b) "Material safety data sheet" means a document prepared in accordance with the requirements of the hazard communication standard set forth in 29 C.F.R. § 1910.1200 and which contains hazard and safe handling information for a chemical.*~~

~~*(c) "Seismic survey" means a method of exploration in which low frequency sound waves are generated on the surface of the ground to find subsurface rock structures that may contain oil or gas.*~~

~~*(d) "Wastewater" means any water containing chemicals or other contaminants derived from the use of the water in hydraulic fracturing.]*~~
(Deleted by amendment.)

Sec. 4. ~~[*The Division of Environmental Protection shall post on its Internet website all information submitted by a person to comply with the provisions of section 3 of this act within 10 days of receiving the information. The Internet website must allow users to search, sort and download the information by the name of the applicant or permittee, the county in which the well is located, the latitude and longitude of the well, the well number, the names and chemical formulas of the chemicals used in the operation of the well and the size and depth of the well.*]~~ (Deleted by amendment.)

Sec. 5. ~~[*The Division of Environmental Protection may prescribe:*~~

~~*1. By regulation, a fee for issuing a permit; and*~~

~~*2. Any other regulations necessary to carry out the provisions of sections 3 and 4 of this act.*]~~ (Deleted by amendment.)

Sec. 6. ~~[NRS 522.020 is hereby amended to read as follows:~~

~~522.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 522.021 to 522.0395, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 7. NRS 522.040 is hereby amended to read as follows:

522.040 *Except as otherwise provided in* ~~*[sections 3, 4 and 5]*~~ *section 1 of this act:*

1. The Division has jurisdiction and authority over all persons and property, public and private, necessary to effectuate the purposes and intent of this chapter.

2. The Division shall make investigation to determine whether waste exists or is imminent, or whether other facts exist which justify or require action by it.

3. The Division shall adopt regulations, make orders and take other appropriate action to effectuate the purposes of this chapter.

4. The Division may:

(a) Require:

(1) Identification or ownership of wells, producing leases, tanks, plants and drilling structures.

(2) The making and filing of reports, well logs and directional surveys. Logs of exploratory or "wildcat" wells marked "confidential" must be kept confidential for 6 months after the filing thereof, unless the owner gives written permission to release those logs at an earlier date.

(3) The drilling, casing and plugging of wells in such a manner as to prevent the escape of oil or gas out of one stratum into another, the intrusion of water into an oil or gas stratum, the pollution of fresh water supplies by oil, gas or salt water, and to prevent blowouts, cavings, seepages and fires.

(4) The furnishing of a reasonable bond with good and sufficient surety conditioned for the performance of the duty to plug each dry or abandoned well or the repair of wells causing waste.

(5) The operation of wells with efficient gas-oil and water-oil ratios, and to fix these ratios.

(6) The gauging or other measuring of oil and gas to determine the quality and quantity thereof.

(7) That every person who produces oil or gas in this State keep and maintain for a period of 5 years within this State complete and accurate record of the quantities thereof, which must be available for examination by the Division or its agents at all reasonable times.

(b) Regulate, for conservation purposes:

(1) The drilling, producing and plugging of wells.

(2) The shooting and chemical treatment of wells.

(3) The spacing of wells.

(4) The disposal of salt water, nonpotable water and oil field wastes.

(5) The contamination or waste of underground water.

(c) Classify wells as oil or gas wells for purposes material to the interpretation or enforcement of this chapter.

Sec. 8. ~~[NRS 522.120 is hereby amended to read as follows:~~

~~522.120 1. Any person who willfully violates any provision of this chapter, or any regulation or order of the Division *of Minerals or any regulation of the Division of Environmental Protection,* is subject to a penalty of not more than $1,000 for each act of violation and for each day that the violation continues, unless the penalty for the violation is otherwise provided for and made exclusive in this chapter.~~

~~2. If any person, for the purpose of evading this chapter, or any regulation or order of the Division [,] *of Minerals or any regulation of the Division of Environmental Protection,* makes or causes to be made any false entry in any record, account or memorandum required by this chapter, or by any such regulation or order, or omits or causes to be omitted, from any such record, account or memorandum, full, true and correct entries as required by this chapter, or by any such regulation or order, or removes from this state or destroys, mutilates, alters or falsifies any such record, account or memorandum, that person is guilty of a gross misdemeanor.~~

~~3. Any person knowingly aiding or abetting any other person in the violation of any provision of this chapter, or any regulation or order of the Division *of Minerals or any regulation of the Division of Environmental Protection,* is subject to the same penalty as that prescribed by this chapter for the violation by the other person.~~

~~4. The penalties provided in this section are recoverable by suit filed by the Attorney General in the name and on behalf of the Division *of Minerals or the Division of Environmental Protection, as appropriate,* in the district court of the county in which the defendant resides or in which any defendant resides, if there is more than one defendant, or in the district court of any county in which the violation occurred. The payment of any such penalty does not operate to relieve a person on whom the penalty is imposed from liability to any other person for damages arising out of the violation.]~~ (Deleted by amendment.)

Sec. 9. ~~[NRS 522.130 is hereby amended to read as follows:~~

~~522.130 1. Whenever it appears that any person is violating or threatening to violate any provision of this chapter, or any regulation or order of the Division [,] *of Minerals or any regulation of the Division of Environmental Protection, the Division of Minerals or the Division of Environmental Protection, as appropriate,* shall bring suit against that person in the district court of any county where the violation occurs or is threatened to restrain the person from continuing the violation or from carrying out the threat of violation. Upon the filing of any such suit, summons issued to the person may be directed to the sheriff of any county in this state for service by the sheriff or the sheriff's deputies. In any such suit, the court may grant to the Division [,] *of Minerals or the Division of Environmental Protection, as appropriate,* without bond or other undertaking, such prohibitory and mandatory injunctions as the facts may warrant.~~

~~2. If the Division *of Minerals or the Division of Environmental Protection, as appropriate,* fails to bring suit to enjoin a violation or threatened violation of any provision of this chapter, or any regulation or order of the Division [,] *of Minerals or any regulation of the Division of Environmental Protection,* within 10 days after receipt of written request to do so by any person who is or will be adversely affected by the violation, the person making the request may bring suit in his or her own behalf to restrain the violation or threatened violation in any court in which the Division *of Minerals or the Division of Environmental Protection, as appropriate,* might have brought suit. If, in the suit, the court should hold that injunctive relief should be granted, then the Division *of Minerals or the Division of Environmental Protection, as appropriate,* must be made a party and must be substituted for the person who brought the suit, and the injunction must be issued as if the Division *of Minerals or the Division of Environmental Protection, as appropriate,* had at all times been the plaintiff.]~~ (Deleted by amendment.)

Sec. 10. 1. This act becomes effective ~~[:~~

~~1. Upon]~~ upon passage and approval. ~~[for the purpose of adopting regulations; and]~~

2. ~~[For all other purposes, on January 1, 2014.]~~ The Division of Minerals of the Commission on Mineral Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources shall develop the program required by section 1 of this act on or before July 1, 2014.

3. The Commission on Minerals shall adopt the regulations to implement the program required by section 1 of this act on or before January 1, 2015.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Thank you, Mr. President. Amendment No. 463 to Senate Bill No. 390 deletes most sections of the bill and replaces Section 1 with new language requiring the Division of Minerals and the Nevada Division of Environmental Protection to jointly develop a hydraulic fracturing program. It provides that the program must assess the effect of hydraulic fracturing on the waters of

Nevada. The amendment also requires the Division of Minerals to adopt regulations implementing the hydraulic fracturing program on or before January 1, 2015.

Amendment adopted.

Senator Segerblom moved that Senate Bill No. 390 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. 460.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 550.

"SUMMARY—Makes ~~[a]~~ supplemental ~~[appropriation]~~ appropriations to the Commission on Judicial Discipline for the costs of one-time leave payouts resulting from the unanticipated retirement of certain staff ~~[.]~~ and the costs related to unanticipated hearings. (BDR S-1189)"

"AN ACT making ~~[a]~~ supplemental ~~[appropriation]~~ appropriations to the Commission on Judicial Discipline for the costs of one-time leave payouts resulting from the unanticipated retirement of certain staff ~~[.]~~ and the costs related to unanticipated hearings; and providing other matters properly relating thereto."

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

Section 1. There is hereby appropriated from the State General Fund to the Commission on Judicial Discipline the sum of ~~[$58,293]~~ $9,130 for the costs of one-time leave payouts resulting from the unanticipated retirement of the General Counsel and Executive Director of the Commission. This appropriation is supplemental to that made by section 12 of chapter 371, Statutes of Nevada 2011, at page 2156.

Sec. 2. There is hereby appropriated from the State General Fund to the Commission on Judicial Discipline the sum of $71,657 for the costs related to unanticipated hearings. This appropriation is supplemental to that made by section 12 of chapter 371, Statutes of Nevada 2011, at page 2156.

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

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 550 to Senate Bill No. 460 increases, by approximately $22,000, the one-shot appropriation that is requested by the Department of Administration. The amendment was approved by the Senate Committee on Finance.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 498.

Bill read second time.

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

Amendment No. 574.

"SUMMARY—Revises provisions relating to telecommunications. (BDR 58-1097)"

"AN ACT relating to telecommunication services; revising provisions relating to telecommunications; requiring the Public Utilities Commission of Nevada to establish certain procedures for contracting with an independent administrator for purposes relating to certain telephone services; authorizing certain telecommunication providers to access, under certain circumstances, certain databases created and maintained by the Department of Health and Human Services for purposes relating to certain telephone services; authorizing an independent administrator to access, under certain circumstances, such databases and databases of other state agencies for purposes relating to certain telephone services; repealing certain provisions relating to telecommunication providers; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to regulate public utilities that provide telecommunication service to the public. (Chapter 704 of NRS) Existing law also provides certain rights and obligations to all telecommunication providers. (NRS 704.040-704.060) Section 1 of this bill requires the Commission to establish by regulation certain procedures for contracting with an independent administrator who will certify or recertify the eligibility of customers for lifeline service, a Federal Government benefit program that provides discounts on monthly telephone service for eligible low-income customers.

Section 1.3 of this bill authorizes certain telecommunication providers to access databases created and maintained by the Department of Health and Human Services for the exclusive purpose of determining or verifying the status of an eligible customer. Section 1.3 also provides that such access by telecommunication providers must be prohibited after such time as an independent administrator is selected and is able to inform eligible providers of the status of their customers' eligibility to receive lifeline service. Section 1.3 further provides that an independent administrator who is selected pursuant to section 1 may access the database created and maintained by the Department and, to the extent authorized by state and federal law, any other database created and maintained by any other state agency for the purpose of determining or verifying the status of an eligible customer.

Existing law requires that the Department ~~[of Health and Human Services]~~ provide each eligible telecommunication provider with a list of eligible customers, as determined by criteria adopted by the Commission or the Federal Communications Commission. (NRS 707.470) Existing law also requires that an eligible telecommunication provider notify an eligible

customer that he or she will receive lifeline or link up services unless the eligible customer specifically declines to receive the services. (NRS 707.480) Section 2 of this bill repeals these requirements.

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

Section 1. NRS 704.040 is hereby amended to read as follows:

704.040 1. Every public utility shall furnish reasonably adequate service and facilities. Subject to the provisions of subsection 3, the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.

2. Every unjust and unreasonable charge for service of a public utility is unlawful.

3. Except as otherwise provided in NRS 704.68861 to 704.68887, inclusive:

(a) A competitive supplier is exempt from any provision of this chapter governing the rates, prices, terms and conditions of any telecommunication service.

(b) A small-scale provider of last resort is subject to the provisions of this chapter, NRS 427A.797 and chapter 707 of NRS.

4. All telecommunication providers which offer the same or similar service must be subject to fair and impartial regulation, to promote adequate, economical and efficient service.

5. To maintain the availability of telephone service in accordance with the regulations adopted pursuant to NRS 704.6873, the Commission shall provide for the levy and collection of a uniform and equitable assessment, in an amount determined by the Commission, from all persons furnishing intrastate telecommunication service or the functional equivalent of such service through any form of telephony technology, unless the levy and collection of the assessment with regard to a particular form of technology is prohibited by federal law. Assessments levied and collected pursuant to this subsection must be maintained in a separate fund established by the Commission. The Commission shall contract with an independent administrator to administer the fund pursuant to open competitive bidding procedures established by the Commission. The independent administrator shall collect the assessments levied and distribute them from the fund pursuant to a plan which has been approved by the Commission. ~~[Money in the fund must be used for the sole purpose of maintaining the availability of telephone service.]~~

6. The Commission shall by regulation establish:

(a) The procedure for contracting with an independent administrator who will certify or recertify the eligibility of customers for lifeline service as defined in NRS 707.450, including:

(1) The selection of the independent administrator pursuant to open competitive bidding procedures established by the Commission; and

(2) The duties of the independent administrator which must be promulgated in advance of conducting the initial request for proposal for the independent administrator.

(b) The duties of the independent administrator which must:

(1) Be determined by criteria adopted by the Commission or the Federal Communications Commission;

(2) Provide for the independent administrator to be able to accomplish all functions necessary for interfacing with the National Lifeline Accountability Database when it is established and operational pursuant to 47 C.F.R. § 54.404 and any other national eligibility database for eligible telecommunication providers; and

(3) Require the independent administrator to be responsible for informing eligible telecommunications providers of the status of their customers' eligibility to receive lifeline service as defined in NRS 707.450.

7. To implement the requirements of subsections 5 and 6, the Commission:

(a) May select a single entity to perform the duties of subsections 5 and 6; and

(b) Is authorized to use the fund set forth in subsection 5 for the sole purpose of maintaining the availability of telephone service as set forth in subsections 5 and 6.

Sec. 1.3. Chapter 707 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Until an independent administrator is selected pursuant to NRS 704.040, an eligible provider may access any database, if one exists, that is created and maintained by the Department for the exclusive purpose of determining or verifying the status of an eligible customer. Such access by an eligible provider is subject to the rules and regulations of the Department and is prohibited:

(a) For any purpose other than the purpose described in this subsection; and

(b) After an independent administrator is selected pursuant to NRS 704.040 and the independent administrator is able to inform eligible providers of the status of their customers' eligibility to receive lifeline service.

2. An independent administrator selected pursuant to NRS 704.040 may access any database described in subsection 1 and, to the extent authorized by state and federal law, access any other database, if one exists, that is created and maintained by any other state agency for the exclusive purpose of determining or verifying the status of an eligible customer.

Sec. 1.7. NRS 707.400 is hereby amended to read as follows:

707.400 As used in NRS 707.400 to 707.500, inclusive, *and section 1.3 of this act,* the words and terms defined in NRS 707.410 to 707.460, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. 1. NRS 707.470 ~~[and 707.480 are]~~ is hereby repealed.

2. NRS 707.480 is hereby repealed.

Sec. 3. The Public Utilities Commission of Nevada shall adopt the regulations required by NRS 704.040, as amended by section 1 of this act, on or before July 1, 2014.

Sec. 4. 1. This section and section 1, subsection 2 of section 2, and section 3 of this act become effective on October 1, 2013.

2. Sections 1.3 and 1.7, and subsection 1 of section 2 of this act become effective on January 1, 2014.

TEXT OF REPEALED SECTIONS

707.470 Department to provide list of eligible customers to each eligible provider; contents of the list; update of list regulations.

1. The Department shall provide to each eligible provider a list of eligible customers, as determined by criteria adopted by the Public Utilities Commission of Nevada or the Federal Communications Commission, as appropriate, who are located within the service area of the eligible provider. The list must include:

(a) The name and address of each eligible customer; and

(b) If applicable, the telephone number of each eligible customer.

2. Every 6 months the Department shall provide to each eligible provider an updated list of the eligible customers in this State.

3. The Department may adopt such regulations as are necessary to coordinate the acquisition and provision of the information required to be provided pursuant to this section.

NRS 707.480 Eligible provider to notify eligible customers regarding default receipt of lifeline and link up services; contents of notification; declination of services; billing for services; duration of lifeline services.

1. An eligible provider, within 7 days after determining that a person located in its service area is an eligible customer, shall notify the eligible customer that the eligible customer will receive lifeline or link up services, or both, unless the eligible customer specifically declines to receive the services. The notification must include:

(a) Information about the lifeline and link up services, including, without limitation, the date on which the services will begin and any options or responsibilities that the eligible customer may have related to the receipt of those services;

(b) A self-addressed, postage paid response card which the eligible customer must return to the eligible provider to decline the services; and

(c) A statement that the eligible provider will automatically provide lifeline or link up services, or both, to the eligible customer unless the eligible customer declines the services by timely returning to the eligible provider the response card included with the notification.

2. To decline lifeline or link up services, an eligible customer must return the response card included in the notification provided pursuant to subsection 1 to the eligible provider not later than 10 days before the date on which the services are scheduled to begin.

3. An eligible provider shall begin billing an eligible customer for lifeline or link up services, or both, not later than 60 days after the date on which the eligible provider receives the list of eligible customers from the Department which includes the eligible customer, if the eligible customer has not declined the services.

4. An eligible provider shall continue providing lifeline services to an eligible customer for as long as the eligible customer continues to receive telecommunication services from the eligible provider until the customer or the Department notifies the eligible provider that the customer is no longer eligible for the program. The eligible provider shall discontinue providing lifeline services to an eligible customer if the eligible customer notifies the eligible provider in writing that the eligible customer wishes to discontinue receiving those services.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President. Amendment No. 574 to Senate Bill No. 498 authorizes certain telecommunication providers to access databases created and maintained by the Department of Health and Human Services for the exclusive purpose of determining or verifying the status of an eligible customer for lifeline service. It prohibits access to the database by telecommunication providers after an independent administrator is selected. The amendment also authorizes an independent administrator, who is selected to certify or recertify the eligibility of customers for lifeline service, access to the database.

Amendment adopted.

Senator Smith moved that Senate Bill No. 498 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bill No. 250 be taken from the Secretary's Desk and placed on the General File for this legislative day.

Motion carried.

Senator Smith moved that, for this legislative day, all necessary rules be suspended, and that all Senate bills and joint resolutions returned from reprint be declared emergency measures under the Constitution and placed on the third reading and final passage.

Motion carried.

Senator Denis moved that Senate Bill No. 422 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 26.

Bill read third time.

Remarks by Senator Parks.

Thank you, Mr. President. Senate Bill No. 26 creates within the Attorney General's Office the Victim Information Notification Every day, or "VINE" System, to consist of a toll-free telephone number and Internet website through which crime victims and members of the public may register to receive automated information and notification concerning changes in the custody status of an offender. The Attorney General is directed to create a governance committee for the system, which may adopt regulations for its operation and oversight. To the extent that funds are available, each sheriff and chief of police, the Department of Corrections, the Department of Public Safety, and the State Board of Parole Commissioners shall cooperate with the Attorney General to establish and maintain the system. This bill is effective on July 1, 2013.

Roll call on Senate Bill No. 26:

YEAS—21.

NAYS—None.

Senate Bill No. 26 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 82.

Bill read third time.

Remarks by Senator Manendo.

Thank you, Mr. President. Senate Bill No. 82 acknowledges the various perspectives on the hunting of black bears in Nevada and urges proponents and opponents of the black bear hunt to engage in productive and meaningful discussions with the goal of achieving a consensus on the proper management of Nevada's black bear population. The bill also urges the continued management of black bears in Nevada by the Nevada Department of Wildlife in a way that conserves, sustains, and protects the black bear population in a healthy and productive condition and minimizes threats to public safety and damage to personal property.

Roll call on Senate Bill No. 82:

YEAS—21.

NAYS—None.

Senate Bill No. 82 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 105.

Bill read third time.

Remarks by Senator Roberson.

Thank you, Mr. President. Senate Bill No. 105 provides for the publication, authentication, preservation and security of an electronic record of certain legal materials through the enactment of the Uniform Electronic Legal Material Act. The bill requires the Legislative Counsel Bureau, as the official publisher of legal materials, to authenticate an electronic record and provide a means of verification by the user.

Senate Bill No. 105 also requires the electronic record to be made available for use by the public on a permanent basis and to ensure the integrity and preservation of the electronic record, including backup and disaster recovery. This bill is effective on January 1, 2014.

Roll call on Senate Bill No. 105:

YEAS—21.

NAYS—None.

Senate Bill No. 105 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 133.

Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Senate Bill No. 133 allows a county to participate, in an advisory capacity, in the development and implementation of a monitoring, management and mitigation plan, called a "3M Plan." If the State Engineer requires such a 3M Plan as a condition of appropriating water for a beneficial use. The State Engineer must consider any comment, analysis or other information submitted by the participating county before approving any 3M Plan, but is not required to include such comments and analyses in the plan. Finally, Senate Bill No. 133 specifies that a determination of the State Engineer is not subject to judicial review. The bill is effective upon passage and approval. It can only consider water applications filed on or after January 1, 2012.

Roll call on Senate Bill No. 133:

YEAS—21.

NAYS—None.

Senate Bill No. 133 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 135.

Bill read third time.

Remarks by Senators Atkinson, Settelmeyer, Roberson and Hammond.

SENATOR ATKINSON:

Thank you, Mr. President. Senate Bill No. 135 revises provisions applying to developers of redevelopment projects if part of a project being done is within an enterprise community. The bill requires public agencies that use redevelopment funds for a public work to submit an employment plan, which must include information about certain hiring preferences and about each employer relocating a business into the redevelopment area. A private developer, who constructs a project without knowing who the owner of the project will be, is exempted from the employment plan requirement.

For a county whose population is 700,000 or more, currently Clark County, Senate Bill No. 135 extends one of the methods by which a redevelopment plan may terminate from 45 to 60 years after the date on which the original redevelopment plan was adopted. Finally, the bill creates a revolving loan account in a city whose population is 500,000 or more, currently Las Vegas, to make loans at or below market rate to small businesses that are in or want to relocate to a redevelopment area. Senate Bill No. 135 is designed to keep redevelopment dollars within a certain geographic area and help folks in that area gain employment. Also, it is designed to improve the community in which the redevelopment area is located. I urge my colleagues' support.

SENATOR SETTELMEYER:

Thank you, Mr. President. A redevelopment plan should not exceed 30 years. Does Senate Bill No. 135 extend redevelopment plans beyond 30 years?

I rise in opposition to Senate Bill No. 135 giving preference to individuals living within the redevelopment area. It discriminates against an individual based on where they live. Literally, a person could live just across the street from the redevelopment area and not have the same preference in hiring as a person living within the redevelopment area. The bill creates

preferential hiring by excluding many Nevadans who are still looking for employment, and I do not support that.

SENATOR ATKINSON:

Thank you, Mr. President. My colleague from Senate District No. 17 is correct: Senate Bill No. 135 seeks to help with employment in redevelopment areas. It is likely these are areas that have high unemployment. I disagree with the term "discriminates." I believe it helps the folks in those areas because they are the ones that are going to be applying for the jobs. They will be the ones that know the area and are seeking employment there.

I was talking to one of my colleagues earlier, about another bill that I believe will go hand and hand with this bill. I hope to speak to that bill as well.

Senate Bill No. 135 is good legislation, and I think it is a great opportunity to make sure we are employing people that are in need of employment.

SENATOR ROBERSON:

Thank you, Mr. President. I rise in support of Senate Bill No. 135. I would like to echo the remarks from the good Senator from Senate District No. 3. We are giving incentives to developers to develop areas that are struggling, probably more so than other areas in surrounding communities. This is beneficial, certainly in Southern Nevada. It makes sense to hire people from the community or neighborhood. We are giving the developers a financial incentive to develop in a certain area, and it is reasonable to ask them to hire a certain percentage of the people for the project from that area.

SENATOR HAMMOND:

Thank you, Mr. President. I rise in support of Senate Bill No. 135. It is similar to a bill from a couple of years ago that did not do well. The sponsors of this bill have worked hard to make changes that would be agreeable to many of us. I do not look at the hiring preference as being discriminatory. We are asking if the people of those areas—who live there and who are qualified to do the jobs—do they have an advantage? I do not see a problem. I think we should all be able to support this measure—assuming the applicants are qualified—and give them the first look. I encourage everyone's vote for this bill.

Roll call on Senate Bill No. 135:

YEAS—17.

NAYS—Cegavske, Gustavson, Hardy, Settelmeyer—4.

Senate Bill No. 135 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 144.

Bill read third time.

Remarks by Senators Segerblom, Goicoechea, Hutchison and Spearman.

SENATOR SEGERBLOM:

Thank you, Mr. President. Senate Bill No. 144 amends the Police Officer's Bill of Rights to allow additional protections. When police officers are interviewed and investigated about incidents recorded on video or audio in which they were involved, they are allowed to view or listen to the recording before the interview or investigation. This is a small protection, but it goes a long way to afford due process to police officers.

SENATOR GOICOECHEA:

Thank you, Mr. President. I rise in opposition to Senate Bill No. 144. I commend my colleague from Senate District No. 3 for working hard and attempting to amend this bill, but I still have concerns that we are affording police officers a higher level of protection than we are affording the general public. Police officers would have the ability to look at the videos or listen to the audio, before they are interviewed for an internal affairs investigation. I believe that police

officers should be held to a higher standard by not having the advantage of reviewing an incident before being interviewed or interrogated. I am opposed to this bill, and I ask that my colleagues oppose this bill as well.

SENATOR HUTCHISON:

Thank you, Mr. President. I rise in support of Senate Bill No. 144. Police officers in my view are unique among our public employees, our constituents, our family and our friends. As a society, and as policy makers, we ask them to carry burdens and to engage in activities that most of us can neither appreciate nor imagine. Police officers who are the subject of an investigation resulting in interrogation or a hearing in connection with their conduct as police officers need and deserve the fairness and the protection that this bill offers. I urge your support.

SENATOR SPEARMAN:

Thank you, Mr. President. I rise in support of Senate Bill No. 144. I have spoken with people on both sides of this issue. It really comes down to this—with all due respect to my colleague from Senate District No. 19—what happens with police officers whenever there is an investigation: that is their trial. It is not affording special privileges. It is taking into consideration the special circumstances by which they are judged, because police officers carry a heavier burden than many other people in society.

Police officers are often judged on actions they make upon split-second decisions. No one knows what it feels like unless you are actually there. They have to make decisions on whether or not they are going to respond in one way or another—a wrong decision could cost them their life. Granted, every decision that's made may not be the right one, but they make the very best decisions they can under the circumstances. Senate Bill No. 144 does not afford additional privileges. It gives police officers access to information that will help them explain their actions during a given situation. I strongly support this bill, and I ask that you do the same.

Roll call on Senate Bill No. 144:

YEAS—15.

NAYS—Cegavske, Goicoechea, Gustavson, Hammond, Kieckhefer, Settelmeyer—6.

Senate Bill No. 144 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 148.

Bill read third time.

Remarks by Senator Parks.

Thank you, Mr. President. Senate Bill No. 148 revises requirements for the use of money in the Pollution Control Account by eliminating the program of grants to local governments derived from funds received in the Account in excess of $1 million. Instead, this excess money is to be distributed directly, on an annual basis, to local air pollution control agencies in nonattainment or maintenance areas, in an amount proportionate to the number of forms issued to emissions testing stations. As with the previously-awarded grant money, this excess money must be used for programs related to the improvement of air quality. Mr. President, this simplifies the entire process that has been in place for many years. It saves a number of salaried positions. The bill becomes effective July 1, 2013.

Roll call on Senate Bill No. 148:

YEAS—21.

NAYS—None.

Senate Bill No. 148 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 179.

Bill read third time.

Remarks by Senators Manendo and Hardy.

SENATOR MANENDO:

Thank you, Mr. President. Senate Bill No. 179 authorizes the governing body of a local government or the Department of Transportation to designate pedestrian safety zones on a highway in certain circumstances. This measure makes it a violation to perform a U-turn or pass another vehicle in a school zone, and it requires the installation of signs indicating higher fines during school hours. The bill also requires drivers to stop when a person is in a marked or unmarked crosswalk. Additionally, with the exception of residential roads, pedestrians are prohibited from crossing a highway outside of a crosswalk if the pedestrian is within 250 feet of a crosswalk.

Senate Bill 179 provides for a doubling of the penalty for a speed limit violation in a school zone when speed limits for such zones are in effect or in a pedestrian safety zone. Finally, the bill enables judges to require violators to attend a course on traffic safety.

This is a significant piece of public safety legislation that has been worked on for the last year by a coalition from the South, the North and the rural parts of this State, including public safety advocates, law enforcement, the regional transportation commissions and more; many people participated. I want to thank the members of the Senate Committee on Transportation, especially my good colleague from Senate District No. 12 who worked on this bill with me. I urge your passage.

SENATOR HARDY:

Thank you, Mr. President. I appreciate the Chair of the Senate Committee on Transportation being able to talk with the main proponent of the bill in order to exempt out residential areas so my 92-year-old father-in-law can walk across the street and visit my wife and me.

Roll call on Senate Bill No. 179:

YEAS—21.

NAYS—None.

Senate Bill No. 179 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 181.

Bill read third time.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Senate Bill No. 181 expands the availability of special group fishing permits to include nonprofit organizations that will use such permits for the benefit of adults with disabilities. The bill allows the Director of the Nevada Department of Wildlife to expedite an application for, and the approval of, the issuance of special fishing permits if it is determined that special circumstances exist requiring such an expedited process. The measure clarifies the prohibition that no person, other than a holder of a special fishing permit, may engage in fishing using the permit.

Specifically, Senate Bill No. 181 states that a special fishing permit holder who is supervised by and in the company of an officer or employee of the nonprofit organization holding the permit may fish using the permit. In addition, at least one such officer or employee of the organization must be in possession of a valid Nevada fishing license and be present with the persons who are using the special fishing permit.

Roll call on Senate Bill No. 181:

YEAS—21.

NAYS—None.

Senate Bill No. 181 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 183.

Bill read third time.

Remarks by Senators Jones and Settelmeyer.

SENATOR JONES:

Thank you, Mr. President. With the proliferation of electronic devices, our landfills are the dumping grounds for cell phones, plasma televisions and computers that are not biodegradable. Senate Bill No. 183 establishes a statewide program for electronics recycling. Manufacturers of specified electronic devices would be required to submit an annual registration fee and report on the company's recycling of devices to the Nevada Department of Environmental Protection. The modest fees paid by the manufacturers would be used to further the recycling programs of the Nevada Department of Environmental Protection, and specifically to fund grants to communities where voluntary recycling is not available.

This is bipartisan legislation that received bipartisan support in Committee. E-waste recycling legislation has been adopted in 24 states, with the support of bipartisan legislatures and Republican governors in states including: Minnesota, Texas, Missouri, Indiana, Oklahoma, South Carolina and most recently, our neighbors to the east in Utah.

I have worked hard with those who initially expressed concerns about this bill and have resolved the concerns of retailers and many of the manufacturers. This is the right step forward for conservation in our State. I urge your support of Senate Bill No. 183.

SENATOR SETTELMEYER:

Thank you, Mr. President. I agree that a lot of work has been done on Senate Bill No. 183. However, one of the issues is this bill is somewhat based on a study done by this Legislature that determined the voluntary system that we currently have is working, and there are no reasons to come forward with new legislation on electronics recycling. The study was done in 2009.

I have taken numerous televisions to Best Buy, and they are very willing to accept them for recycling. During testimony, it was indicated that the biggest issue we have is individuals do not understand they should not throw their smart phones and iPads in the trash. We need to educate consumers rather than go after businesses and punishing them with fees. The general public needs education about electronic device disposal. I urge your opposition.

Roll call on Senate Bill No. 183:

YEAS—13.

NAYS—Brower, Cegavske, Gustavson, Hammond, Hardy, Kieckhefer, Roberson, Settelmeyer—8.

Senate Bill No. 183 having failed to receive a two-thirds majority, Mr. President declared it lost.

Senate Bill No. 210.

Bill read third time.

Remarks by Senators Cegavske and Gustavson.

SENATOR CEGAVSKE:

Thank you, Mr. President. Senate Bill No. 210 directs the Nevada Transportation Authority to issue permits to drivers operating in industries under its authority. Provisions of the bill require a driver to submit fingerprints for the purpose of a criminal background check. To qualify for the permit, a driver is required to hold a valid commercial driver's license and provide proof of employment or a letter of intent by a certificated carrier. Additional provisions authorize the Nevada Transportation Authority to refuse a driver's permit if the applicant has been convicted

of a felony in the previous five years, or a felony involving a sexual offense at any time before the date of the application. The Nevada Transportation Authority may also deny an application if a driver has been convicted of driving under the influence in the immediate three-year period. Finally, the Nevada Transportation Authority will establish a fingerprint processing fee, which is to be paid by the applicant. This bill is effective upon passage and approval for the purposes of adopting regulations or performing other preparatory administrative tasks, and on January 1, 2014, for all other purposes. I urge your support.

SENATOR GUSTAVSON:

Thank you, Mr. President. I rise in opposition to Senate Bill No. 210. Although I agree with the majority of this bill, including the provision that drivers should have background checks, I want to state that most drivers make very little money. They work hard and for long hours. I hate to see them pay an additional fee for this permit out of their modest wages. We all pay for background checks for employment purposes, and I support drivers paying that fee like the rest of us. However, I object to the additional fees on drivers proposed by Senate Bill No. 210.

Roll call on Senate Bill No. 210:

YEAS—20.

NAYS—Gustavson.

Senate Bill No. 210 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 213.

Bill read third time.

Remarks by Senators Parks, Cegavske, Settelmeyer, Ford, Smith, Goicoechea and Hardy.

SENATOR PARKS:

Thank you, Mr. President. Senate Bill No. 213 requires each trap, snare or similar device used in the taking of wild animals to be registered with and bear a number assigned by the Nevada Department of Wildlife. Traps sold after July 31, 2013, must not bear the seller's trap registration number, unless the trap was permanently marked prior to that date. The bill specifies that any trap registration information maintained by Nevada Department of Wildlife is deemed confidential unless required to be disclosed by law or a court order.

The bill provides that a person who intentionally steals one or more traps or who knowingly buys, receives, or possesses stolen traps with a total value of less than $650 is guilty of a gross misdemeanor. Stolen traps must be reported by the owner to Nevada Department of Wildlife as soon as possible. Senate Bill No. 213 also makes an exception to the unlawful removal of a trap, snare, or similar device if the device creates an immediate and obvious risk of injury or death to any person, pet or service animal. Finally, the measure deletes from Nevada law the minimum nonlethal trap visitation time of once every 96 hours and instead requires the Board of Wildlife Commissioners to set the visitation times by regulation. The regulations must require the visitation of certain traps at least once every 96 hours. When setting these trap visitation requirements, the Board of Wildlife Commissioners must consider the proximity of the trap to populated or heavily used areas.

SENATOR CEGAVSKE:

Thank you, Mr. President. To my colleague from Senate District No. 7, I was looking through the bill and realized that there was a hefty fiscal note on it: more than $2 million for the cost of implementation and an estimated 28 additional field specialists to carry out the provisions in this bill. Is that accurate?

SENATOR PARKS:

Thank you, Mr. President. To my colleague in Senate District No. 8, I am unaware that an additional fiscal note was placed on the bill, but I will yield to a member of the Senate Committee on Natural Resources.

SENATOR SETTELMEYER:

Thank you, Mr. President. I believe that fiscal note was in reference to the original bill, which would have mandated the reduction of the trap visitation time. I believe the amendment waived the fiscal note or the vast majority of the fiscal note.

This is compromise legislation, allowing more flexibility than the original bill. It is important for this Body to remember, that what may be good in rural areas may not necessarily be good in densely populated areas. I support Senate Bill No. 213, but as it is a compromise, I am not completely comfortable with it. I do not believe the existing fiscal note is that high. I believe the amendment cured the fiscal note as referenced by my colleague from Senate District No. 8.

SENATOR FORD:

Thank you, Mr. President. My colleague from Senate District No. 17 indicated that this bill is an example of the Senate Committee on Natural Resources working hard to come up with good compromise legislation. I do not know what the current fiscal note is, but it is less than what it started at, as provisions related to the flagging of traps and 24-hour visitation to traps have been removed. This bill passed unanimously in Committee as amended.

SENATOR CEGAVSKE:

Thank you, Mr. President. I hear from my colleagues that Senate Bill No. 213 has been amended. However, I do not see an amended fiscal note. I would like to have clarification on this fiscal impact of this bill before we vote on it. The original bill's fiscal note is steep.

SENATOR SMITH:

Thank you, Mr. President. Fiscal notes are not amended and republished when a bill is amended. Our fiscal staff reviews amendments to bills to assess the bills for fiscal impacts and will recommend referral to the Senate Committee on Finance as needed. I trust that the fiscal staff has done so with Senate Bill No. 213. My colleagues will not see a newly published fiscal note after an initial one is placed on a bill.

SENATOR PARKS:

Thank you, Mr. President. I notice that the fiscal note on Senate Bill No. 213 is suspicious because (1) it is submitted by the State Department of Agriculture, and 2) the date of the fiscal note is confusing because the hearing on the bill was more than two weeks prior to the receipt of the fiscal note.

SENATOR GOICOECHEA:

Thank you, Mr. President. The State Department of Agriculture's fiscal note would have been applicable in the original bill. However, in removing the exemption for animal damage control, the fiscal note reflected the State Department of Agriculture having to do an 24-hour trap check. In the amended version of the bill, the exemption was added back, changing the fiscal note.

SENATOR HARDY:

Thank you, Mr. President. I would like to know if the Assistant Majority Leader is going to be re-referring this bill to the Senate Committee on Finance?

SENATOR SMITH:

No.

Roll call on Senate Bill No. 213:

YEAS—21.

NAYS—None.

Senate Bill No. 213 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 230.

Bill read third time.

Remarks by Senator Parks.

Thank you, Mr. President. Senate Bill No. 230 requires the Administrator of the State Public Works Division of the Department of Administration to authorize the construction or installation of a memorial located on the Capitol Complex that is dedicated to Nevada's fallen soldiers. The bill requires the American Legion Department of Nevada, or its successor organization, to submit a design for the memorial to the Administrator for approval. The Nevada Veterans Services Commission shall determine the criteria for the placement of names on the memorial. Finally, Senate Bill No. 230 authorizes the Administrator to accept any gift, grant or donation from any source for the maintenance of the memorial and prohibits the use of any public money for its design, construction or installation. The bill is effective upon passage and approval.

Roll call on Senate Bill No. 230:

YEAS—21.

NAYS—None.

Senate Bill No. 230 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Denis moved that the Senate recess until 2:00 p.m.

Motion carried.

Senate in recess at 1:29 p.m.

SENATE IN SESSION

At 2:25 p.m.

President Krolicki presiding.

Quorum present.

Senate Bill No. 250.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Senate Bill No. 250 provides for the creation by a local government, without an election, of a local improvement district that includes an energy efficiency improvement project or a renewable energy project. The local government must meet several requirements prior to creating the district, which include among others, the adoption of a procedure for the creation and administration of the district for the purposes of financing one or more energy efficiency improvement or renewable energy projects.

Senate Bill No. 250 also requires the written consent of each landowner of a tract within the district, where a project is to be located, that must include information on the benefits the tract owner will receive from the project, as well as other contractual information regarding the builder or builders of the project, a refundable deposit on the project and other related information. Construction must be completed through independent contracts with contractors licensed in Nevada. It does not use taxpayer dollars.

Roll call on Senate Bill No. 250:
YEAS—21.
NAYS—None.

Senate Bill No. 250 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 301.
Bill read third time.
Remarks by Senator Smith.

Thank you, Mr. President. I rise in support of Senate Bill No. 301 which makes various changes to clarify the duties of a county treasurer and of an assignee to be consistent with the assignment of a tax lien. This bill provides that a property owner may work with a third party to assign a tax lien and let that third party pay their property tax lien. The positive thing accomplished by this bill is it removes the current provision, where a third party can do this without the consent of the current property owner.

Roll call on Senate Bill No. 301:
YEAS—21.
NAYS—None.

Senate Bill No. 301 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 311.
Bill read third time.
Remarks by Senators Ford, Woodhouse and Denis.

SENATOR FORD:

Thank you, Mr. President. Senate Bill No. 311 is a parent responsibility-and-involvement bill that requires school districts to identify schools rated as underperforming that are eligible for conversion into empowerment schools. Underperforming empowerment schools may later be converted into charter schools. The measure defines an "underperforming school" as one that has been rated as underperforming by the State Department of Education under its accountability provisions.

Parents or legal guardians of pupils at an underperforming school must petition the school board to form an advisory team to review achievement data and other factors and make recommendations to improve parent engagement and pupil achievement. Following that process, the measure provides that schools may be converted into an empowerment school if 55 percent or more of the parents or guardians of pupils enrolled in the school submit a petition for conversion. Once the petition is determined to be sufficient, the board is required to adopt a resolution approving the petition in a public hearing and the process of conversion must begin immediately. The bill specifies requirements for determining the sufficiency of the petition, notification requirements for the various parties and implementation deadlines. Additionally, parents and guardians are authorized to petition for a reversal of that conversion using the same signature threshold and process requirements set forth for the original petition to convert.

Should parents later wish to convert an empowerment school into a charter school, the same petition, notification and procedural requirements apply. The school's charter may be revoked by its sponsor if it continues to be rated as underperforming for three consecutive years following its conversion. Such schools would become public schools the year following revocation. The bill is effective upon passage and approval for the purpose of adopting regulations and for other preparatory tasks, and on July 1, 2013, for all other purposes. I urge your support.

SENATOR WOODHOUSE:

Thank you, Mr. President. I would like to extend my deepest appreciation to the Vice Chair of the Senate Committee on Education for pulling together the many teachers' associations, school districts and parent-teacher associations and putting together a bill that required a lot of time. There was a lot of hard work by the Vice Chair that the Committee was interested in seeing and that information was used to guide the Committee vote on Senate Bill No. 311. I really appreciate my colleague's work on this issue, and I urge your support.

SENATOR DENIS:

Thank you, Mr. President. I too, rise in support of Senate Bill No. 311. I also appreciate the hard work of my colleague from Senate District No. 11. Anytime we talk about parental involvement in the process of educating our children, it is important. Senate Bill No. 311 allows for that. I look forward to seeing the positive things that will happen for kids through this piece of legislation.

Roll call on Senate Bill No. 311:

YEAS—21.

NAYS—None.

Senate Bill No. 311 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 319.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Senate Bill No. 319 authorizes a physician to substitute not more than two hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics. The State Board of Osteopathic Medicine is required to have its licensees, as part of the continuing education requirements, approved by the Board, complete at least two hours of credit in pain management and addiction care biennially.

Senate Bill No. 319 authorizes a qualified professional who is licensed in another state or territory of the United States as a clinical professional counselor, marriage and family therapist, alcohol and drug abuse counselor or problem gambling counselor to apply for and receive a license or certificate by endorsement. If the applicant is an active member or veteran of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States, the applicant is entitled to a 50 percent reduction in the fee for licensure by endorsement and issuance of the license or certificate.

Roll call on Senate Bill No. 319:

YEAS—21.

NAYS—None.

Senate Bill No. 319 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 324.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Senate Bill No. 324 authorizes a qualified health care professional, who holds a license in another state or territory of the United States and who is an active member or veteran of, a spouse of an active member or veteran of, or the surviving spouse of a veteran of the Armed Forces of the United States, to apply for a license by endorsement to

practice in Nevada. A person who receives a license by endorsement is entitled to a 50 percent reduction in the fee for the initial issuance of a license or an examination as a prerequisite to licensure. The measure also authorizes certain qualified health care professionals to enter into a reciprocal agreement with the corresponding regulatory authority in another state or territory of the United States for the purposes of authorizing a licensee to practice concurrently in Nevada and another jurisdiction.

Senate Bill No. 324 authorizes a medical facility to employ or contract with a physician to provide health care to a patient. A medical facility, other than a hospital, must have: credentialing and privileging standards and a process for peer review; and a physician or committee of physicians oversees those standards and the process for peer review.

Roll call on Senate Bill No. 324:

YEAS—21.

NAYS—None.

Senate Bill No. 324 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 346.

Bill read third time.

Remarks by Senator Brower.

Thank you, Mr. President. Senate Bill No. 346 requires the Nevada Gaming Commission to adopt regulations governing the acceptance of race book or sports pool wagers made by certain entities. An entity is defined as one that is validly formed and existing under the laws of Nevada for the limited purpose of placing race book and sports pool wagers, provided that all members, partners, shareholders, investors and customers of the entity are reported to the State Gaming Control Board. This bill was passed unanimously out of the Senate Committee on Judiciary with the assistance of each and every member of that Committee participating in the compromise. I appreciate that and urge your "yes" vote.

Senator Jones declared a conflict of interest.

Roll call on Senate Bill No. 346:

YEAS—20.

NAYS—None.

NOT VOTING—Jones.

Senate Bill No. 346 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 352.

Bill read third time.

Remarks by Senator Hutchison.

Thank you, Mr. President. Senate Bill No. 352 removes the prohibition against any voting member of the Board of Directors of the Silver State Health Insurance Exchange being affiliated with a health insurer. I urge your support.

Roll call on Senate Bill No. 352:

YEAS—21.

NAYS—None.

Senate Bill No. 352 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 371.

Bill read third time.

Remarks by Senators Kieckhefer and Hardy.

SENATOR KIECKHEFER:

Thank you, Mr. President. Senate Bill No. 371 prohibits a person from intentionally feeding any big game mammal without written authorization from the Nevada Department of Wildlife. This prohibition does not apply to any employee or agent of the Department or the Animal and Plant Health Inspection Service of the United States Department of Agriculture. A person found guilty of intentionally feeding a big game mammal must be issued a written warning for a first offense, shall be punished by a fine of not more than $250 for a second offense and shall be punished by a fine of not more than $500 for a third offense.

Senate Bill No. 371 is an effort to ensure there is some public safety restraint when it comes to feeding animals, particularly bears in the Lake Tahoe Basin and other wildlife that comes close to populated areas; these situations can cause serious public safety risks.

SENATOR HARDY:

Thank you, Mr. President. I would like to compliment the sponsor of Senate Bill No. 371 for including the exception of the bighorn sheep in Boulder City. They come down to a park in Boulder City and eat the grass. Understand that the "person" as it is defined in statute, may not be an individual person but an entity. I appreciate the opportunity to allow the bighorn sheep to continue to visit the Boulder City park. I admire the sponsor for the way he crafted the bill.

Roll call on Senate Bill No. 371:

YEAS—21.

NAYS—None.

Senate Bill No. 371 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 383.

Bill read third time.

Remarks by Senator Hutchison.

Thank you, Mr. President. Senate Bill No. 383 revises provisions governing time shares. The measure requires a developer of a time share to submit a sample public offering statement with the Real Estate Division of the Department of Business and Industry as part of the application process. The measure includes certain disclosures and information that is required to be included in the sample public offering statement. The measure also outlines the procedures to follow if the sample public offering statement is found to be deficient, including authorizing the Division to reject the developer's application if the cited deficiencies are not corrected within 30 days after receiving the notice of deficiencies. The measure also provides that before a contract for a time share is signed by the parties, the developer must provide a copy of the approved public offering statement to the purchaser and sales and marketing entity.

Senate Bill No. 383 permits the Administrator of the Real Estate Division 60 days to issue an order after receiving an application for a permit to sell a time-share plan with one component site or 120 days if it contains more than one component site. In addition, the measure requires the Division to renew a permit to sell a time share within 30 days after receiving evidence that any deficiencies in the renewal application have been cured.

Finally, Senate Bill No. 383 provides that for time-share plans located outside the State of Nevada, the public offering statement or public report must provide information that is

substantially equivalent or greater than the information required for time-share plans located in Nevada. The measure also provides the information that must be submitted by an out-of-state developer if filing an abbreviated registration application. This bill came out of the Senate Committee on Judiciary with unanimous support. I urge your support.

Roll call on Senate Bill No. 383:

YEAS—21.

NAYS—None.

Senate Bill No. 383 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 384.

Bill read third time.

Remarks by Senator Hammond.

Thank you, Mr. President. Senate Bill No. 384 enacts the Charter School Financing Law, and authorizes the Director of the Department of Business and Industry to issue tax-exempt bonds and other obligations to fund the buildings and facilities necessary to operate a charter school. A charter school is thereby authorized to borrow money and encumber its property and assets, and to use public money to purchase property with the approval of its sponsor. This measure also revises the provisions governing the closure of a charter school and includes important provisions related to: (1) notice of the closure; (2) the development of a plan for closure, including the maintenance of insurance coverage and an office with regular hours of operation; (3) measures to protect the school's assets, including a final audit; and (4) steps that ensure the proper conclusion of the charter school's financial affairs. Finally, a charter school is authorized to incorporate as a nonprofit corporation. The bill is effective on July 1, 2013. This bill passed unanimously out of the Senate Committee on Education. I urge your support.

Roll call on Senate Bill No. 384:

YEAS—21.

NAYS—None.

Senate Bill No. 384 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 389.

Bill read third time.

Remarks by Senators Segerblom and Hutchison.

SENATOR SEGERBLOM:

Thank you, Mr. President. Senate Bill No. 389 addresses an issue that comes up during mortgage proceedings. Often there are questions around whether a mortgage company has title to the property. When that inquiry is made, the question is often ignored by the mortgage company. Senate Bill No. 389 requires a written request to see proof that a mortgage company holds the title to a property. They have 60 days to respond. If they fail to respond in the required time period, the Division of Mortgage Lending is notified and they can take appropriate sanctions.

SENATOR HUTCHISON:

Thank you, Mr. President. I rise in support of Senate Bill No. 389. I want to thank my colleague from Senate District No. 4 for working on this matter and for helping to craft a compromise. There were originally much harsher penalties affixed to the failure of banks and other financial institutions to provide the documents and records required under the bill.

My colleague worked with the Committee and fashioned a remedy that allows the regulators to deal with this issue. I thank him for his efforts.

Roll call on Senate Bill No. 389:
YEAS—21.
NAYS—None.

Senate Bill No. 389 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 392.
Bill read third time.
Remarks by Senator Segerblom.
Thank you, Mr. President. Senate Bill No. 392 directs the Legislative Committee on Education to study matters related to gifts and bequests of money and property to the State Board of Education and to school district boards of trustees. The study is designed to look at situations where a private party contributes to a school district and with that contribution, a certain person is employed; the person is not actually employed by the school district but would be working at the site and supervising employees. This needs to be investigated.

Roll call on Senate Bill No. 392:
YEAS—21.
NAYS—None.

Senate Bill No. 392 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 399.
Bill read third time.
Remarks by Senator Kihuen.
Thank you, Mr. President. I rise in support of Senate Bill No. 399 which revises the definition of "biodiesel" to clarify that certain fuels derived from renewable resources that are suitable for use in a diesel engine are to be considered a biodiesel fuel. The measure clarifies that it is a misdemeanor for any person to sell, offer for sale, deliver, or permit to be sold or offered for sale any biodiesel unless it conforms to American Society for Testing and Materials International Standards relating to biodiesel fuel. Finally, the bill clarifies that diesel, biodiesel and biodiesel blend fuels are taxed at the same rate of 27 cents per gallon as other special fuels.

Roll call on Senate Bill No. 399:
YEAS—21.
NAYS—None.

Senate Bill No. 399 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 418.
Bill read third time.
Remarks by Senators Segerblom and Kieckhefer.

SENATOR SEGERBLOM:
Thank you, Mr. President. Senate Bill No. 418 allows for wagers on federal elections in

Nevada. In England, betting on elections is permitted. Hundreds of millions of dollars can be bet on elections. This bill allows sports books to do it if they choose. It is anticipated this will bring in a lot of revenue to the State. It will also bring enthusiasm and publicity to Nevada.

SENATOR KIECKHEFER:

Thank you, Mr. President. To the bill sponsor: is there anything that would prohibit an individual from making significant contributions to an election and then making a wager on that same election?

SENATOR SEGERBLOM:

Thank you, Mr. President. The Nevada Gaming Control Board will develop the regulations around election wagers so I cannot answer that question at this time.

Roll call on Senate Bill No. 418:

YEAS—14.

NAYS—Atkinson, Brower, Cegavske, Gustavson, Hammond, Kieckhefer, Settelmeyer—7.

Senate Bill No. 418 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 420.

Bill read third time.

Remarks by Senator Ford.

Thank you, Mr. President. Senate Bill No. 420 authorizes a prosecuting attorney or an attorney for a defendant to issue subpoenas for witnesses to appear before a court for a preliminary hearing. Any subpoena issued by an attorney for a defendant at a preliminary hearing must be calendared by filing a motion that includes a notice of hearing set in the matter for hearing not less than two full judicial days after the date on which the motion is filed. A prosecuting attorney may oppose a motion orally in open court. A subpoena that is properly calendared may be served on the witness unless the court quashes the subpoena. The measure provides that a peace officer may accept delivery of a subpoena in lieu of service via electronic means. A person who fails to obey a subpoena to appear for a preliminary hearing shall be deemed in contempt of court. Similar to current provisions providing that a person who fails to obey a subpoena of a court or prosecuting attorney is in contempt of court, Senate Bill No. 420 also provides that a person who fails to obey a subpoena of an attorney for a defendant is in contempt of court. This bill is effective on October 1, 2013. This is a piece of compromise legislation that has been accepted by the district attorneys and the police departments. I urge your support.

Roll call on Senate Bill No. 420:

YEAS—21.

NAYS—None.

Senate Bill No. 420 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 427.

Bill read third time.

Remarks by Senator Ford.

Thank you, Mr. President. Senate Bill No. 427 revises the definition of bullying and cyber-bullying to include harassment and intimidation, and it removes the separate references to harassment and intimidation throughout the statutes concerning a safe-and-respectful learning environment in public schools. The bill also requires a court to inform school districts

if the court determines a child enrolled in the district has engaged in bullying or cyber-bullying. Finally, the measure prohibits a member of a club or organization that uses school facilities from engaging in bullying and cyber-bullying on school premises. The bill is effective on July 1, 2013.

Roll call on Senate Bill No. 427:
YEAS—21.
NAYS—None.

Senate Bill No. 427 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 433.

Bill read third time.

Remarks by Senator Ford.

Thank you, Mr. President. Senate Bill No. 433 requires the State Board of Agriculture to adopt regulations on or before January 1, 2014, requiring the placement of a label on any motor vehicle fuel pump that draws fuel containing manganese or any manganese compound, including methylcyclopentadienyl manganese tricarbonyl, also called "MMT." The bill also requires a person, other than a fuel retailer, who sells such fuel, to provide documentation to the purchaser stating that the fuel contains manganese or MMT and stating the volume of the compound. The bill is effective upon passage and approval for purposes of adopting the required regulations and on January 1, 2014, for all other purposes.

Roll call on Senate Bill No. 433:
YEAS—21.
NAYS—None.

Senate Bill No. 433 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Kieckhefer moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 3:12 p.m.

SENATE IN SESSION

At 3:17 p.m.

President Krolicki presiding.

Quorum present.

Senate Bill No. 72.

Bill read third time.

Remarks by Senators Manendo, Kihuen, Gustavson and Ford.

SENATOR MANENDO:

Thank you, Mr. President. Senate Bill No. 72 prohibits a person from intentionally engaging in horse tripping for sport, entertainment, competition or practice. In addition, a person shall not knowingly organize, sponsor, promote, oversee, or receive money for admission to a *charreada* or rodeo that includes horse tripping, unless the event is authorized by the local government

where the event is to be held. The measure defines horse tripping to include the roping of the legs of a horse or other equine animal to intentionally trip or intentionally cause the animal to fall. Horse tripping does not include tripping to provide medical or other health care for the animal or catching an animal by the front legs and then releasing it as part of an event authorized by the appropriate local government.

I want to thank the Chair of the Committee on Natural Resources, members of the Committee, the Hispanic Caucus, proponents for animal welfare groups and everybody who have worked so hard on this issue. There were collectively, on both sides of the issue, 45,000 emails and phone calls to members. You can see the importance of this piece of legislation that has gotten so much attention not only in Nevada and the United States, but around the world. I want to thank everybody in this Body for your support and Las Vegas Commissioner Chris Giunchigliani, who also worked extremely hard with both sides on this measure. I appreciate your support.

SENATOR KIHUEN:

Thank you, Mr. President. I rise in support of Senate Bill No. 72. I would like to commend my colleagues from Senate District No. 21 and Senate District No. 11 on working so diligently to elevate concerns that the Hispanic Caucus, my colleague from Senate District No. 2 and myself had regarding this issue. I know both of you have been working tirelessly since before the beginning of this Session on this measure. I want to say thank you for your tireless work, and I urge this body's support.

SENATOR GUSTAVSON:

Thank you, Mr. President. To my colleague from Senate District No. 21, I appreciate all the work that you have done on this bill, but I am confused with the area of the bill that states "unless it is allowed by local government where the horse tripping event is conducted." I thought we were trying to outlaw horse tripping? If we are trying to outlaw it why would local governments allow it? Is it being done in other counties? Is it legal there?

SENATOR MANENDO:

Thank you, Mr. President. We included the definition in the bill. Horse tripping means "the roping of the legs or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule or burro to fall." It is part of the definition that all ties in together.

SENATOR FORD:

Thank you, Mr. President. I want to rise in support of Senate Bill No. 72. Every member of the Senate Committee on Natural Resources had a hand in coming together with combined legislation. This was not only a Hispanic Caucus issue, it was also a rodeo, rancher and cowboy issue. We had great discussions throughout the hearings, right up to the first House committee passage deadline. I want to give accolades to those who were on the Committee. I urge this Body's support of this bill.

Roll call on Senate Bill No. 72:

YEAS—21.

NAYS—None.

Senate Bill No. 72 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 327.

Bill read third time.

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

Amendment No. 575

"SUMMARY—Revises provisions relating to health care professions. (BDR 54-772)"

"AN ACT relating to health care professions; revising provisions to authorize the performance of certain acts in this State by certain health care professionals without regard to whether the professionals are physically located in this State; requiring certain persons to maintain electronic mail addresses with the Board of Medical Examiners; revising provisions governing the issuance of certain licenses to certain graduates of foreign medical schools; requiring the Board to adopt certain regulations regarding physician assistants; authorizing the Board to make service of process by electronic mail under certain circumstances; revising provisions governing the practice of telemedicine by an osteopathic physician; prohibiting the State Board of Pharmacy from conditioning, limiting, restricting or denying the issuance of a certificate, license, registration, permit or authorization based on certain grounds; revising provisions relating to telepharmacies, remote sites and satellite consultation sites; revising provisions relating to the procedure for filling certain prescriptions; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of "practice of medicine" to include acts performed without regard to whether the practitioner is physically located in this State.

Existing law requires a person who is licensed under chapter 630 of NRS to maintain a permanent mailing address with the Board of Medical Examiners. (NRS 630.254) Section 2 of this bill requires a licensee who engages in the practice of medicine under certain circumstances to maintain an electronic mail address with the Board.

Existing law requires an inactive registrant to maintain a permanent mailing address with the Board. (NRS 630.255) Section 3 of this bill requires a licensee who has changed his or her practice of medicine from this State to another state or country, and any inactive registrant, to maintain an electronic mail address with the Board.

Existing law authorizes the issuance of a special purpose license to a physician who is licensed in another state. (NRS 630.261) Section 4 of this bill provides that a physician so licensed may perform specified acts without regard to whether the physician is located in this State. Section 4 further provides that such a physician must comply with all applicable requirements of Nevada statutes and regulations of the Board and is subject to the jurisdiction of the courts of this State to the extent that the exercise of jurisdiction is not inconsistent with constitutional limitations.

Section 5 of this bill revises the provisions authorizing the issuance of restricted licenses to certain graduates of a foreign medical school.

Section 6 of this bill revises provisions requiring the Board of Medical Examiners to adopt certain regulations regarding physician assistants.

Existing law requires service of process under chapter 630 of NRS to be made on a licensee personally, or by registered or certified mail. (NRS 630.344) Section 7 of this bill authorizes service of process by electronic mail under certain circumstances.

Existing law authorizes a registered nurse who is certified as an advanced practitioner of nursing to perform certain acts. (NRS 632.237) Sections 8 and 9 of this bill authorize an advanced practitioner of nursing to perform those acts by using certain technology, whether or not the advanced practitioner of nursing is located in this State.

Section 10 of this bill revises provisions governing the practice of telemedicine by an osteopathic physician. Section 10 also requires compliance with applicable provisions of Nevada statutes and regulations of the State Board of Osteopathic Medicine and provides for the exercise of jurisdiction over such osteopathic physicians by the courts of this State.

Section 11 of this bill revises the provisions authorizing the issuance of special licenses to certain graduates of a foreign medical school which teaches osteopathic medicine.

Section 12 of this bill revises provisions relating to the supervision of a physician assistant by a supervising osteopathic physician.

Section 17 of this bill prohibits the State Board of Pharmacy from conditioning, limiting, restricting or denying the issuance of a certificate, license, registration, permit or authorization based on certain grounds.

Sections 13-16 and 18 of this bill revise provisions relating to telepharmacies, remote sites and satellite consultation sites.

Section 19 of this bill revises provisions relating to the procedure for filling certain prescriptions.

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

Section 1. NRS 630.020 is hereby amended to read as follows:

630.020 "Practice of medicine" means:

1. To diagnose, treat, correct, prevent or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality, including, but not limited to, the performance of an autopsy.

2. To apply principles or techniques of medical science in the diagnosis or the prevention of any such conditions.

3. To perform any of the acts described in subsections 1 and 2 by using equipment that transfers information concerning the medical condition of the patient electronically, telephonically or by fiber optics [.] *from within or outside this State or the United States.*

4. To offer, undertake, attempt to do or hold oneself out as able to do any of the acts described in subsections 1 and 2.

Sec. 2. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee

must be sent. A licensee who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed $250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to subsection 10 of NRS 630.306.

2. Any licensee who changes the location of his or her office in this State shall notify the Board in writing of the change before practicing at the new location.

3. Any licensee who closes his or her office in this State shall:

(a) Notify the Board in writing of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter, unless a longer period of retention is provided by federal law, keep the Board apprised in writing of the location of the medical records of the licensee's patients.

4. In addition to the requirements of subsection 1, any licensee who performs any of the acts described in subsection 3 of NRS 630.020 from outside this State or the United States shall maintain an electronic mail address with the Board to which all communications from the Board to the licensee may be sent.

Sec. 3. NRS 630.255 is hereby amended to read as follows:

630.255 1. Any licensee who changes the location of his or her practice of medicine from this State to another state or country, has never engaged in the practice of medicine in this State after licensure or has ceased to engage in the practice of medicine in this State for 12 consecutive months may be placed on inactive status by order of the Board.

2. Each inactive registrant shall maintain a permanent mailing address with the Board to which all communications from the Board to the registrant must be sent. An inactive registrant who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If an inactive registrant fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board shall impose upon the registrant a fine not to exceed $250.

3. *In addition to the requirements of subsection 2, any licensee who changes the location of his or her practice of medicine from this State to another state or country and any inactive registrant shall maintain an electronic mail address with the Board to which all communications from the Board to him or her may be sent.*

4. Before resuming the practice of medicine in this State, the inactive registrant must:

(a) Notify the Board in writing of his or her intent to resume the practice of medicine in this State;

(b) File an affidavit with the Board describing the activities of the registrant during the period of inactive status;

(c) Complete the form for registration for active status;

(d) Pay the applicable fee for biennial registration; and

(e) Satisfy the Board of his or her competence to practice medicine.

~~[4.]~~ *5.* If the Board determines that the conduct or competence of the registrant during the period of inactive status would have warranted denial of an application for a license to practice medicine in this State, the Board may refuse to place the registrant on active status.

Sec. 4. NRS 630.261 is hereby amended to read as follows:

630.261 1. Except as otherwise provided in NRS 630.161, the Board may issue:

(a) A locum tenens license, to be effective not more than 3 months after issuance, to any physician who is licensed and in good standing in another state, who meets the requirements for licensure in this State and who is of good moral character and reputation. The purpose of this license is to enable an eligible physician to serve as a substitute for another physician who is licensed to practice medicine in this State and who is absent from his or her practice for reasons deemed sufficient by the Board. A license issued pursuant to the provisions of this paragraph is not renewable.

(b) A special license to a licensed physician of another state to come into this State to care for or assist in the treatment of his or her own patient in association with a physician licensed in this State. A special license issued pursuant to the provisions of this paragraph is limited to the care of a specific patient. The physician licensed in this State has the primary responsibility for the care of that patient.

(c) A restricted license for a specified period if the Board determines the applicant needs supervision or restriction.

(d) A temporary license for a specified period if the physician is licensed and in good standing in another state and meets the requirements for licensure in this State, and if the Board determines that it is necessary in order to provide medical services for a community without adequate medical care. A temporary license issued pursuant to the provisions of this paragraph is not renewable.

(e) A special purpose license to a physician who is licensed in another state to ~~[permit the use of]~~ *perform any of the acts described in subsections 1 and 2 of NRS 630.020 by using* equipment that transfers information concerning the medical condition of a patient in this State ~~[across state lines]~~ electronically, telephonically or by fiber optics ~~[.]~~ *from within or outside this State or the United States.* *A physician who holds a special purpose license issued pursuant to this paragraph:*

(1) Except as otherwise provided by specific statute or regulation, shall comply with the provisions of this chapter and the regulations of the Board; and

(2) To the extent not inconsistent with the Nevada Constitution or the United States Constitution, is subject to the jurisdiction of the courts of this State.

2. For the purpose of paragraph (e) of subsection 1, the physician must:

(a) Hold a full and unrestricted license to practice medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties or its successor.

3. Except as otherwise provided in this section, the Board may renew or modify any license issued pursuant to subsection 1.

Sec. 5. NRS 630.2645 is hereby amended to read as follows:

630.2645 1. Except as otherwise provided in NRS 630.161, the Board may issue a restricted license *to teach, research or practice medicine* to a person ~~[who:~~

~~(a) Is]~~ *if:*

(a) The person:

(1) Submits to the Board:

(I) Proof that the person is a graduate of a foreign medical school ~~[,~~

~~(b) Teaches,]~~ *, as provided in NRS 630.195;*

(II) Proof that the person teaches, researches or practices medicine outside the United States ~~[,~~

~~(c) Is a recognized medical expert; and~~

~~(d)]~~ *; and*

(III) Any other documentation or proof of qualifications required by the Board; and

(2) Intends to teach, research or practice ~~[clinical]~~ medicine at a *medical facility,* medical research facility or medical school in this State.

(b) Any other documentation or proof of qualifications required by the Board is authenticated in a manner approved by the Board.

2. A person who applies for a restricted license pursuant to this section is not required to take or pass a written examination concerning his or her qualifications to practice medicine . ~~[, but the person must satisfy the requirements for a restricted license set forth in regulations adopted by the Board.]~~

3. A person who holds a restricted license issued pursuant to this section may practice medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a restricted license issued pursuant to this section ceases to teach, research or practice ~~[clinical]~~ medicine in this State at the *medical facility,* medical research facility or medical school where the person is employed:

(a) The *medical facility,* medical research facility or medical school, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the restricted license expires automatically.

5. The Board may renew or modify a restricted license issued pursuant to this section, unless the restricted license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a restricted license to an applicant in accordance with any other provision of this chapter.

7. A restricted license to teach, research or practice medicine may be issued, renewed or modified at a meeting of the Board or between its meetings by the President and the Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 6. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. The tests or examinations of applicants by the Board.
5. The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians and optometrists under chapters 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.
6. The duration, renewal and termination of licenses.
7. The grounds and procedures respecting disciplinary actions against physician assistants.
8. The supervision of medical services of a physician assistant by a supervising physician ~~[.]~~ *, including, without limitation, supervision that is performed electronically, telephonically or by fiber optics from within or outside this State or the United States.*

9. A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.

Sec. 7. NRS 630.344 is hereby amended to read as follows:

630.344 1. ~~[Service]~~ *Except as otherwise provided in subsection 2, service* of process under this chapter must be made on a licensee personally, or by registered or certified mail with return receipt requested addressed to the licensee at his or her last known address. If personal service cannot be made and if notice by mail is returned undelivered, the Secretary-Treasurer of the Board shall cause notice to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the licensee or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.

2. *In lieu of the methods of service of process set forth in subsection 1, service of process under this chapter may be made by electronic mail on a licensee who engages in the practice of medicine as described in subsection 3 of NRS 630.020.*

3. Proof of service of process or publication of notice made under this chapter must be filed with the Board and recorded in the minutes of the Board.

Sec. 8. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who has completed an educational program designed to prepare a registered nurse to:

(a) Perform designated acts of medical diagnosis;

(b) Prescribe therapeutic or corrective measures; and

(c) Prescribe controlled substances, poisons, dangerous drugs and devices,

➥ and who meets the other requirements established by the Board for such certification.

2. An advanced practitioner of nursing may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices,

➥ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.

3. *An advanced practitioner of nursing may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.*

4. The Board shall adopt regulations:

(a) Specifying the training, education and experience necessary for certification as an advanced practitioner of nursing.

(b) Delineating the authorized scope of practice of an advanced practitioner of nursing.

(c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

Sec. 9. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who:

(a) Has completed an educational program designed to prepare a registered nurse to:

(1) Perform designated acts of medical diagnosis;

(2) Prescribe therapeutic or corrective measures; and

(3) Prescribe controlled substances, poisons, dangerous drugs and devices;

(b) Except as otherwise provided in subsection ~~[4,]~~ *5,* submits proof that he or she is certified as an advanced practitioner of nursing by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

(c) Meets any other requirements established by the Board for such certification.

2. An advanced practitioner of nursing may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices,

➥ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.

3. *An advanced practitioner of nursing may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.*

4. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for certification as an advanced practitioner of nursing.

(b) Delineating the authorized scope of practice of an advanced practitioner of nursing.

(c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

~~[4.]~~ *5.* The provisions of paragraph (b) of subsection 1 do not apply to an advanced practitioner of nursing who obtains a certificate of recognition before July 1, 2014.

Sec. 10. NRS 633.165 is hereby amended to read as follows:

633.165 1. An osteopathic physician may engage in telemedicine ~~[in]~~ *from within or outside* this State *or the United States* if he or she possesses an unrestricted license to practice osteopathic medicine in this State pursuant to this chapter. *An osteopathic physician who engages in telemedicine:*

(a) Except as otherwise provided by specific statute or regulation, shall comply with the provisions of this chapter and the regulations of the Board; and

(b) To the extent not inconsistent with the Nevada Constitution or the United States Constitution, is subject to the jurisdiction of the courts of this State.

2. If an osteopathic physician engages in telemedicine with a patient who is physically located in another state or territory of the United States, the osteopathic physician shall, before engaging in telemedicine with the patient, take any steps necessary to be authorized or licensed to practice osteopathic

medicine in the other state or territory of the United States in which the patient is physically located.

~~[2.]~~ *3.* Except as otherwise provided in subsections ~~[3]~~ *4* and ~~[4,]~~ *5,* before an osteopathic physician may engage in telemedicine pursuant to this section:

(a) A bona fide relationship between the osteopathic physician and the patient must exist which must include, without limitation, a history and ~~[physical]~~ *an* examination or consultation which occurred in person *or through the use of telemedicine* and which was sufficient to establish a diagnosis and identify any underlying medical conditions of the patient.

(b) The osteopathic physician must obtain informed ~~[, written]~~ consent from the patient or the legal representative of the patient to engage in telemedicine with the patient. The osteopathic physician shall ~~[maintain]~~ *document* the consent ~~[form]~~ as part of the permanent medical record of the patient.

(c) The osteopathic physician must inform the patient *:* ~~[, both orally and in writing:]~~

(1) That the patient or the legal representative of the patient may withdraw the consent provided pursuant to paragraph (b) at any time;

(2) Of the potential risks, consequences and benefits of telemedicine;

(3) Whether the osteopathic physician has a financial interest in the Internet website used to engage in telemedicine or in the products or services provided to the patient via telemedicine; *and*

(4) That the transmission of any confidential medical information while engaged in telemedicine is subject to all applicable federal and state laws with respect to the protection of and access to confidential medical information . ~~[; and~~

~~(5) That the osteopathic physician will not release any confidential medical information without the express, written consent of the patient or the legal representative of the patient.]~~

~~[3.]~~ *4.* An osteopathic physician is not required to comply with the provisions of paragraph (a) of subsection ~~[2]~~ *3* if the osteopathic physician engages in telemedicine for the purposes of making a diagnostic interpretation of a medical examination, study or test of the patient.

~~[4.]~~ *5.* An osteopathic physician is not required to comply with the provisions of paragraph (a) or (c) of subsection ~~[2]~~ *3* in an emergency medical situation.

~~[5.]~~ *6.* The provisions of this section must not be interpreted or construed to:

(a) Modify, expand or alter the scope of practice of an osteopathic physician pursuant to this chapter; or

(b) Authorize the practice of osteopathic medicine or delivery of care by an osteopathic physician in a setting that is not authorized by law or in a manner that violates the standard of care required of an osteopathic physician pursuant to this chapter.

~~[6.]~~ *7.* As used in this section, "telemedicine" means the practice of osteopathic medicine ~~[through the synchronous or asynchronous transfer of medical data or information using interactive audio, video or data communication, other than through a standard telephone, facsimile transmission or electronic mail message.]~~ *by using equipment that transfers information concerning the medical condition of a patient electronically, telephonically or by fiber optics.*

Sec. 11. NRS 633.415 is hereby amended to read as follows:

633.415 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license *to teach, research or practice osteopathic medicine* to a person ~~[who:~~

~~(a) Is]~~ *if:*

(a) The person:

(1) Submits to the Board:

(I) Proof that the person is a graduate of a foreign school which teaches osteopathic medicine;

~~[(b) Teaches,]~~

(II) Proof that the person teaches, researches or practices osteopathic medicine outside the United States;

~~[(c) Is a recognized expert in osteopathic medicine;]~~ and

~~[(d)]~~ *(III) Any other documentation or proof of qualifications required by the Board; and*

(2) Intends to teach, research or practice ~~[clinical]~~ osteopathic medicine at a *medical facility,* medical research facility or school of osteopathic medicine in this State.

(b) Any other documentation or proof of qualifications required by the Board is authenticated in a manner approved by the Board.

2. A person who applies for a special license *pursuant to this section* is not required to take or pass a written examination concerning his or her qualifications to practice osteopathic medicine . ~~[, but the person must satisfy the requirements for a special license set forth in regulations adopted by the Board.]~~

3. A person who holds a special license issued pursuant to this section may practice osteopathic medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a special license issued pursuant to this section ceases to teach, research or practice ~~[clinical]~~ osteopathic medicine in this State at the *medical facility,* medical research facility or school of osteopathic medicine where the person is employed:

(a) The *medical facility,* medical research facility or school of osteopathic medicine, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the special license expires automatically.

5. The Board may renew or modify a special license issued pursuant to this section, unless the special license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a special license to an applicant in accordance with any other provision of this chapter.

7. A special license to teach, research or practice osteopathic medicine may be issued, renewed or modified at a meeting of the Board or between its meetings by the President and the Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 12. NRS 633.469 is hereby amended to read as follows:

633.469 1. A supervising osteopathic physician shall provide supervision to his or her physician assistant continuously whenever the physician assistant is performing his or her professional duties.

2. Except as otherwise provided in subsection 3, a supervising osteopathic physician may provide supervision to his or her physician assistant in person ~~[or by telecommunication.]~~ *, electronically, telephonically or by fiber optics.* When providing supervision ~~[by telecommunication,]~~ *electronically, telephonically or by fiber optics,* a supervising osteopathic physician may be at a different site than the physician assistant ~~[.]~~ *, including a site located within or outside this State or the United States.*

3. A supervising osteopathic physician shall provide supervision to his or her physician assistant in person at all times during the first 30 days that the supervising osteopathic physician supervises the physician assistant. ~~[After the first 30 days, the supervising osteopathic physician shall not regularly maintain the physician assistant at a different site than the supervising osteopathic physician.]~~ The provisions of this subsection do not apply to a federally qualified health center.

4. Before beginning to supervise a physician assistant, a supervising osteopathic physician must communicate to the physician assistant:

(a) The scope of practice of the physician assistant;

(b) The access to the supervising osteopathic physician that the physician assistant will have; and

(c) Any processes for evaluation that the supervising osteopathic physician will use to evaluate the physician assistant.

5. A supervising osteopathic physician shall not delegate to his or her physician assistant, and the physician assistant shall not accept, a task that is beyond the physician assistant's capability to complete safely.

6. As used in this section, "federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

Sec. 13. NRS 639.0151 is hereby amended to read as follows:

639.0151 "Remote site" means:

1. A pharmacy staffed by a pharmaceutical technician and equipped to facilitate communicative access to a pharmacy and its registered pharmacists; or

2. An office [:

(a) Of] *of* a dispensing practitioner [who is employed by a nonprofit entity] that is [designated as a federally qualified health center; and

(b) That is:

(1) Staffed] *staffed* by a dispensing technician [;] and

[(2) Equipped] *equipped* to facilitate communicative access to the dispensing practitioner,

➥ [via computer link, video link and audio link] *electronically, telephonically or by fiber optics* during regular business hours [.] *from within or outside this State or the United States.*

Sec. 14. NRS 639.0153 is hereby amended to read as follows:

639.0153 "Satellite consultation site" means a site that only dispenses filled prescriptions which are delivered to that site after the prescriptions are prepared:

1. At a pharmacy where a registered pharmacist provides consultation to patients [via computer link, video link and audio link during regular business hours;] *;* or

2. At an office [:

(a) Of] *of* a dispensing practitioner [who is employed by a nonprofit entity that is designated as a federally qualified health center; and

(b) Where] *where* the dispensing practitioner provides consultation to patients [via computer link, video link and audio link] ,

➥ *electronically, telephonically or by fiber optics* during regular business hours [.] *from within or outside this State or the United States.*

Sec. 15. NRS 639.0154 is hereby amended to read as follows:

639.0154 "Telepharmacy" means:

1. A pharmacy; or

2. An office of a dispensing practitioner *,* [who is employed by a nonprofit entity that is designated as a federally qualified health center,]

➥ that is accessible by a remote site or a satellite consultation site [via computer link, video link and audio link.] *electronically, telephonically or by fiber optics from within or outside this State or the United States.*

Sec. 16. NRS 639.0727 is hereby amended to read as follows:

639.0727 The Board shall adopt regulations:

1. As are necessary for the safe and efficient operation of remote sites, satellite consultation sites and telepharmacies; [and]

2. To define the terms "dispensing practitioner" and "dispensing technician," to provide for the registration and discipline of dispensing practitioners and dispensing technicians, and to set forth the qualifications, powers and duties of dispensing practitioners and dispensing technicians [.] *;*

3. To authorize registered pharmacists to engage in the practice of pharmacy electronically, telephonically or by fiber optics from within this State; and

4. To authorize prescriptions to be filled and dispensed to patients as prescribed by practitioners electronically, telephonically or by fiber optics from within or outside this State or the United States.

Sec. 17. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

(b) Complies with the regulations adopted by the Board.

2. Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

3. Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

4. Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

5. The Board shall not condition, limit, restrict or otherwise deny to a prescribing practitioner the issuance of a certificate, license, registration, permit or authorization to prescribe controlled substances or dangerous drugs because the practitioner is located outside this State.

Sec. 18. NRS 639.23277 is hereby amended to read as follows:

639.23277 1. In addition to the requirements set forth in this chapter and any other specific statute, a remote site or satellite consultation site must be located:

(a) At least 50 miles or more from the nearest pharmacy; and

(b) In a service area with a total population of less than 2,000.

2. A remote site or satellite consultation site may be operated by:

(a) A pharmaceutical technician without the physical presence of a managing pharmacist, except that the managing pharmacist of the telepharmacy shall also be deemed the managing pharmacist of the remote site or satellite consultation site; or

(b) A dispensing technician without the physical presence of a dispensing practitioner , ~~[who is employed by a nonprofit entity that is designated as a federally qualified health center,]~~ except that the dispensing practitioner *of the telepharmacy* shall also be deemed the managing pharmacist of the remote site or satellite consultation site.

3. The Board shall adopt regulations for the purposes of this section, which establish the manner of determining a "service area." Such a "service area" must be a geographical area of between 5 and 10 miles in radius. In adopting the regulations, the Board may consider, without limitation, the ease or difficulty of access to the nearest pharmacy and the availability of roadways.

Sec. 19. NRS 639.235 is hereby amended to read as follows:

639.235 1. No person other than a practitioner holding a license to practice his or her profession in this State may prescribe or write a prescription, except that a prescription written by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, shall be deemed to be a legal prescription unless the person prescribed or wrote the prescription in violation of the provisions of NRS 453.3611 to 453.3648, inclusive.

2. If a prescription that is prescribed by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, calls for a controlled substance listed in:

(a) Schedule II, the registered pharmacist who is to fill the prescription shall establish and document that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written.

(b) Schedule III or IV, the registered pharmacist who is to fill the prescription shall establish that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written. This paragraph does not require the registered pharmacist to inquire into such a relationship upon the receipt of a similar prescription subsequently issued for that patient.

3. A pharmacist who fills a prescription described in subsection 2 shall record on the prescription or in the prescription record in the pharmacy's computer:

(a) The name of the person with whom the pharmacist spoke concerning the prescription;

(b) The date and time of the conversation; and

(c) The date and time the patient was ~~[physically]~~ examined by the person prescribing the controlled substance for which the prescription was issued.

4. For the purposes of subsection 2, a bona fide relationship between the patient and the person prescribing the controlled substance shall be deemed to exist if the patient was ~~[physically]~~ examined *in person, electronically, telephonically or by fiber optics within or outside this State or the United States* by the person prescribing the controlled substances within the 6 months immediately preceding the date the prescription was issued.

Sec. 20. NRS 639.0072 is hereby repealed.

Sec. 21. 1. This section and sections 1 to 8, inclusive, and 10 to 20, inclusive, of this act become effective upon passage and approval.

2. Section 8 of this act expires by limitation on June 30, 2014.

3. Section 9 of this act becomes effective on July 1, 2014.

TEXT OF REPEALED SECTION

639.0072 "Federally qualified health center" defined. "Federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

Senator Jones moved the adoption of the amendment.

Remarks by Senator Jones.

Thank you, Mr. President. Senate Bill No. 327 revises provisions authorizing the practice of medicine in Nevada by health care professionals regardless of whether the professionals are physically located in this State. The bill also revises provisions relating to telepharmacies, remote sites and satellite consultation sites, and it requires the Board of Medical Examiners to adopt regulations concerning telemedicine regarding physician assistants.

Senate Bill No. 327 provides that a physician who is licensed in another state and is issued a special-purpose license must comply with all applicable State laws and regulations of the Board of Medical Examiners and is subject to the jurisdiction of the courts of Nevada.

We all know we have health care challenges in this State. We have challenges in finding enough health care providers. Senate Bill No. 327 modernizes our telemedicine laws and will allow, particularly in the rural areas of the State, opportunities for high quality doctors to participate in medical procedures.

Amendment adopted.

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

Senate Bill No. 388.

Bill read third time.

Remarks by Senators Segerblom, Hutchison, Hardy, Ford and Brower.

SENATOR SEGERBLOM:

Thank you, Mr. President. Senate Bill No. 388 eliminates the infamous crime against nature which is a terrible term that relates to same-sex crimes dealing with children. For some reason in the past, same-sex crimes were treated differently and more harshly than similar opposite-sex crimes. This bill clarifies and makes all sex crimes involving children are treated equally under the law.

The Senate Committee on Judiciary considered whether eliminating this crime would result in the removal of legitimate crimes from statute. I asked the Legislative Counsel Bureau and emailed each one of my colleagues this legal opinion which explains Senate Bill No. 388 and clarifies that no crime that was illegal yesterday would now be legal today. This corrects terrible language in our statutes. I urge your support.

SENATOR HUTCHISON:

Thank you, Mr. President. I have no problem cleaning up antiquated or insensitive provisions of the law. I think the aims of Senate Bill No. 388 are admirable. In sitting and listening to the

bill in the Senate Committee on Judiciary, however, I was confused. I continue to be confused. I appreciate the statement my friend from Senate District No. 3 has provided, but I am still cautious when it comes to crimes involving minors. I want to ensure that protections are afforded under the law and that they remain intact. Because of my concern about what Senate Bill No. 388 does in terms of the provisions and crimes covered by the bill, I am going to vote no on this measure.

SENATOR HARDY:

Thank you, Mr. President. I have not received the document referenced to by my colleague from Senate District No. 3.

SENATOR SEGERBLOM:

Thank you, Mr. President. Earlier today, I announced that I had circulated a Legislative Counsel Bureau legal memo. I had not actually done that at the time I made the announcement, but I have since sent it to my colleagues so that they may have an opportunity to read it.

In case there are any questions about Senate Bill No. 388, I want to reiterate its purpose is to remove from statute something that is clearly unconstitutional: the statute treats a certain class of people differently. There are no crimes currently being punished that will no longer be punished after the effective date. We changed the crime of luring to solicitation, eliminating a potential issue. I urge your support. Senate Bill No. 388 rectifies a serious wrong against certain people because of their sexual orientation.

SENATOR FORD:

Thank you, Mr. President. I rise in support of Senate Bill No. 388. I want to reiterate something that was stated in the Senate Committee on Judiciary: we inserted discrimination into the *Nevada Revised Statutes* and institutionalized it across our State. When we tried, through this bill, to remove discriminatory language we saw problems arise that ensure unintended consequences in our statutes. I am in support of this bill, which removes a discriminatory statute that attempted to address something that should not have been the business of most of us, namely same-sex interactions. I strongly urge my colleagues to vote in support of this bill and restore some sanity to this particular provision of law.

SENATOR HARDY:

Thank you, Mr. President. I have had an opportunity to talk to members of the Senate Committee on Judiciary and would yield the Floor to them.

SENATOR BROWER:

Thank you, Mr. President. I want to thank my colleague from Senate District No. 3 for sharing the legal memo on Senate Bill No. 388. It is the usual excellent work product from the Legislative Counsel Bureau. It did address one issue that came up during the Committee hearing: whether passing this bill would cause a problem with Nevada's compliance with the federal Adam Wash Child Protection and Safety Act—the answer from the memo is no.

Nevertheless, there are other issues that caused some of the members of the Senate Committee on Judiciary to vote "no" on the bill. I had proposed during the hearing that we could achieve the purpose of the bill by simply changing the language of the relevant section rather than repeal it. I still think that is the way to go. We could remove the offending terminology and the allegedly discriminatory scope, but I think repealing the section all together does not make sense. I am not convinced that there are sufficient other sections in *Nevada Revised Statutes* that fairly capture all of the conduct that is addressed by this section.

Roll call on Senate Bill No. 388:

YEAS—11.

NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer—10.

Senate Bill No. 388 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bill No. 38 be taken from the Secretary's Desk and placed on the General File.

Motion carried.

Senator Denis moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 3:38 p.m.

SENATE IN SESSION

At 4:18 p.m.

President Krolicki presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 123, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

KELVIN ATKINSON, *Chair*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 23, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility of exemption of: Assembly Bill No. 33.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility of exemption of: Assembly Bill No. 125.

CINDY JONES

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bill No. 123, just reported out of Committee, be placed on the Second Reading File for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 123.

Bill read second time.

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

Amendment No. 576.

"SUMMARY—Revises provisions relating to energy. (BDR 58-106)"

"AN ACT relating to energy; ~~[revising provisions governing certain energy related tax incentives; revising provisions relating to the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration~~

~~Program and the Waterpower Energy Systems Demonstration Program; revising provisions governing the payment of incentives to participants in the Solar Program and the Wind Program; requiring the Public Utilities Commission of Nevada to adopt certain regulations; revising certain provisions relating to the portfolio standard for renewable energy; revising certain provisions relating to applications for the permitting of utility facilities; requiring the Commission to open an investigatory docket to study, examine and review the feasibility and advisability of establishing a feed-in tariff program for renewable energy systems in this State;~~ requiring certain electric utilities in this State to file with the Public Utilities Commission of Nevada an emissions reduction and capacity replacement plan; prescribing the minimum requirements of such a plan; providing for the recovery of certain costs relating to an emissions reduction and capacity replacement plan; prescribing the powers and duties of the Commission and the Division of Environmental Protection of the State Department of Conservation and Natural Resources with respect to such a plan; providing for the mitigation of certain amounts in excess of a utility's total revenue requirement; making an appropriation; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[Existing law establishes the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program. (NRS 701B.010-701B.290, 701B.400-701B.650, 701B.700-701B.880) Section 4 of this bill establishes the statewide capacity goals for all energy systems which receive incentives pursuant to these programs and authorizes a utility to file with the Public Utilities Commission of Nevada the annual plan required for each of these programs as a single plan.~~

~~Section 8 of this bill revises provisions governing the incentives for participation in the Solar Program, requires the Commission to review the incentives and authorizes the Commission to adjust the incentives not more frequently than annually. Section 8 also provides that the total amount of the incentive paid to a participant in the Solar Program with a solar energy system with a nameplate capacity of not more than 30 kilowatts must be paid upon proof that the participant has installed and energized the solar energy system, while the amount of the incentive paid to a participant with a solar energy system with a nameplate capacity of more than 30 kilowatts and not more than 500 kilowatts must be paid over time and be based on the performance of the solar energy system and the amount of electricity generated by the solar energy system. Section 11 of this bill requires a participant in the Solar Program to participate in net metering.~~

~~Section 14 of this bill requires the Commission to adopt regulations relating to the Wind Program and to establish a system of incentives for participation in the Wind Program. Section 14 further provides that the total amount of the incentive paid to a participant in the Wind Program with a nameplate capacity of not more than 500 kilowatts must be paid over time~~

~~and be based on the performance and amount of electricity generated by the wind energy system. Section 16 of this bill requires a participant in the Wind Program to participate in net metering.~~

~~Section 17 of this bill requires the Commission to provide a system of incentives for waterpower energy systems with a nameplate capacity of not more than 500 kilowatts. Section 20 of this bill requires a participant in the Waterpower Program to participate in net metering.~~

~~Existing law provides that a provider of electric service shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt hour of actual electricity generated or acquired from a solar photovoltaic system installed on the premises of retail customers. (NRS 704.7822) Section 23 of this bill provides the same calculation for solar photovoltaic systems installed on the premises of the provider if certain conditions are met.~~

~~Section 21 of this bill provides that certain information relating to a contract, lease or agreement between a utility and another person for the purchase of power shall be deemed to be proprietary and to constitute a trade secret and prohibits the disclosure of such information except under certain circumstances.~~

~~Existing law requires a person who wishes to obtain a permit for a utility facility to file certain applications with the Commission if a federal agency is required to conduct an environmental analysis of the proposed utility facility. (NRS 704.870) Section 24 of this bill requires such a person to file a notice with the Commission not later than the date on which the person files an application with the appropriate federal agency for approval of the construction of the utility facility.~~

~~Sections 1-3 of this bill revise provisions governing certain energy-related tax incentives to remove the authority of a board of county commissioners to deny certain applications for partial abatements of taxes for facilities that generate electricity from geothermal energy.~~

~~Section 28 of this bill requires the Commission to open an investigatory docket to study the feasibility and advisability of establishing a feed-in-tariff program for renewable energy systems and to submit a report of its findings from the investigatory docket to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.~~]

Section 7 of this bill requires an electric utility which primarily serves densely populated counties (currently only Clark County) and which, in the most recently completed calendar year or in any other calendar year within the 7 calendar years immediately preceding the most recently completed calendar year, had a gross operating revenue of $250,000,000 or more in this State to submit to the Public Utilities Commission of Nevada a comprehensive plan for the reduction of emissions from coal-fired electric generating plants and the replacement of the capacity of such plants with increased capacity from renewable energy facilities and natural gas-fired electric generating plants and the implementation of demand response

programs. Section 7 prescribes the minimum requirements of such an emissions reduction and capacity replacement plan, which include: (1) the retirement or elimination of not less than 800 megawatts of coal-fired electric generating capacity on or before December 31, 2019; (2) the acquisition of or contracting for 600 megawatts of electric generating capacity from renewable energy facilities; (3) the acquisition or construction of between 700 megawatts and 800 megawatts of electric generating capacity from natural gas-fired electric generating plants on or before July 1, 2021; and (4) the deployment on or before December 31, 2017, of a demand response program designed to reduce peak demand by 100 megawatts.

Sections 8 and 9 of this bill provide for the recovery of certain costs incurred by an electric utility in carrying out an emissions reduction and capacity replacement plan. Section 9 also requires an electric utility to file with the Commission a schedule to provide certain credits to customers of the utility. Section 9 further provides that a schedule filed with the Commission by an electric utility to provide for the recovery of costs and a schedule to provide credits to customers are effective automatically on the first day of the next calendar quarter following the filing of such a schedule. Sections 14 and 15 of this bill reflect the automatic effectiveness of such filings.

Sections 10, 18 and 19 of this bill provide that the Division of Environmental Protection of the State Department of Conservation and Natural Resources has exclusive jurisdiction to supervise and regulate the remediation of any site previously used for the production of electricity from a coal-fired electric generating plant, including authority to regulate and supervise the remediation of surface water and groundwater and solid-waste disposal operations located at such a site. Additionally, sections 10 and 20 of this bill provide that the Division has exclusive authority to regulate emissions from any renewable energy facility or natural gas-fired electric generating plant constructed on a site previously used for the production of electricity from a coal-fired electric generating plant.

Section 12 of this bill establishes provisions concerning the filing of an amendment to a utility's emissions reduction and capacity replacement plan for purposes of the Commission's approval and acceptance of certain contracts between the utility and a renewable energy facility.

Existing law establishes provisions governing public hearings on the adequacy of a utility's plan to increase its supply of electricity or decrease demands made on its system. (NRS 704.746) Section 16 of this bill authorizes the Commission to give preference to the measures and sources of supply that provide the greatest opportunity for the creation of new jobs in this State. Section 16 also requires the Commission to accept any element of an emissions reduction and capacity replacement plan that meets certain criteria.

Existing law requires the Commission to issue an order to accept as filed a utility's plan to increase its supply of electricity or to decrease demands on its system or to specify any portions of such a plan as inadequate.

(NRS 704.751) Section 17 of this bill revises the time in which a utility may file an amendment to its plan and also requires a utility to take all reasonable steps necessary to acquire renewable energy facilities and implement programs and elements identified in the utility's emissions reduction and capacity replacement plan if the plan has been accepted by the Commission.

Section 21 of this bill appropriates from the State General Fund to the Legislative Fund the sum of $150,000 for the purpose of contracting with a consultant to conduct a study of the impact of energy-related tax incentives on renewable energy development in this State.

Section 22 of this bill provides that this bill becomes effective upon passage and approval.

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

Delete existing sections 1 through 29 of this bill and replace with the following new sections 1 through 22:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Demand response program" means a program for the management of consumption of electricity in response to peak demand conditions.*

Sec. 4. *"Electric utility" means an electric utility that primarily serves densely populated counties, as that term is defined in paragraph (c) of subsection 17 of NRS 704.110.*

Sec. 5. *"Emissions reduction and capacity replacement plan" means a plan filed by an electric utility with the Commission pursuant to section 7 of this act.*

Sec. 6. *"Renewable energy facility" means an electric generating facility that uses renewable energy to produce electricity. As used in this section, "renewable energy" has the meaning ascribed to it in NRS 704.7811.*

Sec. 7. *1. An electric utility shall file with the Commission, as part of the plan required to be submitted pursuant to NRS 704.741, a comprehensive plan for the reduction of emissions from coal-fired electric generating plants and the replacement of the capacity of such plants with increased capacity from renewable energy facilities and natural gas-fired electric generating plants and the implementation of a demand response program.*

2. The emissions reduction and capacity replacement plan must provide, at a minimum:

(a) For the retirement or elimination of:

(1) Not less than 300 megawatts of coal-fired electric generating capacity on or before December 31, 2014;

(2) In addition to the generating capacity retired or eliminated pursuant to subparagraph (1), not less than 250 megawatts of coal-fired electric generating capacity on or before December 31, 2017; and

(3) In addition to the generating capacity retired or eliminated pursuant to subparagraphs (1) and (2), not less than 250 megawatts of coal-fired electric generating capacity on or before December 31, 2019.

➥ *For the purposes of this paragraph, the generating capacity of a coal-fired electric generating plant must be determined by reference to the most recent resource plan filed by the electric utility pursuant to NRS 704.741 and accepted by the Commission pursuant to NRS 704.751.*

(b) That the electric utility will use commercially reasonable efforts to construct, acquire or contract for 600 megawatts of electric generating capacity from renewable energy facilities. The electric utility shall:

(1) Issue a request for proposals for 100 megawatts of electric generating capacity from new renewable energy facilities on or before December 31, 2014;

(2) In addition to the request for proposals issued pursuant to subparagraph (1), issue a request for proposals for 100 megawatts of electric generating capacity from new renewable energy facilities on or before December 31, 2015;

(3) In addition to the requests for proposals issued pursuant to subparagraphs (1) and (2), issue a request for proposals for 100 megawatts of electric generating capacity from new renewable energy facilities on or before December 31, 2016;

(4) In addition to the requests for proposals issued pursuant to subparagraphs (1), (2) and (3), issue a request for proposals for 100 megawatts of electric generating capacity from new renewable energy facilities on or before December 31, 2017;

(5) In addition to the requests for proposals issued pursuant to subparagraphs (1) to (4), inclusive, issue a request for proposals for 50 megawatts of electric generating capacity from new renewable energy facilities on or before December 31, 2018;

(6) Review each proposal received pursuant to subparagraphs (1) to (5), inclusive, and negotiate, in good faith, to construct, acquire or contract with renewable energy facilities that will provide:

(I) The greatest economic benefit to this State;

(II) The greatest opportunity for the creation of new jobs in this State; and

(III) The best value to customers of the electric utility; and

(7) Use commercially reasonable efforts to begin construction on or before December 31, 2017, of a portion of new renewable energy facilities with a generating capacity of 150 megawatts to be owned and operated by the electric utility, and use commercially reasonable efforts to complete construction of such facilities on or before December 31, 2021.

➥ For the purposes of this paragraph, the generating capacity of a renewable energy facility must be determined by the nameplate capacity of the facility.

(c) That the electric utility will use commercially reasonable efforts to construct or acquire and own:

(1) Natural gas-fired electric generating plants with an electric generating capacity of between 500 megawatts and 550 megawatts on or before December 31, 2017; and

(2) In addition to the natural gas-fired electric generating plants described in subparagraph (1), natural gas-fired electric generating plants with an electric generating capacity between 200 megawatts and 250 megawatts on or before July 1, 2021, except that the electric utility shall not include in an emissions reduction and capacity replacement plan required pursuant to subsection 1 any construction, acquisition or ownership of natural gas-fired electric generating plants with an electric generating capacity of more than 750 megawatts.

(d) That the electric utility will make commercially reasonable efforts to deploy, on or before December 31, 2017, a demand response program operated by the electric utility to reduce peak demand by 80 megawatts of demand from commercial customers and 20 megawatts of demand from residential customers.

(e) A strategy for the commercially reasonable physical procurement of fixed-price natural gas by the electric utility.

(f) A plan for tracking and specifying the accounting treatment for all costs associated with the decommissioning of the coal-fired electric generating plants identified for retirement or elimination.

➥ For the purposes of this subsection, an electric utility shall be deemed to own, acquire, retire or eliminate only its pro rata portion of any electric generating facility that is not wholly owned by the electric utility.

3. In addition to the requirements for an emissions reduction and capacity replacement plan set forth in subsection 2, the plan may include additional utility facilities, electric generating plants, elements or programs, including, without limitation:

(a) The construction of natural gas pipelines necessary for the operation of any new natural gas-fired electric generating plants included in the plan;

(b) Entering into contracts for the transportation of natural gas necessary for the operation of any natural gas-fired electric generating plants included in the plan; and

(c) The construction of transmission lines and related infrastructure necessary for the operation or interconnection of any renewable energy facilities and natural gas-fired electric generating plants included in the plan.

Sec. 8. 1. A renewable energy facility, electric generating plant or other facility, element or program which is identified for acquisition, construction or implementation in an emissions reduction and capacity

replacement plan accepted by the Commission pursuant to NRS 704.751 shall be deemed to be a prudent investment. The electric utility may recover all just and reasonable costs of acquiring or planning and constructing such a facility or plant and implementing such an element or program.

2. To recover all just and reasonable costs of implementing a demand response program included in an emissions reduction and capacity replacement plan accepted by the Commission pursuant to NRS 704.751, an electric utility shall defer and include in its rate base the costs of implementing the program.

3. An electric utility may recover all costs associated with the retirement or elimination of any coal-fired electric generating plant identified for retirement or elimination in an emissions reduction and capacity replacement plan accepted by the Commission pursuant to NRS 704.751. For the purposes of this subsection, the costs associated with the retirement or elimination of a coal-fired electric generating plant include, without limitation, any:

(a) Undepreciated balance associated with the retired or eliminated coal-fired electric generating plant;

(b) Decommissioning and remediation costs;

(c) Contract termination costs;

(d) Unused coal inventory; and

(e) Associated carrying charges.

Sec. 9. 1. An electric utility may, upon the completion of construction or acquisition of any renewable energy facility, natural gas-fired electric generating plant or other facility constructed or acquired pursuant to an emissions reduction and capacity replacement plan accepted by the Commission pursuant to NRS 704.751, file with the Commission a schedule which may include any new project-specific rate or rates necessary to provide for the recovery of a return on the electric utility's investment in the facility, depreciation of the utility's investment in the facility, the cost of operating and maintaining the facility, and any other costs directly related to the facility, including, without limitation, any federal, state or local taxes, except that such a schedule may not be filed for any facility that the Commission designates by regulation as a critical facility. A schedule filed pursuant to this subsection automatically becomes effective on the first day of the next calendar quarter following the filing of the schedule.

2. The provisions of subsection 1 do not limit the Commission's authority to review the costs associated with a facility or to determine whether such costs are just and reasonable. The Commission shall review all rates included in a schedule filed pursuant to subsection 1 during the next general rate case proceeding of the electric utility. If the Commission determines that the rates were not just and reasonable, the Commission may take any steps necessary to ensure that an appropriate amount, including, without limitation, carrying charges, is returned to customers.

3. In addition to the schedule required to be filed pursuant to subsection 1, an electric utility shall, upon retirement of any coal-fired electric generating plant identified in an emissions reduction and capacity replacement plan, file with the Commission an additional schedule which provides a credit to customers of the electric utility to reflect reduced operation and maintenance expenses directly attributable to the retirement of the facility. A schedule filed pursuant to this subsection automatically becomes effective on the first day of the next calendar quarter following the filing of the schedule.

Sec. 10. 1. To ensure the remediation and, when possible, the reuse of any site used for the production of electricity from a coal-fired electric generating plant in this State, the Division of Environmental Protection of the State Department of Conservation and Natural Resources has exclusive jurisdiction to supervise and regulate the remediation of such sites, including, without limitation, exclusive authority to regulate and supervise the remediation of surface water and groundwater and solid-waste disposal operations located at such a site.

2. The Division of Environmental Protection has exclusive authority to regulate emissions from any renewable energy facility or natural gas-fired electric generating plant constructed on a site previously used for the production of electricity from a coal-fired electric generating plant.

Sec. 11. 1. If, in any general rate proceeding filed by an electric utility before June 1, 2018, the increase in the electric utility's total revenue requirement would exceed 5 percent, the utility must propose a method or mechanism by which such excess may be mitigated. The Commission may approve such a rate method or mechanism so long as there is no adverse impact on the utility shareholders. If the mitigation method or mechanism approved by the Commission involves the deferred recovery of a portion of the rate increase, the utility shall calculate carrying charges on the unamortized balance of the regulatory asset.

2. If any project-specific rate schedule filed with the Commission pursuant to subsection 1 of section 9 of this act would cause an increase in the electric utility's total revenue requirement in an amount greater than 5 percent, the utility shall limit the amount of the project-specific rate to an amount necessary to produce an increase of not more than 5 percent. The utility shall defer and include in a regulatory asset the amount of the increase in excess of 5 percent and calculate carrying charges on the unamortized balance of the regulatory asset.

3. The Commission shall allow the electric utility to begin recovering any amounts deferred in a regulatory asset pursuant to this section on January 1, 2022.

Sec. 12. 1. An electric utility shall file with the Commission an amendment to the utility's emissions reduction and capacity replacement plan each time the utility requests approval and acceptance by the Commission of any contract with a new renewable energy facility as the

result of a request for proposals pursuant to the current emissions reduction and capacity replacement plan. The Commission may approve and accept the renewable energy facility if the Commission determines that:

(a) The facility is a renewable energy system as defined in NRS 704.7815; and

(b) The terms and conditions of the contract are just and reasonable and satisfy the capacity requirements set forth in subsection 2 of section 7 of this act.

2. In considering a contract pursuant to subsection 1, the Commission may give preference to those contracts or renewable energy facilities that will provide:

(a) The greatest economic benefit to this State;

(b) The greatest opportunity for the creation of new jobs in this State; and

(c) The best value to customers of the electric utility.

Sec. 13. *The Commission shall adopt any regulations necessary to carry out the provisions of sections 2 to 13, inclusive, of this act.*

Sec. 14. NRS 704.100 is hereby amended to read as follows:

704.100 1. Except as otherwise provided in NRS 704.075 and 704.68861 to 704.68887, inclusive, *and section 9 of this act* or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097:

(a) A public utility shall not make changes in any schedule, unless the public utility:

(1) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(2) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of paragraph (f).

(b) A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility's recorded costs of natural gas purchased for resale.

(c) An electric utility shall, between annual deferred energy accounting adjustment applications filed pursuant to NRS 704.187, adjust its rates on a quarterly basis pursuant to subsection 10 of NRS 704.110.

(d) A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

(e) A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

(f) Except as otherwise provided in paragraph (g), if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue, as certified by the public utility, in an amount that does not exceed $2,500:

(1) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

(g) If the applicant is a small-scale provider of last resort and the proposed change in any schedule will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that does not exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less, the Commission shall determine whether it should dispense with a hearing regarding the proposed change.

(h) In making the determination pursuant to paragraph (f) or (g), the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

2. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 15. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and 704.68861 to 704.68887, inclusive, *and section 9 of this act,* or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an annual deferred energy accounting adjustment application, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsection 3, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall, not later than 210 days after the date on which the application is filed, issue a written order approving or disapproving, in whole or in part, the proposed changes.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual

recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. The following public utilities shall each file a general rate application pursuant to this subsection based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application not later than 5 p.m. on or before the first Monday in June 2010, and at least once every 36 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application not later than 5 p.m. on or before the first Monday in June 2011, and at least once every 36 months thereafter.

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards

adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

➥ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. The Commission shall consider expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if the expected changes in circumstances consist of specific and identifiable events or programs rather than general trends, patterns or developments, have an objectively high probability of occurring to the degree, in the amount and at the time expected, are primarily measurable by recorded or verifiable revenues and expenses and are easily and objectively calculated, with the calculation of the expected changes relying only secondarily on estimates, forecasts, projections or budgets. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement, including all reasonable projected or forecasted offsets in revenue and expenses that are directly attributable to or associated with the expected changes in circumstances under consideration, in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7, a quarterly rate adjustment pursuant to subsection 8 or 10, any information relating to deferred accounting requirements pursuant to NRS 704.185 or an annual deferred energy accounting adjustment application pursuant to NRS 704.187, if the public utility is otherwise authorized to so file by those provisions.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility which is required to adjust its rates on a quarterly basis pursuant to subsection 10; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of a public utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 2.5 cents per therm of natural gas. If the balance of the public utility's deferred account varies by less than 5 percent from the public utility's annual recorded costs of natural gas which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per therm of natural gas.

9. If the Commission approves a request to make any rate adjustments on a quarterly basis pursuant to subsection 8:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing

pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of natural gas which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual rate adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of natural gas included in each quarterly filing and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

10. An electric utility shall adjust its rates on a quarterly basis based on changes in the electric utility's recorded costs of purchased fuel or purchased power. In addition to adjusting its rates on a quarterly basis, an electric utility may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of an electric utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 0.25 cents per kilowatt-hour of electricity. If the balance of the electric utility's deferred account varies by less than 5 percent from the electric utility's annual recorded costs for purchased fuel or purchased power which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per kilowatt-hour of electricity.

11. A quarterly rate adjustment filed pursuant to subsection 10 is subject to the following requirements:

(a) The electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment to be made by the electric utility for the following quarter. The first quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every quarter thereafter. The first quarterly adjustment to a deferred energy accounting adjustment must be made pursuant to an order issued by the Commission approving the application of an electric utility to make quarterly adjustments to its deferred energy accounting adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the electric utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of purchased fuel or purchased power which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual deferred energy accounting adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The electric utility shall file an annual deferred energy accounting adjustment application pursuant to NRS 704.187 with the Commission. The annual deferred energy accounting adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of purchased fuel and purchased power included in each quarterly filing and the annual deferred energy accounting adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application, and the electric utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the electric utility to recover any recorded costs of purchased fuel and purchased power which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the electric utility, and the Commission shall order the electric utility to adjust its rates if the Commission determines that any recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application were not reasonable or prudent.

12. If an electric utility files an annual deferred energy accounting adjustment application pursuant to subsection 11 and NRS 704.187 while a general rate application is pending, the electric utility shall:

(a) Submit with its annual deferred energy accounting adjustment application information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

13. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or

construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

14. In regard to any rate or schedule approved or disapproved pursuant to this section, the Commission may, after a hearing:

(a) Upon the request of the utility, approve a new rate but delay the implementation of that new rate:

(1) Until a date determined by the Commission; and

(2) Under conditions as determined by the Commission, including, without limitation, a requirement that interest charges be included in the collection of the new rate; and

(b) Authorize a utility to implement a reduced rate for low-income residential customers.

15. The Commission may, upon request and for good cause shown, permit a public utility which purchases natural gas for resale or an electric utility to make a quarterly adjustment to its deferred energy accounting adjustment in excess of the maximum allowable adjustment pursuant to subsection 8 or 10.

16. A public utility which purchases natural gas for resale or an electric utility that makes quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 8 or 10 may submit to the Commission for approval an application to discontinue making quarterly adjustments to its deferred energy accounting adjustment and to subsequently make annual adjustments to its deferred energy accounting adjustment. The Commission may approve an application submitted pursuant to this subsection if the Commission finds that approval of the application is in the public interest.

17. As used in this section:

(a) "Deferred energy accounting adjustment" means the rate of a public utility which purchases natural gas for resale or an electric utility that is calculated by dividing the balance of a deferred account during a specified period by the total therms or kilowatt-hours which have been sold in the geographical area to which the rate applies during the specified period.

(b) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 700,000 or more than it does from customers located in counties whose population is less than 700,000.

(d) "Electric utility that primarily serves less densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 700,000 than it does from customers located in counties whose population is 700,000 or more.

Sec. 16. NRS 704.746 is hereby amended to read as follows:

704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the utility are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility, associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;

(2) Pooling of power;

(3) Purchases of power from neighboring states or countries;

(4) Facilities that operate on solar or geothermal energy or wind;

(5) Facilities that operate on the principle of cogeneration or hydrogeneration;

(6) Other generation facilities; and

(7) Other transmission facilities.

5. The Commission may give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 that:

(a) Provide the greatest economic and environmental benefits to the State;

(b) Are consistent with the provisions of this section; ~~[and]~~

(c) Provide levels of service that are adequate and reliable~~.~~ ~~[.]~~ *and*

(d) Provide the greatest opportunity for the creation of new jobs in this State.

6. The Commission shall:

(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and

(b) Consider the value to the public of using water efficiently when it is determining those preferences.

7. The Commission shall:

(a) Consider the level of financial commitment from developers of renewable energy projects in each renewable energy zone, as designated pursuant to subsection 2 of NRS 704.741; and

(b) Adopt regulations establishing a process for considering such commitments including, without limitation, contracts for the sale of energy, leases of land and mineral rights, cash deposits and letters of credit.

8. The Commission shall accept any element of an emissions reduction and capacity replacement plan that:

(a) Is consistent with paragraphs (a) and (b) of subsection 2 of section 7 of this act unless the Commission determines that the acceptance of such elements of the plan would adversely impact the ability of the electric utility to provide levels of service that are adequate and reasonable; and

(b) Is consistent with paragraph (c) of subsection 2 of section 7 of this act so long as the Commission determines that the number of natural gas-fired electric generating plants proposed to be constructed, acquired or owned by the utility represents an appropriate mix of natural gas-fired electric generating units.

Sec. 17. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting the plan as filed or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 180 days for all portions of the plan not described in paragraph (a).

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting the amendment as filed or specifying any portions of the amendment it deems to be inadequate ~~[within]~~ *:*

(a) Within 135 days ~~[of]~~ *after* the filing of the amendment ~~[.]~~ *; or*

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

3. All prudent and reasonable expenditures made to develop the utility's plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's customers.

4. The Commission may accept a transmission plan submitted pursuant to subsection 4 of NRS 704.741 for a renewable energy zone if the Commission determines that the construction or expansion of transmission facilities would facilitate the utility meeting the portfolio standard, as defined in NRS 704.7805.

5. The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to subsection 4 of NRS 704.741.

6. A utility that has filed an emissions reduction and capacity replacement plan which has been accepted by the Commission pursuant to NRS 704.751 shall take all reasonable steps necessary to acquire facilities and implement programs and elements identified in the emissions reduction and capacity replacement plan, regardless of whether such reasonable steps are taken within the 3 years covered by the plan required to be filed pursuant to NRS 704.741.

Sec. 18. NRS 704.7588 is hereby amended to read as follows:

704.7588 Except as otherwise provided in NRS 704.7591 ~~[.]~~ *and sections 2 to 13, inclusive, of this act:*

1. Before July 1, 2003, an electric utility shall not dispose of a generation asset.

2. On or after July 1, 2003, an electric utility shall not dispose of a generation asset unless, before the disposal, the Commission approves the disposal by a written order issued in accordance with the provisions of this section.

3. Not sooner than January 1, 2003, an electric utility may file with the Commission an application to dispose of a generation asset on or after July 1, 2003. If an electric utility files such an application, the Commission shall not approve the application unless the Commission finds that the disposal of the generation asset will be in the public interest. The Commission shall issue a written order approving or disapproving the application. The Commission may base its approval of the application upon such terms, conditions or modifications as the Commission deems appropriate.

4. If an electric utility files an application to dispose of a generation asset, the Consumer's Advocate shall be deemed a party of record.

5. If the Commission approves an application to dispose of a generation asset before July 1, 2003, the order of the Commission approving the application:

(a) May not become effective sooner than July 1, 2003;

(b) Does not create any vested rights before the effective date of the order; and

(c) For the purposes of NRS 703.373, shall be deemed a final decision on the date on which the order is issued by the Commission.

Sec. 19. NRS 444.495 is hereby amended to read as follows:

444.495 "Solid waste management authority" means:

1. ~~[The]~~ *Except as otherwise provided in subsection 2, the* district board of health in any area in which a health district has been created pursuant to NRS 439.362 or 439.370 and in any area over which the board has authority pursuant to an interlocal agreement, if the board has adopted all regulations that are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive.

2. In all other areas of the State ~~[.]~~ *and pursuant to section 10 of this act, at any site previously used for the production of electricity from a coal-fired electric generating plant in this State,* the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Sec. 20. NRS 445B.500 is hereby amended to read as follows:

445B.500 1. Except as otherwise provided in this section and in NRS 445B.310 ~~[.]~~ *and section 10 of this act:*

(a) The district board of health, county board of health or board of county commissioners in each county whose population is 100,000 or more shall establish a program for the control of air pollution and administer the program within its jurisdiction unless superseded.

(b) The program:

(1) Must include, without limitation, standards for the control of emissions, emergency procedures and variance procedures established by ordinance or local regulation which are equivalent to or stricter than those established by statute or state regulation;

(2) May, in a county whose population is 700,000 or more, include requirements for the creation, receipt and exchange for consideration of credits to reduce and control air contaminants in accordance with NRS 445B.508; and

(3) Must provide for adequate administration, enforcement, financing and staff.

(c) The district board of health, county board of health or board of county commissioners is designated as the air pollution control agency of the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and the Federal Act insofar as it pertains to local programs, and that agency is authorized to take all action necessary to secure for the county the benefits of the Federal Act.

(d) Powers and responsibilities provided for in NRS 445B.210, 445B.240 to 445B.470, inclusive, 445B.560, 445B.570, 445B.580 and 445B.640 are binding upon and inure to the benefit of local air pollution control authorities within their jurisdiction.

2. The local air pollution control board shall carry out all provisions of NRS 445B.215 with the exception that notices of public hearings must be given in any newspaper, qualified pursuant to the provisions of chapter 238 of NRS, once a week for 3 weeks. The notice must specify with particularity the reasons for the proposed regulations and provide other informative details. NRS 445B.215 does not apply to the adoption of existing regulations upon transfer of authority as provided in NRS 445B.610.

3. In a county whose population is 700,000 or more, the local air pollution control board may delegate to an independent hearing officer or hearing board its authority to determine violations and levy administrative penalties for violations of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.500 to 445B.640, inclusive, or any regulation adopted pursuant to those sections. If such a delegation is made, 17.5 percent of any

penalty collected must be deposited in the county treasury in an account to be administered by the local air pollution control board to a maximum of $17,500 per year. The money in the account may only be used to defray the administrative expenses incurred by the local air pollution control board in enforcing the provisions of NRS 445B.100 to 445B.640, inclusive. The remainder of the penalty must be deposited in the county school district fund of the county where the violation occurred and must be accounted for separately in the fund. A school district may spend the money received pursuant to this section only in accordance with an annual spending plan that is approved by the local air pollution control board and shall submit an annual report to that board detailing the expenditures of the school district under the plan. A local air pollution control board shall approve an annual spending plan if the proposed expenditures set forth in the plan are reasonable and limited to:

(a) Programs of education on topics relating to air quality; and

(b) Projects to improve air quality, including, without limitation, the purchase and installation of equipment to retrofit school buses of the school district to use biodiesel, compressed natural gas or a similar fuel formulated to reduce emissions from the amount of emissions produced by the use of traditional fuels such as gasoline and diesel fuel,

➥ which are consistent with the state implementation plan adopted by this State pursuant to 42 U.S.C. §§ 7410 and 7502.

4. Any county whose population is less than 100,000 or any city may meet the requirements of this section for administration and enforcement through cooperative or interlocal agreement with one or more other counties, or through agreement with the State, or may establish its own program for the control of air pollution. If the county establishes such a program, it is subject to the approval of the Commission.

5. No district board of health, county board of health or board of county commissioners may adopt any regulation or establish a compliance schedule, variance order or other enforcement action relating to the control of emissions from plants which generate electricity by using steam produced by the burning of fossil fuel.

6. As used in this section, "plants which generate electricity by using steam produced by the burning of fossil fuel" means plants that burn fossil fuels in a boiler to produce steam for the production of electricity. The term does not include any plant which uses technology for a simple or combined cycle combustion turbine, regardless of whether the plant includes duct burners.

Sec. 21. 1. There is hereby appropriated from the State General Fund to the Legislative Fund the sum of $150,000 for the purpose of contracting with a consultant to conduct a study of the impact of energy-related tax incentives on renewable energy development in this State.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, and any portion

of the appropriated money remaining must not be spent for any purpose after September 18, 2015, and must be reverted to the State General Fund on or before September 18, 2015.

Sec. 22. This act becomes effective upon passage and approval.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Thank you, Mr. President. Amendment No. 576 to Senate Bill No. 123 went to the Senate Committee on Commerce, Labor and Energy. It was decided more review is needed, and it calls for a study during the Interim on power rates and related issues. Therefore, the amendment provides for an appropriation for that study. I urge support of the amendment.

Amendment adopted.

Senator Settelmeyer moved that Senate Bill No. 123 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

GENERAL FILE AND THIRD READING

Senate Bill No. 245.

Bill read third time.

Remarks by Senator Roberson.

Thank you, Mr. President. Amendment No. 561 to Senate Bill No. 245 adds a legislative finding and declaration specifying that the ownership of captive wild animals among persons in Nevada is a matter of public policy that needs to be addressed. It authorizes a Board of County Commissioners to adopt an ordinance regulating the importation, possession, sale, transfer or breeding of captive wild animals. Such an ordinance may provide for reasonable necessary fees, registration requirements and standards for the humane care of captive wild animals. This bill is effective July 1, 2013.

Roll call on Senate Bill No. 245:

YEAS—19.

NAYS—Gustavson, Settelmeyer—2.

Senate Bill No. 245 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 252.

Bill read third time.

Remarks by Senator Atkinson.

Thank you, Mr. President. I stand in support of Senate Bill No. 252, the renewable energy portfolio standards bill. It clarifies what qualify as portfolio energy systems. The measure revises the definition of a "portfolio energy system" or an "efficiency measure" to provide that any renewable system built before 1997 only counts in the Renewable Portfolio Standard if it was used to satisfy the portfolio standard as of July 1, 2009, or the energy efficiency measure is installed on or before December 31, 2019. It limits stations used prospectively to provide the energy system placed into operation after July 1, 2015, the calculation of the kilowatt generation required does not include that amount. It also clarifies the small distributive generation system continues to qualify for the 2.4 multiplier only if installed before July 1, 2014. It also maintains the value of energy credits but reduces the amount of excess credits in future years of the market.

I would like to thank my colleagues from Senate District No. 12 and Senate District No. 1. They played positive roles in passing Senate Bill No. 252. They helped develop joint language

that resulted in a healthy compromise, making this a good committee bill. We worked in a bipartisan manner. We can proudly say we addressed some renewable energy portfolio standard legislation in this House. I urge passage of Senate Bill No. 252.

Roll call on Senate Bill No. 252:

YEAS—21.

NAYS—None.

Senate Bill No. 252 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 280.

Bill read third time.

Remarks by Senators Kihuen, Brower and Jones.

SENATOR KIHUEN:

Thank you, Mr. President. Senate Bill No. 280 establishes procedures that a homeowners' association must follow before initiating a foreclosure on a unit or any other debt collection activity. The measure provides that if an obligation is 60 days or more past due, the association must mail a full statement of account showing all transaction history for the immediately preceding 24 months, along with a schedule of fees that may be charged if payment is not received and a proposed repayment plan. In addition, the measure provides if payment is not received within 15 days after the mailing of the documents, the association must mail at least two letters, containing specific information, including a notice of the right of the owner to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing.

Senate Bill No. 280 provides that not earlier than 30 days after mailing the last of the two letters, the executive board must conduct a hearing to verify the past due obligation. The measure provides the unIt is owner with certain entitlements, including the right to: (1) attend the hearing to verify past due obligations; (2) be represented by another person at the hearing; and (3) present evidence. The measure provides that the association shall mail the determination of the executive board to the unIt is owner within 30 days.

If a repayment plan is initiated, the measure authorizes the association to charge up to $50 for administering the plan. If the unIt is owner fails to pay an installment payment to the repayment plan, the measure authorizes the association to charge a fee of not more than $50 to cover the costs incurred by the association.

Senate Bill No. 280 provides that an association may foreclose a lien by sale for a failure to pay an assessment for common expenses, only if the amount of the delinquent assessments and any interest charges for late payment, fines or costs of collecting the assessment is $1,000 or more or exceeds 12 months of assessments. Finally, the measure provides for the right of redemption for the unit's owner, if the unit is owner occupied. This bill is effective on October 1, 2013.

SENATOR BROWER:

Thank you, Mr. President. I want to commend the sponsor of Senate Bill No. 280 for the hard work he has done on it. I can certainly understand where he is coming from with this bill. There is a lot of good intent. In this State, we know there are—particularly in Clark County—some homeowners' associations that do not always act in the ways we would like them to act. There are also many responsible, effective homeowners' associations throughout the State.

I think this Senate Bill No. 280 goes too far in making it too onerous for those good homeowners' associations out there to do the business of the people who make up their communities. Despite my friend's best efforts to put together a bill that might work, I must oppose it.

SENATOR JONES:

Thank you, Mr. President. I applaud the efforts of my colleague from Senate District No. 10 on Senate Bill No. 280. I think it is a good bill, and I was proud to support it in the Senate Committee on Judiciary. Over the weekend, I met with many constituents who are homeowners' association board members. They raised some additional concerns with the bill. I have addressed those with my colleague from Senate District No. 10. I will be supporting Senate Bill No. 280 today. I hope to continue to work together with him and others involved with this bill in order to, hopefully, tinker with it and improve it as it continues its way through the rest of the process.

Roll call on Senate Bill No. 280:

YEAS—11.

NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer—10.

Senate Bill No. 280 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 373.

Bill read third time.

The following amendment was proposed by Senator Segerblom:

Amendment No. 558.

"SUMMARY—Makes various changes relating to judgments. (BDR 2-932)"

"AN ACT relating to judgments; authorizing a court to issue an order permitting a judgment debtor to pay a judgment in installments under certain circumstances; increasing the percentage of a judgment debtor's disposable earnings which is exempt from execution under certain circumstances; authorizing a judgment debtor who is a resident of this State to bring a civil action in certain circumstances against a judgment creditor who obtains a writ of garnishment without domesticating a foreign judgment; revising provisions relating to the exemption of annuity benefits from certain claims of the annuitant's creditors; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill authorizes a court to allow a person who has had a judgment for the payment of money entered against him or her to pay the judgment in installments from income or property that is not exempt from execution if the court determines that the defendant is unable to pay the judgment.

Existing law provides that 75 percent of a judgment debtor's disposable earnings for any workweek are exempt from execution. (NRS 21.025, 21.075, 21.090, 31.045, 31.295) Sections 2-4 and 6 ~~[, 9]~~ , 8 and 9 of this bill increase the exemption to ~~[90]~~ 85 percent of a judgment debtor's disposable earnings for any workweek if the gross annual salary or wage of the debtor is ~~[$70,000]~~ $50,000 or less.

Existing law requires a judgment creditor who seeks to enforce a foreign judgment in this State to domesticate the foreign judgment by filing a copy of

the foreign judgment with the clerk of any district court of this State. (NRS 17.330-17.400) Section 5 of this bill authorizes a judgment debtor who is a resident of this State to bring a civil action against a judgment creditor who, without domesticating a foreign judgment, garnishes a bank account or any other personal property maintained by the judgment debtor at a branch of a financial institution located in this State or the earnings of the judgment debtor from employment in this State.

Existing law exempts annuity benefits from certain claims of the annuitant's creditors under certain circumstances. (NRS 687B.290) Section 10 of this bill subjects certain amounts of annuity benefits to execution by certain creditors of the annuitant.

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

Section 1. Chapter 21 of NRS is hereby amended by adding thereto a new provision to read as follows:

1. A judge of any court having jurisdiction at the time of the entry of a judgment, upon proper showing made by the defendant with both parties or their attorneys present in court, may make a written order permitting the judgment debtor to pay the judgment in installments from that portion of the judgment debtor's income or property which is not exempt from execution, at such times and in such amounts as, in the opinion of the judge, the judgment debtor is able to pay.

2. Upon compliance by the judgment debtor with the provisions of this section and the court rules, a judge of any court may issue an order permitting a judgment debtor to pay in installments from that portion of the judgment debtor's income or property which is not exempt from execution, at such times and in such amounts as, in the opinion of the judge, the judgment debtor is able to pay, any judgment previously entered by his or her court or filed in his or her court pursuant to NRS 17.350.

3. At any time after the entry of a judgment by a court or the filing of a judgment in a court pursuant to NRS 17.350, a judgment debtor may file a petition with the clerk of the court in which the judgment was entered or filed requesting the clerk to issue a notice, directed to the judgment creditor. The petition must include an affidavit of the judgment debtor setting forth the judgment debtor's inability to pay the judgment from that portion of the judgment debtor's income or property which is not exempt from execution.

4. A notice issued pursuant to subsection 3 must notify the judgment creditor of the day and time of a hearing to allow the judgment debtor to pay the judgment in installments. The notice must be served on the judgment creditor not later than 4 days before the date set for the hearing on the petition, by placing the notice in the United States mail in an envelope properly stamped and addressed to the judgment creditor or the agent or attorney of the judgment creditor.

5. Except as otherwise provided by court order, a writ of execution or a writ of garnishment may not be issued on the judgment after the filing of a petition pursuant to subsection 3.

Sec. 2. NRS 21.025 is hereby amended to read as follows:

21.025 A writ of execution issued on a judgment for the recovery of money must be substantially in the following form:

(Title of the Court)

(Number and abbreviated title of the case)

EXECUTION

THE PEOPLE OF THE STATE OF NEVADA:

To the sheriff of ..... County.

Greetings:

To FINANCIAL INSTITUTIONS: This judgment is for the recovery of money for the support of a person.

On .....(month).....(day).....(year), a judgment was entered by the above-entitled court in the above-entitled action in favor of ..... as judgment creditor and against ..... as judgment debtor for:

$.....principal,

$.....attorney's fees,

$.....interest, and

$.....costs, making a total amount of

$.....the judgment as entered, and

WHEREAS, according to an affidavit or a memorandum of costs after judgment, or both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

$.....accrued interest, and

$.....accrued costs, together with $.....fee, for the issuance of this writ, making a total of

$.....as accrued costs, accrued interest and fees.

Credit must be given for payments and partial satisfactions in the amount of

$.....

which is to be first credited against the total accrued costs and accrued interest, with any excess credited against the judgment as entered, leaving a net balance of

$.....

actually due on the date of the issuance of this writ, of which

$.....

bears interest at ..... percent per annum, in the amount of $..... per day, from the date of judgment to the date of levy, to which must be added the commissions and costs of the officer executing this writ.

NOW, THEREFORE, SHERIFF OF..... COUNTY, you are hereby commanded to satisfy this judgment with interest and costs as provided by law, out of the personal property of the judgment

debtor, except that for any workweek, ~~*[90]*~~ *85 percent of the disposable earnings of the debtor during that week if the gross annual salary or wage of the debtor is* ~~*[$70,000]*~~ *$50,000 or less,* 75 percent of the disposable earnings of the debtor during that week *if the gross annual salary or wage of the debtor exceeds* ~~*[$70,000,]*~~ *$50,000,* or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater, is exempt from any levy of execution pursuant to this writ, and if sufficient personal property cannot be found, then out of the real property belonging to the debtor in the aforesaid county, and make return to this writ within not less than 10 days or more than 60 days endorsed thereon with what you have done.

Dated: This ..... day of the month of ..... of the year .....

....., Clerk.

By....., Deputy Clerk.

Sec. 3. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

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

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

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

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. ~~[Seventy-five]~~ ~~*[Ninety]*~~ *Eighty-five* percent of the take-home pay for any workweek ~~[,]~~ *if your gross annual salary or wage is* ~~*[$70,000]*~~ *$50,000 or less, or seventy-five percent of the take-home pay for any workweek if your gross annual salary or wage exceeds* ~~*[$70,000,]*~~ *$50,000,* unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in:

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

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

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

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

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

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

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

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a contingent interest, if the contingency has not been satisfied or removed;

(b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(d) Certain powers held by a trust protector or certain other persons; and

(e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; and

(b) A present or future interest in the income or principal of a trust that is a support interest in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain

and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

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

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

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

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

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons). If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of

exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days after the objection to the claim of exemption and notice for the hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 4. NRS 21.090 is hereby amended to read as follows:

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

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

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

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

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

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

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

(g) For any workweek, ~~[90]~~ *85 percent of the disposable earnings of a judgment debtor during that week if the gross annual salary or wage of the judgment debtor is* ~~[$70,000]~~ *$50,000 or less,* 75 percent of the disposable earnings of a judgment debtor during that week ~~[,]~~ *if the gross annual salary or wage of the judgment debtor exceeds* ~~[$70,000,]~~ *$50,000,* or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

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

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

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

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

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

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

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

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

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

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

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

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

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

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

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

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

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

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

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

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

(u) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person

upon whom the judgment debtor is dependent at the time the payment is received.

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

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

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

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

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

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

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

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

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

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

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

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

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

(dd) If a trust contains a spendthrift provision:

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

(2) Notwithstanding a beneficiary's right to enforce a support interest, a distribution interest in the trust as defined in NRS 163.4155 that is a support

interest as described in NRS 163.4185, if the interest has not been distributed.

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

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

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

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

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

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

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS 422.291.

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

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

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

Sec. 5. Chapter 31 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any judgment debtor who is a resident of this State and who maintains an account or any other property at a branch of a financial institution located in this State or whose earnings are derived from employment in this State may bring a civil action against a judgment creditor under a foreign judgment, if the judgment creditor, without satisfying the requirements of NRS 17.330 to 17.400, inclusive, has obtained a writ of garnishment to satisfy all or part of the foreign judgment from:

(a) The earnings of the judgment debtor derived from employment in this State; or

(b) Money in the account or any other property maintained by the judgment debtor at a branch of a financial institution located in this State.

2. A judgment debtor who prevails in an action brought under this section may recover from the judgment creditor damages equal to two times any amount paid to the judgment creditor under the writ of garnishment. If the judgment debtor prevails in an action brought under this section, the court must award reasonable attorney's fees and costs to the plaintiff.

3. As used in this section, "foreign judgment" has the meaning ascribed to it in NRS 17.340.

Sec. 6. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe the plaintiff money. The plaintiff has begun the procedure to collect that money. To secure satisfaction of judgment, the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

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

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

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

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. ~~[Seventy-five]~~ ~~*[Ninety]*~~ *Eighty-five* percent of the take-home pay for any workweek ~~[,]~~ *if your gross annual salary or wage is ~~[$70,000]~~ $50,000 or less, or seventy-five percent of the take-home pay for any workweek if your gross annual salary or wage exceeds ~~[$70,000,]~~ $50,000,* unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in:

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

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

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

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

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

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

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

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a contingent interest, if the interest has not been satisfied or removed;

(b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(d) Certain powers held by a trust protector or certain other persons; and

(e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; and

(b) A present or future interest in the income or principal of a trust that is a support interest in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

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

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

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

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

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

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons). If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing must be held within 7 judicial days after the objection to the claim of exemption and notice for a hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY

MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 7. NRS 31.060 is hereby amended to read as follows:

31.060 Subject to the requirements of NRS 31.045, the sheriff to whom the writ is directed and delivered shall execute it without delay, and if the undertaking mentioned in NRS 31.040 is not given, as follows:

1. Real property must be attached by leaving a copy of the writ with the occupant of the property or, if there is no occupant, by posting a copy in a conspicuous place on the property and recording the writ, together with a description of the property attached, with the recorder of the county.

2. Personal property must be attached:

(a) By taking it into immediate custody, and, if directed by the plaintiff, using the services of any company which operates a tow car, as defined in NRS 706.131, or common motor carrier, as defined in NRS 706.036, to transport it for storage in a warehouse or storage yard that is insured or bonded in an amount not less than the full value of the property; or

(b) By placing a keeper in charge of a going business where the property is located, with the plaintiff prepaying the expense of the keeper to the sheriff, during which period, the defendant, by order of the court or the consent of the plaintiff, may continue to operate in the ordinary course of business at the defendant's own expense if all sales are for cash and the full proceeds are paid to the keeper for the purpose of the attachment.

➥ If the property is stored pursuant to paragraph (a), the property must be segregated from other property and marked by signs or other appropriate means indicating that it is in the custody of the sheriff.

3. Any mobile home, as defined in NRS 40.215, must be attached by:

(a) Posting a copy of the writ in a conspicuous place on the mobile home;

(b) Taking it into immediate custody, subject to the provisions of subsection 2; or

(c) Placing a keeper in charge of the mobile home for 2 days, with the plaintiff prepaying the expense of the keeper to the sheriff:

(1) During which period, the defendant may continue to occupy the mobile home; and

(2) After which period, the sheriff shall take the mobile home into the sheriff's immediate custody, subject to the provisions of subsection 2, unless other disposition is made by the court or the parties to the action.

4. Debts and credits, due or to become due, and other personal property in the possession or under the control of persons other than the defendant must be attached by service of a writ of garnishment as provided in NRS 31.240 to 31.460, inclusive ~~.~~ *, and section 5 of this act.*

Sec. 8. NRS 31.290 is hereby amended to read as follows:

31.290 1. The interrogatories to be submitted with any writ of execution, attachment or garnishment to the garnishee may be in substance as follows:

INTERROGATORIES

Are you in any manner indebted to the defendants .....
.....
....., or either of them, either in property or money, and is the debt now due? If not due, when is the debt to become due? State fully all particulars.

Answer: .....
.....

Are you an employer of one or all of the defendants? If so, state the length of your pay period and the amount of disposable earnings, as defined in NRS 31.295, that each defendant presently earns during a pay period. State the minimum amount of disposable earnings that is exempt from this garnishment, which is the federal minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), in effect at the time the earnings are payable multiplied by 50 for each week of the pay period, after deducting any amount required by law to be withheld.

Calculate the garnishable amount as follows:

(Check one of the following) The employee is paid:

[A] Weekly:__ [B] Biweekly:__ [C] Semimonthly:__ [D] Monthly:__

(1) Gross Earnings $.....

(2) Deductions required by law (not including child support) $.....

(3) Disposable Earnings [Subtract line 2 from line 1] $.....

(4) Federal Minimum Wage $.....

(5) Multiply line 4 by 50 $.....

(6) Complete the following directions in accordance with the letter selected above:

[A] Multiply line 5 by 1 $.....

[B] Multiply line 5 by 2 $.....

[C] Multiply line 5 by 52 and then divide by 24 $.....

[D] Multiply line 5 by 52 and then divide by 12 $.....

(7) Subtract line 6 from line 3 $.....

This is the attachable earnings. This amount must not exceed ~~[25%] [10]~~ *15 percent of the disposable earnings from line 3 if the employee's gross annual salary or wage is* ~~*[$70,000]*~~ *$50,000 or less or 25 percent of the disposable earnings from line 3 if the employee's gross annual salary or wage exceeds* ~~*[$70,000 of the disposable earnings from line 3.]*~~ *$50,000.*

Answer: .....

.....

Did you have in your possession, in your charge or under your control, on the date the writ of garnishment was served upon you, any money, property, effects, goods, chattels, rights, credits or choses in action of the defendants, or either of them, or in which .....is interested? If so, state its value, and state fully all particulars.

Answer: .....

.....

Do you know of any debts owing to the defendants, whether due or not due, or any money, property, effects, goods, chattels, rights, credits or choses in action, belonging to ..... or in which .....is interested, and now in the possession or under the control of others? If so, state particulars.

Answer: .....

.....

Are you a financial institution with a personal account held by one or all of the defendants? If so, state the account number and the amount of money in the account which is subject to garnishment. As set forth in NRS 21.105, $2,000 or the entire amount in the account, whichever is less, is not subject to garnishment if the financial institution reasonably identifies that an electronic deposit of money has been made into the account within the immediately preceding 45 days which is exempt from execution, including, without limitation, payments of money described in NRS 21.105 or, if no such deposit has been made, $400 or the entire amount in the account, whichever is less, is not subject to garnishment, unless the garnishment is for the recovery of money owed for the support of any person. The amount which is not subject to garnishment does not apply to each account of the judgment debtor, but rather is an aggregate amount that is not subject to garnishment.

Answer: .....

.....

State your correct name and address, or the name and address of your attorney upon whom written notice of further proceedings in this action may be served.

Answer: .....

.....

.....

Garnishee

I (insert the name of the garnishee), declare under penalty of perjury that the answers to the foregoing interrogatories by me subscribed are true and correct.

.....

(Signature of garnishee)

2. The garnishee shall answer the interrogatories in writing upon oath or affirmation and submit the answers to the sheriff within the time required by the writ. The garnishee shall submit his or her answers to the judgment debtor within the same time. If the garnishee fails to do so, the garnishee shall be deemed in default.

Sec. 9. NRS 31.295 is hereby amended to read as follows:

31.295 1. As used in this section:

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

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

2. The maximum amount of the aggregate disposable earnings of a person which are subject to garnishment may not exceed:

(a) ~~*[Ten]*~~ *Fifteen percent of the person's disposable earnings for the relevant workweek if the person's gross annual salary or wage is* ~~*[$70,000]*~~ *$50,000 or less;*

(b) Twenty-five percent of the person's disposable earnings for the relevant workweek ~~[; or~~

~~(b)]~~ *if the person's gross annual salary or wage exceeds* ~~*[$70,000;]*~~ *$50,000; or*

(c) The amount by which the person's disposable earnings for that week exceed 50 times the federal minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), in effect at the time the earnings are payable,

➥ whichever is less.

3. The restrictions of subsection 2 do not apply in the case of:

(a) Any order of any court for the support of any person.

(b) Any order of any court of bankruptcy.

(c) Any debt due for any state or federal tax.

4. Except as otherwise provided in this subsection, the maximum amount of the aggregate disposable earnings of a person for any workweek which are subject to garnishment to enforce any order for the support of any person may not exceed:

(a) Fifty percent of the person's disposable earnings for that week if the person is supporting a spouse or child other than the spouse or child for whom the order of support was rendered; or

(b) Sixty percent of the person's disposable earnings for that week if the person is not supporting such a spouse or child,

➥ except that if the garnishment is to enforce a previous order of support with respect to a period occurring at least 12 weeks before the beginning of the workweek, the limits which apply to the situations described in paragraphs (a) and (b) are 55 percent and 65 percent, respectively.

Sec. 10. NRS 687B.290 is hereby amended to read as follows:

687B.290 1. The benefits, rights, privileges and options which under any annuity contract issued prior to or after January 1, 1972, are due or prospectively due the annuitant shall not be subject to execution nor shall the annuitant be compelled to exercise any such rights, powers or options, nor shall creditors be allowed to interfere with or terminate the contract, except as to *amounts listed as an asset on an application for a loan or pledged as payment for a loan or* amounts paid for or as premium on any such annuity with intent to defraud creditors, with interest thereon, and of which the creditor has given the insurer written notice at its home office *within 1 year after the annuitant makes a payment to the insurer or* prior to the making of the payment to the annuitant out of which the creditor seeks to recover. Any such notice shall specify the amount claimed or such facts as will enable the insurer to ascertain such amount, and shall set forth such facts as will enable the insurer to ascertain the annuity contract, the annuitant and the payment sought to be avoided on the ground of fraud.

2. If the contract so provides, the benefits, rights, privileges or options accruing under such contract to a beneficiary or assignee shall not be transferable or subject to commutation, and the same exemptions and exceptions contained in this section for the annuitant shall apply with respect to such beneficiary or assignee.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Thank you, Mr. President. Amendment No. 558 to Senate Bill No. 373 lowers the amount that is exempt for garnishment. As it came out of Committee, the bill exempted 90 percent of an employee's wages up to $70,000. In consulting with others after the bill came out of Committee, we thought we may have been too extreme. We have reduced the exemption to 85 percent of the first $50,000.

Amendment adopted.

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

Senate Bill No. 460.

Bill read third time.

Remarks by Senator Smith.

Thank you, Mr. President. Senate Bill No. 460, as amended, appropriates $9,130 from the General Fund to the Commission on Judicial Discipline for an anticipated shortfall due to a terminal leave payout. The bill also appropriates $71,657 from the General Fund for an anticipated shortfall resulting from unanticipated hearings. Funding remaining at the end of fiscal year 2013 would revert to the General Fund. Senate Bill 460 becomes effective upon passage and approval. I urge your support.

Roll call on Senate Bill No. 460:

YEAS—21.

NAYS—None.

Senate Bill No. 460 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 266.

Bill read third time.

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

Amendment No. 580.

"SUMMARY—~~[Requires certain policies of health insurance and health care plans to provide comparable]~~ Revises provisions governing coverage for ~~[orally administered]~~ chemotherapy ~~[.]~~ in a policy of health insurance or health care plan. (BDR 57-879)"

"AN ACT relating to insurance; ~~[requiring]~~ prohibiting certain policies of health insurance and health care plans ~~[to provide]~~ from making monetary limits of coverage for certain orally administered chemotherapy ~~[that is not]~~ less favorable to the insured than other forms of chemotherapy; limiting the total combined amount of any copayment, deductible or coinsurance for chemotherapy administered orally; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires certain public and private health care plans and policies of insurance to provide coverage for certain procedures, including colorectal cancer screenings, cytological screening tests and mammograms, in certain circumstances. (NRS 287.027, 287.04335, 689A.04042, 689A.0405, 689B.0367, 689B.0374, 695B.1907, 695B.1912, 695C.1731, 695C.1735, 695G.168) Existing law also requires employers to provide certain benefits to employees, including coverage for the procedures required to be covered by insurers, if the employer provides health benefits for its employees. (NRS 608.1555) ~~[This]~~ Sections 1, 3-5, 8 and 9 of this bill ~~[requires each]~~ prohibit a health care plan and policy of insurance, other than the State Plan for Medicaid, that provides coverage for both chemotherapy administered intravenously or by injection and orally administered chemotherapy ~~[to provide the]~~ from making the monetary limits of coverage for orally administered chemotherapy ~~[to the same extent to the insured as]~~ different than other types of chemotherapy. ~~[This bill]~~ Sections 1, 3-5, 8 and

9 further ~~[prohibits]~~ prohibit such a health care plan or policy of insurance from meeting this requirement by ~~[increasing the costs of the other types of chemotherapy or by]~~ decreasing the monetary limits for chemotherapy under the policy or plan. Sections 1, 3-5, 8 and 9 also prohibit such a health care plan and policy of insurance from requiring a copayment, deductible or coinsurance amount for orally administered chemotherapy in a combined amount that is more than $100 per prescription.

The provisions of this bill apply prospectively to any policy of insurance or health care plan offered through the Silver State Health Insurance Exchange on or after January 1, 2015, and to any other policy of insurance or health care plan issued or renewed on or after January 1, 2014.

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

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of health insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a ~~[higher]~~ copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug ~~[than is required for chemotherapy which is administered by injection or intravenously.]~~ in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) ~~[Increase the copayment, deductible or coinsurance amount for chemotherapy that is administered by injection or intravenously or decrease]~~ Decrease the monetary limits applicable to ~~[such]~~ chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A policy subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the policy or renewal which is in conflict with this section is void if the policy is:

(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or

(b) For any other policy, delivered, issued for delivery or renewed on or after January 1, 2014.

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of

chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ *, and section 1 of this act.*

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a ~~[higher]~~ copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug ~~[than is required for chemotherapy which is administered by injection or intravenously.]~~ in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) ~~[Increase the copayment, deductible or coinsurance amount for chemotherapy that is administered by injection or intravenously or decrease]~~ Decrease the monetary limits applicable to ~~[such]~~ chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A policy subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the policy or renewal which is in conflict with this section is void.

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 4. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a contract for hospital or medical service which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a ~~[higher]~~ copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug ~~[than is required for chemotherapy which is administered by injection or intravenously.]~~ in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) ~~[Increase the copayment, deductible or coinsurance amount for chemotherapy that is administered by injection or intravenously or decrease]~~ Decrease the monetary limits applicable to ~~[such]~~ chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A contract subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the contract or renewal which is in conflict with this section is void if the contract is:

(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or

(b) For any other contract, delivered, issued for delivery or renewed on or after January 1, 2014.

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 5. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a ~~[higher]~~ copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug ~~[than is required for chemotherapy which is administered by injection or intravenously.]~~ in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) ~~[Increase the copayment, deductible or coinsurance amount for chemotherapy that is administered by injection or intravenously or decrease]~~

Decrease the monetary limits applicable to such chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. Evidence of coverage subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void if the evidence of coverage is:

(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or

(b) For any other evidence of coverage, delivered, issued for delivery or renewed on or after January 1, 2014.

3. Nothing in this section shall be construed as requiring a health maintenance organization to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 6. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170 to 695C.173, inclusive, 695C.1733 to 695C.200, inclusive, *and section 5 of this act,* 695C.250 and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695 and 695C.1731 apply to a health maintenance organization that provides health care services

through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 7. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and section 5 of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The State Board of Health certifies to the Commissioner that the health maintenance organization:

(1) Does not meet the requirements of subsection 2 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 8. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a ~~[higher]~~ copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug ~~[than is required for chemotherapy which is administered by injection or intravenously.]~~ in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) ~~[Increase the copayment, deductible or coinsurance amount for chemotherapy that is administered by injection or intravenously or decrease]~~ Decrease the monetary limits applicable to ~~[such]~~ chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. An evidence of coverage for a health care plan subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void if the evidence of coverage is:

(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or

(b) For any other evidence of coverage, delivered, issued for delivery or renewed on or after January 1, 2014.

3. Nothing in this section shall be construed as requiring a managed care organization to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 8.5. NRS 695G.090 is hereby amended to read as follows:

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with:

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.164, 695G.1645, 695G.200 to 695G.230, inclusive, and 695G.430 *and section 8 of this act,* do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 9. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental entity of the State of Nevada that provides health insurance through a plan of self-insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a ~~[higher]~~ copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug ~~[than is required for chemotherapy which is administered by injection or intravenously.]~~ in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than

the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) ~~[Increase the copayment, deductible or coinsurance amount for chemotherapy that is administered by injection or intravenously or decrease]~~ Decrease the monetary limits applicable to such chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A plan of self-insurance subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the plan or the renewal which is in conflict with this section is void if the plan is:

(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or

(b) For any other plan, delivered, issued for delivery or renewed on or after January 1, 2014.

3. Nothing in this section shall be construed as requiring the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental entity of the State of Nevada that provides health insurance through a plan of self-insurance to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 9.5. NRS 287.015 is hereby amended to read as follows:

287.015 1. A local government employer and any employee organization that is recognized by the employer pursuant to chapter 288 of NRS may, by written agreement between themselves or with other local government employers and employee organizations, establish a trust fund to provide health and welfare benefits to active and retired employees of the participating employers and the dependents of those employees.

2. All contributions made to a trust fund established pursuant to this section must be held in trust and used:

(a) To provide, from principal or income, or both, for the benefit of the participating employees and their dependents, medical, hospital, dental, vision, death, disability or accident benefits, or any combination thereof, and any other benefit appropriate for an entity that qualifies as a voluntary employees' beneficiary association under Section 501(c)(9) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(9), as amended; and

(b) To pay any reasonable administrative expenses incident to the provision of these benefits and the administration of the trust.

3. The basis on which contributions are to be made to the trust must be specified in a collective bargaining agreement between each participating local government employer and employee organization or in a written

participation agreement between the employer and employee organization, jointly, and the trust.

4. The trust must be administered by a board of trustees on which participating local government employers and employee organizations are equally represented. The agreement that establishes the trust must:

(a) Set forth the powers and duties of the board of trustees, which must not be inconsistent with the provisions of this section;

(b) Establish a procedure for resolving expeditiously any deadlock that arises among the members of the board of trustees; and

(c) Provide for an audit of the trust, at least annually, the results of which must be reported to each participating employer and employee organization.

5. The provisions of paragraphs (b) and (c) of subsection 2 of NRS 287.029 apply to a trust fund established pursuant to this section by the governing body of a school district.

6. *The provisions of section 9 of this act do not apply to a trust fund established pursuant to this section* ~~[.]~~ *before October 1, 2013.*

7. As used in this section:

(a) "Employee organization" has the meaning ascribed to it in NRS 288.040.

(b) "Local government employer" has the meaning ascribed to it in NRS 288.060.

Sec. 10. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.164, 695G.1645, 695G.170, 695G.171, 695G.173, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, *and section 8 of this act* in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 11. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Senator Denis moved the adoption of the amendment.

Remarks by Senators Denis and Goicoechea.

SENATOR DENIS:

Thank you, Mr. President. Amendment No. 580 to Senate Bill No. 266 prohibits certain policies of health insurance and health care plans from making monetary limits of coverage for certain orally-administered chemotherapy less favorable to the insured than other forms of chemotherapy. It also limits the total combined amount of any copayment, deductible or coinsurance for chemotherapy administered orally.

SENATOR GOICOECHEA:

Thank you, Mr. President. Pertaining to the amendment, oral chemotherapy will be a big help in the rural communities of this State, reducing the need to drive 500 miles or so to get treatment. I am supportive of the bill. I am concerned about the $100 prescription amount; will that be attainable? I worry the insurance company may say we cannot provide the oral medication to you because of the $100 limit.

SENATOR DENIS:

Thank you, Mr. President. Many of the insurance companies are already doing this for less than $100. One company, for example, is offering it for $50. This is a maximum of $100. We worked with the insurance companies as well as the providers on this bill and they felt comfortable with this.

SENATOR GOICOECHEA:

Thank you, Mr. President. If it is doable, that is great. I appreciate your answer.

Amendment adopted.

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

Senate Bill No. 38.

Bill read third time.

The following amendment was proposed by Senator Smith:

Amendment No. 582.

"SUMMARY—Revises provisions governing the dissemination by the Central Repository for Nevada Records of Criminal History of information relating to certain offenses. (BDR 14-343)"

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

Legislative Counsel's Digest:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Is regarded as having such an impairment.

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

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

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

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

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

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

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

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

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

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

(a) A sexual offense;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(2) The]~~

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

~~[(3) The]~~

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

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

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

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

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

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

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

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

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

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

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

3. If a search of the records of the Central Repository reveals no information for which notice is subject to release, the Central Repository

shall submit the fingerprints of the employee *or volunteer* to the Federal Bureau of Investigation for a search of its records of criminal history. The Central Repository shall review all information received from the Federal Bureau of Investigation. Notice of any information received from the Federal Bureau of Investigation may be disseminated only if the information is of a kind for which notice is subject to release pursuant to this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. This section does not limit or affect any other rights, claims or causes of action arising by statute or common law.

Sec. 6. (Deleted by amendment.)

Senator Smith moved the adoption of the amendment.

Remarks by Senator Smith.

Thank you, Mr. President. Amendment No. 582 to Senate Bill No. 38 makes it clear that the term "volunteer" in this bill does not apply to a person who renders time and services in a public school or for an activity that is part of the program for a public school. This bill was meant to apply to people who volunteer in elderly-care situations.

Amendment adopted.

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

Senator Denis moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 4:47 p.m.

SENATE IN SESSION

At 5:18 p.m.

President Krolicki presiding.

Quorum present.

Senate Bill No. 49.

Bill read third time.

The following amendment was proposed by Senator Kieckhefer:

Amendment No. 579.

The Title of Senate Bill No. 49 is hereby amended as follows:

"AN ACT relating to public office; revising provisions relating to the personal use of campaign contributions by candidates; requiring a candidate to report annually the balance in his or her campaign account; requiring certain persons who do not file declarations of candidacy, acceptances of candidacy or appear on an election ballot within a certain period to dispose of unspent contributions; making various changes regarding the reporting of campaign contributions and campaign expenses; increasing the amount of a civil penalty that may be imposed for certain violations of laws relating to campaign finance; authorizing the Secretary of State to request equitable relief as a remedy for a violation of laws relating to campaign finance; making various other changes relating to campaign finance; prohibiting public officers, candidates and certain persons related to or employed by public officers or candidates from accepting or soliciting certain gifts; prohibiting certain persons from giving or offering to give certain gifts to public officers, candidates and certain persons related to public officers or candidates or employed by public officers; requiring the Director of the Legislative Counsel Bureau to forward certain reports relating to activities of lobbyists to the Secretary of State; authorizing the Secretary of State to enforce provisions relating to the giving and receiving of gifts to public officers and candidates; and providing other matters properly relating thereto."

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law provides that a person becomes a candidate if: (1) he or she files a declaration or an acceptance of candidacy; (2) his or her name appears on an official ballot at any election; or (3) he or she receives contributions in excess of $100. (NRS 294A.005) Section 10 of this bill provides that a person who qualifies as a candidate by receiving contributions in excess of $100 must dispose of the unspent campaign contributions within 4 years after the qualifying event if the person does not: (1) file a declaration or an acceptance of candidacy; or (2) appear on an official ballot at any election.

Under existing law, a former public officer may use unspent campaign contributions in a future election. (NRS 294A.160) Section 10 provides that a former public officer may not use unspent campaign contributions in a future election unless, within 4 years after the expiration of his or her term of office, the former public officer: (1) files a declaration of candidacy or an acceptance of candidacy; or (2) appears on an official ballot at any election.

Existing law prohibits a candidate for public office from spending money received as a campaign contribution for the candidate's personal use. (NRS 294A.160) Section 3 of this bill moves the prohibition to a new section and sets forth what constitutes "personal use." The provisions setting forth what constitutes "personal use" are modeled after federal law. (2 U.S.C. § 439a; 11 C.F.R. § 113.2)

Existing law requires every candidate for public office to open and maintain a bank account for the deposit of campaign contributions. (NRS 294A.130) Section 4 of this bill requires a candidate to report annually the balance in his or her account. Section 36.5 of this bill makes this requirement apply prospectively and provides that the balance of any account opened before January 1, 2014, shall be deemed $0 [.] on January 1, 2014.

Under existing law, every candidate for public office must report to the Secretary of State contributions and campaign expenses greater than $100 by statutorily scheduled dates during an election year. Existing law also requires candidates to file such a report annually during nonelection years. (NRS 294A.120, 294A.200) Sections 8.5 and 10.5 of this bill require each candidate to include in the required reports the amounts of unspent contributions disposed of pursuant to the provisions of existing law. Sections 6.3 and 6.7 of this bill require each candidate to report contributions, campaign expenses and unspent contributions disposed of on a quarterly basis during nonelection years.

Sections 4.5 and 5.5 of this bill require a candidate who receives contributions or incurs campaign expenses greater than $2,000 to report those contributions and campaign expenses to the Secretary of State not later than the fifth day of the following month during the period: (1) beginning on the day that the candidate files a declaration or acceptance of candidacy; and (2) ending on the day before the period of early voting begins.

Sections 5 and 6 of this bill require candidates who receive contributions, incur campaign expenses or make certain expenditures greater than $2,000 during the period for early voting to report those contributions, campaign

expenses or expenditures to the Secretary of State not later than 72 hours after receiving the contribution, incurring the expense or making the expenditure.

Existing law defines campaign expenditures that are required to be reported by candidates, committees and other entities as expenditures made to advocate expressly for or against a candidate, group of candidates or ballot question. The advocacy can be on television, radio, billboards or posters or in newspapers. (NRS 294A.0075) Section 8 of this bill expands the definition of "expenditures" to include expenditures made for campaign advocacy on an Internet website or in periodicals other than newspapers or by mail.

Existing law requires certain persons who make expenditures that are not solicited or approved by a candidate or group of candidates to file contribution and expenditure reports and prohibits contributions from foreign nationals to such persons. (NRS 294A.140, 294A.210, 294A.325) Sections 7, 9 and 11 of this bill require contribution and expenditure reports from persons who make campaign expenditures that are not coordinated with a candidate or group of candidates, and section 12 of this bill prohibits contributions from foreign nationals to such persons.

Existing law authorizes the Secretary of State to bring an action in the First Judicial District Court seeking a civil penalty of not more than $5,000 against a person, committee or entity that does not file a campaign contribution or expense report or fails to register with the Secretary of State as required pursuant to chapter 294A of NRS. (NRS 294A.420) Section 17 of this bill authorizes the First Judicial District Court, on application by the Secretary of State, to issue an injunction or grant other appropriate equitable relief to ensure compliance with or enforce the provisions of chapter 294A of NRS. Section 17 also provides that the maximum amount of civil penalty that may be imposed for those violations is the greater of $5,000 or three times the amount at issue in the civil action.

Existing law requires certain public officers and candidates to report gifts received in excess of an aggregate value of $200 from a donor during a calendar year on a statement of financial disclosure that such public officers and candidates must file with the Secretary of State. (NRS 281.559, 281.561, 281.571) Existing law also prohibits a member of the Legislature or his or her staff or immediate family from accepting gifts that exceed an aggregate value of $100 from a lobbyist during a calendar year and prohibits a lobbyist from giving more than $100 worth of gifts to a member of the Legislature or his or her staff or immediate family during a calendar year. (NRS 218H.930)

Section 29 of this bill prohibits public officers, candidates and persons related to public officers or candidates within the third degree of consanguinity or affinity from accepting or soliciting gifts from a restricted donor. Section 28 of this bill provides that a restricted donor is a person who: (1) is, or is seeking to be, a party to a contract with a body of which the public officer is a member or to which a candidate is seeking election; (2) is or may be, or is the agent of a person who is or may be, materially or

financially affected by the performance or nonperformance of an official duty of the public officer or of the office to which a candidate is seeking election; (3) is, or is the agent of a person who is, the subject of or a party to a matter pending before the body of which the public officer is a member or to which a candidate is seeking election; or (4) is a lobbyist or client of a lobbyist. Section 29 also prohibits such a person from making or offering to make a gift to a public officer, candidate or person related to a public officer or candidate. Section 30 of this bill sets forth certain exclusions from the prohibition on giving or accepting gifts. Sections 7, 19, 20, 22, 25-28, 32 and 34-36 of this bill make conforming changes.

Existing law authorizes the Secretary of State to bring an action in the First Judicial District Court seeking a civil penalty against a public officer or candidate for public office who willfully fails to file a statement of financial disclosure or willfully files the statement late. (NRS 281.581) Section 36 of this bill authorizes the Secretary of State to bring an action seeking a civil penalty against: (1) a candidate for public office or public officer who willfully includes inaccurate information or fails to include information in the statement of financial disclosure; (2) a public officer or candidate who accepts or solicits certain gifts; and (3) a restricted donor. Section 36 also authorizes the First Judicial District Court, on application by the Secretary of State, to issue an injunction or grant other appropriate equitable relief to ensure compliance with or enforce the provisions relating to statements of financial disclosure and gifts to public officers and candidates. Section 31 of this bill authorizes the Secretary of State to conduct investigations for the purpose of bringing actions authorized pursuant to section 36.

Section 20 requires the Director of the Legislative Counsel Bureau to forward to the Secretary of State reports that registered lobbyists are required to file with the Director regarding their lobbying activities. (NRS 218H.400) Section 21 of this bill requires the Director to report suspected violations of section 29 to the Secretary of State. Section 21 also authorizes the Director to suspend the registration of a lobbyist at the Nevada Legislature against whom a civil penalty has been imposed for a violation of section 29. (NRS 218H.530)

Section 3 of Senate Bill No. 49 is hereby amended as follows:

Sec. 3. *1. It is unlawful for a candidate to spend money received as a campaign contribution for the candidate's personal use.*

2. As used in this section, "personal use" means any use that fulfills a commitment, obligation or expense that would exist irrespective of the candidate's campaign or duties as a public officer, including, without limitation, use for:

(a) Household items or supplies;

(b) Mortgage, rent or utility payments related to:

(1) Except as otherwise provided in subparagraph (2), any real or personal property that is owned by the candidate or a member of the candidate's family; or

(2) Real or personal property that is owned by the candidate or a member of the candidate's family and used for campaign purposes to the extent the payment exceeds the fair market value of the usage of that real or personal property;

(c) Admission to a sporting event, concert, theater event or any other form of entertainment unless the event is part of the candidate's campaign or related to his or her public office;

(d) Dues, fees or gratuities at a social club, country club, health club or recreational facility unless the dues, fees or gratuities are part of a fundraising event that takes place on the organization's premises;

(e) The payment of a salary or other economic benefit to a relative of the candidate within the third degree of consanguinity or affinity, unless the relative is providing bona fide services to the candidate's campaign;

(f) Clothing, except for items of clothing that are used in the candidate's campaign ~~[for, if the candidate is a public officer, in the ordinary and necessary execution of the duties of the public office;]~~ and are of de minimis value; or

(g) Funeral, cremation or burial expenses.

3. The term does not include:

(a) Campaign expenses; or

(b) The ordinary and necessary expenses incurred in connection with holding public office.

Section 4.5 of Senate Bill No. 49 is hereby amended as follows:

Sec. 4.5. 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.125, 294A.128 and 294A.360, a candidate who files a declaration of candidacy or an acceptance of candidacy for a primary election, primary city election, general election, general city election or special election shall report:

(a) Each contribution received that is in excess of $2,000; and

(b) Contributions received from a contributor which cumulatively exceed $2,000.

2. The candidate shall report contributions described in subsection 1:

(a) Not later than the fifth day of the month following the month in which the contributions are received; and

(b) During the period beginning on the day on which the candidate files the declaration of candidacy or acceptance of candidacy and ending on the day before the period for early voting begins.

3. A report required pursuant to this section must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

4. The name and address of the contributor and the date on which the contribution was received must be included on the report.

5. Except as otherwise provided in NRS 294A.3733, a report required pursuant to this section must be filed electronically with the Secretary of State.

6. A report shall be deemed filed at the time that it is received by the Secretary of State.

Section 5.5 of Senate Bill No. 49 is hereby amended as follows:

Sec. 5.5. 1. In addition to complying with the requirements set forth in NRS 294A.200, 294A.286 and 294A.360, a candidate who files a declaration of candidacy or an acceptance of candidacy for a primary election, primary city election, general election, general city election or special election shall report:

(a) Each campaign expense incurred that is in excess of $2,000; and

(b) Campaign expenses incurred which are payments to one recipient and cumulatively exceed $2,000.

2. The candidate shall report campaign expenses described in subsection 1:

(a) Not later than the fifth day of the month following the month in which the campaign expenses are incurred; and

(b) During the period beginning on the day on which the candidate files the declaration of candidacy or acceptance of candidacy and ending on the day before the period for early voting begins.

3. A report required pursuant to this section must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

4. Except as otherwise provided in NRS 294A.3733, a report required pursuant to this section must be filed electronically with the Secretary of State.

5. A report shall be deemed filed at the time that it is received by the Secretary of State.

Section 10 of Senate Bill No. 49 is hereby amended as follows:

Sec. 10. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. ~~[It is unlawful for a candidate to spend money received as a campaign contribution for the candidate's personal use.~~

~~2.]~~ Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use campaign contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of campaign contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360. A candidate or public officer shall not use campaign contributions to satisfy a civil or criminal penalty imposed by law.

~~[3.]~~ *2.* Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

~~[4.]~~ *3.* Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who withdraws after filing a declaration of candidacy or an acceptance of candidacy or is defeated for that office and who received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

~~[5.]~~ *4.* Every candidate for a state, district, county, city or township office who withdraws after filing a declaration of candidacy or an acceptance of candidacy or is defeated for that office at a primary or primary city election and received a contribution from a person in excess of $5,000 shall,

not later than the 15th day of the second month after the election, return any money in excess of $5,000 to the contributor.

[6.] *5.* Except as otherwise provided in [subsection] *subsections 7* [,] *[6, every] and 8, a person who qualifies as a candidate in accordance with the definition set forth in subsection 4 of NRS 294A.005 by receiving contributions in excess of $100 but who, within 4 years after the qualifying event, does not:*

(a) File a declaration of candidacy or an acceptance of candidacy; or

(b) Appear on an official ballot at any election,

➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 3.

6. A public officer who:

(a) Holds a state, district, county, city or township office;

(b) Does not run for reelection to that office and is not a candidate for any other office; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in *paragraph (a), (c), (d) or (e) of* subsection [3.] *2.*

7. *[6. A] Subject to the restrictions set forth in subsection 8, a* public officer who:

(a) Holds a state, district, county, city or township office;

(b) Does not run for reelection to that office and is a candidate for any other office; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ may use the unspent campaign contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.360 and 294A.362 *and sections 4 to 6.7, inclusive, of this act* for as long as the public officer is a candidate for any office.

8. *[7.] If, within 4 years after the expiration of his or her term of office, a former public officer described in subsection 7 does not:*

(a) File a declaration of candidacy or an acceptance of candidacy; or

(b) Appear on an official ballot at any election,

➥ the former public officer shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in paragraphs (a), (c), (d) and (e) of subsection 2.

9. In addition to the methods for disposing the unspent money set forth in [subsections 2, 3, 4] [, 5] [and] [7,] *[6,] this section,* a Legislator may donate

not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

~~[9.]~~ ~~*[8.]*~~ *10.* Any contributions received before a candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection ~~[3.]~~ *2.*

~~[10.]~~ ~~*[9.]*~~ *11.* The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

~~[11.]~~ ~~*[10.]*~~ *12.* As used in this section, "contributions" include any interest and other income earned thereon.

Section 13 of Senate Bill No. 49 is hereby amended as follows:

Sec. 13. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of $100 or $1,000, as is appropriate, that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. *Each report of campaign expenses required pursuant to section 5.5 or 6 of this act must consist of a list of each campaign expense in excess of $2,000 and a list of all campaign expenses incurred during a reporting period which are payments to one recipient and cumulatively exceed $2,000. The list in each report must state the category and amount of the campaign expense and the date on which the campaign expense was incurred.*

3. The categories of expense or expenditure for use on the report of expenses or expenditures are:

(a) Office expenses;
(b) Expenses related to volunteers;
(c) Expenses related to travel;
(d) Expenses related to advertising;
(e) Expenses related to paid staff;
(f) Expenses related to consultants;
(g) Expenses related to polling;
(h) Expenses related to special events;
(i) Expenses related to a legal defense fund;
(j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;
(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered

pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250; ~~[and]~~

(l) *Amounts disposed of pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286; and*

(m) Other miscellaneous expenses.

~~[3.]~~ *4.* Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection ~~[3]~~ *2* of NRS 294A.160 or subsection 4 of NRS 294A.286.

Section 15 of Senate Bill No. 49 is hereby amended as follows:

Sec. 15. NRS 294A.390 is hereby amended to read as follows:

294A.390 *1.* The officer from whom a candidate or entity requests a form for:

~~[1.]~~ *(a)* A declaration of candidacy;

~~[2.]~~ *(b)* An acceptance of candidacy;

~~[3.]~~ *(c)* The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

~~[4.]~~ *(d)* The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

➥ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter.

2. An explanation of the applicable provisions of *:*

(a) Section 4 of this act relating to the reporting of the balance in the separate account required by NRS 294A.130 and the penalties for a violation of those provisions as set forth in NRS 294A.420;

(b) NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 *and sections ~~[5]~~ 4.5 to 6.7, inclusive, of this act* relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420 *;* ~~[,]~~ and ~~[an explanation of]~~

(c) NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420,

➥ must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Section 17 of Senate Bill No. 49 is hereby amended as follows:

Sec. 17. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person, committee or entity that is subject to the provisions of ~~[NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210,~~

~~294A.220, 294A.230, 294A.250, 294A.270, 294A.280, 294A.286 or 294A.360 or section 4, 5, 6, 6.3 or 6.7 of this act~~*]* *this chapter* has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person, committee or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court. *On application by the Secretary of State, the First Judicial District Court may issue an injunction or grant other equitable relief appropriate to ensure compliance with, or enforce, the provisions of this chapter.*

2. Except as otherwise provided in this section, a person, committee or entity that violates an applicable provision of this chapter is subject *, for each violation,* to a civil penalty of not more than ~~[$5,000 for each violation]~~ *an amount equal to the greater of:*

(a) Five thousand dollars; or

(b) Three times the amount at issue in the civil action,

➥ and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person, committee or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Section 36.5 of Senate Bill No. 49 is hereby amended as follows:

Sec. 36.5. 1. The provisions of section 4 of this act apply only prospectively.

2. Notwithstanding the provisions of subsection 1 of section 4 of this act, for the purpose of the report required by section 4 of this act, the balance in an account opened before January 1, 2014, by a candidate pursuant to NRS 294A.130 shall be deemed to be $0 on January 1, 2014.

Section 36.7 of Senate Bill No. 49 is hereby amended as follows:

Sec. 36.7. 1. A former public officer shall, on or before December 31, 2018:

(a) File a declaration of candidacy or an acceptance of candidacy;

(b) Appear on an official ballot at any election held in the State; or

(c) Dispose of unspent contributions through one or any combination of the methods set forth in paragraphs (a), (c), (d) and (e) of subsection 2 of NRS 294A.160, as amended by section 10 of this act.

2. A former public officer is subject to the reporting requirements set forth in chapter 294A of NRS for as long as the former public officer has unspent contributions. The provisions of this subsection apply to contributions remaining from a previous election and contributions that the former public officer has received since the expiration of his or her term of office.

3. A former public officer who violates a provision of this section is subject to the same penalties and procedure as if the person has violated the provisions of chapter 294A of NRS. In enforcing the provisions of this section, the Secretary of State has the powers prescribed in NRS 294A.410 and 294A.420.

4. As used in this section:

(a) "Contributions" include any interest and other income earned thereon.

(b) "Former public officer" means a person who, as of January 1, 2014:

(1) Previously held a state, district, county, city or township office;

(2) Does not currently hold that or any other office; and

(3) Has contributions that are not spent or committed for expenditure remaining from a previous election.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senators Kieckhefer, Spearman, Denis, Hardy, Hutchison and Jones.

SENATOR KIECKHEFER:

Thank you, Mr. President. Amendment No. 579 to Senate Bill No. 49 does three primary things. First, it makes the language in our statute consistent with the federal guidelines as they relate to personal use of campaign funds for clothing. Second, it increases disclosure for on-cycle candidates by requiring monthly reporting of individual expenses and contributions in excess of $2,000 during the period between candidate filing and early voting. The amendment retains the provisions passed by the Senate Committee on Legislative Operations and Elections that requires 72-hour reporting for that same $2,000 threshold during the early voting period. Finally, under existing law, a person who meets the definition of a candidate can retain their campaign funds indefinitely; this amendment would limit that to four years as a policy of the State.

SENATOR SPEARMAN:

Thank you, Mr. President. I appreciate the work of my colleague from Senate District No. 16. However, as we talked earlier today, I have to say we had discussion during the time we were hearing from the Secretary of State. We heard the bill in Committee in February and then went into work session on it in April.

Some may feel challenging this would question our commitment to transparency, but that it not the case. As the Chair of the Senate Committee on Legislative Operations and Elections, if I did not believe in transparency, the bill could have been killed. I thought there was some merit in the bill.

I looked at a couple of things. In an effort to be transparent, we also do not want to limit opportunities for people who are not career politicians from getting involved. We worked with the Secretary of State to ensure there was a balance between accomplishing the intent of his original bill and ensuring there was ample opportunity for those who enter the arena as first-time candidates.

My colleague from Senate District No. 17 said it eloquently when he looked at the way the bill was originally written; he said it puts an excessive logistical burden on those who are living in rural communities. If you look at the amendment, as presented by my colleague from Senate District No. 16 along with the original bill, you will find they are more than similar—they are alike. My issue then, as well as now, is requiring a lot of things for someone who simply wants to run, say for a school board or city council—who just wants to get involved. The technical things that are required here may be accomplished by those who are already in the arena but may prove to be so daunting to others that it prevents them from getting involved. I shared these sentiments with my colleague from Senate District No. 16.

With all due respect, I have to say I am taken aback because, yesterday, we had an ethics bill, Senate Bill No. 228 that would have put provisions in place, not just for elected officials but, for everyone in public office. If you check the record you will see a vote of 11 in support of the bill and ten against. My colleagues on the other side of the aisle were the ten who voted against Senate Bill No. 228. I think this has some overtones of duplicity, and I would say, let us stay with the amendment we hammered out so it is fair, transparent and it balances the intent of the Secretary of State's original bill while not closing the door on some of the people.

SENATOR DENIS:

Thank you, Mr. President. I appreciate all of the work the Chair of the Senate Committee on Legislative Operations and Elections did on this legislation. I am not on that Committee, but I had an opportunity to work on this item.

My concern is, last night, we had complaints about last-minute amendments and not having the time to read and understand them. And now, we are on the deadline day for House passage and we are getting an amendment that puts Senate Bill No. 49 back to where it was when the big discussions to change it started happening. I do not see the need to go backward. A lot of work has gone into Senate Bill No. 49. I think we should go forward without Amendment No. 579.

SENATOR KIECKHEFER:

Thank you, Mr. President. I commend the work my colleague from Senate District No. 1 did on this bill. I think her heart is in the exact right place in trying to assure that people are not disenfranchised from the ballot. She is trying to ensure that people who run for office and who do so, do not face a lot of restrictions. I do not believe the reporting requirements I am proposing in the amendment are overly burdensome. I agree there is a balancing act, and I think Amendment No. 579 is reasonable.

To the Majority Leader, this is late. I know it is late. That is solely my fault, not the fault of any of my colleagues. It is a process I started late yesterday. I will take that blame, but it should not undermine the merits of the amendment before us.

SENATOR SPEARMAN:

Thank you, Mr. President. I want to reiterate and respond to my colleague from Senate District No. 16 who admits the amendment comes to us late. If you check the record for when the bill came out of Committee, it was a vote with the three Democrats for the bill and the

two Republicans in opposition. It echoed the same concerns that were addressed with the Secretary of State when we were trying to come to some type of compromise.

Those of you who know me know that I always start in the middle. I do not start at the extreme. I took into consideration the comments from my colleague from Senate District No. 8 and Senate District No. 17. That is where we started when we talked with the Secretary of State. Their comments were, as I have described before, the way the original bill was written would require some onerous responsibilities on some people who may not have the sophistication of someone who has been here a longtime. We agree we want transparency. I am saying the amendment we hammered out brings the balance with transparency.

SENATOR HARDY:

Thank you, Mr. President. I would appreciate it if there could be a verbal side-by-side comparison. What I have gleaned from the presentation of Amendment No. 579 is that it includes a clothing limitation, monthly reporting during election cycles and during early voting—which I suspect is via electronic submission—and four years of cash allowed to be kept if you are not running for office again. Perhaps the sponsor of the amendment or the Chair of the Senate Committee on Legislative Operations and Elections could clarify what the reporting requirements or limitation is for clothing, if there is one, as well as the reporting requirements during the time we hold onto cash if we are not running again.

SENATOR KIECKHEFER:

Thank you, Mr. President. The additional reporting requirement of Amendment No. 579 is that an on-cycle candidate will have to file a monthly report between the period of their filing for office and the start of early voting that reflects any contributions and expenditures greater than $2,000.

SENATOR HUTCHISON:

Thank you, Mr. President. I would like to direct my comments to the sponsor of Amendment No. 579 to Senate Bill No. 49: could you please explain the difference between the proposed amendment and the bill as you understand it, in terms of the federal guidelines related to clothing. What would or would not be allowed under Amendment No. 579 versus the bill, as proposed? I have the same question with the four-year limitation regarding campaign funds: what is the difference and why does Amendment No. 579 contain the language? If you could address those two subjects of which I am particularly interested, I would be grateful.

SENATOR KIECKHEFER:

Thank you, Mr. President. On page 4 of the short-form amendment, which you have before you, you will see the change in language regarding personal use of campaign expenses. Section 3, subsection 2, paragraph F reverts to the language originally contained in the Secretary of State's bill. That language change is designed to make our statute consistent with federal guidelines over the purchasing of clothing with campaign funds, as it relates to clothing that will be used in the candidate's campaign.

As it relates to the issue of retaining campaign funds: following a vacancy of office, the current statute has no restriction on how long those funds can be retained. This would put a four-year limit on the retention of those funds following departure from office. I selected the four-year period because it would provide the opportunity to seek any other State office. The only offices that may be outside of that time limit are Nevada Supreme Court positions.

SENATOR JONES:

Thank you, Mr. President. I have a question for the proponent of Amendment No. 579: in regard to the return of unspent campaign funds, is that something that was part of the discussion in the Committee hearing?

SENATOR KIECKHEFER:

Thank you, Mr. President. The return of unspent campaign funds was not part of the Secretary of State's original proposal. It was a component of a piece of legislation that did not make it past a previous deadline. I talked with the Legislative Counsel Bureau, and they deemed it germane

to and allowed to be included. I think it is a fair addition to a more stringent campaign finance law so I included it.

Motion lost on a division of the house.

Remarks by Senators Atkinson, Roberson, Hardy, Kieckhefer, Spearman, Brower, Smith and Manendo.

SENATOR ATKINSON:

Thank you, Mr. President. Senate Bill No. 49 revises campaign finance provisions. Candidates must report all expenses paid from campaign contributions and may not spend campaign contributions for personal use. Expenditures shall include those made for campaign advocacy on the Internet or in periodicals or by mail. Expenses incurred in connection with holding office may be included on contribution and expenditure reports. During nonelection years, contributions and expenditures shall be reported quarterly.

The measure clarifies the reporting of ending fund balances. During early voting periods, all contributions and expenditures over $2,000 must be reported within 72 hours of receiving the contribution, incurring the expense, or making the expenditure. Contributions from a contributor which cumulatively exceed $2,000 must also be reported during this period. Lobbyists shall report gifts as defined in the measure. Certain restricted donors may not give gifts to candidates or public officers. Any such gifts must be returned. Gifts that do not violate these provisions are identified. The Secretary of State may investigate violations and enforce provisions regarding gifts.

The Director of the Legislative Counsel Bureau shall provide the Secretary of State with lobbyist reports and notify the Secretary of any suspected violations. The reporting of the balance of a campaign account shall be prospective from the effective date of the measure. The bill is effective upon passage and approval for the purpose of adopting regulations, and on January 1, 2014, for all other purposes.

I listened to my colleagues on both side of this issue as they discussed the amendment that failed. I was going to stand, but as I stated last night, we rarely change anyone's mind with our last-minute bantering. I sit on the Senate Committee on Legislative Operations and Elections and this was a measure we heard early in Session. There was ample time—at least a month and a half—for anyone—and I mean no disrespect to my colleague from Senate District No. 1 and I hope he knows that—to come forward and offer some changes or language that would be amenable.

The Committee was struggling. It was a difficult process with a difficult bill. I spent time serving in the Assembly, and I was asked the other day what is more difficult about being a part of the Nevada Senate: the difficulty is, in the Assembly, I chaired committees where I could do whatever I wanted to do. It is more difficult over here. The committee members understood that working on this legislation. The two Republican members of that Committee, they too had the opportunity to suggest language as we struggled through this.

The Secretary of State's Office reached out to everyone to try and come up with language that could get us to a point of transparency. We did the best we could. Some feel we did not go far enough, and that is their opinion. We will go to sleep at night knowing we did everything we could to come up with something the Body could vote for and support. This language affects politicians all over the State so we had to be careful with choosing language to work for all the people the bill will effect. We tried to take everything into account.

I spent hours working with the Chair of the Committee, and with leadership to try and massage what we thought was a comprehensive bill. To do a "last-minute" amendment, I just do not see the necessity.

Senate Bill No. 49 will hopefully pass to the other House, and we will have time to make changes. I encourage my colleagues to work with the members of the Assembly—we can go to the table together and come up with something else. I am willing to do that, willing to reach out my hand to my colleague from Senate District No. 16. I see it as something we have to continue to work on. I hope this Body is committed to doing that. I urge your support.

SENATOR ROBERSON:

Thank you, Mr. President. I rise to oppose Senate Bill No. 49. As I mentioned before,

I support the amendment from my colleague from Senate District No. 16 that failed. Specifically, my concern with this bill is Section 3, Subsection 2F—the so-called "Armani provision"—now provides that Legislators can use campaign funds to buy suits to serve here in the Legislature. I do not consider that effective, transparent, accountable campaign finance reform.

I do not know if this provision was put in as a poison pill. I do not think it can be expected that we support legislation that allows us to use campaign funds to buy suits. It is not appropriate. It is contrary to the federal law on this subject. I cannot support it.

SENATOR HARDY:

Thank you, Mr. President. I rise in support of the amendment that just failed to Senate Bill No. 49, as well as Senate Bill No. 49. I think realistically this bill is a work in progress. I appreciate the comments of my colleague from Senate District No. 4. I also appreciate the concept of the bill. The Secretary of State has reached out to us, and I appreciate the time the office has spent with us. I saw some things in the amendment that made sense, and I see other things in the bill itself that make sense. I look forward to seeing how this comes out of the other House. I will be voting in support of the bill.

SENATOR KIECKHEFER:

Thank you, Mr. President. I appreciate everyone's perspective on this item. To my colleague from Senate District No. 4, there was a long time that I could have brought this. I just received a presentation on this bill for the first time yesterday. I was trying to get Senate Bill No. 49 to a place where we could pass it out of this House unanimously, showing a strong statement of support for strict campaign finance. I am going to vote against Senate Bill No. 49 tonight, but I am hopeful it will be amended as it continues through the process, and that in the end we will have a product that we can happily put forward for elections to come. I really appreciate the comments and your patience with me.

SENATOR SPEARMAN:

Thank you, Mr. President. I would like to make a point of clarification. My colleague from Senate District No. 20 referred to a part of the bill as the "Armani provision." I was at the Pentagon at the height of the War with Iraq. I remember those soldiers who were medically evacuated from Iraq, Kuwait and Afghanistan stopping in Germany to get stabilized. Once stabilized they were medically evacuated to Walter Reed National Military Medical Center. My team, Team 4, we used to go and visit them and ask, "What can we do for you that is tangible?" They said to us, "When they evacuate us back, all we have are the clothes on our backs. That is all we have." We got together and took up a collection. We appealed to some retailers to donate some sweat suits for our service men and women, and also for their families—in many instances the families came with just the clothes on their backs to the bedsides of their loved ones.

What does that have to do with this? It has everything to do with this. My colleague from Senate District No. 4 stated earlier, this is not just about Senators or members of the Assembly; we are talking about elected officials at every level. What about the person who needs to have appropriate business attire but cannot afford it. I do not know of anyone seeking $200 or $300 suits. The clothing piece of Senate Bill No. 49 is saying, if certain clothing is part of your duties and you do not have what is needed, it can be available.

It is my hope that those who have fought for our freedoms and come home with nightmares from this last war—when they get out of the service, off of active duty, all they have are uniforms and perhaps some casual clothes. Would we be willing to suspend the rules in this Body for these individuals?

SENATOR BROWER:

Thank you, Mr. President. I have to start by saying I really appreciate my colleague from Senate District No. 1's service to our Country. I spent some time at the Pentagon during the First Gulf War. However, I cannot for the life of me see what her service or mine has to do with Senate Bill No. 49. Let us talk about this bill.

I met with the Secretary of State a couple of months ago about his bill. As I previously mentioned on this Floor, we had a good conversation. I told him I liked the bill, and I asked him

some questions. It was typical of a big, ambitious bill. It was complicated with some good points and some questionable points. On the whole, I thought it was a good bill. However, a funny thing happened with the bill on the way to this Floor.

I will zero in on the part of the bill that was mentioned by my colleague from Senate District No. 20. The original bill did not have this clothing provision. As far as I can tell, it was not the Secretary of State's intent. I cannot speak for the Secretary of State, but my assumption is his intent was to make our State law like the federal law which clearly, if you look at the Federal Election Commission's candidate guidance, says thou shalt not buy clothes—suits, shirts, ties, belts, underwear, et cetera—out of your campaign funds. Forget about whether that makes sense to me or anyone else in this Chamber, I cannot believe that any of our constituents could imagine that we could use campaign funds to buy the clothing that we wear.

What was a good bill, and what could have been an even better bill with the amendment to this bill that this Body failed to adopt today, is now a bill that I cannot support. I know the cynical view we hear all the time is politicians, when it comes to campaign finance bills, always look for that one thing they cannot support when their real goal is to kill all campaign finance reform legislation. I am here to tell you that is not my intent nor do I believe it is the intent of anyone else. I would love nothing more, than on the deadline day for first House passage of bills, to be able to stand up and vote in favor of a good, commonsense transparency-oriented campaign finance bill.

How anyone can support a bill that has a provision like that which I just described makes no sense to me. I understand this is a work in progress. But, all I can do is vote on the bill in front of me at this time. I just do not support it. I hope it can be fixed as it continues through the legislative process.

With constituents viewing us and our process, and particularly the campaign process, with a cynicism that is at an all-time high in the history of our republic, for us to now change our laws to allow us to now purchase clothing with no apparent limitation out of campaign funds, is enough for me to oppose this bill.

SENATOR SMITH:

Thank you, Mr. President. I rise in support of Senate Bill No. 49. I am not on the Committee that took testimony on this bill, but when I saw the bill, understanding its complexities as the Secretary of State's bills often have, I wanted to get involved. I wanted to make sure there was positive language included to bring to this Floor. The bill has a lot of improvements in reporting, transparency and accountability. Much has not been talked about here—all of the important parts of the bill have not been discussed.

Cynicism from the public gets increased when we stand on the Floor and accuse our colleagues of wanting to spend money on Armani suits. We create something that is not really there. I worked on those provisions of Senate Bill No. 49, and the intention was to acknowledge an accepted practice by the very people who my colleague, Chair of Senate Committee on Legislative Operations and Elections, referred to. People who come to this Body may not be in a line of work that requires them to wear suits. Many years ago it was opined that this was an acceptable use of campaign funds; therefore, this would codify that practice. It was nothing more than that.

I have not heard a word about an amendment to allow people to go out and buy expensive suits just to abuse campaign funds.

Let us talk about the pieces of the bill that are actually important, reporting. It proposes more reporting during the off-cycle years as well as 72-hour reporting during early voting. It limits gifts. The whole section of the bill that addresses these topics is much more stringent and requires much more accountability. What I see as a small piece of the bill—not insignificant but small—within a big, complex and good bill, is being used to power through the other parts of the bill.

It can be a work in progress, but I will use a couple of analogies to explain further: do not throw the baby out with the bathwater, and do not give up the good for the perfect. Senate Bill No. 49 takes us many steps beyond where we have been, and I encourage my colleagues to support the accountability and transparency aspects, while still understanding that, many people

who want to run for office and get elected to office do not come from the same walks of life and may need a little bit different provisions than some of the rest of us have.

SENATOR MANENDO:

Thank you, Mr. President. I am hearing that none of us like all parts of Senate Bill No. 49. In some cases, it does not go far enough. I have to respect the work of the Chair of the Senate Committee on Legislative Operations and Elections and her work with the Secretary of State's office. Many of us had concerns, and we talked those through during the Committee hearing. I commend the Body's work. The process is working.

Before I was a member of the other House, I was driving down the street and saw an older guy putting up signs. I pulled over and talked to him, realizing he was running for Assembly District No. 18. I took to helping him with his signs, and we got to talking. He was running for the same Assembly seat that I filled later. I found it interesting because the incumbent in Assembly District No. 18 at that time did not respond to phone calls I had made as a constituent so I was hoping the election would bring change to that seat. I did not know if the man standing there with me was a Democrat or a Republican—it did not really matter. I want someone in office who would pay attention to me when I called them about a concern. This man and I ended up going to lunch together to continue our conversation. He and his wife are wonderful people.

This man was retired and lived in a double-wide manufactured home. He loved to play bingo and go out to eat at the Sam's Town buffet with his wife. He decided to run for the Nevada Assembly. And he won the election, not once or twice, but three times—it was a revote and the judge then threw out the results so they held a special election. It was a big mess, but at the end of it all, he won the election. I found it very interesting because after he won, he thought he could stay in Las Vegas and serve from there. I told him he would have to go to Carson City to serve. He asked me to drive him and was not sure how exactly to get to Carson City. I ended up volunteering to work for him, which brought me to this building in 1991. I had no idea at that time that my own future would be to serve here.

Before we got in the car and drove from Las Vegas to Carson City, I told his wife that there was a dress code her husband would have to follow. He would have to wear business suits. She wanted to know why so I explained there was a decorum to be followed that required suits and ties. She was curious if "Pa" could wear tennis shoes. We went shopping and bought some suits and ties for him to wear. Honestly, I do not remember if he used campaign money or not. I do not think he had much left over after running. These folks did not have a lot of money. Rest his soul, he was a good man at heart who meant well.

I also recall a man who is a friend of mine who ran for Assembly District No. 11's seat. It was a similar situation with a Democrat taking on another Democrat. This man did not own a suit. He had a couple of sports coats but not much more. He was a good church-going man but did not have a closet full of clothes. He worked in an auto body repair shop. He did not dress like we do here. He also did not have the money to go out of pocket to get a whole new wardrobe. We tell people they can run for office and they can win, but are we also telling them that if they do not have the money to buy shirts and ties, they cannot serve. Is that constitutional?

I cannot believe that out of all of the things in Senate Bill No. 49, we are hashing over the clothing provision. There are rules in this Body that require we wear certain clothing—those are the rules of this Body. I think we need to pass this bill even though I feel it does not go as far as it should on some things. Let us send this bill to the other House and continue our discussions.

My colleague from Senate District No. 20 always looks sharp. He looks like he fell out of *GQ* magazine, not everyone can afford that. We should not penalize people who are poorer, those who cannot afford the same clothes.

There is so much more in this bill that is so much more important to the public. I urge passage of Senate Bill No. 49.

SENATOR ATKINSON:

Thank you, Mr. President. The good Senator who just spoke before me said many of the things I was going to say. I do not understand the Armani suit statement. I am not sure that is a good litmus test for anyone trying to find something appropriate to wear on the Chamber Floor. I have never worn an Armani suit, nor do I have interest in wearing one. I am a bargain shopper. My suits come from Macy's, and they all cost under $200. I would hope others are too.

I heard a comment earlier, I believe it was said by my colleague from Senate District No. 15, about provisions and such being patterned after federal law—that was one of the biggest issues I had, frankly, in talking with the Secretary of State's office. This is a part-time legislature. We have different backgrounds. Some of us can afford Armani suits, and some of us cannot. Senate Bill No. 49 is patterned after federal law, and I am not so sure we should be following that lead. We are not full-time Legislators. We should not be expected to perform under full-time Legislator rules and regulations. When I leave here, I do not have a fancy secretary nor do I have a fancy assistant. My job is my job, and I do the work. We all have different limitations and different expectations.

The good Senator from Senate District No. 15 said it appears we are hung up on one thing as a reason not to pass Senate Bill No. 49. I say take it out. It is not my call, but an idea is to put it on the desk, take the clothing part out and move the rest of Senate Bill No. 49. The Senator in front of me talked about wanting to have a bill we could all support. Let us think about removing the provision we are hung up on.

I have never bought a suit out of my campaign funds. I can honestly say that. I think 99 percent of this Body has not either. I do recall during my first Session, some female Legislators bought outfits with their campaign donations. We are talking about a small percentage of people. We are talking about a few isolated incidents out of hundreds of people. If that is really what we are worried about, let us take it out. I am okay with that. It is not my call, but if that is what it will take to bring everyone to the table to get something passed, that is a little more bipartisan, I am all for it.

SENATOR ROBERSON:

Thank you, Mr. President. I am left speechless. In hearing some of the remarks from the Majority Party the last few minutes has left me speechless.

I agree with my colleague from Senate District No. 4. I would be happy to vote Senate Bill No. 49 today if the "Armani provision" is removed.

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

Senate in recess at 6:07 p.m.

SENATE IN SESSION

At 6:13 p.m.
President Krolicki presiding.
Quorum present.

Senators Denis, Manendo and Spearman moved the previous question.
Motion carried.
The question being on passage of Senate Bill No. 49.
Roll call on Senate Bill No. 49:
YEAS—13.
NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hutchison, Kieckhefer, Roberson, Settelmeyer—8.

Senate Bill No. 49 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 38.
Bill read third time.
Remarks by Senators Brower and Smith.

SENATOR BROWER:

Thank you, Mr. President. Senate Bill No. 38 expands current law relating to the dissemination of criminal history information to apply to persons who work in positions involving the elderly and persons with disabilities. In addition, the measure expands the dissemination of such information to include prospective and current volunteers who work with children, the elderly and persons with disabilities. The measure clarifies that the term "volunteer" does not include a person who renders time and services for a public school or for an activity that is part of the program of a public school. I urge your support.

SENATOR SMITH:

Thank you, Mr. President. I rise in support of Senate Bill No. 38. I would like to clarify one provision regarding the section that does not apply to public school volunteers. That piece is important because school districts have their own policies on fingerprinting and volunteers. When volunteering in the classroom, some parents are supervised and others are not. We have tried hard in this State to maintain an atmosphere where parents are encouraged to come to school, and when they are under supervision, they are not required to go through the fingerprinting process. This allows the volunteers in the elder services category of this bill to go through the process, leaving the others to continue through the process we already have in law. I urge your support.

Roll call on Senate Bill No. 38:

YEAS—21.

NAYS—None

Senate Bill No. 38 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 220.

Bill read third time.

Remarks by Senators Hardy, Jones and Denis.

SENATOR HARDY:

Thank you, Mr. President. Senate Bill No. 220 amends various provisions of the *Nevada Revised Statutes* for the following licensing boards: medicine, perfusion or respiratory care, homeopathic medicine, dentistry or dental hygiene, nursing, osteopathic medicine, chiropractic, Oriental medicine, podiatry, optometry, audiology, speech pathology, pharmacy, physical therapy, occupational therapy, cosmetology, hearing aid specialists and administrators of facilities for long-term care.

I appreciate the work done by the Senate Committee on Commerce, Labor and Energy, and especially the Chair of the Senate Committee on Health and Human Services for coming up with the complicated matrix that allows the board to cooperate with law enforcement and regulate unlicensed care.

SENATOR JONES:

Thank you, Mr. President. I rise in support of Senate Bill No. 220. I appreciate the opportunity to have worked closely with my colleague from Senate District No. 12 at the request of the Chair of the Senate Committee on Commerce, Labor and Energy.

Last summer, I heard a disturbing program on the radio about serious issues with individuals performing medical procedures in Southern Nevada without licenses. I heard the stories of those who died and were seriously disfigured by people in back rooms with little medical training. Poor and Hispanic communities appear to have been targeted by these unscrupulous criminals.

Senate Bill No. 220 provides licensing boards with additional authority to address the unauthorized practice of medicine including cite-and-fine authority and stiffer penalties for practicing without a license. I urge your support to protect our communities. Please vote yes on Senate Bill No. 220.

SENATOR DENIS:

Thank you, Mr. President. I also rise in support of Senate Bill No. 220. Since I have been in the Nevada Legislature, I have worked hard to get at fraud and related matters, especially in my own Hispanic community. I appreciate my colleague for bringing this forth. Many of these stories are things that have happened in my community. We are trying to protect people who are innocent. There really are unscrupulous people out there. I urge support of Senate Bill No. 220.

Roll call on Senate Bill No. 220:

YEAS—21.

NAYS—None.

Senate Bill No. 220 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 266.

Bill read third time.

Remarks by Senators Denis, Woodhouse, Hutchison and Brower.

SENATOR DENIS:

Thank you, Mr. President. Senate Bill No. 266 requires each health care plan and insurance policy, other than the State Plan for Medicaid, that provides coverage for both chemotherapy administered intravenously or by injection and orally administered chemotherapy to provide coverage to the insured for orally administered chemotherapy to the same extent as other types of chemotherapy. A health care plan or insurance policy is prohibited from meeting this requirement by increasing the costs of the other types of chemotherapy or by decreasing the monetary limits for chemotherapy under the policy or plan.

On a personal note, this is a bill about fairness. When someone has cancer, to be able to make a decision about care based on what is the best treatment for you versus what you can afford is important. The intent of Senate Bill No. 266 is to allow people the freedom to make that decision. I urge your support.

SENATOR WOODHOUSE:

Thank you, Mr. President. I stand in support of Senate Bill No. 266. I extend my appreciation to the Majority Leader for bringing this bill forward.

Cancer is a word we all fear and dread. I never thought it would affect my family, but it did. When Senate Bill No. 266 was in Committee, I shared my story. Tonight, I will share a much shorter version of it. As most of you know, my sister Francie, a resident of Oregon, was diagnosed in January 2011 with Stage IV glioblastoma which is brain cancer. She underwent surgery, radiation and chemotherapy. She was fortunate that her chemotherapy medication was administered orally, allowing her to avoid the five hours it would take to drive round-trip up Highway 101 to Coos Bay for her infusion treatments. She could be comfortable at home, and her insurance paid for the costs of the oral medications. I sincerely urge your vote in support of this measure, thus affording cancer patients like my sister, the opportunity to take the medication prescribed by their physicians and have it covered by their insurance policies.

SENATOR HUTCHISON:

Thank you, Mr. President. I would like to thank my colleague from Senate District No. 2 for bringing this bill forward. It is a good bill, and one I am happy to have co-sponsored. I had some questions about the bill; in Committee, I asked about the Affordable Care Act and what effects that law would have, particularly as it related to the State and expenses the State may incur. My concerns have been addressed, Mr. Majority Leader. I would support and look forward to seeing the benefits offered under Senate Bill No. 266 expanded even more. Perhaps we can work on that in the future. I urge support of this important bill.

SENATOR BROWER:

Thank you, Mr. President. I rise to commend the Majority Leader for sponsoring Senate Bill No. 266. This is the kind of bill that is bold. It is forward-thinking, and it raises a lot of red flags with lobbyists. A few months ago, we saw lobbyists scurrying around wanting to talk to us about their concerns with this. I am not on the Committee that considered Senate Bill No. 266, but my sense is that our colleague persevered through questions and worked through compromises. He did not give up. This is an important issue. I am honored to be able to support Senate Bill No. 266 today.

Roll call on Senate Bill No. 266:

YEAS—21.

NAYS—None.

Senate Bill No. 266 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 327.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Senate Bill No. 327 revises provisions authorizing the practice of medicine in Nevada by health care professionals regardless of whether the professionals are physically located in this State. The bill also revises provisions relating to telepharmacies, remote sites and satellite consultation sites, and it requires the Board of Medical Examiners to adopt regulations concerning telemedicine regarding physician assistants.

Senate Bill No. 327 provides that a physician who is licensed in another state and is issued a special-purpose license must comply with all applicable State laws and regulations of the Board of Medical Examiners and is subject to the jurisdiction of the courts of Nevada.

We all know we have health care challenges in this State. We have challenges in finding enough health care providers. Senate Bill No. 327 modernizes our telemedicine laws and will allow, particularly in the rural areas of the State, opportunities for high-quality doctors to participate in medical procedures. I urge your support.

Roll call on Senate Bill No. 327:

YEAS—21.

NAYS—None.

Senate Bill No. 327 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 373.

Bill read third time.

Remarks by Senators Segerblom and Hutchinson.

SENATOR SEGERBLOM:

Thank you, Mr. President. Senate Bill No. 373 changes the current garnishment law. Currently, 75 percent of persons earnings are exempt from garnishments. This bill would increase it to 85 percent of the first $50,000 of wages. After $50,000, it would go back to the percentage that is currently in the law. I urge your support.

SENATOR HUTCHISON:

Thank you, Mr. President. Although I rise in opposition to Senate Bill No. 373, I think its intentions are big hearted. The intent is to help those who are struggling as judgment debtors. I especially like one of the provisions of the bill, the part of the bill that prohibits foreign

companies, credit agencies and banks from trying to collect on a foreign judgment without having domesticated the judgment in Nevada. This is an abusive practice. I applaud the provision.

However, I am concerned about the unintended consequences of this bill. This bill is intended to help people when they may well be hurt by it in the long run. This bill will increase fees and interest that judgment debtors pay. Under Senate Bill No. 373, the time it will take to garnish wages and repay judgments can be increased up to two-and-a-half times. Every time an employee must comply with a garnishment order, the debtor's employer can charge the debtor to comply with fees also. Post-judgment interest continues to accrue as well.

Creditors and lenders in small businesses do not operate in vacuums. When you tell them, through this bill, that there is a group of people who will be very difficult to collect from, creditors and lenders will act in their best business interest and stop lending to those folks. These are the very people in the lower-income brackets—those who are trying to start small businesses—who need access to capital and access to credit. When we tell creditors and lenders, through Senate Bill No. 373, do not loan to these people because it will be very difficult to collect against them, we deny the extension of credit to them.

As we campaign and champion small businesses in this State—we have plumbers, electricians, carpet cleaners and more; they provide services and are operating on razor-thin margins—now we are going to make it more difficult for them to collect. We hurt the very people we are trying to protect. I urge you to vote no on Senate Bill No. 373.

Roll call on Senate Bill No. 373:

YEAS—11.

NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer—10.

Senate Bill No. 373 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary of the Senate signed Assembly Concurrent Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to the students, teachers and chaperones from Brookfield School: students Spencer Abts, Adithya Ayanam, Chase Buchholz, Maya Conkey, Arabella Cullen, Kyle Dixson, Nathaniel Evans, Vivian Fyda, Arvind Gill, Gavin Glass, Jordan Goecker, Cameron Hackenberry, Olivia Hackenberry, Katarina Hallerbach, Jonah Henry, Grishen Hestiyas, Michael Howard, Sarah Liley, Neil Macartney, Akshay Mediwala, Daria Prewitt, Dane Quackenbush, Sarah Ross, William Ross, Erin Schmidt, Elissa Simons, Jordan Tayler, Melissa Venzon, Joshua Zebrack; teachers Annette Friedlander, John Trevino; and chaperones Julia Abts, Peta Ross and Lynne Simons.

On request of Senator Goicoechea, the privilege of the Floor of the Senate Chamber for this day was extended to the Pahrump Senior Citizens Association.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Jan Kieckhefer, April Kieckhefer, Aspen Kieckhefer, Austin Kieckhefer, Lincoln Kieckhefer and Lucerne Kieckhefer.

Senator Denis moved that the Senate adjourn until Wednesday, April 24, 2013, at 11:00 a.m.

Motion carried.

Senate adjourned at 6:40 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate