THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 16, 2015

Assembly called to order at 12:36 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Woodbury, who was excused.

Prayer by the Chaplain, Rabbi Sanford D. Akselrad.

O source of light and truth. Watch over all people. Watch over our wisdom; watch over our empathy; and watch over our sense of right and wrong. You are the ultimate source of all truth, and we who are created in Thy image, form a sacred partnership and a holy trust to insure that we remain good and caring stewards over the world in which we live.

Help us to respect those of all faiths and embolden us to protect the rights of all who seek a more just and caring world.

Let none of us remain silent in the face of true evil. Nor shall we turn aside our hearts or avert our gaze when we see justice denied for any, for ours is a sacred responsibility.

Embolden all who gather here in service to our public with this knowledge, and may they fulfill this duty with fullness of heart and soul.

O source of light and truth, watch over us now and always.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 89, 173, 182, 228, 295, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 120, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, *Vice Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 59, 363, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 158, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 140, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 224, 233, 238, 362, 379, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 316, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Taxation, to which was referred Assembly Bill No. 372, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

DEREK ARMSTRONG, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 15, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 251.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 13, 48, 75, 94, 104, 138, 142, 167, 174, 183, 194, 195, 197, 229, 246, 264, 313, 320, 327, 354, 390, 395, 404, 440, 442, 444, 445, 446, 464, 477; Senate Joint Resolution No. 17.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Joint Resolution No. 1 be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Joint Resolution No. 1 recognizes the longstanding relationships of the United States and Nevada with the State of Israel and expresses the Legislature's continued support. The

resolution acknowledges Governor Brian Sandoval's trade mission to Israel and the appointment of an official trade representative to promote economic development between Israel and Nevada. This is our second recognition of the partnership between those in Israel and Nevada. When we are gone, I hope that the freshmen on this committee, who by then may be seniors, continue this tradition to show our support of Israel.

Roll call on Assembly Joint Resolution No. 1:
YEAS—41.
NAYS—None.
EXCUSED—Woodbury.

Assembly Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 212 and 320 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 195 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 91 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

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

Assembly in recess at 1 p.m.

ASSEMBLY IN SESSION

At 1:31 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 67, 115, and 159 be taken from the General File and placed on the General File for the next legislative day.

Motion carried

Assemblyman Paul Anderson moved that Assembly Bills Nos. 51, 297, and 420 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried

Assemblyman Paul Anderson moved that Assembly Bill No. 413 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried

Senate Joint Resolution No. 17.

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

Motion carried.

NOTICE OF EXEMPTION

April 16, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 221 and 395.

CINDY JONES
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 13.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 48.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 75.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 94.

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

Motion carried.

Senate Bill No. 104.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 138.

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

Motion carried.

Senate Bill No. 142.

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

Motion carried.

Senate Bill No. 167.

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

Motion carried.

Senate Bill No. 174.

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

Motion carried.

Senate Bill No. 183.

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

Motion carried.

Senate Bill No. 194.

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

Motion carried.

Senate Bill No. 195.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 197.

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

Motion carried.

Senate Bill No. 229.

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

Motion carried.

Senate Bill No. 246.

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

Motion carried.

Senate Bill No. 251.

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

Motion carried.

Senate Bill No. 264.

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

Motion carried.

Senate Bill No. 313.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 320.

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

Motion carried.

Senate Bill No. 327.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 354.

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

Motion carried.

Senate Bill No. 390.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 395.

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

Motion carried.

Senate Bill No. 404.

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

Motion carried.

Senate Bill No. 440.

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

Motion carried.

Senate Bill No. 442.

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

Motion carried.

Senate Bill No. 444.

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

Motion carried.

Senate Bill No. 445.

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

Motion carried.

Senate Bill No. 446.

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

Motion carried.

Senate Bill No. 464.

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

Motion carried.

Senate Bill No. 477.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 25.

Bill read second time.

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

Amendment No. 377.

AN ACT relating to the residential construction tax; revising provisions governing the authorized uses of the tax; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the city council of any city or the board of county commissioners of any county which has adopted a master plan and recreation plan which includes, as a part of the plan, future or present sites for neighborhood parks to impose, by ordinance, a residential construction tax. Money collected through the tax may only be used for the acquisition, improvement and expansion of neighborhood parks or the installation of facilities in existing or neighborhood parks. ~~[.]~~ **and must be expended for the benefit of the neighborhood from which it was collected.** (NRS 278.4983) This bill additionally authorizes the use of money collected through the tax for the improvement of park facilities and specifies that improvement includes ~~[replacement,]~~ **the expansion,** modification, redesign, redevelopment or enhancement ~~[, but does not include routine or preventative maintenance.]~~ **of**

existing facilities or the installation of new or additional facilities. This bill clarifies that the parks and related facilities that are acquired, improved, expanded or installed, as applicable, with the money collected through the tax must be attributable to the new construction or development for which the money was collected. This bill also specifies that the money collected through the tax: (1) must be expended within the park district from which it was collected; and (2) must not be expended for maintenance or operational expenses.

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

Section 1. NRS 278.4983 is hereby amended to read as follows:

278.4983 1. The city council of any city or the board of county commissioners of any county which has adopted a master plan and recreation plan, as provided in this chapter, which includes, as a part of the plan, future or present sites for neighborhood parks may, by ordinance, impose a residential construction tax pursuant to this section.

2. If imposed, the residential construction tax must be imposed on the privilege of constructing apartment houses and residential dwelling units and developing mobile home lots in the respective cities and counties. The rate of the tax must not exceed:

(a) With respect to the construction of apartment houses and residential dwelling units, 1 percent of the valuation of each building permit issued or $1,000 per residential dwelling unit, whichever is less. For the purpose of the residential construction tax, the city council of the city or the board of county commissioners of the county shall adopt an ordinance basing the valuation of building permits on the actual costs of residential construction in the area.

(b) With respect to the development of mobile home lots, for each mobile home lot authorized by a lot development permit, 80 percent of the average residential construction tax paid per residential dwelling unit in the respective city or county during the calendar year next preceding the fiscal year in which the lot development permit is issued.

3. The purpose of the tax is to raise revenue to enable the cities and counties to provide neighborhood parks and facilities for parks which are required by the residents of those apartment houses, mobile homes and residences.

4. An ordinance enacted pursuant to subsection 1 must establish the procedures for collecting the tax, set its rate, and determine the purposes for which the tax is to be used, subject to the restrictions and standards provided in this chapter. The ordinance must, without limiting the general powers conferred in this chapter, also include:

(a) Provisions for the creation, in accordance with the applicable master plan, of park districts which would serve neighborhoods within the city or county.

(b) A provision for collecting the tax at the time of issuance of a building permit for the construction of any apartment houses or residential dwelling units, or a lot development permit for the development of mobile home lots.

5. All residential construction taxes collected pursuant to the provisions of this section and any ordinance enacted by a city council or board of county commissioners, and all interest accrued on the money, must be placed with the city treasurer or county treasurer in a special fund. Except as otherwise provided in subsection 6, the money in the fund may only be used for ~~[the]~~ **:**

(a) The acquisition, improvement and expansion of neighborhood parks **;** or ~~[the]~~

(b) The installation ***or improvement*** of facilities in existing or neighborhood parks in the city or county ~~[.]~~ **,**

↳ that are attributable to the new construction or development for which the money was collected. Money in the fund must be expended ~~[for the benefit of the neighborhood]~~ ***within the park district*** from which it was collected ~~[.]~~ ***and must not be expended for maintenance or operational expenses.***

6. If a neighborhood park has not been developed or facilities have not been installed in an existing park in the park district created to serve the neighborhood in which the subdivision or development is located within 3 years after the date on which 75 percent of the residential dwelling units authorized within that subdivision or development first became occupied, all money paid by the subdivider or developer, together with interest at the rate at which the city or county has invested the money in the fund, must be refunded to the owners of the lots in the subdivision or development at the time of the reversion on a pro rata basis.

7. The limitation of time established pursuant to subsection 6 is suspended for any period, not to exceed 1 year, during which this State or the Federal Government takes any action to protect the environment or an endangered species which prohibits, stops or delays the development of a park or installation of facilities.

8. For the purposes of this section:

(a) "Facilities" means turf, trees, irrigation, playground apparatus, playing fields, areas to be used for organized amateur sports, play areas, picnic areas, horseshoe pits and other recreational equipment or appurtenances designed to serve the natural persons, families and small groups from the neighborhood from which the tax was collected.

(b) ***"Improvement of facilities" means the*** ~~***[replacement,]***~~ ***expansion, modification, redesign, redevelopment or enhancement of existing facilities or the installation of new or additional facilities.*** ~~***[The term does not include the routine or preventative maintenance of facilities.]***

(c) **"**Neighborhood park" means a site not exceeding 25 acres, designed to serve the recreational and outdoor needs of natural persons, families and small groups.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Amendment 377 to Assembly Bill 25 clarifies the definition of a park improvement and requires that money collected through the residential construction tax must be expended for the benefit of the neighborhood from which the tax was collected and must not be expended for maintenance or operational expenses.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 532.

AN ACT relating to solicitation of contributions; requiring certain charitable organizations to register with the Secretary of State before soliciting charitable contributions in this State; requiring the Secretary of State to provide to the public certain information concerning such registered charitable organizations; revising provisions governing the enforcement of certain requirements imposed on certain nonprofit and charitable organizations; revising provisions governing the disclosure of certain information in a solicitation for contributions for or on behalf of a nonprofit or charitable organization; authorizing the imposition of penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the solicitation of charitable contributions within the State by nonprofit corporations. (NRS 82.382-82.417) **Section 27** of this bill repeals those provisions of existing law. **Sections 2-22** of this bill reenact and revise those repealed sections to provide governance of the solicitation of charitable and other contributions by all charitable organizations and nonprofit organizations in this State.

Section 14 requires every charitable organization that intends to solicit tax-deductible charitable contributions in this State, other than certain types of charitable organizations exempted by **section 15**, to register with the Secretary of State by filing certain information and a financial report with the Secretary of State before the charitable organization first solicits a charitable contribution in this State or has a charitable contribution solicited in this State on its behalf by another person and annually thereafter. In certain circumstances, **section 14** authorizes a charitable organization to submit a copy of its Form 990 as filed with the Internal Revenue Service for the most recent fiscal year as its financial report. **Section 18** requires the Secretary of State to make available the information and financial report on the Secretary of State's Internet website.

Section 19 provides that if a charitable organization fails to file the information and financial report as required for registration on or before the

due date, the Secretary of State will impose a $50 penalty and notify the organization. If the charitable organization fails to file the information and financial report and pay the penalty within 90 days after receiving notice, **section 19** further authorizes the Secretary of State to impose a civil penalty of not more than $1,000 and issue a cease and desist order prohibiting any further solicitation of contributions by the organization. If the charitable organization fails to pay the penalty or comply with the cease and desist order, **section 19** authorizes the Secretary of State to: (1) forfeit the right of the charitable organization to transact business in this State; and (2) refer the matter to the Attorney General for a determination of whether to institute the appropriate proceedings in a court of competent jurisdiction.

Section 20 requires the Secretary of State to provide written notice to a person who is alleged to have violated certain provisions of law governing the solicitation of charitable contributions if the Secretary of State believes such a violation has occurred. **Section 20** further authorizes the Secretary of State to refer a violation of certain provisions of law governing the solicitation of charitable contributions to the Attorney General for a determination of whether to institute the appropriate proceedings in a court of competent jurisdiction. Under **section 20**, in such a proceeding, in addition to any other penalty imposed by law, the Attorney General may seek an injunction or other equitable relief and a civil penalty of not more than $1,000. If the Attorney General prevails in the proceeding, the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, investigation costs and reasonable attorney's fees.

Existing law requires a person soliciting a contribution for or on behalf of a charitable organization or nonprofit corporation to make certain disclosures, and provides that under certain circumstances, a failure to make such disclosures is a deceptive trade practice. (NRS 598.1305) **Sections 16 and 17** revise the types of charitable and nonprofit organizations to which this requirement applies and exempt certain solicitations from this requirement. **Sections 16 and 25** further provide that a failure to make the required disclosures is no longer a deceptive trade practice, and transfer primary jurisdiction for enforcing the disclosure requirement from the Attorney General to the Secretary of State.

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

Section 1. Title 7 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act have the meanings attributed to them in those sections.***

Sec. 3. *"Alumni association" means an organization whose membership is limited to graduates or former students of a particular university, college or school and which raises funds to support its membership and its activities.*

Sec. 4. *"Charitable contribution" means a contribution that is allowable as a tax deductible contribution pursuant to the provisions of section 170(c) of the Internal Revenue Code of 1986, 26 U.S.C. § 170(c), future amendments to that section and the corresponding provisions of future internal revenue laws.*

Sec. 5. *"Charitable organization" means any person who directly or indirectly, solicits contributions, and who the Secretary of the Treasury has determined to be tax exempt pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3). The term does not include an organization that is established for and serving bona fide religious purposes.*

Sec. 6. *"Charitable promotion, service or activity" means an advertising or sales campaign conducted by a for-profit entity or business, which represents that the purchase of goods or services or participation in an activity will benefit, in whole or in part, a charitable organization, nonprofit organization or charitable purpose.*

Sec. 7. *"Church" means a religious organization which holds property for charitable or religious purposes. The term may include, without limitation, a mosque, synagogue or temple.*

Sec. 8. *"Contribution" means the promise or grant of any money or property of any kind or value.*

Sec. 9. *"Corporation for Public Broadcasting" means the corporation established pursuant to 47 U.S.C. § 396(b).*

Sec. 10. *"Form 990" means the Return of Organization Exempt from Income Tax (Form 990) of the Internal Revenue Service of the United States Department of the Treasury, or any equivalent or successor form of the Internal Revenue Service.*

Sec. 11. *"Nonprofit organization" means an organization which qualifies as tax exempt pursuant to section 501(c) of the Internal Revenue Code.*

Sec. 12. *"Solicit" means to request a contribution, donation, gift or the like that is made by any means, including, without limitation:*

1. Mail;

2. Commercial carrier;

3. Telephone, facsimile, electronic mail or other electronic medium or device;

4. A face-to-face meeting; or

5. A special event or promotion.

➥ The term includes, without limitation, requesting a contribution, donation, gift or the like from a location outside of this State to persons located in this State.

Sec. 13. *The provisions of this chapter do not apply to a person or other entity that is a unit or an instrumentality of the United States Government.*

Sec. 14. *1. Except as otherwise provided in section 15 of this act, a charitable organization shall not solicit charitable contributions in this State, or have charitable contributions solicited in this State on its behalf by another person, unless the charitable organization is registered with the Secretary of State pursuant to this section. Each chapter, branch or affiliate of a charitable organization may register separately.*

2. A charitable organization that wishes to register with the Secretary of State as set forth in subsection 1 must file on a form prescribed by the Secretary of State:

(a) The information required by subsection 4; and

(b) A financial report that satisfies the requirements of subsection 5.

3. If a charitable organization is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the charitable organization must file the information and financial report required by subsection 2 at the time of filing the initial list and at the time of filing each annual list. If the charitable organization did not file the information and financial report required by subsection 2 at the time of filing its initial list or at the time of filing its most recent annual list, it must file the information required by subsection 2 before soliciting charitable contributions in this State, or having charitable contributions solicited in this State on its behalf by another person, and thereafter at the time of filing each annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the charitable organization must file the information and financial report required by subsection 2 before it solicits charitable contributions in this State, or has charitable contributions solicited in this State on its behalf by another person, and annually thereafter on the last day of the month in which the anniversary date of the initial filing of the information and financial report.

4. The form required by subsection 2 must include, without limitation:

(a) The exact name of the charitable organization as registered with the Internal Revenue Service;

(b) The federal tax identification number of the charitable organization;

(c) The name of the charitable organization as registered with the Secretary of State or, in the case of a foreign charitable organization, the name of the foreign charitable organization as filed in its jurisdiction of origin;

(d) The name or names under which the charitable organization intends to solicit charitable contributions;

(e) The address and telephone number of the principal place of business of the charitable organization and the address and telephone number of any offices of the charitable organization in this State or, if the charitable organization does not maintain an office in this State, the name, address and

telephone number of the custodian of the financial records of the charitable organization;

(f) The names and addresses, either residence or business, of the executive personnel of the charitable organization;

(g) The last day of the fiscal year of the charitable organization;

(h) The jurisdiction and date of the formation of the charitable organization;

(i) The tax exempt status of the charitable organization;

(j) If the charitable organization does not file with the Secretary of State articles of incorporation or any other formation document, including, without limitation, a foreign qualification document, as defined in NRS 77.090:

(1) The purpose for which the charitable organization is organized; and

(2) The names and addresses, either residence or business, of the officers, directors and trustees of the charitable organization; and

(k) Any other information deemed necessary by the Secretary of State, as prescribed by regulations adopted by the Secretary of State pursuant to section 22 of this act.

5. Except as otherwise provided in this subsection, a financial report must contain the financial information of the charitable organization for the most recent fiscal year. In the discretion of the Secretary of State, the financial report may be a copy of the Form 990 of the charitable organization, with all schedules except the schedules of donors, for the most recent fiscal year. If a charitable organization was first formed within the past year and does not have any financial information or a Form 990 for its most recent fiscal year, the charitable organization must complete the financial report on a form prescribed by the Secretary of State using good faith estimates for its current fiscal year.

6. All information and the financial report filed pursuant to this section are public records. The filing of information pursuant to this section is not an endorsement of any charitable organization by the Secretary of State or the State of Nevada.

Sec. 15. *1. A charitable organization is not required to be registered with the Secretary of State pursuant to section 14 of this act during any year in which its only solicitations for contributions, donations, gifts or the like are:*

(a) Directed only to a total of fewer than 15 persons annually;

(b) Directed only to persons who are related within the third degree of consanguinity or affinity to the officers, directors, trustees or executive personnel of the charitable organization;

(c) Conducted by a church or one or more of its integrated auxiliaries or by a convention or association of churches that is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26

U.S.C. § 501(c)(3), and exempt from filing an annual return pursuant to section 6033 of the Internal Revenue Code, 26 U.S.C. § 6033; ~~[or]~~

(d) Appeals for funds to benefit a particular person or his or her immediate family named in the solicitation, but only if all the proceeds of the solicitation are given to or expended for the direct benefit of the person or his or her immediate family ~~[.]~~ ; or

(e) Conducted by an alumni association of an accredited institution which solicits only persons who have an established affiliation with the institution, including, without limitation, current and former students, members of the faculty or staff, or persons who are within the third degree of consanguinity or affinity of such persons.

2. A charitable organization that believes it is exempt from registration pursuant to this section must, before it solicits a charitable contribution in this State or has a charitable contribution solicited in this State on its behalf by another person, and annually thereafter, file a declaration of exemption on a form prescribed by the Secretary of State.

Sec. 16. *1. Except as otherwise provided in this section and section 17 of this act, any solicitation for a contribution by, for or on behalf of a charitable organization or nonprofit organization, including, without limitation, a solicitation by means of electronic mail or other electronic medium or device, must provide a disclosure which contains:*

(a) The full legal name of the charitable organization or nonprofit organization as registered with the Secretary of State pursuant to this title;

(b) If the charitable organization or nonprofit organization is not registered or not required to be registered with the Secretary of State pursuant to this title, the full legal name and the jurisdiction where the charitable organization or nonprofit organization is organized or was formed;

(c) A published phone number or Internet address of a website for the charitable organization or nonprofit organization;

(d) A statement or description of the purpose of the charitable organization or nonprofit organization; and

(e) A statement that the contribution:

(1) May be tax deductible pursuant to the provisions of section 170(c) of the Internal Revenue Code of 1986, 26 U.S.C. § 170(c); or

(2) Does not qualify for such a federal tax deduction.

2. A solicitation or pledge drive conducted by a charitable organization or nonprofit organization as part of a broadcast telethon, radiothon, webcast or any similar form of broadcast communication is not required to provide the verbal or printed disclosure required by this section throughout the broadcast event, but must provide the disclosure to a prospective donor before the donor commits or pledges to make a contribution.

3. A disclosure statement provided in connection with an appeal for funds to benefit a particular person or his or her immediate family must contain:

(a) The name of the particular person or family members who are to benefit from the appeal; and

(b) A statement that a contribution in response to the appeal may not qualify for a federal tax deduction.

4. Except as provided in this subsection, a disclosure statement required by this section must be conspicuously displayed on any written, printed or electronic document, including, without limitation, an image that appears on an Internet website, that constitutes a part of the solicitation. If the solicitation materials consist of more than one piece, the disclosure statement must be displayed on a prominent piece of the solicitation materials.

Sec. 17. *The requirement to provide a disclosure statement set forth in section 16 of this act does not apply to a solicitation that is:*

1. Directed only to a total of fewer than 15 persons annually;

2. Directed to persons who are related within the third degree of consanguinity or affinity to the officers, directors, trustees or executive personnel of the charitable organization or nonprofit organization;

3. Conducted by an alumni association of an accredited institution which solicits only persons who have an established affiliation with the institution, including, without limitation, current and former students, members of the faculty or staff, or persons who are within the third degree of consanguinity or affinity of such persons;

4. Conducted by a public broadcast organization which meets the eligibility requirements established by the Corporation for Public Broadcasting;

5. Conducted by a church or one or more of its integrated auxiliaries or by a convention or association of churches that is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), and exempt from filing an annual return pursuant to section 6033 of the Internal Revenue Code, 26 U.S.C. § 6033;

6. A charitable promotion, service or activity conducted or facilitated by a for-profit entity or business located in this State if:

(a) The sale of the goods, services or participation by the for-profit entity or business is incidental to the ordinary transaction of its business; and

(b) The value of the goods, services or participation acquired by the purchaser or participant is de minimis;

7. Direct sales of tangible goods, items or services by a charitable organization or nonprofit organization in which the amount paid for the good, item or service is reasonably proportionate to the current market or face value of the good, item or service; or

8. An application or request for a grant, contract or similar funding from a foundation, corporation, nonprofit organization, governmental agency or similar entity which has an established application and review procedure for consideration of such applications or requests.

Sec. 18. *The Secretary of State shall make available to the public and post on the official Internet website of the Secretary of State the information and financial report filed by each charitable organization pursuant to sections 14 and 15 of this act.*

Sec. 19. *1. If the Secretary of State finds that a charitable organization which is required to file the information and financial report required for registration pursuant to subsection 2 of section 14 of this act is soliciting charitable contributions in this State, or is having charitable contributions solicited in this State on its behalf by another person, without having filed the information and financial report required for registration on or before the due date for the filing established pursuant to subsection 3 of section 14 of this act, the Secretary of State shall:*

(a) If the charitable organization is required to file an annual list with the Secretary of State pursuant to this title, impose the penalty for default in the filing of an annual list set forth in the provisions of this title applicable to the charitable organization and notify the charitable organization of the violation by providing written notice to its registered agent. The notice:

(1) Must include a statement that the charitable organization is required to file the information and financial statement required for registration by subsection 2 of section 14 of this act and pay the penalty for default in the filing of an annual list set forth in the provisions of this title applicable to the charitable organization; and

(2) May be provided electronically.

(b) If the charitable organization is not required to file an annual list with the Secretary of State pursuant to this title, impose a penalty in the amount of $50 for the failure of the charitable organization to file the information and financial report required for registration as required pursuant to subsection 2 of section 14 of this act and notify the charitable organization of the violation by providing written notice to the charitable organization. The notice:

(1) Must include a statement indicating that the charitable organization is required to file the information and financial report required for registration by subsection 2 of section 14 of this act and pay the penalty as set forth in this paragraph; and

(2) May be provided electronically.

2. If a charitable organization fails to file the information and financial report required by subsection 2 of section 14 of this act and pay the penalty for default as set forth in this section within 90 days after the charitable organization or its registered agent receives the written notice provided pursuant to subsection 1, the Secretary of State may, in addition to imposing the penalty for default as set forth in this section, take any or all of the following actions:

(a) Impose a civil penalty of not more than $1,000.

(b) Issue an order to cease and desist soliciting charitable contributions or having charitable contributions solicited on behalf of the charitable organization by another person.

3. An action taken pursuant to subsection 2 is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

4. If a charitable organization fails to pay a civil penalty imposed by the Secretary of State pursuant to subsection 2 or comply with an order to cease and desist issued by the Secretary of State pursuant to subsection 2, the Secretary of State may:

(a) If the charitable organization is organized pursuant to this title, revoke the charter of the charitable organization. If the charter of the charitable organization is revoked pursuant to this paragraph, the charitable organization forfeits its right to transact business in this State.

(b) If the charitable organization is a foreign nonprofit charitable organization, forfeit the right of the foreign nonprofit charitable organization to transact business in this State.

(c) Refer the matter to the Attorney General for a determination of whether to institute proceedings pursuant to section 20 of this act.

Sec. 20. *1. If the Secretary of State believes that a person has violated any provision of this chapter, NRS 598.1305 or any other provision of the laws of this State governing the solicitation of charitable contributions, the Secretary of State shall notify the person in writing of the alleged violation.*

2. The Secretary of State may refer an alleged violation of any provision of this chapter, NRS 598.1305 or any other provision of the laws of this State governing the solicitation of charitable contributions to the Attorney General for a determination of whether to institute proceedings in a court of competent jurisdiction to enforce the provisions of this chapter, NRS 598.1305 or any other provision of the laws of this State governing the solicitation of charitable contributions. The Attorney General may institute and prosecute the appropriate proceedings to enforce the provisions of this chapter, NRS 598.1305 or any other provision of the laws of this State governing the solicitation of charitable contributions.

3. In addition to any other penalty imposed by law, in a proceeding instituted by the Attorney General pursuant to subsection 2, the Attorney General may seek an injunction or other equitable relief and may recover a civil penalty of not more than $1,000 for each violation. If the Attorney General prevails in such a proceeding, the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

Sec. 21. *The powers and duties of the Secretary of State and the Attorney General pursuant to the provisions of this chapter are in addition to other powers and duties of the Secretary of State and Attorney General with respect to charitable organizations and nonprofit organizations.*

Sec. 22. ***The Secretary of State may adopt regulations to administer the provisions of this chapter.***

Sec. 23. NRS 82.131 is hereby amended to read as follows:

82.131 Subject to such limitations, if any, as may be contained in its articles, and except as otherwise provided in ~~[~~NRS 82.392,~~]~~ ***section 14 of this act,*** every corporation may:

1. Borrow money and contract debts when necessary for the transaction of its business, or for the exercise of its corporate rights, privileges or franchises, or for any other lawful purpose of its incorporation, issue bonds, promissory notes, drafts, debentures and other obligations and evidences of indebtedness, payable at a specified time or times, or payable upon the happening of a specified event or events, whether secured by mortgage, pledge or other security, or unsecured, for money borrowed, or in payment for property purchased or acquired, or for any other lawful object.

2. Guarantee, purchase, hold, take, obtain, receive, subscribe for, own, use, dispose of, sell, exchange, lease, lend, assign, mortgage, pledge or otherwise acquire, transfer or deal in or with bonds or obligations of, or shares, securities or interests in or issued by any person, government, governmental agency or political subdivision of government, and exercise all the rights, powers and privileges of ownership of such an interest, including the right to vote, if any.

3. Issue certificates evidencing membership and issue identity cards.

4. Make donations for the public welfare or for community funds, hospital, charitable, educational, scientific, civil, religious or similar purposes.

5. Levy dues, assessments and fees.

6. Purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, improve, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated.

7. Carry on a business for profit and apply any profit that results from the business to any activity in which it may lawfully engage.

8. Participate with others in any partnership, joint venture or other association, transaction or arrangement of any kind, whether or not participation involves sharing or delegation of control with or to others.

9. Act as trustee under any trust incidental to the principal objects of the corporation, and receive, hold, administer, exchange and expend funds and property subject to the trust.

10. Pay reasonable compensation to officers, directors and employees, pay pensions, retirement allowances and compensation for past services, and establish incentive or benefit plans, trusts and provisions for the benefit of its officers, directors, employees, agents and their families, dependents and beneficiaries, and indemnify and buy insurance for a fiduciary of such a benefit or incentive plan, trust or provision.

11. Have one or more offices, and hold, purchase, mortgage and convey real and personal property in this State, and in any of the several states,

territories, possessions and dependencies of the United States, the District of Columbia and any foreign countries.

12. Do everything necessary and proper for the accomplishment of the objects enumerated in its articles of incorporation, or necessary or incidental to the protection and benefit of the corporation, and, in general, to carry on any lawful business necessary or incidental to the attainment of the objects of the corporation, whether or not the business is similar in nature to the objects set forth in the articles of incorporation of the corporation, except that:

(a) A corporation does not, by any implication or construction, possess the power of issuing bills, notes or other evidences of debt for circulation of money; and

(b) This chapter does not authorize the formation of banking corporations to issue or circulate money or currency within this State, or outside of this State, or at all, except the federal currency, or the notes of banks authorized under the laws of the United States.

Sec. 24. NRS 82.5231 is hereby amended to read as follows:

82.5231 Except as otherwise provided in ~~[~~NRS 82.392,~~]~~ ***section 14 of this act,*** if a foreign nonprofit corporation has filed the initial or annual list in compliance with NRS 82.523 and has paid the appropriate fee for the filing, the cancelled check or other proof of payment received by the foreign nonprofit corporation constitutes a certificate authorizing it to transact its business within this State until the last day of the month in which the anniversary of its qualification to transact business occurs in the next succeeding calendar year.

Sec. 25. NRS 598.1305 is hereby amended to read as follows:

598.1305 1. ~~[A person representing that he or she is conducting a solicitation for or on behalf of a charitable organization or nonprofit corporation shall disclose:~~

~~(a) The full legal name of the charitable organization or nonprofit corporation as registered with the Secretary of State pursuant to NRS 82.392;~~

~~(b) The state or jurisdiction in which the charitable organization or nonprofit corporation was formed;~~

~~(c) The purpose of the charitable organization or nonprofit corporation; and~~

~~(d) That the contribution or donation may be tax deductible pursuant to the provisions of section 170(c) of the Internal Revenue Code of 1986, 26 U.S.C. § 170(c), or that the contribution or donation does not qualify for such a federal tax deduction.~~

~~2.~~~~]~~ A person, in planning, conducting or executing a solicitation for or on behalf of a charitable organization or nonprofit corporation, shall not:

(a) Make any claim or representation concerning a contribution which directly, or by implication, has the capacity, tendency or effect of deceiving or misleading a person acting reasonably under the circumstances; or

(b) Omit any material fact deemed to be equivalent to a false, misleading or deceptive claim or representation if the omission, when considering what has

been said or implied, has or would have the capacity, tendency or effect of deceiving or misleading a person acting reasonably under the circumstances.

~~[3. Any solicitation that is made in writing for or on behalf of a charitable organization or nonprofit corporation, including, without limitation, an electronic communication, must contain the full legal name of the charitable organization or nonprofit corporation as registered with the Secretary of State pursuant to NRS 82.392 and a disclaimer stating that the contribution or donation may be tax deductible pursuant to the provisions of section 170(c) of the Internal Revenue Code of 1986, 26 U.S.C. § 170(c), or that the contribution or donation does not qualify for such a federal tax deduction.~~

~~4.]~~ ***2.*** Notwithstanding any other provisions of this chapter, the Attorney General has primary jurisdiction to investigate and prosecute a violation of this section.

~~[5.]~~ ***3.*** Except as otherwise provided in NRS 41.480 and 41.485, a violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

~~[6.]~~ ***4.*** As used in this section:

(a) "Charitable organization" means any person who, directly or indirectly, solicits contributions and who the Secretary of the Treasury has determined to be tax exempt pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code. The term does not include an organization which is established for and serving bona fide religious purposes.

(b) "Solicitation" means a request for a contribution to a charitable organization or nonprofit corporation that is made by any means, including, without limitation:

(1) Mail;

(2) Commercial carrier;

(3) Telephone, facsimile, electronic mail or other electronic ***medium or*** device; or

(4) A face-to-face meeting.

➥ The term includes ***, without limitation,*** solicitations which are made from a location within this State and solicitations which are made from a location outside of this State to persons located in this State. ~~[For the purposes of subsections 1 and 3, the term does not include solicitations which are directed only to a total of fewer than 15 persons or only to persons who are related within the third degree of consanguinity or affinity to the officers, directors, trustees or executive personnel of the charitable organization or nonprofit corporation.]~~

Sec. 26. Any administrative regulations adopted by the Secretary of State pursuant to a provision of NRS that was amended or repealed by this act remain in force until amended by the Secretary of State.

Sec. 27. NRS 82.382, 82.387, 82.392, 82.397, 82.402, 82.407, 82.412 and 82.417 are hereby repealed.

Sec. 28. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2015, for all other purposes.

LEADLINES OF REPEALED SECTIONS

82.382 "Charitable contribution" defined.

82.387 Applicability.

82.392 Corporation required to register before soliciting charitable contributions; filing requirements; information filed is public record.

82.397 Secretary of State required to make filings available to public and post filings on official website.

82.402 Penalty for failure to register with Secretary of State.

82.407 Enforcement of laws governing solicitation of charitable contributions: Secretary of State required to provide notice of alleged violation; referral of alleged violation to Attorney General; proceedings instituted by Attorney General.

82.412 Powers and duties of Secretary of State and Attorney General are cumulative.

82.417 Regulations.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 532 to Assembly Bill 50 adds an alumni association or other organization directly affiliated with an accredited institution to the list of exemptions from the charitable solicitation registration requirements.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 331.

SUMMARY—Revises ~~[the qualifications of justices of the peace in certain townships.]~~ **provisions relating to justice courts.** (BDR 1-492)

AN ACT relating to ~~[justices of the peace;]~~ **justice courts;** revising the qualifications of justices of the peace in certain townships; **increasing the monetary limit of the jurisdiction of justice courts; increasing the monetary limit on the claims that may be adjudicated under the procedure for small claims;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in a county whose population is 700,000 or more (currently Clark County), a justice of the peace in a township whose population

is 100,000 or more is required to be an attorney who: (1) is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment; and (2) has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment. The same requirements are imposed upon a justice of the peace in a township whose population is 250,000 or more in a county whose population is less than 700,000 (currently all counties other than Clark County). (NRS 4.010) ~~[~~ ~~]~~ **Section 1** of this bill revises these provisions and provides that the requirements apply to a justice of the peace in a township whose population is 100,000 or more in a county whose population is 100,000 or more (currently Clark and Washoe Counties).

Existing law also provides that justice courts have jurisdiction over certain civil actions, including: (1) certain actions in which the amount at issue does not exceed $10,000; and (2) small claims for the recovery of money only in which the amount claimed does not exceed $7,500. (NRS 4.370, 73.010) Sections 2.2 and 2.4 of this bill increase such amounts to $15,000 and $10,000, respectively. Sections 2.6 and 2.8 of this bill make conforming changes.

Existing law requires each justice of the peace to charge and collect certain fees for various civil actions, proceedings and filings in the justice court. For actions and proceedings other than small claims, the amount of the fees charged and collected is based upon the sum claimed in the action or proceeding. (NRS 4.060) Section 1.3 of this bill provides that for the preparation and filing of an affidavit and order in a small claims action, if the sum claimed exceeds $7,500 but does not exceed $10,000, a justice of the peace is required to charge and collect a fee of $175. Section 1.7 of this bill provides that on the commencement of any action or proceeding other than a small claims action, if the sum claimed exceeds $10,000 but does not exceed $15,000, a justice of the peace is required to charge and collect a fee of $250.

Section 5 of this bill provides that the provisions of this bill relating to the qualifications of justices of the peace in certain townships and civil actions in justice court concerning small claims become effective on October 1, 2015. The provisions of this bill relating to civil actions in justice court other than small claims become effective on January 1, 2017.

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

Section 1. NRS 4.010 is hereby amended to read as follows:

4.010 1. A person may not be a candidate for or be eligible to the office of justice of the peace unless the person is a qualified elector and has never been removed or retired from any judicial office by the Commission on Judicial Discipline. For the purposes of this subsection, a person is eligible to be a candidate for the office of justice of the peace if a decision to remove or

retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

2. A justice of the peace must have a high school diploma or its equivalent as determined by the State Board of Education ***.*** ~~[and:~~

~~(a)]~~ ***3.*** In a county whose population is ~~[700,000]~~ ***100,000*** or more, a justice of the peace in a township whose population is 100,000 or more must be an attorney who ~~[is]~~ ***:***

(a) Is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment ***;*** and ~~[has]~~

(b) Has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.

~~[(b) In a county whose population is less than 700,000, a justice of the peace in a township whose population is 250,000 or more must be an attorney who is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment and has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.~~

~~3. Subsection 2 does]~~

4. Subsections 2 and 3 do not apply to any person who held the office of justice of the peace on June 30, 2001.

Sec. 1.3. **NRS 4.060 is hereby amended to read as follows:**

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed $2,500	$50.00
If the sum claimed exceeds $2,500 but does not exceed $5,000	100.00
If the sum claimed exceeds $5,000 but does not exceed $10,000	175.00
In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, in which a notice to quit has been served pursuant to NRS 40.255	225.00
In all other civil actions	50.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed $1,000	$45.00
If the sum claimed exceeds $1,000 but does not exceed $2,500	65.00
If the sum claimed exceeds $2,500 but does not exceed $5,000	85.00

If the sum claimed exceeds $5,000 but does not exceed $7,500 .... 125.00

If the sum claimed exceeds $7,500 but does not exceed $10,000..... 175.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions $50.00
For every additional defendant, appearing separately 25.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention $25.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution..... $25.00

(g) For the issuance of any writ of restitution $75.00

(h) For filing a notice of appeal, and appeal bonds $25.00
One charge only may be made if both papers are filed at the same time.

(i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court $25.00

(j) For preparation and transmittal of transcript and papers on appeal $25.00

(k) For celebrating a marriage and returning the certificate to the county recorder or county clerk $75.00

(l) For entering judgment by confession $50.00

(m) For preparing any copy of any record, proceeding or paper, for each page..... $.50

(n) For each certificate of the clerk, under the seal of the court..... $3.00

(o) For searching records or files in his or her office, for each year $1.00

(p) For filing and acting upon each bail or property bond $50.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected pursuant to subsection 1 during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to $5 of each fee collected pursuant to paragraph (k) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (p) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:

(a) Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(e) Acquire advanced technology for the use of a justice court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and

(i) Pay for one-time projects for the improvement of a justice court.

➥ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees

collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 1.7. **NRS 4.060 is hereby amended to read as follows:**

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed $2,500	$50.00
If the sum claimed exceeds $2,500 but does not exceed $5,000	100.00
If the sum claimed exceeds $5,000 but does not exceed $10,000	175.00
If the sum claimed exceeds $10,000 but does not exceed $15,000	***250.00***
In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, in which a notice to quit has been served pursuant to NRS 40.255	225.00
In all other civil actions	50.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum f the sum claimed does not exceed $1,000	$45.00
If the sum claimed exceeds $1,000 but does not exceed $2,500	65.00
If the sum claimed exceeds $2,500 but does not exceed $5,000	85.00
If the sum claimed exceeds $5,000 but does not exceed $7,500	125.00
If the sum claimed exceeds $7,500 but does not exceed $10,000	175.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions	$50.00
For every additional defendant, appearing separately	25.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention $25.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution $25.00

(g) For the issuance of any writ of restitution $75.00

(h) For filing a notice of appeal, and appeal bonds $25.00

One charge only may be made if both papers are filed at the same time.

(i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court $25.00

(j) For preparation and transmittal of transcript and papers on appeal $25.00

(k) For celebrating a marriage and returning the certificate to the county recorder or county clerk $75.00

(l) For entering judgment by confession $50.00

(m) For preparing any copy of any record, proceeding or paper, for each page ..... $.50

(n) For each certificate of the clerk, under the seal of the court $3.00

(o) For searching records or files in his or her office, for each year ... $1.00

(p) For filing and acting upon each bail or property bond $50.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected pursuant to subsection 1 during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to $5 of each fee collected pursuant to paragraph (k) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (p) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special

account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:

(a) Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(e) Acquire advanced technology for the use of a justice court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and

(i) Pay for one-time projects for the improvement of a justice court.

➥ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 2. NRS 4.355 is hereby amended to read as follows:

4.355 1. A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment:

(a) In any action filed pursuant to NRS 73.010;

(b) In any action filed pursuant to NRS 33.200 to 33.360, inclusive;

(c) In any action for a misdemeanor constituting a violation of chapters 484A to 484E, inclusive, of NRS, except NRS 484C.110 or 484C.120; or

(d) In any action for a misdemeanor constituting a violation of a county traffic ordinance.

2. The referee must meet the qualifications of a justice of the peace as set forth in ~~[subsections 1 and 2 of]~~ NRS 4.010.

3. The referee:

(a) Shall take testimony;

(b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;

(c) May, subject to confirmation by the justice of the peace, enter an order or judgment; and

(d) Has any other power or duty contained in the order of reference issued by the justice of the peace.

4. The findings of fact, conclusions of law and recommendations of the referee must be furnished to each party or his or her attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.

5. A referee must be paid one-half of the hourly compensation of a justice of the peace.

Sec. 2.2. **NRS 4.370 is hereby amended to read as follows:**

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed ~~[$10,000.]~~ ***$15,000.***

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed ~~[$10,000.]~~ ***$15,000.***

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding ~~[$10,000,]~~ ***$15,000,*** given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed ~~[$10,000,]~~ ***$15,000,*** though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed ~~[$10,000.]~~ ***$15,000.***

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed ~~[$10,000.]~~ ***$15,000.***

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed ~~[$10,000]~~ ***$15,000*** or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed ~~[$10,000]~~ ***$15,000*** or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed ~~[$10,000.]~~ ***$15,000.***

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed ~~[$10,000.]~~ ***$15,000.***

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed ~~[$10,000.]~~ ***$15,000.***

(l) In actions for a fine imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

(s) In actions transferred from the district court pursuant to NRS 3.221.

(t) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(u) In any action seeking an order pursuant to NRS 441A.195.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or 176A.280.

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 2.4. **NRS 73.010 is hereby amended to read as follows:**

73.010 In all cases arising in the justice court for the recovery of money only, where the amount claimed does not exceed ~~[$7,500]~~ ***$10,000*** and the defendant named:

1. Is a resident of;
2. Does business in; or
3. Is employed in,

➥ the township in which the action is to be maintained, the justice of the peace may proceed as provided in this chapter and by rules of court.

Sec. 2.6. **NRS 482.542 is hereby amended to read as follows:**

482.542 1. Any vehicle seized pursuant to NRS 482.540 may be removed by a law enforcement agency or the Department to:

(a) A place designated for the storage of seized property.

(b) An appropriate place for disposal if that disposal is specifically authorized by statute.

2. If disposal of a vehicle seized pursuant to NRS 482.540 is not specifically authorized by statute, a law enforcement agency or the Department may file a civil action for forfeiture of the vehicle:

(a) Pursuant to paragraph (c) of subsection 1 of NRS 4.370 in the justice court of the township where the vehicle which is the subject of the action was seized if the fair market value of the vehicle and the cost of towing and storing the vehicle does not exceed ~~[$10,000;]~~ ***$15,000;*** or

(b) In the district court for the county where the vehicle which is the subject of the action was seized if the fair market value of the vehicle and the cost of towing and storing the vehicle equals or exceeds ~~[$10,000.]~~ ***$15,000.***

3. Upon the filing of a civil action pursuant to subsection 2, the court shall schedule a date for a hearing. The hearing must be held not later than 7 business days after the action is filed. The court shall affix the date of the hearing on a form for that purpose and order a copy served by the sheriff, constable or other process server upon each claimant whose identity is known to the law enforcement agency or Department or who can be identified through the exercise of due diligence.

4. The court shall:

(a) Order the release of the vehicle to the owner or to another person who the court determines is entitled to the vehicle if the court finds that:

(1) A motor number, manufacturer's number or identification mark which was placed on the vehicle has not been falsely attached, removed, defaced, altered or obliterated; and

(2) The vehicle has not been illegally altered in a manner that impairs the structural integrity of the vehicle; or

(b) Order the vehicle destroyed or otherwise disposed of as determined by the court, if the court finds that:

(1) There is no satisfactory evidence of ownership;

(2) A motor number, manufacturer's number or identification mark which was placed on the vehicle has been falsely attached, removed, defaced, altered or obliterated; or

(3) The vehicle has been illegally altered in a manner that impairs the structural integrity of the vehicle.

5. If a court declares that a vehicle seized pursuant to NRS 482.540 is forfeited, a law enforcement agency or the Department may:

(a) Retain it for official use;

(b) Sell it; or

(c) Remove it for disposal.

6. As used in this section, "claimant" means any person who claims to have:

(a) Any right, title or interest of record in the property or proceeds subject to forfeiture;

(b) Any community property interest in the property or proceeds; or

(c) Had possession of the property or proceeds at the time of the seizure thereof by a law enforcement agency or the Department.

Sec. 2.8. **NRS 487.039 is hereby amended to read as follows:**

487.039 1. If a vehicle is towed pursuant to NRS 487.037 or 487.038 and the owner of the vehicle believes that the vehicle was unlawfully towed, the owner of the vehicle may file a civil action pursuant to paragraph (b) of subsection 1 of NRS 4.370 in the justice court of the township where the property from which the vehicle was towed is located, on a form provided by the court, to determine whether the towing of the vehicle was lawful.

2. An action may be filed pursuant to this section only if the cost of towing and storing the vehicle does not exceed ~~[$10,000.]~~ ***$15,000.***

3. Upon the filing of a civil action pursuant to subsection 1, the court shall schedule a date for a hearing. The hearing must be held not later than 4 working days after the action is filed. The court shall affix the date of the hearing to the form and order a copy served by the sheriff, constable or other process server upon the owner or person in lawful possession of the property who authorized the towing of the vehicle.

4. The court shall:

(a) If it determines that the vehicle was:

(1) Lawfully towed, order the owner of the vehicle to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner upon payment of that cost; or

(2) Unlawfully towed, order the owner or person in lawful possession of the property who authorized the towing to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner immediately; and

(b) Determine the actual cost incurred in towing and storing the vehicle.

5. The operator of any facility or other location where vehicles which are towed are stored shall display conspicuously at that facility or location a sign which sets forth the provisions of this section.

Sec. 3. The amendatory provisions of this act do not abrogate or affect the current term of office of any justice of the peace who is serving in that office on October 1, 2015.

Sec. 4. **The amendatory provisions of:**

1. Sections 1.3 and 2.4 of this act apply to civil actions and proceedings filed on or after October 1, 2015.

2. Sections 1.7, 2.2, 2.6 and 2.8 of this act apply to civil actions and proceedings filed on or after January 1, 2017.

Sec. 5. **1. This section and sections 1, 1.3, 2, 2.4, 3 and 4 of this act become effective on October 1, 2015.**

2. Sections 1.7, 2.2, 2.6 and 2.8 of this act become effective on January 1, 2017.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 331 to Assembly Bill 66 increases the monetary limit of the civil jurisdiction of justice courts from $10,000 to $15,000. This change is effective October 1, 2015. The fee collected by the Justice of the Peace is $250. It also increases the monetary limit on small claims action from $7,500 to $10,000. This change is effective January 1, 2017. The fee collected by the Justice of the Peace is $175.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 422.

AN ACT relating to air pollution; revising provisions governing the ~~[frequency of]~~ required inspections of the emissions of certain motor vehicles; ~~[increasing fees charged by the Department of Motor Vehicles for certain forms;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[requires]~~ **authorizes** the State Environmental Commission, in cooperation with the Department of Motor Vehicles ~~[and any local air pollution control agency,]~~ to adopt regulations ~~[for the control of]~~ **to prescribe standards for** emissions from motor vehicles **.** ~~[in areas designated by the Commission. (NRS 445B.770) Existing law also imposes certain limitations on compulsory inspection programs established by the Commission. (NRS 445B.795)]~~ **(NRS 445B.760)**

Section ~~[1]~~ **2.3** of this bill ~~[further limits the authority of]~~ **requires** the Commission ~~[by specifying that the regulations adopted by the Commission require: (1) the initial inspection of a new passenger car or new light duty motor vehicle 4 years after the initial registration of the vehicle; and (2) the subsequent inspection of a passenger car or light duty motor vehicle not more often than every 2 years.]~~ **to exempt from those standards any motor vehicle manufactured before 1996.**

Existing law requires the Department of Motor Vehicles to charge a fee for the forms distributed to certify emission control compliance in the amount of $6 per form and $150 per set of forms. (NRS 445B.830) Section 2 of this bill raises the fees to $12 per form and $300 per set of forms so that the change in the required frequency of emissions inspections from every year to every other year prescribed by section 1 does not affect the funding of the Pollution Control Account.

However, existing law also requires the Department of Motor Vehicles, for the initial issuance of license plates for **certain** "Old Timer" antique vehicles, "Street Rods," "Classic Rods" and "Classic Vehicles," to charge an additional fee that is equal in amount to the fee charged for a form distributed to certify emission control compliance ~~[.]~~ **if the vehicle for which such a license plate is issued is exempted from emissions testing.** (NRS 482.381, 482.3812, 482.3814, 482.3816) ~~[To prevent an increase in this additional fee for the initial issuance of these license plates, sections 3-6 of this bill fix this additional fee at the existing amount of $6.]~~ **Sections 3-6 of this bill remove the requirement for the fee as to vehicles with those certain license plates. Section 2.5 of this bill requires the Department to charge a fee that is equal to the amount of the fee for a form certifying emission control compliance at the initial issuance of license plates for any motor vehicle which is exempt from emissions testing by section 2.3. Section 2.5 also requires that**

the fees must be accounted for in the Pollution Control Account, to reduce the effect on the Account of the new exemption provided in section 2.3.

Section 6.3 of this bill clarifies that if the owner of a motor vehicle that was registered with "Old Timer," "Street Rod," "Classic Rod" or "Classic Vehicle" plates before July 1, 2015, has already, in connection with that vehicle, paid the special fee that is equal to the amount of the fee for a form certifying emission control compliance, such a person is not required to pay that same fee again for the same vehicle pursuant to section 2.5.

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

Section 1. ~~[~~NRS 445B.795 is hereby amended to read as follows:

~~445B.795 The authority set forth in NRS 445B.770 providing for a compulsory inspection program is limited as follows:~~

~~1. In a county whose population is 100,000 or more, the following categories of motor vehicles which are powered by motor vehicle fuel or special fuel and require inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 are required to have evidence of compliance upon registration or reregistration:~~

~~(a) All passenger cars;~~

~~(b) Light-duty motor vehicles;~~

~~(c) Heavy-duty motor vehicles that are powered by diesel fuel and have a manufacturer's gross vehicle weight rating which does not exceed 14,000 pounds; and~~

~~(d) Heavy-duty motor vehicles that are powered by motor vehicle fuel or special fuel, excluding diesel fuel.~~

~~2. In areas which have been designated by the Commission for inspection programs and which are located in counties whose populations are 100,000 or more, all used motor vehicles which require inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 are required to have evidence of compliance upon registration or reregistration.~~

~~3. In designated areas in other counties where the Commission puts a program into effect, all used motor vehicles which require inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 are required to have evidence of compliance upon registration or reregistration.~~

~~4. The board of county commissioners of a county containing a designated area may revise its program for the designated area after receiving the approval of the Commission.~~

~~5. Before carrying out the inspections of vehicles required pursuant to the regulations adopted by the Commission pursuant to NRS 445B.770, the Commission shall, by regulation, adopt testing procedures and standards for emissions for those vehicles.~~

~~***6. The regulations adopted by the Commission pursuant to NRS 445B.770 must require that:***~~

~~*(a) The initial inspection of a new passenger car or new light-duty motor vehicle be conducted 4 years after initial registration of the vehicle; and*~~

~~*(b) Except as otherwise provided in paragraph (a), the inspection of a passenger car or light-duty motor vehicle be conducted not more often than every 2 years.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 445B.830 is hereby amended to read as follows:~~

~~445B.830 1. In areas of the State where and when a program is commenced pursuant to NRS 445B.770 to 445B.815, inclusive, the following fees must be paid to the Department of Motor Vehicles and accounted for in the Pollution Control Account, which is hereby created in the State General Fund:~~

~~(a) For the issuance and annual renewal of a license for an authorized inspection station, authorized maintenance station, authorized station or fleet station ..... $25~~

~~(b) For each set of 25 forms certifying emission control compliance.....[150]~~ ***300***

~~(c) For each form issued to a fleet station .....[6]~~ ***12***

~~2. Except as otherwise provided in subsection 6, and after deduction of the amounts distributed pursuant to subsection 4, money in the Pollution Control Account may, pursuant to legislative appropriation or with the approval of the Interim Finance Committee, be expended by the following agencies in the following order of priority:~~

~~(a) The Department of Motor Vehicles to carry out the provisions of NRS 445B.770 to 445B.845, inclusive.~~

~~(b) The State Department of Conservation and Natural Resources to carry out the provisions of this chapter.~~

~~(c) The State Department of Agriculture to carry out the provisions of NRS 590.010 to 590.150, inclusive.~~

~~(d) Local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air.~~

~~(e) The Tahoe Regional Planning Agency to carry out the provisions of NRS 277.200 with respect to the preservation and improvement of air quality in the Lake Tahoe Basin.~~

~~3. The Department of Motor Vehicles may prescribe by regulation routine fees for inspection at the prevailing shop labor rate, including, without limitation, maximum charges for those fees, and for the posting of those fees in a conspicuous place at an authorized inspection station or authorized station.~~

~~4. The Department of Motor Vehicles shall make quarterly distributions of money in the Pollution Control Account to local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408. The distributions of money made to agencies in a county pursuant to this subsection must be made from an amount of money in the Pollution Control Account that~~

~~is equal to one-sixth of the amount received for each form issued in the county pursuant to subsection 1.~~

~~5. Each local air pollution control agency that receives money pursuant to subsections 4 and 6 shall, not later than 45 days after the end of the fiscal year in which the money is received, submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee a report on the use of the money received.~~

~~6. The Department of Motor Vehicles shall make annual distributions of excess money in the Pollution Control Account to local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air. The distributions of excess money made to local air pollution control agencies in a county pursuant to this subsection must be made in an amount proportionate to the number of forms issued in the county pursuant to subsection 1. As used in this subsection, "excess money" means the money in excess of $1,000,000 remaining in the Pollution Control Account at the end of the fiscal year, after deduction of the amounts distributed pursuant to subsection 4 and any disbursements made from the Account pursuant to subsection 2.~~

~~7. The Department of Motor Vehicles shall provide for the creation of an advisory committee consisting of representatives of state and local agencies involved in the control of emissions from motor vehicles. The committee shall:~~

~~(a) Establish goals and objectives for the program for control of emissions from motor vehicles;~~

~~(b) Identify areas where funding should be made available; and~~

~~(c) Review and make recommendations concerning regulations adopted pursuant to NRS 445B.770.~~**] (Deleted by amendment.)**

Sec. 2.3. **NRS 445B.760 is hereby amended to read as follows:**

445B.760 1. The Commission may by regulation prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke from mobile internal combustion engines on the ground or in the air, including, but not limited to, aircraft, motor vehicles, snowmobiles and railroad locomotives. The regulations must provide for the exemption from such standards of a ***motor*** vehicle ~~[for which special license plates have been issued pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 if the owner of such a vehicle certifies to the Department of Motor Vehicles, on a form provided by the Department of Motor Vehicles, that the vehicle was not driven more than 5,000 miles during the immediately preceding year.~~] ***manufactured before 1996.***

2. Except as otherwise provided in subsection 3, standards for exhaust emissions which apply to a:

(a) Reconstructed vehicle, as defined in NRS 482.100; and

(b) Trimobile, as defined in NRS 482.129,

➥ must be based on standards which were in effect in the year in which the engine of the vehicle was built.

3. A trimobile that meets the definition of a motorcycle in 40 C.F.R. § 86.402-78 or 86.402-98, as applicable, is not subject to emissions standards under this chapter.

4. Any such standards which pertain to motor vehicles must be approved by the Department of Motor Vehicles before they are adopted by the Commission.

Sec. 2.5. **Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. In addition to the fee for the issuance of a license plate and all other applicable registration and license fees and governmental services taxes, the Department shall charge and collect a fee for the first issuance of the license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

2. Fees paid to the Department pursuant to subsection 1 must be accounted for in the Pollution Control Account created by NRS 445B.830.

3. As used in this section, "first issuance" means the first time that the plates with which a motor vehicle is registered are issued or renewed on or after July 1, 2015.

Sec. 3. NRS 482.381 is hereby amended to read as follows:

482.381 1. ~~[Except as otherwise provided in NRS 482.2655, the]~~ ***The*** Department may issue special license plates and registration certificates to residents of Nevada for any motor vehicle which is a model manufactured more than 40 years before the date of application for registration pursuant to this section.

2. License plates issued pursuant to this section must bear the inscription "Old Timer," and the plates must be numbered consecutively.

3. The Nevada Old Timer Club members shall bear the cost of the dies for carrying out the provisions of this section.

4. The Department shall charge and collect the following fees for the issuance of these license plates, which fees are in addition to all other license fees and applicable taxes:

(a) For the first issuance $35

(b) For a renewal sticker 10

~~[5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee *of $6* for the first issuance of the license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.]~~

Sec. 4. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. ~~[Except as otherwise provided in NRS 482.2655, the]~~ ***The*** Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words "STREET ROD" and a number of characters, including numbers and letters, as determined necessary by the Director.

3. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

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

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

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

~~[5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee *of $6* for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.]~~

Sec. 5. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. ~~[Except as otherwise provided in NRS 482.2655, the]~~ ***The*** Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and a number of characters, including numbers and letters, as determined necessary by the Director.

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

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

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

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

~~[5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee *of $6* for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.]~~

Sec. 6. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. ~~[Except as otherwise provided in NRS 482.2655, the]~~ ***The*** Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less;

(b) Manufactured at least 25 years before the application is submitted to the Department; and

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and a number of characters, including numbers and letters, as determined necessary by the Director.

3. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

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

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

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

~~[5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee *of $6* for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.]~~

Sec. 6.3. **Notwithstanding the provisions of section 2.5 of this act, no additional fee is required to be paid in connection with a motor vehicle pursuant to that section if:**

1. The motor vehicle was manufactured before 1996;

2. Before July 1, 2015, the motor vehicle was registered with special license plates pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816; and

3. The owner of the motor vehicle, pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816, already paid to the Department an additional fee equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

Sec. 6.5. **NRS 482.2655 is hereby repealed.**

Sec. 7. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTION

482.2655 Department not to issue special license plates for certain older motor vehicles within 90 days after failed emissions test.

1. If, with respect to a motor vehicle that is required to comply with the provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto, an authorized inspection station or authorized station tests the emissions from the motor vehicle and the motor vehicle fails the emissions test, the Department shall not issue a special license plate for that vehicle pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 for a period of 90 days after the motor vehicle fails the emissions test.

2. As used in this section:

(a) "Authorized inspection station" has the meaning ascribed to it in NRS 445B.710.

(b) "Authorized station" has the meaning ascribed to it in NRS 445B.720.

(c) "Fails the emissions test" means that a motor vehicle does not comply with the applicable provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 422 to Assembly Bill 146 removes all of the current provisions in Assembly Bill 146 and replaces it with language exempting vehicles manufactured before 1996 from emission inspections. The amendment requires the Department of Motor Vehicles to charge a fee equal to the amount of the fee for a form certifying emission control compliance at the initial issuance of license plates for any motor vehicle exempt from emissions testing. The amendment also requires that the fees must be accounted for in the Pollution Control Account to reduce the effect on the

Account of the new exemption. Finally, the amendment clarifies that if the owner of a motor vehicle that was registered with "Old Timer," "Street Rod," "Classic Rod," or "Classic Vehicle" plates before July 1, 2015, has already, in connection with that vehicle, paid the fee, such a person is not required to pay that same fee again for the same vehicle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 152.

Bill read second time.

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

Amendment No. 349.

Assemblymen Araujo, Diaz, Thompson; Benitez-Thompson, Carrillo, Flores, **Gardner, Hambrick**, Joiner, Moore **,Silberkraus** and Neal

Senators Denis; **Hardy** and Woodhouse

~~[CONTAINS UNFUNDED MANDATE(§ 2)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to care of children; requiring the State Board of Health to adopt regulations prescribing ~~[requirements]~~ **guidelines** for meals and snacks provided to children at child care facilities **~~[,]~~ and** setting forth certain requirements for child care facilities relating to breastfeeding **~~[,]~~ and** physical activity **; ~~[and viewing media;]~~** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a child care facility to be licensed by the State Board of Health or, if the county or city in which the child care facility is located requires child care facilities to be licensed, by such a county or city. If a city or county licenses child care facilities, the city or county is required to adopt standards and regulations governing child care facilities that are at least as stringent as those adopted by the Board. (NRS 432A.131) ~~[Federal law establishes the Child and Adult Care Food Program, and federal regulations set forth requirements for the contents of each meal served pursuant to the Program. (42 U.S.C. § 1766; 7 C.F.R. § 226.20)]~~ **Section 2** of this bill requires the Board to adopt regulations prescribing ~~[requirements]~~ **guidelines** for all meals and snacks served to children by child care facilities **. ~~[, including a requirement that all such meals and snacks comply with the minimum requirements established pursuant to the Child and Adult Care Food Program.]~~ Section 2 also: (1) allows a child, upon the request of a parent or guardian, to receive meals and snacks that do not comply with the guidelines; and (2) provides that the guidelines do not apply to any meal prepared by a parent or guardian and brought to a child care facility by a child or a parent or guardian.**

Section 3 of this bill requires **the Board to adopt regulations that: (1) require** a child care facility to **~~[: (1)]~~** provide **an** appropriate, private space where mothers may breastfeed; ~~and (2) limit the amount of time a child may spend viewing media. Section 3 also: (1) requires~~**]** **(2) require** certain child

care facilities to provide a program of physical activity; and ~~[(2) prohibits]~~ **(3) prohibit** a child care facility from withholding or requiring physical activity as a form of discipline.

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Board shall adopt regulations prescribing ~~[requirements]~~ guidelines for ~~[all]~~ meals and snacks provided to children by a child care facility. Such ~~[regulations]~~ guidelines must, without limitation:***

~~***[1. Require]***~~

(a) Ensure that each meal or snack provided to a child by a child care facility ~~[to:~~

~~***(a) Comply with the minimum food components set forth in 7 C.F.R. § 226.20; and***~~

~~***(b) Be]*** ***is served in a portion size appropriate for the age of the child;***

~~***[2.]*** ***(b) Include specific requirements concerning milk, other dairy products and juice; and***

~~***[3.]*** ***(c) Limit the fat and sugar content of all meals and snacks.***

2. At the request of a parent or guardian, a child in a child care facility may receive meals and snacks from the child care facility that do not comply with the guidelines prescribed pursuant to subsection 1.

3. The guidelines prescribed pursuant to subsection 1 do not apply to any meal or snack prepared for a child by a parent or guardian and brought by the child or a parent or guardian to a child care facility.

Sec. 3. ***1. ~~[A]~~ The Board shall adopt regulations that:***

(a) Require each licensee that operates a child care facility ~~[shall]~~ to provide an appropriate, private space on the premises of the child care facility where a mother may breastfeed.

~~***[2. A]***~~

(b) Require each licensee that operates a child care facility, other than an accommodation facility or a child care institution, ~~[shall]~~ to provide a program of physical activity that:

~~[(a)]~~ (1) Ensures that all children receive daily periods of moderate or vigorous physical activity ~~[; and

(b) Includes] ***that are appropriate for the age of the child;***

(2) Limits the amount of sedentary activity, other than meals, snacks and naps, that children engage in each day; and

(3) Allows for specialized plans for children with special needs or who have disabilities.

~~***[3. An employee of a child care facility shall not allow children under 2 years of age to view media or allow children to view media during snack or meal times, and shall limit the total amount of time children are allowed to view media.***~~

~~*4. An*~~

(c) Prohibit an employee of or a licensee who operates a child care facility ~~[shall not withhold]~~ from withholding or ~~[require]~~ requiring a child to participate in physical activity as a form of discipline.

~~[5.]~~ 2. As used in this section:

(a) "Moderate or vigorous physical activity" means activity that significantly uses arms or legs, including, without limitation, brisk walking, skipping, bicycling, hiking, dancing, kicking a ball, gardening, running, jumping, playing tag, chasing games, soccer, basketball ~~,]~~ and swimming . ~~[and heavy yard work.]~~

(b) ~~["View media" includes, without limitation, watch television, video tapes and digital video discs, play video games or computer games, use a smartphone or handheld device and use the Internet.]~~ "Sedentary activity" means activity that does not significantly use arms or legs or provide significant exercise, including, without limitation, sitting, standing, reading, playing a board game, riding in a wagon or drawing.

Sec. 4. ~~[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.]~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Amendment 349 to Assembly Bill 152 replaces the requirement that meals or snacks comply with the Child and Adult Care Food Program with guidelines; requires the State Board of Health to adopt regulations prescribing the guidelines; provides that food brought by a parent or guardian does not have to comply with the guidelines; clarifies physical and sedentary activities; removes provisions related to viewing of media; and adds four additional sponsors.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 162.

Bill read second time.

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

Amendment No. 268.

~~[CONTAINS UNFUNDED MANDATE(§ 2)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to peace officers; ~~[requiring]~~ **authorizing** certain peace officers to wear a portable event recording device while on duty; requiring certain law enforcement agencies to adopt policies and procedures governing

the use of portable event recording devices; **providing that, with certain limitations, records made by portable event recording devices are public records;** exempting the use of portable event recording devices from the provisions governing the interception of certain communications; exempting the use of portable event recording devices upon certain property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill **:** ~~[requires:]~~ (1) **authorizes** certain peace officers to wear a portable event recording device while on duty; and (2) **requires** certain law enforcement agencies to adopt policies and procedures relating to the use of portable event recording devices. **Section 1 also establishes that any record made by a portable event recording device is a public record which may be: (1) requested only on a per incident basis; and (2) inspected only at the location where the record is held if the record contains confidential information.**

Existing law authorizes investigative or law enforcement officers to intercept wire or oral communications, subject to certain requirements. (NRS 179.410-179.515) **Section 2** of this bill exempts a portable event recording device worn by a peace officer from the definition of an "electronic, mechanical or other device" used to intercept wire or oral communication. Existing law also prohibits the surreptitious electronic surveillance on: (1) the grounds of any facility owned or leased by the State of Nevada; (2) the property of a public school; or (3) a campus of the Nevada System of Higher Education. (NRS 331.200, 393.400, 396.970) **Sections 3-5** of this bill create an exception from certain unauthorized electronic surveillance conducted pursuant to **section 1**.

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

Section 1. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Each]~~ A law enforcement agency ~~[shall:~~

~~(a) Require each]~~ may require uniformed peace ~~[officer]~~ officers that it employs to wear a portable event recording device while on duty.

~~[(b) Adopt]~~ If a law enforcement agency so requires, the law enforcement agency shall adopt policies and procedures governing the use of portable event recording devices ~~[.]~~ , which must include, without limitation:

(a) Except as otherwise provided in paragraph (d), requiring activation of a portable event recording device whenever a peace officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between a uniformed peace officer and a member of the public;

(b) Except as otherwise provided in paragraph (d), prohibiting deactivation of a portable event recording device until the conclusion of a law enforcement or investigative encounter;

(c) Prohibiting the recording of general activity;

(d) Protecting the privacy of persons:

(1) In a private residence;

(2) Seeking to report a crime or provide information regarding a crime or ongoing investigation anonymously; or

(3) Claiming to be a victim of a crime;

(e) Limiting the period for which a video recorded by a portable event recording device must be retained; and

(f) Establishing disciplinary rules for peace officers who:

(1) Fail to operate a portable event recording device in accordance with any departmental policies;

(2) Manipulate a video recorded by a portable event recording device; or

(3) Prematurely erase a video recorded by a portable event recording device.

2. Any record made by a portable event recording device pursuant to this section is a public record which may be:

(a) Requested only on a per incident basis; and

(b) Available for inspection only at the location where the record is held if the record contains confidential information that may not otherwise be redacted.

3. As used in this section:

(a) "Law enforcement agency" means:

(1) The sheriff's office of a county;

(2) A metropolitan police department;

(3) A police department of an incorporated city; or

(4) The Nevada Highway Patrol.

(b) "Portable event recording device" means a device issued to a peace officer by a law enforcement agency to be worn on his or her body and which records both audio and visual events occurring during an encounter with a member of the public while performing his or her duties as a peace officer.

Sec. 2. NRS 179.425 is hereby amended to read as follows:

179.425 "Electronic, mechanical or other device" means any device or apparatus which can be used to intercept a wire or oral communication other than:

1. Any telephone instrument, equipment or facility, or any component thereof:

(a) Furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or

(b) Being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his or her duties.

2. A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

3. A portable event recording device, as defined in section 1 of this act.

Sec. 2.5. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220,

640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, ***and section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 3. NRS 331.220 is hereby amended to read as follows:

331.220 1. Except as otherwise provided in subsection 2, it is unlawful for a person to engage in any kind of surreptitious electronic surveillance on

the grounds of any facility owned or leased by the State of Nevada without the knowledge of the person being observed.

2. Subsection 1 does not apply to any electronic surveillance:

(a) Authorized by a court order issued to a public officer, based upon a showing of probable cause to believe that criminal activity is occurring on the property under surveillance;

(b) By a law enforcement agency pursuant to a criminal investigation; ~~[or]~~

(c) ***By a peace officer pursuant to section 1 of this act; or***

(d) Which is necessary as part of a system of security used to protect and ensure the safety of persons on the grounds of the facility.

Sec. 4. NRS 393.400 is hereby amended to read as follows:

393.400 1. Except as otherwise provided in subsection 2, it is unlawful for a person to engage in any kind of surreptitious electronic surveillance on any property of a public school without the knowledge of the person being observed.

2. Subsection 1 does not apply to any electronic surveillance:

(a) Authorized by a court order issued to a public officer, based upon a showing of probable cause to believe that criminal activity is occurring on the property of the public school under surveillance;

(b) By a law enforcement agency pursuant to a criminal investigation;

(c) ***By a peace officer pursuant to section 1 of this act;***

(d) Which is necessary as part of a system of security used to protect and ensure the safety of persons on the property of the public school; or

~~[(d)]~~ ***(e)*** Of a class or laboratory when authorized by the teacher of the class or laboratory.

Sec. 5. NRS 396.970 is hereby amended to read as follows:

396.970 1. Except as otherwise provided in subsection 2, it is unlawful for a person to engage in any kind of surreptitious electronic surveillance on a campus of the System without the knowledge of the person being observed.

2. Subsection 1 does not apply to any electronic surveillance:

(a) Authorized by a court order issued to a public officer, based upon a showing of probable cause to believe that criminal activity is occurring on the property under surveillance;

(b) By a law enforcement agency pursuant to a criminal investigation;

(c) ***By a peace officer pursuant to section 1 of this act;***

(d) Which is necessary as part of a system of security used to protect and ensure the safety of persons on the campus; or

~~[(d)]~~ ***(e)*** Of a class or laboratory when authorized by the teacher of the class or laboratory.

Sec. 6. ~~[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.]~~ **(Deleted by amendment.)**

Sec. 7. This act becomes effective on January 1, 2016.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Amendment 268 to Assembly Bill 162 replaces the word "shall" with "may" to make the bill enabling, and limits the use of cameras to "uniformed" peace officers. The bill further requires law enforcement agencies to develop policies related to the use of event recording equipment, public records requests for recordings, when a recording should occur or not occur, and disciplinary rules for failure to follow agency policy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 166.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 248.

AN ACT relating to education; providing for the establishment of the State Seal of Biliteracy Program to recognize pupils who have attained a high level of proficiency in one or more languages in addition to English; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides for the establishment of the State Seal of Biliteracy Program to recognize pupils who have attained a high level of proficiency in one or more languages in addition to English by affixing the State Seal of Biliteracy to the diploma **and transcript** of each pupil who meets certain requirements. **Section 3** of this bill prescribes the requirements that a pupil must meet in order to be awarded the State Seal of Biliteracy.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Superintendent of Public Instruction shall establish a State Seal of Biliteracy Program to recognize pupils who graduate from a public high school, including, without limitation, a charter school and a university school for profoundly gifted pupils, who have attained a high level of proficiency in one or more languages in addition to English.***

2. The Superintendent of Public Instruction shall:

(a) Create a State Seal of Biliteracy that may be affixed to the diploma and transcript of a pupil to recognize that the pupil has met the requirements of section 3 of this act; and

(b) Deliver the State Seal of Biliteracy to each school district , charter school and university school for profoundly gifted pupils that participates in the program.

3. Any school district, charter school and university school for profoundly gifted pupils may participate in the State Seal of Biliteracy

Program by notifying the Superintendent of Public Instruction of its intent to participate in the Program.

4. Each board of trustees of a school district and governing body of a charter school or university school for profoundly gifted pupils that participates in the State Seal of Biliteracy Program shall:

(a) Identify the pupils who have met the requirements to be awarded the State Seal of Biliteracy; and

(b) Affix the State Seal of Biliteracy to the diploma and transcript of each pupil who meets those requirements.

5. The Superintendent of Public Instruction may adopt regulations as necessary to carry out the provisions of this section and section 3 of this act.

Sec. 3. ***A school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of Biliteracy Program established pursuant to section 2 of this act must award a pupil, upon graduation from high school, a high school diploma with a State Seal of Biliteracy if the pupil:***

1. Successfully completes all courses of study in English language arts that are required for graduation with at least a 2.0 grade point average, on a 4.0 grading scale;

2. Passes the end-of-course examinations in English language arts required pursuant to NRS 389.805;

3. Demonstrates proficiency in one or more languages other than English:

(a) By passing an advanced placement examination in a world language with a score of 3 or higher or passing an international baccalaureate examination in a world language with a score of 4 or higher; or

(b) [Through successful completion of at least 4 years of courses in a world language with at least a 3.0 grade point average, on a 4.0 grading scale, in those courses;] By passing an examination in a world language, if the examination is approved by the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils, as applicable; and

[3.] 4. If the primary language of the pupil is not English, demonstrates proficiency in English on an assessment designated by the Department.

Sec. 4. This act becomes effective on July 1, 2015.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 248 to Assembly Bill 166 requires the State Seal of Biliteracy be affixed to the transcript of a pupil, in addition to his or her diploma, to recognize the pupil has met the necessary requirements in the bill as a whole. The amendment also adds that the State Seal of Biliteracy must be awarded to pupils who pass the end-of-course examination in English language arts required by law, and for pupils who pass an examination in a world language, if the examination is approved by the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 170.

Bill read second time.

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

Amendment No. 269.

AN ACT relating to municipal obligations; clarifying that a general obligation issued or incurred by a municipality or school district must be used only for the stated purpose for which the general obligation was originally issued or incurred; requiring certain information to be included in certain publications relating to the intent of a municipality to issue or incur obligations; ~~[~~~~prescribing~~~~]~~ **revising** the manner of publication ~~[~~~~; limiting the amount of a general obligation that may be issued or incurred in certain circumstances;~~~~]~~ **of a certain notice;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes municipalities and school districts to issue or incur general obligations upon meeting certain requirements. Municipalities generally are required to submit a proposal to issue or incur general obligations to the electors of the municipality at a special or general election, with the exception that municipalities may issue or incur general obligations by an affirmative vote of two-thirds of the members of the governing body of the municipality finding that the pledged **non property tax** revenue ~~[~~~~of the project to be financed~~~~]~~ will be sufficient to service the debt, upon publishing a resolution of intent to issue or incur the obligation and upon meeting certain other procedural requirements. Under the exception, not less than 5 percent of the registered voters of the municipality can reject the issuance of the obligation by petition. (NRS 350.020) This bill: (1) clarifies that a general obligation issued or incurred by a municipality or school district must be used only for the stated purpose for which the general obligation was originally issued or incurred and not for any other purpose; (2) requires a publication of a resolution of the intent of a municipality to issue or incur a general obligation to include ~~[~~~~a description of the manner by which the registered voters of the municipality may petition the governing body~~~~]~~ **certain information relating to the filing of a petition** to reject the issuance of the obligation; **and** (3) requires the publication **of the notice of the public hearing concerning the incurrence of the obligation** to be made at least three times, once a week for 3 consecutive weeks, in a newspaper of general circulation in the municipality **.** ~~[~~~~; and (4) prohibits a governing body of a municipality that may otherwise issue or incur a general obligation without submitting the proposal to the electors on a ballot at an election from issuing or incurring a general obligation in an amount greater than $2,500,000 in a county whose population is less than 100,000, or $5,000,000 in a county whose population is 100,000 or more.~~~~]~~

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

Section 1. NRS 350.020 is hereby amended to read as follows:

350.020 1. ***A general obligation issued or incurred pursuant to this section must be used only for the stated purpose for which the general obligation was originally issued or incurred and not for any other purpose.*** Except as otherwise provided by subsections 3 and 4, if a municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.

2. Such a special election may be held:

(a) At any time, including, without limitation, on the date of a primary municipal election or a primary state election, if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or

(b) On the first Tuesday after the first Monday in June of an odd-numbered year,

➥ except that the governing body shall not determine that an emergency exists if the special election is for the purpose of submitting to the electors a proposal to refund bonds. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud, a gross abuse of discretion or in violation of the provisions of this subsection. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If ~~***[Except as otherwise provided in this subsection, if]***~~ payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged revenue ~~***[of the project to be financed]***~~ will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 90 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered

voters must be determined as of the close of registration for the last preceding general election. The resolution of intent need not be published in full, but the publication must include the amount of the obligation ***,*** ~~[and]~~ the purpose for which it is to be incurred ~~[. and a description of the manner]~~ ***, the date by which the registered voters of the municipality*** ~~[may]~~ ***must file a petition with the governing body to reject the issuance of the obligation*** ~~[.]~~ ***, the location at which the petition must be filed with the governing body and the location at which a person may obtain additional information regarding the contents of and filing requirements for the petition.*** Notice of the public hearing must be published at least ~~[10 days before the day of the hearing. The publications must be made]~~ ***three times,*** once ***each week for three consecutive weeks,*** in a newspaper of general circulation in the municipality. ***The third publication of the notice required by this*** ~~[section]~~ ***subsection must be made at least 10 days before the date of the hearing.*** When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide. ~~[***A governing body shall not issue or incur any general obligation in the manner authorized by this subsection in an amount greater than $2,500,000 in a county whose population is less than 100,000, or $5,000,000 in a county whose population is 100,000 or more.***]~~

4. The board of trustees of a school district may issue general obligation bonds which are not expected to result in an increase in the existing property tax levy for the payment of bonds of the school district without holding an election for each issuance of the bonds if the qualified electors approve a question submitted by the board of trustees that authorizes issuance of bonds for a period of 10 years after the date of approval by the voters. If the question is approved, the board of trustees of the school district may issue the bonds for a period of 10 years after the date of approval by the voters, after obtaining the approval of the debt management commission in the county in which the school district is located and, in a county whose population is 100,000 or more, the approval of the oversight panel for school facilities established pursuant to NRS 393.092 in that county, if the board of trustees of the school district finds that the existing tax for debt service will at least equal the amount required to pay the principal and interest on the outstanding general obligations of the school district and the general obligations proposed to be issued. The finding made by the board of trustees is conclusive in the absence of fraud or gross abuse of discretion. As used in this subsection, "general obligations" does not include medium-term obligations issued pursuant to NRS 350.087 to 350.095, inclusive.

5. At the time of issuance of bonds authorized pursuant to subsection 4, the board of trustees shall establish a reserve account in its debt service fund for payment of the outstanding bonds of the school district. The reserve account must be established and maintained in an amount at least equal to the lesser of:

(a) For a school district located in a county whose population is 100,000 or more, 25 percent; and

(b) For a school district located in a county whose population is less than 100,000, 50 percent,

➥ of the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or 10 percent of the outstanding principal amount of the outstanding bonds of the school district.

6. If the amount in the reserve account falls below the amount required by subsection 5:

(a) The board of trustees shall not issue additional bonds pursuant to subsection 4 until the reserve account is restored to the level required by subsection 5; and

(b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the current fiscal year to restore the reserve account to the level required pursuant to subsection 5.

7. A question presented to the voters pursuant to subsection 4 may authorize all or a portion of the revenue generated by the debt rate which is in excess of the amount required:

(a) For debt service in the current fiscal year;

(b) For other purposes related to the bonds by the instrument pursuant to which the bonds were issued; and

(c) To maintain the reserve account required pursuant to subsection 5,

➥ to be transferred to the county school district's fund for capital projects established pursuant to NRS 387.328 and used to pay the cost of capital projects which can lawfully be paid from that fund. Any such transfer must not limit the ability of the school district to issue bonds during the period of voter authorization if the findings and approvals required by subsection 4 are obtained.

8. A municipality may issue special or medium-term obligations without an election.

Sec. 2. ~~[This act becomes effective on July 1, 2015.]~~ **(Deleted by amendment.)**

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Amendment 269 to Assembly Bill 170 removes provisions regarding the pledged revenue of the project to be financed; adds specific information informing registered voters on how and where to file a petition to challenge a proposal to issue a general obligation bond; removes the debt issuance limits proposed in the bill; and changes the effective date of the bill to October 1, 2015, to allow current proposals to proceed.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 176.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 354.

CONTAINS UNFUNDED MANDATE (§ 1)

(Not Requested by Affected Local Government)

SUMMARY— ~~[Establishes]~~ **Requires the regional transportation commission in certain counties to establish and administer** the Nevada Yellow Dot Program**.** ~~[within the Department of Motor Vehicles.]~~ (BDR ~~[43-649)]~~ **22-649)**

AN ACT relating to ~~[vehicles; establishing]~~ **transportation; requiring the regional transportation commission in certain counties to establish and administer** the Nevada Yellow Dot Program**;** ~~[within the Department of Motor Vehicles;]~~ setting forth the requirements of the Program; requiring the ~~[Director of the Department]~~ **commission in those counties** to establish a campaign to raise public awareness of the Program; conferring immunity from civil liability for damages for a first responder under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this]~~ **This** bill: (1) ~~[establishes]~~ **requires the regional transportation commission in a county whose population is 700,000 or more (currently Clark County) to establish and administer** the Nevada Yellow Dot Program ~~[to be administered by the Director of the Department of Motor Vehicles;]~~ **in coordination with each regional transportation commission in this State:** (2) requires the ~~[Director]~~ **regional transportation commission in a county whose population is 700,000 or more (currently Clark County)** to disseminate information about the Program to the public and to public safety agencies; (3) authorizes ~~[the Department]~~ **that commission** to obtain grants or sponsorships for the Program; and (4) provides that first responders are immune from civil liability for damages as a result of any act or omission taken by the first responder relating to a collision or other emergency in connection with the Program.

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

Section 1. Chapter ~~[481]~~ **277A** of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[The]~~ In a county whose population is 700,000 or more, the commission shall establish and administer the Nevada Yellow Dot Program ~~[is hereby established within the Department]~~ for the purpose of improving traffic safety. ~~[The Director shall administer the Program.]~~

2. The commission specified in subsection 1 shall coordinate with each commission in this State regarding the design, implementation and funding of the Program.

3. The Program must:

(a) Be available to any person in this State who wishes to participate in the Program by obtaining the materials described in paragraphs (b) and (c) ~~[at]~~ :

(1) At the main office or any branch office of ~~[the Department]~~ each commission in this State;

(2) At the main office or any branch office of the Nevada Highway Patrol, the Department of Transportation or other location designated by the commission in a county whose population is 700,000 or more; or ~~[by]~~

(3) By mail, upon request.

(b) Provide to a participant a distinctive round yellow decal to be placed on a specified location of a vehicle in which the participant is regularly a driver or passenger, to notify first responders that important medical information concerning an occupant of the vehicle may be found in the glove compartment of the vehicle if the occupant is involved in a collision or other emergency.

(c) Provide to a participant a brightly colored and distinctively marked envelope and information card to be completed by the participant and kept in the glove box of a vehicle upon which the decal described in paragraph (b) has been affixed. The information card must include, without limitation, spaces for the participant to include:

(1) The participant's name;

(2) A recent photograph of the participant;

(3) Emergency contact information;

(4) Any allergies or medical conditions of the participant;

(5) The name and contact information of the participant's physician and a preferred hospital, if any; and

(6) Information, if any, regarding the participant's health insurance.

~~[3.]~~ 4. In designing materials for the Program, the ~~[Director]~~ commission in a county whose population is 700,000 or more shall consider any materials used by similar programs in other states to ensure, to the extent practicable, uniformity with those materials.

~~[4. The Director]~~

5. In a county whose population is 700,000 or more, the commission shall establish and carry out a public information campaign to raise public awareness of the Program. In carrying out that campaign, ~~[the Director]~~ that commission shall disseminate information concerning the Program to public safety agencies in this State.

~~[5. The Department]~~

6. In a county whose population is 700,000 or more, the commission may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the Program, including, without limitation, any private or corporate sponsorship for the Program.

~~[6.]~~ 7. A first responder is not liable for any civil damages as a result of any act or omission taken by the first responder relating to a collision or

other emergency, not amounting to gross negligence, including, without limitation, failure to observe a decal, failure or inability to locate an information card, or reliance on incomplete, incorrect or outdated information on an information card.

~~***[7. The Director may adopt regulations to carry out the provisions of this section.]***~~

8. As used in this section, "first responder" means any police, fire or emergency medical personnel acting in the normal course of duty.

Sec. 2. ~~[NRS 481.083 is hereby amended to read as follows:~~

~~481.083 1. [Money] *Except as otherwise provided in section 1 of this act, money* for the administration of the provisions of this chapter must be provided by direct legislative appropriation from the State Highway Fund or other legislative authorization upon the presentation of budgets in the manner required by law.~~

~~2. All money provided for the support of the Department and its various divisions must be paid out on claims approved by the Director in the same manner as other claims against the State are paid.]~~ **(Deleted by amendment.)**

Sec. 2.5. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Sec. 3. This act becomes effective ~~[:~~

~~1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and~~

~~2. On]~~ **on** January 1, 2016 **.** ~~[, for all other purposes.]~~

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 354 to Assembly Bill 176 provides that the Regional Transportation Commission [RTC] of Southern Nevada, instead of the Department of Motor Vehicles, will administer the Yellow Dot Program. The amendment requires the RTC of Southern Nevada to coordinate with other regional transportation commissions in the state regarding the design, implementation, and funding of the program. Finally, the amendment removes the possibility that the state would have to provide money for the administration of this program.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 178.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 249.

AN ACT relating to education; removing the requirement for a school to deem a pupil a habitual disciplinary problem under certain circumstances; revising provisions governing the notice provided to a parent or legal guardian concerning a pupil who is deemed a habitual disciplinary problem and the

discipline imposed on such a pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a school to suspend or expel a pupil for at least one semester if that pupil is deemed a habitual disciplinary problem under certain circumstances, and requires the pupil to enroll in a private school, a program of independent study or be homeschooled for the period of suspension or expulsion. (NRS 392.466) Existing law further requires a school to notify the parent or legal guardian of a pupil when the pupil is suspended for fighting or commits an act that may cause the pupil to be deemed a habitual disciplinary problem. (NRS 392.4655)

Section 2 of this bill removes the requirement that a pupil who is deemed a habitual disciplinary problem be suspended or expelled for at least one semester and instead authorizes the school to suspend the pupil from school for a period not to exceed one semester if the pupil is deemed a habitual disciplinary problem **[.] or expel the pupil from school under extraordinary circumstances.** **Section 2** further requires that a pupil enroll in a private school, a program of independent study or be homeschooled **if the pupil is expelled or** for the period of suspension only if the suspension is for one semester. **Section 1** of this bill revises the requirements of the written notice that a school must provide to the parent or legal guardian of a pupil relating to the possibility of suspension **or expulsion** if the pupil is deemed a habitual disciplinary problem. **Section 1** also makes the designation of a pupil as a habitual disciplinary problem permissive rather than mandatory when the pupil commits certain acts.

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

Section 1. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school **[**~~shall~~**]** ***may*** deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school;

(b) The pupil has been suspended for initiating at least two fights on school property, at an activity sponsored by a public school, on a school bus or, if the fight occurs within 1 hour of the beginning or end of a school day, on the pupil's way to or from school; or

(c) The pupil has a record of five suspensions from the school for any reason.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school

shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended for initiating a fight described in paragraph (b) of subsection 1 and the fight is the first such fight that the pupil has initiated during that school year, or if a pupil receives one suspension on the pupil's record, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the acts committed by the pupil and the dates on which those acts were committed;

(b) An explanation that if the pupil is suspended for initiating one additional fight or if the pupil receives five suspensions on his or her record during the current school year, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 3 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem ~~[must]~~ ***may*** be ~~[suspended or expelled]~~ **:**

(1) Suspended from school for a period ~~[equal to at least one school semester;]~~ ***not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or***

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection ~~[6]~~ *7* of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) If applicable, a summary of the provisions of subsection 4.

➥ A school shall provide the notice required by this subsection for each suspension on the record of a pupil during a school year. A school may include the notice required by this subsection with notice that is otherwise provided to the parent or legal guardian of a pupil which informs the parent or legal guardian of the act committed by the pupil.

4. If a pupil is suspended for initiating a fight described in paragraph (b) of subsection 1 and the fight is the first such fight that the pupil has initiated during that school year, or if a pupil receives four suspensions on the pupil's record within 1 school year, the school in which the pupil is enrolled may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation, a voluntary agreement by:

(a) The parent or legal guardian to attend school with his or her child.

(b) The pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(c) The pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

➥ If the pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior, the pupil ~~[shall]~~ ***may*** be deemed a habitual disciplinary problem.

5. If a pupil commits an act the commission of which qualifies the pupil to be deemed a habitual disciplinary problem pursuant to subsection 1, the school shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the qualifying act and any previous such acts committed by the pupil and the dates on which those acts were committed;

(b) An explanation that pursuant to subsection 3 of NRS 392.466, a pupil who is a habitual disciplinary problem ~~[must]~~ ***may*** be ~~[suspended or expelled]~~ ***:***

(1) Suspended from ***that*** school for a period ~~[equal to at least one school semester;]~~ ***not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or***

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(c) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection ~~[6]~~ *7* of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from ***that*** school in the same manner as a pupil without a disability; and

(d) If applicable, a summary of the provisions of subsection 6.

➥ The school shall provide the notice at least 7 days before the school deems the pupil a habitual disciplinary problem. A school may include the notice required by this subsection with notice that is otherwise provided to the parent or legal guardian of a pupil which informs the parent or legal guardian of the act committed by the pupil.

6. Before a school deems a pupil a habitual disciplinary problem and suspends or expels the pupil, the school may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation, a voluntary agreement by:

(a) The parent or legal guardian to attend ***that*** school with his or her child.

(b) The pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(c) The pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

➥ If the pupil violates the conditions of the plan or commits the same act for which notice was provided pursuant to subsection 5 after he or she enters into a plan of behavior, the pupil ~~[shall]~~ ***may*** be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

Sec. 2. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although the pupil may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820

to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

➥ The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil ~~[must]~~ ***may*** be ~~[suspended or expelled]~~ **:**

(a) Suspended from the school for a period ~~[equal to at least one semester for that school. For]~~ ***not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline*** ~~[.]~~ **; or**

(b) Expelled from school under extraordinary circumstances as determined by the principal of the school.

4. If the ***pupil is expelled, or the*** period of the pupil's suspension ~~[or expulsion,]~~ ***is for one school semester,*** the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

~~[4.]~~ ***5.*** This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

~~[5.]~~ ***6.*** Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

~~[6.]~~ ***7.*** A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented or who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action

is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

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

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

~~[8.]~~ ***9.*** The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 386.580. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 249 to Assembly Bill 178 restores the authority of the school principal to expel a pupil from school under extraordinary circumstances

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 197.

Bill read second time.

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

Amendment No. 301.

SUMMARY— ~~[Revises provisions governing out-of-school time and]~~ **Establishes certain requirements for the operation of** seasonal or temporary recreation programs. (BDR 38-506)

AN ACT relating to care of children; ~~[requiring certain out-of-school time and seasonal or temporary recreation programs to obtain a permit; imposing a fee for the issuance of such a permit;]~~ establishing certain requirements for the operation of ~~[an out-of-school time or]~~ a seasonal or temporary recreation

program; **providing a civil penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires a local government to obtain a permit from the Division of Public and Behavioral Health of the Department of Health and Human Services to operate an out-of-school recreation program. To obtain a permit, the provider must complete an application, pay a fee and meet certain requirements. (NRS 432A.600)]~~ Existing law ~~[also]~~ requires a local government that operates an out-of-school recreation program to comply with certain health and safety standards and to comply with other requirements relating to the safety of participants in the program. (NRS 432A.610) Certain requirements for the staff of an out-of-school recreation program are set forth in existing law**.** ~~[, which also limits the number of participants in such a program and establishes certain components that must be included in the program.]~~ (NRS 432A.620) Existing law further requires an out-of-school recreation program to maintain certain records regarding participants in the program**.** ~~[, and to provide copies of certain inspection reports of the facility where the program is conducted according to a schedule established by the Division.]~~ (NRS 432A.630**)** ~~[, 432A.640) If such inspection reports are provided, existing law prohibits the Division from conducting any additional on-site inspections of the facility. (NRS 432A.640) The Division is also required to adopt any regulations necessary to carry out the provisions relating to out-of-school recreation programs. (NRS 432A.650) This]~~ **Sections 11-13 of this** bill ~~[makes the same]~~ **make such** requirements imposed on an out-of-school recreation program applicable to ~~[all recreation programs which are defined in section 3 of this bill to include an out-of-school recreation program, an out-of-school-time program and]~~ **a nongovernmental person or entity that operates** a seasonal or temporary recreation program. **Section 14 of this bill imposes a civil penalty not to exceed $500 on a person who operates a seasonal or temporary recreation program for failure to comply with such requirements.**

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2, 3 and 4]~~ **11 to 14, inclusive,** of this act.

Sec. 2. ~~[*As used in NRS 432A.600 to 432A.650, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*"Recreation program" means:*~~

~~*1. An out-of-school recreation program;*~~

~~*2. An out-of-school-time program; and*~~

~~*3. A seasonal or temporary recreation program.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[*"Provider" means the person or local government responsible for the operation of a recreation program.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[~~NRS 432A.600 is hereby amended to read as follows:

~~432A.600 1. To operate [an out-of-school] *a* recreation program, a [local government] *provider* must obtain a permit. The [local government] *provider* may apply for the issuance or renewal of a permit by submitting an application on a form prescribed by the Division. The Division shall issue a permit to operate [an out-of-school] *a* recreation program to the [local government] *provider* upon payment of the fee prescribed in subsection 2 and upon satisfaction that the program complies with the requirements set forth in NRS 432A.600 to 432A.650, inclusive, *and sections 2, 3 and 4 of this act* and any regulations adopted pursuant thereto.~~

~~2. The Division shall charge a fee for a permit to operate [an out-of-school] *a* recreation program based upon the number of sites operated by the [out-of-school] recreation program. If the [out-of-school] recreation program has:~~

~~(a) At least 1 but not more than 5 sites, the Division shall charge a fee of $100.~~

~~(b) At least 6 but not more than 20 sites, the Division shall charge a fee of $250.~~

~~(c) At least 21 but not more than 40 sites, the Division shall charge a fee of $500.~~

~~(d) At least 41 but not more than 60 sites, the Division shall charge a fee of $750.~~

~~(e) At least 61 but not more than 80 sites, the Division shall charge a fee of $1,000.~~

~~(f) At least 81 sites, the Division shall charge a fee of $1,250.~~

~~3. A permit issued pursuant to this section is nontransferable and is valid:~~

~~(a) For 3 years from the date of issuance; and~~

~~(b) Only as to a site specifically identified on the permit.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[~~NRS 432A.610 is hereby amended to read as follows:

~~432A.610 A [local government] *provider* that operates [an out-of-school] *a* recreation program shall ensure that each site:~~

~~1. Complies with applicable laws and regulations concerning safety standards;~~

~~2. Complies with applicable laws and regulations concerning health standards;~~

~~3. Has a complete first-aid kit accessible on-site that complies with the requirements of the Occupational Safety and Health Administration of the United States Department of Labor;~~

~~4. Has an emergency exit plan posted on-site in a conspicuous place; and~~

~~5. Has not less than two staff members on-site and available during the hours of operation who are certified and receive annual training in the use and administration of first aid, including, without limitation, cardiopulmonary resuscitation.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 432A.620 is hereby amended to read as follows:~~

~~"432A.620 A [local government] *provider* that operates [an out-of-school] *a* recreation program shall:~~

~~1. Complete, for each member of the staff of the [out-of-school] recreation program:~~

~~(a) A background and personal history check; and~~

~~(b) A child abuse and neglect screening through the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against the staff member.~~

~~2. Ensure that each member of the staff of the [out-of-school] recreation program:~~

~~(a) Meets the minimum requirements that have been established for the position; and~~

~~(b) Receives an orientation and training concerning the abuse and neglect of children.~~

~~3. Ensure that the number of participants in the [out-of-school] recreation program:~~

~~(a) Does not exceed a ratio of one person supervising every 20 participants; and~~

~~(b) Will not cause the facility where the program is operated to exceed the maximum occupancy as determined by the State Fire Marshal or the local governmental entity that has the authority to determine the maximum occupancy of the facility.~~

~~4. Ensure that the [out-of-school] recreation program includes, without limitation:~~

~~(a) An inclusion component for participants who qualify under the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;~~

~~(b) Structured activities, including, without limitation, arts and crafts, games and sports;~~

~~(c) Nonstructured activities, which may include, without limitation, free time for playing;~~

~~(d) Regular restroom breaks; and~~

~~(e) Nutrition breaks.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 432A.630 is hereby amended to read as follows:~~

~~"432A.630 1. The [out-of-school] recreation program shall maintain records containing pertinent information regarding each participant in the program. Such information must include, without limitation:~~

~~(a) The full legal name of the child and the preferred name of the child;~~

~~(b) The date of birth of the child;~~

~~(c) The current address where the child resides;~~

~~(d) The name, address and telephone number of each parent or legal guardian of the child and any special instructions for contacting the parent or legal guardian during the hours when the child participates in the program;~~

~~(e) Information concerning the health of the child, including, without limitation, any special needs of the child; and~~

~~(f) Any other information requested by the Division.~~

~~2. The distribution of any information maintained pursuant to this section is subject to the limitations set forth in NRS 239.0105.~~**]** **(Deleted by amendment.)**

Sec. 9. ~~**[**NRS 432A.640 is hereby amended to read as follows:~~

~~"432A.640 1. A~~ **[**~~local government~~**]** ***provider*** that operates ~~**[**an out-of-school**]** ***a*** recreation program shall provide the Division with a copy of each report of an inspection conducted by a governmental entity that is authorized to conduct an inspection of the facility where the program is operated, including, without limitation, the report of an inspection by a local building department, a fire department, the State Fire Marshal or a district board of health.

2. The Division shall establish a schedule for the submission of such reports which requires submission of a report of an on-site inspection once every 2 years and shall provide a checklist to the **[**local government**]** ***provider*** which identifies the reports that must be submitted to the Division.

3. The Division shall not require any additional inspections of the facility of **[**an out-of-school**]** ***a*** recreation program which complies with the provisions of this section.~~**]** **(Deleted by amendment.)**

Sec. 10. ~~**[**NRS 432A.650 is hereby amended to read as follows:~~

~~"432A.650 The Division shall adopt any regulations necessary to carry out the provisions of NRS 432A.600 to 432A.650, inclusive~~ ~~**[**.**]** ***, and sections 2, 3 and 4 of this act.]*** **(Deleted by amendment.)**

Sec. 11. ***A person who operates a seasonal or temporary recreation program shall ensure that each site upon which the program is conducted:***

1. Complies with applicable federal, state and local laws and regulations concerning safety standards;

2. Complies with applicable federal, state and local laws and regulations concerning health standards;

3. Has a complete first-aid kit accessible on-site that complies with the requirements of the Occupational Safety and Health Administration of the United States Department of Labor;

4. Has an emergency exit plan posted on-site in a conspicuous place; and

5. Has at least one staff member on-site and available during the hours of operation who is certified and receives annual training in the use and administration of first aid, including, without limitation, cardiopulmonary resuscitation.

Sec. 12. ***A person who operates a seasonal or temporary recreation program shall complete, for each member of the staff of the program:***

1. A background and personal history check; and

2. A child abuse and neglect screening through the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect

of a Child established by NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against the staff member.

Sec. 13. 1. The person who operates a seasonal or temporary recreation program shall maintain records containing pertinent information regarding each participant in the program. Such information must include, without limitation:

(a) The full legal name of the child and the preferred name of the child;

(b) The date of birth of the child;

(c) The current address where the child resides;

(d) The name, address and telephone number of each parent or legal guardian of the child and any special instructions for contacting the parent or legal guardian during the hours when the child participates in the program;

(e) Information concerning the health of the child, including, without limitation, any special needs of the child; and

(f) Any other information requested by the Division.

2. The distribution of any information maintained pursuant to this section is subject to the limitations set forth in NRS 239.0105.

Sec. 14. A person who operates a seasonal or temporary recreation program and who fails to comply with any provision of section 11, 12 or 13 of this act is subject to a civil penalty not to exceed $500 for each failure to comply. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Amendment 301 to Assembly Bill 197 replaces the entirety of the bill and instead makes requirements imposed on an out-of-school recreation program applicable to a nongovernmental person or entity that operates a seasonal or temporary recreation program. Also, a civil penalty, not to exceed $500, is imposed if a person fails to comply with the requirements.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 323.

AN ACT relating to education; making various changes concerning policies governing data which includes information about pupils that is maintained by the Department of Education; requiring certain contracts that require disclosure of personally identifiable information concerning pupils to include provisions concerning the protection of such information; requiring the

Department to adopt a data security plan for collecting, maintaining and transferring data concerning pupils; requiring the annual report of the state of public education to include certain information concerning the collection, maintenance and transfer of ~~[pupil]~~ data **~~[,]~~ concerning pupils;** requiring certain entities to adopt policies concerning data which includes information concerning pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for an automated system of accountability information for the State of Nevada. (NRS 386.650) **Section 2** of this bill requires the Department of Education to establish, publish and make publicly available on its Internet website: (1) an index of data elements that the Department maintains or proposes to include in the automated system of accountability information for Nevada; (2) an explanation of the index of data elements that must include a description of each data element and the reason for collecting or proposing to collect such an element; and (3) the ~~[entities]~~ **third-party service providers, organizations and agencies** that have access to the data about individual pupils maintained by the Department in this system. **Section 2** also requires the Department to update this information at least once each biennium.

Existing law requires a public school to comply with federal law governing: (1) access to the education records of a pupil; (2) requesting an amendment or other change to the education records of a pupil; and (3) confidentiality of the education records of a pupil. (NRS 392.029) **Section 3** of this bill requires the Department to adopt any policies and procedures necessary to ensure the privacy of data about pupils which are consistent with relevant state and federal privacy laws. **Section 3** also requires the Department to review these policies and procedures at least once each biennium and revise them as necessary.

Section 4 of this bill requires any contract entered into by the Department, a school district, a sponsor of a charter school or a public school, including, without limitation, a charter school, that provides for the disclosure of data that includes any personally identifiable information of a pupil to include: (1) express provisions to protect the privacy and security of such information; (2) a prohibition on the use of such information for any purpose other than those required or specifically authorized by the contract; (3) a prohibition on ~~[any commercial use of such information;]~~ **selling the information and using the information to market products or services to pupils;** and (4) a penalty for intentional or grossly negligent noncompliance with the terms of the contract.

Section 5 of this bill requires the Department **, in consultation with each school district and the State Public Charter School Authority,** to adopt a detailed plan to provide for the security of data that is collected, maintained and transferred by the Department. **Section 5** also requires the board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to carry out this plan.

Existing law requires the Department, in conjunction with the State Board of Education, to prepare an annual report of the state of public education in this State. (NRS 385.230) **Section 5** requires each school district, sponsor of a charter school and university school for profoundly gifted pupils to prepare and submit to the Department an annual report concerning any **significant** changes to the manner in which the school district, charter school or university school for profoundly gifted pupils collects, maintains or transfers data concerning pupils for inclusion in the annual report prepared by the Department. **Section 6** of this bill requires the annual report to include: (1) a description of any **significant** changes made to the collection, maintenance or transfer of data concerning pupils; and (2) any new data elements proposed for inclusion in the automated system of accountability information for Nevada.

Section 8 of this bill requires the board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to establish, publish and make publicly available an index of data elements ~~[: (1)]~~ transferred to the automated system of accountability information for Nevada **.** ~~[, and (2) collected or maintained by the school district, charter school or university school for profoundly gifted pupils that are not reported to the automated system of accountability information for Nevada.]~~ **Section 8** also requires the board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to establish, publish and make publicly available a list of ~~[entities]~~ **third-party service providers, organizations and agencies** that have access to such information.

Section 9 of this bill requires the board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to adopt policies and procedures governing: (1) the use by teachers and other educational personnel of certain software; ~~[(2) the entry by teachers and other educational personnel into certain contracts;]~~ and ~~[(3)]~~ **(2)** the manner in which data concerning pupils may be provided to any person when the provision of such data is not expressly authorized by the board of trustees or the governing body, as applicable.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. The Department shall establish, publish and make publicly available on its Internet website:***

(a) An index of the data elements that the Department maintains or proposes to include in the automated system of accountability information for Nevada established pursuant to NRS 386.650, including, without limitation:

(1) Data concerning individual pupils; and

(2) Aggregated data concerning pupils within a defined group.

(b) An explanation of the index of data elements established pursuant to paragraph (a), which must include, without limitation:

(1) A description of each data element concerning each individual pupil;

(2) The reason for collecting or proposing to collect each data element concerning each individual pupil; and

(3) The ~~[entities]~~ third-party service providers, organizations and agencies that have access to the data concerning individual pupils maintained by the Department in the automated system of accountability information for Nevada established pursuant to NRS 386.650.

2. At least once each biennium, the Department shall update the information described in subsection 1.

Sec. 3. *1. The Department shall adopt any policies and procedures necessary to ensure the privacy of data concerning pupils which are consistent with relevant state and federal privacy laws, including, without limitation, the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto.*

2. At least once each biennium, the Department shall review and revise as necessary the policies and procedures described in subsection 1.

Sec. 4. *1. Any contract entered into by the Department, a school district, a sponsor of a charter school or a public school, including, without limitation, a charter school, that provides for the disclosure of data that includes any personally identifiable information of a pupil must include, without limitation:*

(a) Provisions specifically to protect the privacy and security of the personally identifiable information;

(b) A prohibition on the use of the personally identifiable information for any purpose other than those required or specifically authorized by the terms of the contract;

(c) A prohibition on ~~[any commercial use of the information, including, without limitation,]~~ selling the personally identifiable information and using the personally identifiable information to market products or services to pupils ~~[.]~~ , except that information which includes only aggregated data concerning pupils may be used to demonstrate the effectiveness of the product or service; and

(d) A penalty for intentional or grossly negligent noncompliance with the terms of the contract ~~[.]~~ , including, without limitation, provisions for termination of the contract and for the payment of monetary damages for any breach of the terms of the contract.

2. As used in this section, "personally identifiable information" has the meaning ascribed to it in 34 C.F.R. § 99.3.

Sec. 5. *1. The Department , in consultation with each school district and the State Public Charter School Authority, shall adopt a detailed plan to provide for the security of any data concerning pupils that is collected, maintained and transferred by the Department.*

2. The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall comply with and carry out the data security plan adopted by the Department pursuant to subsection 1.

3. Each school district, sponsor of a charter school and university school for profoundly gifted pupils shall prepare and submit to the Department an annual report concerning any significant changes to the manner in which the school district, charter school or university school for profoundly gifted pupils collects, maintains or transfers data concerning pupils for inclusion in the annual report prepared by the Department pursuant to NRS 385.230.

Sec. 6. NRS 385.230 is hereby amended to read as follows:

385.230 1. The Department shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385.3572;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.3593;

(e) ***A description of any significant changes made to the collection, maintenance or transfer of data concerning pupils by the Department, a school district, a sponsor of a charter school or a university school for profoundly gifted pupils;***

(f) Any new data elements, including, without limitation, data about individual pupils and aggregated data about pupils within a defined group, proposed for inclusion in the automated system of accountability information for Nevada established pursuant to NRS 386.650;

(g) An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

~~[(f)]~~ ***(h)*** An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

~~[(g)]~~ ***(i)*** An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

~~[(h)]~~ ***(j)*** An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 386.650 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

~~[(i)]~~ ***(k)*** An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

~~[(j)]~~ ***(l)*** A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board; and

~~[(k)]~~ ***(m)*** A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report prepared pursuant to subsection 1 in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of the report prepared pursuant to subsection 1 to the Governor and to the Legislative Committee on Education.

Sec. 7. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. ***The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall establish, publish and make publicly available:***

1. An index of data elements, including, without limitation, data concerning individual pupils and aggregated data concerning pupils within a defined group ~~***:***~~

~~***[(a) Transferred]***~~ ***transferred to the automated system of accountability information for Nevada established pursuant to NRS 386.650; and***

~~***[(b) Collected or maintained by the school district, charter school or university school for profoundly gifted pupils, as applicable, that are not reported to the automated system of accountability information for Nevada established pursuant to NRS 386.650; and]***

2. A list of the ~~***[persons or entities]***~~ ***third-party service providers, organizations and agencies that have access to data concerning individual pupils*** ~~***:***~~

~~*(a) Maintained]*~~ *maintained by the Department in the automated system of accountability information for Nevada established pursuant to NRS 386.650* ~~*. [; and*~~

~~*(b) Collected or maintained by the school district, charter school or university school for profoundly gifted pupils, as applicable, that are not reported to the automated system of accountability information for Nevada.]*~~

Sec. 9. ***The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall adopt policies and procedures governing:***

1. The use by teachers and other educational personnel of software offered to users free of charge for basic services, but that requires users to pay for any additional or premium proprietary features, functionality or virtual goods; and

2. ~~*[Contracts entered into by teachers and other educational personnel that require the acceptance of specific terms to use a product; and*~~

~~*3.]*~~ ***The manner in which data concerning pupils may be provided to a person when the provision of such data is not expressly authorized by the board of trustees or governing body, as applicable.***

Sec. 10. NRS 218E.625 is hereby amended to read as follows:

218E.625 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division. The Fiscal Analysts shall appoint to the Legislative Bureau of Educational Accountability and Program Evaluation a Chief and such other personnel as the Fiscal Analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.

2. The Bureau shall, as the Fiscal Analysts determine is necessary or at the request of the Committee:

(a) Collect and analyze data and issue written reports concerning:

(1) The effectiveness of the provisions of NRS 385.3455 to 385.3891, inclusive, ***and section 2 of this act*** in improving the accountability of the schools of this State;

(2) The statewide program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(3) The statewide program to educate persons with disabilities that is set forth in chapter 395 of NRS;

(4) The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to NRS 389.012; and

(5) Any program or legislative measure, the purpose of which is to reform the system of education within this State.

(b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this State. Such studies and analyses may be conducted:

(1) As the Fiscal Analysts determine are necessary; or

(2) At the request of the Legislature.

➥ This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies and analyses on behalf of the Bureau.

(c) On or before October 1 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the next regular session. The Bureau shall, on or before October 1 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the Legislative Commission and to the Legislative Committee on Education.

3. The Bureau may, pursuant to NRS 218F.620, require a school, a school district, the Nevada System of Higher Education or the Department of Education to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.

4. Except as otherwise provided in this subsection and NRS 239.0115, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Bureau may, at the discretion of the Chief and after submission to the Legislature or Legislative Commission, as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.

5. This section does not prohibit the Department of Education or the State Board of Education from conducting analyses, submitting reports or otherwise reviewing educational programs in this State.

Sec. 11. The provisions of section 4 of this act do not apply to any contract ~~[or agreement]~~ entered into before July 1, 2015, until extended or renewed.

Sec. 12. This act becomes effective on July 1, 2015.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 323 to Assembly Bill 221 clarifies that the Department of Education make available on its website third-party service providers, organizations, and agencies that have access to data concerning individual pupils, rather than all entities. It prohibits the use of personally identifiable information for any purpose other than specified under contract, and prohibits the sale of personally identifiable information, except information that includes only aggregated data and may be used to demonstrate the effectiveness of the product or service. It includes, without limitation, provisions for termination of the contract and for the payment of monetary damages for any breach of the terms of the contract. It clarifies that only significant changes to data collection be reported under the bill as a whole. It also deletes requirements for reporting every piece of data collected by the districts, but not included in the state accountability database.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 225.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 533.

AN ACT relating to the Department of Corrections; requiring certain provisions to be included in contracts entered into between the Director of the Department of Corrections and public or private entities to provide certain services to offenders or parolees participating in a correctional or judicial program for reentry of offenders and parolees into the community; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Corrections, after consulting with the Division of Parole and Probation of the Department of Public Safety, to enter into one or more contracts with one or more public or private entities to provide certain services, as necessary and appropriate, to offenders or parolees participating in a correctional or judicial program for reentry of offenders and parolees into the community. (NRS 209.4889) This bill requires such contracts to contain certain provisions concerning: (1) ~~[adequate and continuous funding for such]~~ services **~~[,]~~ that the entity will provide;** (2) **offenders and parolees participating in such services; (3)** assessments of the risk levels of offenders and parolees; and ~~[(3)]~~ **(4)** annual meetings between the Director, a representative of the Division, and entities which have entered into a contract with the Director to provide such services to offenders and parolees.

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

Section 1. NRS 209.4889 is hereby amended to read as follows:

209.4889 1. The Director may, after consulting with the Division, enter into one or more contracts with one or more public or private entities to provide any of the following services, as necessary and appropriate, to offenders or parolees participating in a correctional or judicial program:

(a) Transitional housing;

(b) Treatment pertaining to substance abuse or mental health;

(c) Training in life skills;

(d) Vocational rehabilitation and job skills training; and

(e) Any other services required by offenders or parolees who are participating in a correctional or judicial program.

2. The Director shall, as necessary and appropriate, provide referrals and information regarding:

(a) Any of the services provided pursuant to subsection 1;

(b) Access and availability of any appropriate self-help groups;

(c) Social services for families and children; and

(d) Permanent housing.

3. The Director may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section. Money received pursuant to this subsection may be deposited with the State Treasurer

for credit to the Account for Reentry Programs in the State General Fund created by NRS 480.810.

4. ***A contract entered into between the Director and a public or private entity pursuant to subsection 1 must ~~[:]~~ require the entity to:***

(a) ~~[Set forth one or more contingency plans which will enable the entity to continue to operate and provide]~~ Provide a budget concerning any services ~~[if funding is expended or not renewed.]~~ the entity will provide during the duration of any grant received.

(b) ~~[Require the entity to provide notice of when funding will end and when a contingency plan will begin, and inform the Director of how any resulting gap in funding will be fulfilled.]~~ Provide all services required by any grant received.

(c) ~~[Require the entity, to]~~ Provide to the Department for its approval a curriculum for any program of services the entity will provide.

(d) Provide to the Division the number of offenders or parolees to whom any grant received will enable the entity to provide services and, once services are provided, a list of the offenders or parolees participating in such services.

(e) Provide to any offender or parolee who completes a program of services provided by the entity a certificate of completion, and provide a copy of such a certificate to the Division.

(f) To the extent financially practicable, ~~[to]~~ assess the risk levels of offenders and parolees by using the most effective data system available to assess such risk levels.

~~[~~ (d) Require the entity to share~~]~~

(g) Share with the Director information concerning assessments of the risk levels of offenders and parolees so the Director can ensure that adequate assessments are being conducted.

~~[~~ (e) Require the entity to meet~~]~~

(h) Meet annually with the Director, a representative of the Division, and other entities that have entered into a contract with the Director pursuant to subsection 1 to discuss, without limitation:

(1) The services provided by the entities, including the growth and success of the services, any problems with the services and any potential solutions to such problems;

(2) Issues relating to the reentry of offenders and parolees into the community and reducing the risk of recidivism; and

(3) Issues relating to offenders and parolees who receive services from an entity and are subsequently convicted of another crime.

5. As used in this section, "training in life skills" includes, without limitation, training in the areas of:

(a) Parenting;

(b) Improving human relationships;

(c) Preventing domestic violence;

(d) Maintaining emotional and physical health;

(e) Preventing abuse of alcohol and drugs;
(f) Preparing for and obtaining employment; and
(g) Budgeting, consumerism and personal finances.

Sec. 2. The amendatory provisions of this act apply to a contract entered into between the Director of the Department of Corrections and a public or private entity pursuant to NRS 209.4889, as amended by section 1 of this act, after October 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.
Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:
Amendment 533 to Assembly Bill 225 requires a private or public entity in which the Director of the Department of Corrections has entered into one or more contracts to provide a budget concerning any services required by any grant received, to receive approval of curriculum from the Department for any program, to provide a list of offenders or parolees participating in services, and, lastly, to provide to any offender or parolee who completes the program, a certificate of completion, and to provide a copy to the Department.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 262.
Bill read second time and ordered to third reading.

Assembly Bill No. 263.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 534.

AN ACT relating to domestic relations; repealing certain provisions relating to the custody of children and enacting certain similar provisions relating to the custody of children; prohibiting a parent with primary or joint physical custody of a child from relocating with the child outside this State or to certain locations within this State without the written consent of the noncustodial parent or the permission of the court as the circumstances require; authorizing a non-relocating parent to recover reasonable attorney's fees and costs in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions concerning the custody of children as it relates to the dissolution of marriage. (NRS 125.450-125.520) **Section 19** of this bill repeals almost all of these provisions. **Sections 3-12** of this bill add such repealed provisions, with certain revisions, to chapter 125C of NRS, which concerns custody and visitation of children generally. The addition of such provisions to chapter 125C of NRS expands their applicability to the custody of all children regardless of whether they were born to parents who were married or unmarried.

Section 4 provides that absent a determination by a court regarding the custody of a child, each parent has joint legal custody and joint physical custody of the child until otherwise ordered by a court. **Sections 5 and 6** provide that if ~~[parents cohabit together with their child for a period of 1 year or more before the filing of an action for legal or physical custody, such cohabitation]~~ **a parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with a child, such a demonstration or attempted demonstration** creates a presumption that joint legal and physical custody, respectively, is in the best interest of the child. **Section 7** authorizes a court to award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child, and sets forth circumstances in which an award of joint physical custody is presumed not to be in the best interest of a child. **Section 7** also sets forth the circumstances in which a court may award primary physical custody to a mother or father of a child born out of wedlock.

Existing law requires a parent with primary physical custody of a child who intends to move outside this State with the child to: (1) obtain the written consent of the noncustodial parent; or (2) if the noncustodial parent refuses to give such consent, petition the court for permission to move with the child. (NRS 125C.200) **Section 16** of this bill additionally requires a parent with primary physical custody of a child to take such actions if the parent intends to relocate to a place within this State that is more than 100 miles from the place of his or her residence at the time the existing custody arrangement was established. **Section 13** of this bill requires a parent who has joint physical custody of a child and wants to ~~[make such a relocation within this State or]~~ relocate outside this State **or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child** to petition the court for primary physical custody of the child for the purpose of relocating.

Section 14 of this bill requires a parent who files a petition for permission to relocate with a child to demonstrate to the court certain reasons and benefits relating to the relocation. **Section 14** also requires the court to consider certain factors in determining whether to allow a parent to relocate with a child. Under **section 18** of this bill, a parent who relocates with a child without the written consent of the noncustodial parent or the permission of the court or before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child, as applicable, is guilty of a category D felony unless the parent: (1) demonstrates a compelling excuse for the relocation; or (2) relocated to protect the child or the parent from danger. Additionally, **section 15** of this bill provides that if a parent relocates with a child in violation of **section 18**: (1) the court cannot consider any post-relocation facts or circumstances regarding the welfare of the child or the relocating parent in making any determination; and (2) the non-relocating

parent can recover reasonable attorney's fees and costs incurred as a result of the relocating parent's violation.

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

Section 1. NRS 125.040 is hereby amended to read as follows:

125.040 1. In any suit for divorce the court may, in its discretion, upon application by either party and notice to the other party, require either party to pay moneys necessary to assist the other party in accomplishing one or more of the following:

(a) To provide temporary maintenance for the other party;

(b) To provide temporary support for children of the parties; or

(c) To enable the other party to carry on or defend such suit.

2. The court may make any order affecting property of the parties, or either of them, which it may deem necessary or desirable to accomplish the purposes of this section. Such orders shall be made by the court only after taking into consideration the financial situation of each of the parties.

3. The court may make orders pursuant to this section concurrently with orders pursuant to ~~[~~NRS 125.470.~~]~~ ***section 12 of this act.***

Sec. 2. Chapter 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 15, inclusive, of this act.

Sec. 3. ***The Legislature declares that it is the policy of this State:***

1. To ensure that minor children have frequent associations and a continuing relationship with both parents after the parents have ended their relationship, become separated or dissolved their marriage;

2. To encourage such parents to share the rights and responsibilities of child rearing; and

3. To establish that such parents have an equivalent duty to provide their minor children with necessary maintenance, health care, education and financial support. As used in this subsection, "equivalent" must not be construed to mean that both parents are responsible for providing the same amount of financial support to their children.

Sec. 4. ***1. The parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents.***

2. If a court has not made a determination regarding the custody of a child, each parent has joint legal custody and joint physical custody of the child until otherwise ordered by a court of competent jurisdiction.

Sec. 5. ***1. When a court is making a determination regarding the legal custody of a child, there is a presumption, affecting the burden of proof, that joint legal custody would be in the best interest of a minor child if*** ***:*** ~~***[the parents:]***~~

(a) ~~***[Have]***~~ ***The parents have agreed to an award of joint legal custody or so agree in open court at a hearing for the purpose of determining the legal custody of the minor child; or***

(b) ~~[Cohabited together with the minor child for a period of 1 year or more before the filing of an action for legal custody.]~~ A parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.

2. The court may award joint legal custody without awarding joint physical custody.

Sec. 6. *1. When a court is making a determination regarding the physical custody of a child, there is a preference that joint physical custody would be in the best interest of a minor child if : ~~[the parents:]~~*

(a) ~~[Have]~~ The parents have agreed to an award of joint physical custody or so agree in open court at a hearing for the purpose of determining the physical custody of the minor child; or

(b) ~~[Cohabited together with the minor child for a period of 1 year or more before the filing of an action for physical custody.]~~ A parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.

2. For assistance in determining whether an award of joint physical custody is appropriate, the court may direct that an investigation be conducted.

Sec. 7. *1. A court may award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child. An award of joint physical custody is presumed not to be in the best interest of the child if:*

(a) The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year; ~~[or]~~

(b) A child is born out of wedlock and the provisions of subsection 2 are applicable ~~[.]~~ ; or

(c) Except as otherwise provided in subsection 6 of section 8 of this act or NRS 125C.210, there has been a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that a parent has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child. The presumption created by this paragraph is a rebuttable presumption.

2. A court may award primary physical custody of a child born out of wedlock to:

(a) The mother of the child if:

(1) The mother has not married the father of the child;

(2) A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the paternity of the child has not been entered; and

(3) The father of the child:

(I) Is not subject to any presumption of paternity under NRS 126.051;

(II) Has never acknowledged paternity pursuant to NRS 126.053; or

(III) Has had actual knowledge of his paternity but has abandoned the child.

(b) The father of the child if:

(1) The mother has abandoned the child; and

(2) The father has provided sole care and custody of the child in her absence.

3. As used in this section:

(a) "Abandoned" means that a mother or father has:

(1) Failed, for a continuous period of not less than 6 months, to provide substantial personal and economic support to the child; or

(2) Knowingly declined, for a continuous period of not less than 6 months, to have any meaningful relationship with the child.

(b) "Expedited process" has the meaning ascribed to it in NRS 126.161.

Sec. 8. *1. In any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child. If it appears to the court that joint physical custody would be in the best interest of the child, the court may grant physical custody to the parties jointly.*

2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.

3. The court shall award physical custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly pursuant to section 6 of this act or to either parent pursuant to section 7 of this act. If the court does not enter an order awarding joint physical custody of a child after either parent has applied for joint physical custody, the court shall state in its decision the reason for its denial of the parent's application.

(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

(c) To any person related within the fifth degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.

(b) Any nomination ~~[by a parent or]~~ of a guardian for the child ~~[.]~~ by a parent.

(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.

(d) The level of conflict between the parents.

(e) The ability of the parents to cooperate to meet the needs of the child.

(f) The mental and physical health of the parents.

(g) The physical, developmental and emotional needs of the child.

(h) The nature of the relationship of the child with each parent.

(i) The ability of the child to maintain a relationship with any sibling.

(j) Any history of parental abuse or neglect of the child or a sibling of the child.

(k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;

(d) Whether, during the prior acts, one of the parties acted in self-defense; and

(e) Any other factors which the court deems relevant to the determination.

➥ In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person

seeking physical custody has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint physical custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking physical custody does not rebut the presumption, the court shall not enter an order for sole or joint physical custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

8. For the purposes of subsection 7, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

9. If, after a court enters a final order concerning physical custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint physical custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning physical custody, reconsider the previous order concerning physical custody pursuant to subsections 7 and 8.

10. As used in this section:

(a) "Abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

(b) "Domestic violence" means the commission of any act described in NRS 33.018.

Sec. 9. ***1. Before the court makes an order awarding custody to any person other than a parent, without the consent of the parents, it shall make a finding that an award of custody to a parent would be detrimental to the child and the award to a nonparent is required to serve the best interest of the child.***

2. No allegation that parental custody would be detrimental to the child, other than a statement of that ultimate fact, may appear in the pleadings.

3. The court may exclude the public from any hearing on this issue.

Sec. 10. ***1. In any action for determining the custody of a minor child, the court may, except as otherwise provided in this section and NRS 125C.0601 to 125C.0693, inclusive, and chapter 130 of NRS:***

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of the child, make such an order for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest; and

(b) At any time modify or vacate its order, even if custody was determined pursuant to an action for divorce and the divorce was obtained by default without an appearance in the action by one of the parties.

➥ The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.

2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

3. Any order for custody of a minor child entered by a court of another state may, subject to the provisions of NRS 125C.0601 to 125C.0693, inclusive, and to the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.

4. A party may proceed pursuant to this section without counsel.

5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.

6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS and NRS 125C.0601 to 125C.0693, inclusive, and must contain the following language:

> ***PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the***

court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

7. In addition to the language required pursuant to subsection 6, all orders authorized by this section must specify that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

8. If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

9. Except where a contract providing otherwise has been executed pursuant to NRS 123.080, the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases:

(a) Upon the death of the person to whom the order was directed; or

(b) When the child reaches 18 years of age if the child is no longer enrolled in high school, otherwise, when the child reaches 19 years of age.

10. As used in this section, a parent has "significant commitments in a foreign country" if the parent:

(a) Is a citizen of a foreign country;

(b) Possesses a passport in his or her name from a foreign country;

(c) Became a citizen of the United States after marrying the other parent of the child; or

(d) Frequently travels to a foreign country.

Sec. 11. *1. The court may, when appropriate, require the parents to submit to the court a plan for carrying out the court's order concerning custody.*

2. Access to records and other information pertaining to a minor child, including, without limitation, medical, dental and school records, must not

be denied to a parent for the reason that the parent is not the child's custodial parent.

Sec. 12. ***1. If, during any action for determining the custody of a minor child, either before or after the entry of a final order concerning the custody of a minor child, it appears to the court that any minor child of either party has been, or is likely to be, taken or removed out of this State or concealed within this State, the court shall forthwith order such child to be produced before it and make such disposition of the child's custody as appears most advantageous to and in the best interest of the child and most likely to secure to him or her the benefit of the final order or the modification or termination of the final order to be made in his or her behalf.***

2. If, during any action for determining the custody of a minor child, either before or after the entry of a final order concerning the custody of a minor child, the court finds that it would be in the best interest of the minor child, the court may enter an order providing that a party may, with the assistance of the appropriate law enforcement agency, obtain physical custody of the child from the party having physical custody of the child. The order must provide that if the party obtains physical custody of the child, the child must be produced before the court as soon as practicable to allow the court to make such disposition of the child's custody as appears most advantageous to and in the best interest of the child and most likely to secure to him or her the benefit of the final order or the modification or termination of the final order to be made in his or her behalf.

3. If the court enters an order pursuant to subsection 2 providing that a party may obtain physical custody of a child, the court shall order that party to give the party having physical custody of the child notice at least 24 hours before the time at which he or she intends to obtain physical custody of the child, unless the court deems that requiring the notice would likely defeat the purpose of the order.

4. All orders for a party to appear with a child issued pursuant to this section may be enforced by issuing a warrant of arrest against that party to secure his or her appearance with the child.

5. A proceeding under this section must be given priority on the court calendar.

Sec. 13. ***1. If joint physical custody has been established pursuant to an order, judgment or decree of a court or section 4 of this act or by operation of law and one parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is ~~[more than 100 miles from the place of his or her residence at the time the existing custody arrangement was established,]~~ at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the relocating parent desires to take the child with him or her, the relocating parent shall petition the court for primary physical custody for the purpose of relocating.***

2. A parent who relocates with a child pursuant to this section before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child is subject to the provisions of NRS 200.359.

Sec. 14. ***1. In every instance of a petition for permission to relocate with a child that is filed pursuant to NRS 125C.200 or section 13 of this act, the relocating parent must demonstrate to the court that:***

(a) There exists a sensible, good-faith reason for the move, and the move is not intended to deprive the non-relocating parent of his or her parenting time;

(b) The best interests of the child are substantially better served by allowing the relocating parent to relocate;

(c) The child and the relocating parent will benefit from an actual advantage that currently exists or is certain to exist before the time of the relocation; and

(d) If the parents currently share joint custody of the child, the child will do substantially better in the new location than the child would if he or she remained in this State with the non-relocating parent.

2. If a relocating parent demonstrates to the court the provisions set forth in subsection 1, the court must then weigh the following factors and the impact of each on the child, the relocating parent and the non-relocating parent, including, without limitation, the extent to which the compelling interests of the child, the relocating parent and the non-relocating parent are accommodated:

(a) The extent to which the relocation is likely to improve the quality of life for the child and the relocating parent;

(b) Whether the motives of the relocating parent are honorable and not designed to frustrate or defeat any visitation rights accorded to the non-relocating parent;

(c) Whether the relocating parent will comply with any substitute visitation orders issued by the court if permission to relocate is granted;

(d) Whether the motives of the non-relocating parent are honorable in resisting the petition for permission to relocate or to what extent any opposition to the petition for permission to relocate is intended to secure a financial advantage in the form of ongoing support obligations or otherwise;

(e) Whether there will be a realistic opportunity for the non-relocating parent to maintain a visitation schedule that will adequately foster and preserve the parental relationship between the child and the non-relocating parent if permission to relocate is granted; and

(f) Any other factor necessary to assist the court in determining whether to grant permission to relocate.

3. A parent who desires to relocate with a child pursuant to NRS 125C.200 or section 13 of this act has the burden of proving that relocating with the child is in the best interest of the child.

Sec. 15. ***If a parent with primary physical custody or joint physical custody relocates with a child in violation of NRS 200.359:***

1. The court shall not consider any post-relocation facts or circumstances regarding the welfare of the child or the relocating parent in making any determination.

2. If the non-relocating parent files an action in response to the violation, the non-relocating parent is entitled to recover reasonable attorney's fees and costs incurred as a result of the violation.

Sec. 16. NRS 125C.200 is hereby amended to read as follows:

125C.200 ***1.*** If ***primary physical*** custody has been established ***pursuant to an order, judgment or decree of a court*** and the custodial parent intends to ~~[move]~~ ***relocate*** his or her residence to a place outside of this State ***or to a place within this State that is more than 100 miles from the place of his or her residence at the time the existing custody arrangement was established,*** and ***the custodial parent desires*** to take the child with him or her, the custodial parent ~~[must, as soon as possible and before the planned move, attempt]~~ ***shall:***

(a) Attempt to obtain the written consent of the noncustodial parent to ~~[move]~~ ***relocate with*** the child ~~[from this State. If]~~ ***; and***

(b) If the noncustodial parent refuses to give that consent, ~~[the custodial parent shall, before leaving this State with the child,]~~ petition the court for permission to ~~[move]~~ ***relocate with*** the child. ~~[The failure of a parent to comply with the provisions of this section may be considered as a factor if a change of custody is requested by the noncustodial parent.]~~

2. A parent who relocates with a child pursuant to this section without the written consent of the noncustodial parent or the permission of the court is subject to the provisions of NRS 200.359.

Sec. 17. NRS 146.010 is hereby amended to read as follows:

146.010 Except as otherwise provided in this chapter or in ~~[NRS 125.510,]~~ ***section 10 of this act,*** if a person dies leaving a surviving spouse or a minor child or minor children, the surviving spouse, minor child or minor children are entitled to remain in possession of the homestead and of all the wearing apparel and provisions in the possession of the family, and all the household furniture, and are also entitled to a reasonable provision for their support, to be allowed by the court.

Sec. 18. NRS 200.359 is hereby amended to read as follows:

200.359 1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child, or any parent having no right of custody to the child, who:

(a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or

(b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised,

removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation,

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

2. A parent who has joint legal custody of a child pursuant to ~~[~~NRS 125.465~~]~~ ***section 4 of this act*** shall not willfully conceal or remove the child from the custody of the other parent with the specific intent to deprive the other parent of the parent and child relationship. A person who violates this subsection shall be punished as provided in subsection 1.

3. If the mother of a child has primary physical custody pursuant to subsection 2 of ~~[~~NRS 126.031,~~]~~ ***section 7 of this act,*** the father of the child shall not willfully conceal or remove the child from the physical custody of the mother. If the father of a child has primary physical custody pursuant to subsection 2 of ~~[~~NRS 126.031,~~]~~ ***section 7 of this act,*** the mother of the child shall not willfully conceal or remove the child from the physical custody of the father. A person who violates this subsection shall be punished as provided in subsection 1.

4. ***A parent who has joint physical custody of a child pursuant to an order, judgment or decree of a court or section 4 of this act shall not relocate with the child pursuant to section 13 of this act before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child. A person who violates this subsection shall be punished as provided in subsection 1.***

5. A parent who has primary physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.200 without the written consent of the non-relocating parent or the permission of the court. A person who violates this subsection shall be punished as provided in subsection 1.

6. Before an arrest warrant may be issued for a violation of this section, the court must find that:

(a) This is the home state of the child, as defined in NRS 125A.085; and

(b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to chapter 125, 125A or 125C of NRS will not be effective to enforce the rights of the parties and would not be in the best interests of the child.

~~[~~5.~~]~~ ***7.*** Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.

~~[~~6.~~]~~ ***8.*** The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a misdemeanor and the judge may impose such a sentence if the judge finds that:

(a) The defendant has no prior conviction for this offense and the child has suffered no substantial harm as a result of the offense; or

(b) The interests of justice require that the defendant be punished as for a misdemeanor.

~~[7.]~~ ***9.*** A person who aids or abets any other person to violate this section shall be punished as provided in subsection 1.

~~[8.]~~ ***10. In addition to the exemption set forth in subsection 11, subsections 4 and 5 do not apply to a person who demonstrates a compelling excuse, to the satisfaction of the court, for relocating with a child in violation of NRS 125C.200 or section 13 of this act.***

11. This section does not apply to a person who detains, conceals ***,*** ~~[or]~~ removes ***or relocates with*** a child to protect the child from the imminent danger of abuse or neglect or to protect himself or herself from imminent physical harm, and reported the detention, concealment ***,*** ~~[or]~~ removal ***or relocation*** to a law enforcement agency or an agency which provides child welfare services within 24 hours after detaining, concealing ***,*** ~~[or]~~ removing ***or relocating with*** the child, or as soon as the circumstances allowed. As used in this subsection:

(a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of subsection 4 of NRS 200.508.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 19. NRS 125.460, 125.465, 125.470, 125.480, 125.490, 125.500, 125.510, 125.520 and 126.031 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

125.460 State policy.

125.465 Married parents have joint custody until otherwise ordered by court.

125.470 Order for production of child before court; determinations concerning physical custody of child.

125.480 Best interests of child; preferences; presumptions when court determines parent or person seeking custody is perpetrator of domestic violence or has committed act of abduction against child or any other child.

125.490 Joint custody.

125.500 Award of custody to person other than parent.

125.510 Court orders; modification or termination of orders; form for orders; court may order parent to post bond if parent resides in or has significant commitments in foreign country.

125.520 Plan for carrying out court's order; access to child's records.

126.031 Relationship of parent and child not dependent on marriage; primary physical custody of child born out of wedlock.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 534 to Assembly Bill 263 creates a presumption that joint custody is in the best interests of a child if a parent has shown an intent to have a meaningful relationship with the child, but has been blocked by the other parent. It eliminates the presumption created by cohabitation

prior to filing a custody action; it creates a rebuttable presumption against primary physical custody if the parent has engaged in any acts of domestic violence against the child, the other parent or any other person living in the household; and it deletes the "100 mile" standard and substitutes a standard based on a distance that would "substantially impair the maintenance of a meaningful relationship" for a parent with joint physical custody who wishes to relocate.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 335.

Assemblymen Hambrick, Hickey, Paul Anderson; **Elliot Anderson, Araujo, Diaz,** Ohrenschall, O'Neill, Seaman, and Titus:

AN ACT relating to criminal procedure; ~~[setting forth certain mitigating factors]~~ **requiring** a court ~~[must]~~ **to** consider **the differences between juvenile and adult offenders** when determining an appropriate sentence for a person convicted as an adult for an offense committed when the person was less than 18 years of age; eliminating the imposition of a sentence of life without the possibility of parole upon a person convicted of a crime committed when the person was less than 18 years of age; providing that a prisoner who was sentenced as an adult for ~~[an offense]~~ **certain offenses** that ~~[was]~~ **were** committed when he or she was less than 18 years of age is eligible for parole after the prisoner has served ~~[15]~~ **a certain number of** years **;** ~~[of his or her sentence; setting forth certain factors the State Board of Parole Commissioners must consider when determining whether to grant parole to a person convicted as an adult for an offense committed when the person was less than 18 years of age;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a sentence of death from being imposed or inflicted upon any person convicted of certain crimes who was less than 18 years of age at the time the crime was committed. The maximum punishment that may be imposed upon such a person is life imprisonment without the possibility of parole. Existing law also prohibits a sentence of life imprisonment without the possibility of parole from being imposed or inflicted upon any person convicted of a non-homicide crime who was less than 18 years of age at the time the crime was committed. The maximum punishment that may be imposed upon such a person is life imprisonment with the possibility of parole. (NRS 176.025)

Section 2 of this bill eliminates the imposition of a sentence of life without the possibility of parole upon a person convicted of certain crimes who was less than 18 years of age at the time the crime was committed, thereby making life imprisonment with the possibility of parole the maximum punishment that may be imposed upon a person convicted of any crime who was less than 18 years of age at the time the crime was committed.

Section 1 of this bill ~~[sets forth certain mitigating factors that]~~ **requires** a court ~~[must]~~ **to** consider **the differences between juvenile and adult offenders** in determining an appropriate sentence to be imposed upon a person who is convicted as an adult for an offense that was committed when he or she was less than 18 years of age.

Section 3 of this bill ~~[provides that]~~ **establishes certain minimum periods of incarceration which must be served by** a prisoner who was sentenced as an adult for ~~[an offense]~~ **certain offenses** that ~~[was]~~ **were** committed when he or she was less than 18 years of age **before the prisoner** is eligible for parole **.** ~~[after the prisoner has served 15 years of his or her sentence. Section 3 also sets forth certain mitigating factors that the State Board of Parole Commissioners must consider when determining whether to grant parole to such a prisoner.]~~

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[1.]*~~ ***If a person is convicted as an adult for an offense that the person committed when he or she was less than 18 years of age, in addition to any other factor that the court is required to consider before imposing a sentence upon such a person, the court shall consider the*** ~~*[following mitigating factors in determining an appropriate sentence to be imposed upon the person:*~~

~~*(a) The age of the person at the time of the commission of the offense;*~~

~~*(b) The intellectual capacity of the person;*~~

~~*(c) The emotional, psychological and physical maturity of the person;*~~

~~*(d) The ability of the person to have appreciated the risks and consequences of committing the offense before the commission of the offense;*~~

~~*(e) The level of participation of the person in the commission of the offense and whether and to what extent an adult was also involved in the commission of the offense;*~~

~~*(f) Whether the person exhibited impetuous behavior in the commission of the offense;*~~

~~*(g) The family and community environment to which the person has been exposed;*~~

~~*(h) The extent to which the person's peers or family placed pressure on the person to commit the offense;*~~

~~*(i) Any history of trauma or abuse suffered by the person;*~~

~~*(j) The extent of the person's involvement in the child welfare system;*~~

~~*(k) The extent of the person's involvement in the community;*~~

~~*(l) Any available education records or evaluations of the person;*~~

~~*(m) The result of any available comprehensive mental health evaluation conducted by a person professionally qualified in the field of psychiatric*~~

mental health and any available information that formed the basis for the result;

(n) The ability of the person to participate meaningfully in his or her defense;

(o) The capacity of the person for rehabilitation; and

(p) Any other mitigating factor that the court deems to be relevant in determining an appropriate sentence.

2. As used in this section, "person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433B.090.] ***differences between juvenile and adult offenders, including, without limitation, the diminished culpability of juveniles as compared to that of adults and the typical characteristics of youth.***

Sec. 2. NRS 176.025 is hereby amended to read as follows:

176.025 ~~[1.]~~ A sentence of death ***or life imprisonment without the possibility of parole*** must not be imposed or inflicted upon any person convicted of a crime now punishable by death ***or life imprisonment without the possibility of parole*** who at the time of the commission of the crime was less than 18 years of age. As to such a person, the maximum punishment that may be imposed is life imprisonment ~~[without]~~ ***with*** the possibility of parole.

~~[2. A sentence of life imprisonment without the possibility of parole must not be imposed or inflicted upon any person convicted of a non-homicide crime now punishable by life imprisonment without the possibility of parole who at the time of the commission of the crime was less than 18 years of age. As to such a person, the maximum punishment that may be imposed is life imprisonment with the possibility of parole.]~~

Sec. 3. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, ~~[and]~~ except as otherwise provided in subsection 2 or unless a prisoner is subject to earlier eligibility for parole pursuant to any other provision of law, a prisoner who was sentenced as an adult for an offense that was committed when he or she was less than 18 years of age is eligible for parole ~~[after the prisoner has served 15 years of his or her sentence.~~

2. Any time a prisoner described in subsection 1 is being considered for parole pursuant to this chapter, the Board shall provide the prisoner with a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. In addition to any other factor that the Board is required to consider when determining whether to grant parole to a prisoner, the Board shall consider the following factors in making its determination:

(a) The difference between juvenile and adult offenders, including, without limitation, the diminished culpability of juveniles as compared to that of adults and the typical characteristics of youth;

(b) The age of the prisoner at the time of the commission of the offense;

(c) The maturity of the prisoner at the time of the commission of the offense;

~~*(d) Any subsequent increase in the maturity of the prisoner during the period of his or her incarceration;*~~

~~*(e) The level of participation of the prisoner in the commission of the offense and whether and to what extent an adult was also involved in the commission of the offense;*~~

~~*(f) The family and community environment to which the prisoner was exposed at the time of the commission of the offense;*~~

~~*(g) Any history of trauma or abuse suffered by the prisoner before the commission of the offense;*~~

~~*(h) The extent of the prisoner's involvement in the child welfare system before the commission of the offense;*~~

~~*(i) Any available education records or evaluations of the prisoner;*~~

~~*(j) Any available court documents concerning the prisoner;*~~

~~*(k) The level of participation by the prisoner in any available rehabilitative or educational programs or the use of self study for self improvement during the period of his or her incarceration;*~~

~~*(l) Any effort the prisoner has made toward rehabilitation;*~~

~~*(m) Any evidence of remorse by the prisoner; and*~~

~~*(n) Any other factor that the Board deems to be relevant in making a determination as to whether to grant parole to the prisoner.]*~~ ***as follows:***

(a) For a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that did not result in the death of a victim, after the prisoner has served 15 calendar years of incarceration, including any time served in a county jail.

(b) For a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that resulted in the death of only one victim, after the prisoner has served 20 calendar years of incarceration, including any time served in a county jail.

2. The provisions of this section do not apply to a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that resulted in the death of two or more victims.

Sec. 4. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, ***and section 3 of this act,*** unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.

2. "Chief" means the Chief Parole and Probation Officer.

3. "Division" means the Division of Parole and Probation of the Department of Public Safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230 or 201.450, or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 5. 1. The amendatory provisions of sections 1 and 2 of this act apply to:

(a) An offense committed on or after October 1, 2015; and

(b) An offense committed before October 1, 2015, if the person is convicted on or after October 1, 2015.

2. The amendatory provisions of section 3 of this act apply to an offense committed before, on or after October 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblymen Hansen and Carlton.

ASSEMBLYMAN HANSEN:

Amendment 335 to Assembly Bill 267 **e**liminates, in section 1, certain mitigating factors a court must consider in determining an appropriate sentence to be imposed upon a person who is convicted as an adult for an offense that was committed when he or she was less than 18 years of age, and replaces it with a requirement that the court consider the differences between juvenile and adult offenders in determining an appropriate sentence to be imposed upon a person who is convicted as an adult for an offense that was committed when he or she was less than 18 years of age. It also establishes, in Section 3 of the bill, certain minimum periods of incarceration which must be served by a prisoner who was sentenced as an adult for certain offenses that were committed when he or she was less than 18 years of age before the prisoner is eligible for parole.

ASSEMBLYWOMAN CARLTON:

To the chair of Judiciary, if I could ask a question. I know there is a good time credit system that is built into how we calculate time. Will these hard dates affect that good time system?

ASSEMBLYMAN HANSEN:

I do not know the answer to that. My understanding is that the hard date would be the date of the crime and the date the individual turns 18. Is that what you are looking for, specific dates?

ASSEMBLYWOMAN CARLTON:

The hard dates of time served—if it is a 15-year sentence, will the good time credit still be able to be applied? Those tend to make prisoners a little more compliant and they have something to work for to get out early. If you take that away you can sometimes put our officers in harm's way. That is the question.

ASSEMBLYMAN HANSEN:

I will look into that. I do not know the answer in relation to that so I will get a hold of legal and we will get a definition for you and we will hold the amendment.

ASSEMBLYWOMAN CARLTON:

Mr. Speaker, I will be happy to support the amendment today and if I can get the answer tomorrow. I would not want to slow down the process. The clock is ticking—I can hear the alligator with the clock in his stomach, so let us just keep moving forward.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 270.

Bill read second time.

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

Amendment No. 293.

AN ACT relating to ~~[manufactured homes;]~~ **real estate;** revising the manner in which the fair market value of certain manufactured homes is determined; revising the definition of "dealer" for certain purposes to exclude a manufactured home park or an owner or agent of a manufactured home park; **revising provisions relating to the issuance of limited lien resale licenses and permits authorizing a landlord or manager to sell a used mobile home; revising the circumstances under which a natural person who only offers or negotiates the terms of a residential mortgage loan is exempt from certain provisions governing mortgage brokers and mortgage agents;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines a "dealer" of a manufactured home to include a person who sells, leases or rents a manufactured home or mobile home and requires a dealer to hold a license issued by the Manufactured Housing Division of the Department of Business and Industry. (NRS 489.076, 489.311) **Section 2** of this bill amends the definition of "dealer" to exclude a manufactured home park or its owner or agent while renting or leasing manufactured or mobile homes located within **and owned by** the park.

Existing law also requires that if a manufactured home park converts to a park for older residents only, or a park for older residents converts to an unrestricted residency park, certain tenants who are unable to remove their manufactured or mobile homes must be reimbursed for the fair market value of their property, as determined by a licensed dealer or an appraiser. (NRS 118B.130) **Section 1** of this bill deletes the requirement that the fair market value of the property be assessed by a dealer or appraiser and requires the landlord to determine the fair market value using certain published guidelines. **Section 1 also allows a tenant who has received such a determination to request a second determination conducted by a certified appraiser or licensed dealer at the landlord's expense.**

Existing law requires the Division to adopt regulations for the issuance of limited lien resale licenses or permits authorizing a landlord or manager to sell a used mobile home located within a mobile home park that was obtained through a lien sale. (NRS 489.336) Section 2.3 of this

bill adds to this provision a mobile home that the landlord or manager obtained through a voluntary surrender by the owner.

Existing law sets forth the requirements for a person to engage in activities as a mortgage broker or mortgage agent, including the requirements for licensure. (Chapter 645B of NRS) Existing law also sets forth an exemption from those requirements for a natural person who only offers or negotiates the terms of a residential mortgage loan: (1) with or on behalf of an immediate family member; or (2) which is secured by a certain type of dwelling. (NRS 645B.015) Section 2.7 of this bill expands the exemption for such a natural person when: (1) the residential mortgage loan is for a manufactured home; (2) the residential mortgage loan is financed by the seller; and (3) the seller has not engaged in a certain number of those loans.

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

Section 1. NRS 118B.130 is hereby amended to read as follows:

118B.130 1. A landlord may not change:

(a) An existing park to a park for older persons pursuant to federal law unless the tenants who do not meet those restrictions and may lawfully be evicted are moved to other parks at the expense of the landlord; or

(b) The restriction of a park for older persons pursuant to federal law unless the tenants are given the option of remaining in their spaces or moving to other parks at the expense of the landlord.

2. A tenant who elects to move pursuant to a provision of subsection 1 shall give the landlord notice in writing of the tenant's election to move within 75 days after receiving notice of the change in restrictions in the park.

3. At the time of providing notice of the change in restrictions in the park, the landlord shall provide to each tenant:

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within 150 miles that have reported having vacant spaces.

4. If a landlord is required to move a tenant to another park pursuant to subsection 1, the landlord shall pay:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location in this State or another state within 150 miles from the manufactured home park; or

(b) If the new location is more than 150 miles from the manufactured home park, the cost of moving the manufactured home for the first 150 miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his or her manufactured home and its appurtenances in the new lot or park.

5. If the landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his or her manufactured home, the landlord shall pay the tenant $250 as reimbursement for the shed. Each tenant may receive only one payment of $250 even if more than one shed is owned by the tenant.

6. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged or there is no manufactured home park within 150 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home.

7. A landlord of a park in which restrictions have been or are being changed shall give written notice of the change to each:

(a) Tenant of the park who does not meet the new restrictions; and

(b) Prospective tenant before the commencement of the tenancy.

8. For the purposes of this section, the fair market value of a manufactured home must be determined ~~[as follows:~~

~~(a) A dealer licensed pursuant to chapter 489 of NRS who is a certified appraiser and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.~~

~~(b) If there are insufficient dealers licensed pursuant to chapter 489 of NRS who are certified appraisers available for the purposes of paragraph (a), a person who possesses the qualifications pursuant to the Appraiser Qualifications for Manufactured Homes Classified as Personal Property as set forth in section 8-3 of Valuation Analysis for Single Family One- to Four-Unit Dwellings, HUD Directive Number 4150.2 CHG-1, of the United States Department of Housing and Urban Development, and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.~~

~~(c) If there are insufficient persons available for the purposes of paragraphs (a) and (b) or if the landlord or his or her agent and the tenant cannot agree pursuant to paragraphs (a) and (b), the landlord or his or her agent or the tenant may request the Administrator to, and the Administrator shall, appoint a dealer licensed pursuant to chapter 489 of NRS or a certified appraiser who shall make the determination.~~] ***by the landlord pursuant to NRS 118B.1837.***

9. ***Within 30 days after receiving a determination of fair market value from a landlord pursuant to subsection 8, a tenant may request that the Administrator appoint a certified appraiser or a dealer licensed pursuant to chapter 489 of NRS to make a determination of fair market value. The Administrator shall cause such a determination to be made within 30 days after receipt of the request and that determination is binding on the landlord and tenant.***

10. The landlord shall pay the costs associated with determining the fair market value of a manufactured home ***pursuant to subsections 8 and 9*** and the cost of removing and disposing of a manufactured home pursuant to subsection 6.

Sec. 2. NRS 489.076 is hereby amended to read as follows:

489.076 1. "Dealer" means any person who:

(a) For compensation, money or any other thing of value, sells, exchanges, buys or offers for sale, negotiates or attempts to negotiate a sale or exchange of an interest in a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing subject to the requirements of this chapter, or induces or attempts to induce any person to buy or exchange an interest in a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing;

(b) For compensation, money or any other thing of value, leases or rents, offers for lease or rental, negotiates or attempts to negotiate the lease or rental of an interest in a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing subject to the requirements of this chapter, or induces or attempts to induce any person to lease or rent an interest in a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing;

(c) Receives or expects to receive a commission, money, brokerage fees, profit or any other thing of value from either the seller or purchaser of any manufactured home, mobile home, manufactured building, commercial coach or factory-built housing;

(d) Is engaged wholly or in part in the business of:

(1) Selling, renting or leasing manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing;

(2) Buying or taking manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing in trade for the purpose of resale, selling or offering them for sale or consignment to be sold;

(3) Buying or taking manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing in trade to rent, lease or offer them for rent or lease; or

(4) Otherwise dealing in manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing; or

(e) Acts as a repossessor or liquidator concerning manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing,

➥ whether or not they are owned by such persons.

2. The term does not include:

(a) Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the order of any court;

(b) Public officers while performing their official duties;

(c) Banks, savings and loan associations, credit unions, thrift companies or other financial institutions proceeding as repossessors or liquidators of their own security;

(d) A person who rents or leases his or her manufactured home, mobile home, manufactured building, commercial coach or factory-built housing;

(e) An owner selling his or her private residence; ~~[or]~~

(f) A real estate broker, real estate broker-salesperson or real estate salesperson who is licensed pursuant to chapter 645 of NRS and who, for another and for compensation or with the intention or expectation of receiving compensation, sells, exchanges, options, purchases, rents or leases, or negotiates or offers, attempts or agrees to negotiate the sale, exchange, option, purchase, rental or lease of, or lists or solicits prospective purchasers, lessees or renters of, used manufactured homes or used mobile homes in connection with the sale of a fee simple interest in real property and the used manufactured home or used mobile home is situated on the real property sold ~~[.]~~ ***; or***

(g) A manufactured home park, as defined in NRS 118B.017, or an owner or agent of a manufactured home park while leasing or renting, offering for lease or rental or negotiating or attempting to negotiate the lease or rental of a manufactured home or mobile home which is located within the manufactured home park ~~[.]~~ and titled in the name of the manufactured home park or an entity that is owned, operated or controlled by the owner of the manufactured home park.

Sec. 2.3. **NRS 489.336 is hereby amended to read as follows:**

489.336 1. The Division shall adopt regulations for the issuance of limited lien resale licenses and permits authorizing a landlord or manager to sell a used mobile home if:

(a) The mobile home is located in a mobile home park that the landlord or manager owns, leases or manages; and

(b) The landlord or manager purchased the mobile home at a sale to enforce a lien pursuant to NRS 108.270 to 108.367, inclusive ~~[.]~~ ***, or acquired the mobile home through a voluntary surrender by the owner of the mobile home.***

2. The regulations must specify the requirements for the issuance of a license or permit, including, without limitation, any educational requirements.

3. A person who is issued a license or permit pursuant to the regulations may sell a used mobile home in accordance with the license or permit.

4. As used in this section:

(a) "Landlord" has the meaning ascribed to it in NRS 118B.014.

(b) "Manager" has the meaning ascribed to it in NRS 118B.0145.

(c) "Mobile home park" has the meaning ascribed to "manufactured home park" in NRS 118B.017.

Sec. 2.7. **NRS 645B.015 is hereby amended to read as follows:**

645B.015 Except as otherwise provided in NRS 645B.016, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant thereto and other applicable law, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift companies or insurance companies, including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or husband and wife, who provides money for investment in commercial loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or her spouse or child, within 3 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. A natural person who only offers or negotiates terms of a residential mortgage loan:

(a) With or on behalf of an immediate family member of the person; ~~[or]~~

(b) Secured by a dwelling that served as the person's residence ~~[.]~~ ***; or***

(c) If:

(1) The residential mortgage loan is for a manufactured home, as defined in NRS 118B.015;

(2) The residential mortgage loan is financed by the seller; and

(3) The seller has not engaged in more than five such loans in this State during the immediately preceding 12 consecutive months.

9. Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

10. A seller of real property who offers credit secured by a mortgage of the property sold.

11. A nonprofit agency or organization:

(a) Which provides self-help housing for a borrower who has provided part of the labor to construct the dwelling securing the borrower's loan;

(b) Which does not charge or collect origination fees in connection with the origination of residential mortgage loans;

(c) Which only makes residential mortgage loans at an interest rate of 0 percent per annum;

(d) Whose volunteers, if any, do not receive compensation for their services in the construction of a dwelling;

(e) Which does not profit from the sale of a dwelling to a borrower; and

(f) Which maintains tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3).

12. A housing counseling agency approved by the United States Department of Housing and Urban Development.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 293 to Assembly Bill 270 allows a manufactured home tenant to request the Administrator of the Manufactured Housing Division to appoint a dealer or certified appraiser to make a second assessment of a home's fair market value under certain circumstances. The amendment also clarifies that, in order for a park owner or agent to be exempt from regulation as a dealer, the homes being rented or leased must be titled in the name of the manufactured home park or in an entity controlled by the owner of a manufactured home park. It requires the Division to adopt regulations for the issuance of limited lien resale licenses and permits authorizing a landlord or manager to sell a used mobile home if the landlord or manager acquired the mobile home by tenant voluntary surrender. Finally, the amendment exempts manufactured home sellers who engage in five or fewer seller financed credit sale transactions per year, under certain circumstances, from regulation as a mortgage broker or mortgage agent.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 275.

Bill read second time.

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

Amendment No. 318.

SUMMARY—Revises provisions governing ~~[trust companies.]~~ **certain trusts.** (BDR ~~[55-1013)]~~ **13-1013)**

AN ACT relating to ~~[trust companies;]~~ **directed trusts;** authorizing a fiduciary or excluded fiduciary to delegate a duty of the fiduciary or excluded fiduciary to an agent ~~[,]~~ **under certain circumstances;** limiting the **duties and** liability of an excluded fiduciary; ~~[revising the definition of "fiduciary" to exclude certain servicers or administrators of individual retirement accounts;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[provides that a trust company which administers an individual retirement account is a fiduciary. (NRS 669.045) Section 4 of this bill amends the definition of "fiduciary" to exclude a specific reference to certain servicers or administrators of individual retirement accounts.]~~ **sets forth provisions governing certain trusts, including, without limitation, the powers and duties of a fiduciary or excluded fiduciary under those trusts. (NRS 163.553-163.556) Section 3** of this bill exempts an excluded fiduciary from certain fiduciary duties **.** ~~[and]~~ **Section 3.7 of this bill** limits his or her liability for certain acts or omissions. **Section 2** of this bill allows a fiduciary or excluded fiduciary to delegate a duty of the fiduciary or excluded fiduciary, as appropriate, to an agent and limits his or her liability ~~[when such]~~ **if the** delegation is made with the prior written approval of the trust beneficiaries or

a court. **Section 5 of this bill provides that the amendatory provisions of the bill apply only to an administrative, civil or criminal cause of action that accrues on or after October 1, 2015.**

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

Section 1. Chapter ~~[669]~~ **163** of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. A fiduciary or excluded fiduciary may, as reasonable and prudent, delegate a duty of the fiduciary or excluded fiduciary, as appropriate, to an agent.***

2. Before delegating a duty pursuant to subsection 1, a fiduciary or excluded fiduciary ~~[may]~~ shall obtain the prior written approval of all beneficiaries or the court.

3. If written approval is obtained pursuant to subsection 2, the fiduciary or excluded fiduciary is not liable for the acts of the agent, except in cases of gross negligence or willful misconduct in the selection or monitoring of the agent.

Sec. 3. ***~~[1.]~~ An excluded fiduciary ~~[~~:***

~~(a) Has no duty to]~~ has no duty:

1. To review or evaluate any direction from a trust adviser, custodial account owner or authorized designee of a custodial account owner;

~~[~~ ~~(b) Has no duty to]~~ or

2. To advise or warn any beneficiary or third party where, in the judgment of the excluded fiduciary, providing the advice or warning is not advisable . ~~[~~:

~~(c) Is not liable, individually or as a fiduciary, for any loss resulting from:

~~(1) Complying with a direction of a trust adviser, custodial account owner or authorized designee of a custodial account owner, including, without limitation, where the trust adviser is breaching his or her fiduciary responsibilities or acting beyond the scope of his or her authority;~~

~~(2) A failure to take any action proposed by an excluded fiduciary which requires prior authorization of the trust adviser if the excluded fiduciary timely sought but failed to obtain such authorization; or~~

~~(3) Any act or omission, except gross negligence or willful misconduct, when acting as a trust adviser or trust protector pursuant to the instrument or for any other reason; and~~

~~(d) Is not deemed to be conducting trust company business while acting within the scope of his or her duties as an excluded fiduciary.~~

~~2. As used in this section:~~

~~(a) "Custodial account owner" has the meaning ascribed to it in NRS 163.5535.~~

~~(b) "Excluded fiduciary" has the meaning ascribed to it in NRS 163.5539.~~

~~(c) "Trust adviser" has the meaning ascribed to it in NRS 163.5545.]~~

Sec. 3.5. **NRS 163.553 is hereby amended to read as follows:**

163.553 As used in NRS 163.553 to 163.556, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 163.5533 to 163.5547, inclusive, have the meanings ascribed to them in those sections.

Sec. 3.7. **NRS 163.5549 is hereby amended to read as follows:**

163.5549 1. An excluded fiduciary is not liable, individually or as a fiduciary for any loss which results from:

(a) Complying with a direction of a trust adviser, custodial account owner or authorized designee of a custodial account owner ~~[;]~~ ***, including, without limitation, where the trust adviser is breaching his or her fiduciary responsibilities or acting beyond the scope of his or her authority;***

(b) A failure to take any action proposed by an excluded fiduciary which requires prior authorization of the trust adviser if the excluded fiduciary timely sought but failed to obtain such authorization; ~~[or]~~

(c) ***Any act or omission, except gross negligence or willful misconduct, when acting as a trust adviser or trust protector pursuant to the instrument or for any other reason; or***

(d) Any action taken at the direction of a trust protector.

2. An excluded fiduciary is not liable for any obligation to perform an investment or suitability review, inquiry or investigation or to make any recommendation or evaluation with respect to any investment, to the extent that the trust adviser, custodial account owner or authorized designee of a custodial account owner had authority to direct the acquisition, disposition or retention of such investment.

3. The provisions of this section do not impose an obligation or liability on a custodian of a custodial account for providing any authorization.

Sec. 4. ~~[NRS 669.045 is hereby amended to read as follows:~~

~~669.045 [1.] "Fiduciary" means a trustee, executor, administrator, guardian of an estate, personal representative, conservator, assignee for the benefit of creditors, receiver, depositary or person that receives on deposit money or property from a public administrator under any provision of this chapter or from another fiduciary.~~

~~[2. As used in this section, "administrator" includes servicers or administrators of individual retirement accounts within the meaning of section 408(a) of the Internal Revenue Code of 1986, 26 U.S.C. § 408(a), where the servicer or administrator holds itself out to the public for performance of such services and holds or maintains an ownership interest in the servicing rights of such accounts, or possesses or controls any of the assets of such accounts, including cash.]~~ **(Deleted by amendment.)**

Sec. 5. **The amendatory provisions of this act apply only to an administrative, civil or criminal cause of action that accrues on or after October 1, 2015.**

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 318 to Assembly Bill 275 moves the new language in the bill from Chapter 669, Trust Companies, to Chapter 163, Trusts, of *Nevada Revised Statutes*. It requires a fiduciary or excluded fiduciary to obtain the written authorization of beneficiaries prior to delegating a duty. It removes provisions related to an excluded fiduciary's liability while conducting trust company business. It restores the deleted language in NRS 669.045, which includes servicers and administrators of IRAs in the definition of "fiduciary." Finally, it ensures the amendatory provisions of the bill cannot be construed to apply retroactively to causes of action that arose prior to the passage of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 278.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 322.

AN ACT relating to education; requiring the Department of Education to develop certain policies, procedures and guidance related to class-size reduction; **requiring the Legislative Auditor to conduct an audit concerning the use of money by each school district for the class-size reduction program;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the ratio of pupils per licensed teacher in certain grades in elementary school must not exceed specified ratios. Any school district with a school that exceeds this ratio must request a variance from the State Board of Education. (NRS 388.700) Each school district must develop a plan to reduce the district's pupil-teacher ratio per class and submit quarterly reports with certain information related to the district's pupil-teacher ratios to the Department of Education. (NRS 388.720, 388.725) ~~[This]~~ **Section 1 of this** bill requires the Department to develop policies and procedures to: (1) monitor the plans developed by each school district; (2) monitor the quarterly reports submitted by each school district; (3) review any variance requested by a school district; and (4) distribute any money to school districts for the reduction of pupil-teacher ratios. ~~[This bill]~~ **Section 1** also requires the Department to develop guidance for school districts on: (1) developing a plan to reduce pupil-teacher ratios; (2) reporting information related to the reduction of pupil-teacher ratios; and (3) the data that must be monitored by each school district to measure the effectiveness of a plan to reduce pupil-teacher ratios. ~~[This bill]~~ **Section 1** further requires the Department to communicate with the school districts regarding the expectations of the Department for the use of any money distributed to reduce pupil-teacher ratios, including the minimum number of teachers each school district is expected to employ.

Section 2 of this bill requires the Legislative Auditor to conduct an audit concerning the use by each school district of money appropriated for the class-size reduction program during the 2013-2015 biennium. The audit

must include an examination and analysis of the "plus two" program that authorized school districts to elect to increase class size by two pupils.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall:

1. Develop policies and procedures for:

(a) Monitoring the plan of each school district to reduce the pupil-teacher ratio per class developed pursuant to NRS 388.720, which must include, without limitation, provisions for:

(1) The review of each plan submitted to the State Board to ensure the adequacy of such plans; and

(2) The review of any data submitted to the State Board pursuant to NRS 388.710.

(b) Monitoring the quarterly reports concerning the average daily attendance of pupils and the pupil-teacher ratios in each school district submitted by the board of trustees of the school district pursuant to NRS 388.725 to ensure the completeness and accuracy of such reports.

(c) The review of any requests for a variance submitted to the State Board pursuant to NRS 388.700, which must include, without limitation, provisions to verify the information in such requests to ensure the accuracy of the reports on variances submitted by the State Board to the Legislature pursuant to that section.

(d) The distribution of money to each school district for the reduction of pupil-teacher ratios, which must include, without limitation, provisions for:

(1) The retention of all documents and records related to the distribution; and

(2) The review of the work performed to determine the distribution of such money to ensure the accuracy of supporting information and the calculations used in making such determinations.

2. Provide guidance to the school districts on:

(a) The development of a plan to reduce the pupil-teacher ratio per class pursuant to NRS 388.720. In developing such guidance, the Department shall:

(1) Outline the criteria that each plan must include to meet the requirements of NRS 388.720.

(2) Provide examples of policies, plans or strategies adopted by other states to reduce class sizes.

(b) The requirements for reporting information related to the reduction of pupil-teacher ratios.

(c) The data that must be monitored pursuant to NRS 388.710 by each school district and used to measure the effectiveness of the implementation of any plan to reduce pupil-teacher ratios.

3. Communicate with the board of trustees of each school district regarding the expectations of the Department for the use of any money distributed to reduce pupil-teacher ratios in the school district, including, without limitation, the minimum number of teachers the school district is expected to employ.

Sec. 2. **1. The Legislative Auditor shall conduct an audit concerning the use by each school district of the money appropriated for the class-size reduction program during the 2013-2015 biennium. The audit must include an examination and analysis of the program authorizing school districts to elect to increase class sizes by two pupils.**

2. The Legislative Auditor shall present a final written report of the audit to the Audit Subcommittee of the Legislative Commission not later than February 6, 2017.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2015.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 322 to Assembly Bill 278 requires the Legislative Auditor to conduct an audit concerning the use by each school district of the money appropriated for the class-size reduction program during the 2013-2015 Biennium. The audit must include an examination and analysis of the program authorizing school districts to elect to increase class sizes by two pupils. The Legislative Auditor shall present a final written report of the audit to the Audit Subcommittee of the Legislative Commission not later than February 6, 2017.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 283.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 542.

SUMMARY—Revises provisions ~~[~~governing~~]~~ **relating to** law enforcement **.** ~~[~~powers on certain lands.~~]~~ (BDR 14-397)

AN ACT relating to ~~[~~criminal procedure;~~]~~ **law enforcement;** establishing the circumstances under which state and local law enforcement agencies may recognize the exercise of law enforcement authority by certain federal employees; authorizing state and local law enforcement agencies to enter into agreements with federal agencies concerning the enforcement of federal, state and local laws under certain circumstances; prohibiting state and local governmental agencies from allowing a federal agency to access or use certain correctional and communication facilities and equipment without the express written consent of the appropriate responsible official; requiring a county sheriff to review the duties and activities of federal agencies that have law enforcement responsibilities within his or her jurisdiction; **prohibiting a person from impersonating a federal officer;** designating the county sheriff

as the primary law enforcement officer in certain areas of a county; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, on land owned by the United States, the Federal Government has: (1) exclusive jurisdiction; (2) concurrent jurisdiction; or (3) proprietary jurisdiction. On land over which the Federal Government has acquired exclusive or concurrent jurisdiction, the State has ceded all or part of its jurisdiction, and the Federal Government has criminal jurisdiction in the area. (*United States v. Unzueta*, 281 U.S. 138 (1930); *Paul v. United States*, 371 U.S. 245, 264 (1963)) When the State has not ceded jurisdiction to the Federal Government, the Federal Government has proprietary jurisdiction and may enact laws governing conduct on those lands pursuant to the Property Clause of the United States Constitution. (U.S. Const. Art. IV, § 3, cl. 2; *Kleppe v. New Mexico*, 426 U.S. 529 (1976); *United States v. Bohn*, 622 F.3d 1129 (2010)) This bill establishes the circumstances under which a state or local law enforcement officer may recognize a federal employee's exercise of law enforcement power on federal lands.

Sections 3-7 of this bill define terms to establish the lands and agencies to which the provisions of this bill apply. **Section 5** of this bill excludes from the provisions of this bill the exercise of law enforcement authority by: (1) a special agent of the Federal Bureau of Investigation; (2) a special agent of the United States Secret Service; (3) a special agent of the United States Drug Enforcement Administration; (4) a United States Postal Inspector; or (5) an officer or agent of the Bureau of Indian Affairs.

Section 8 of this bill sets forth the circumstances under which a state or local law enforcement officer may recognize the enforcement of federal law by certain federal employees. Under **section 8**, a state or local law enforcement officer may recognize a federal employee's exercise of law enforcement authority if the federal employee is enforcing a federal law other than the Assimilative Crimes Act, which is a federal law providing that a violation of a state criminal law on federal enclaves where the Federal Government exercises exclusive or concurrent jurisdiction is a violation of federal law. (18 U.S.C. § 13) However, **section 8** provides that: (1) on federal enclaves where the Federal Government exercises exclusive or concurrent jurisdiction, a state or local law enforcement officer may recognize the exercise of law enforcement authority by a federal employee who is enforcing any federal law, including, without limitation, the Assimilative Crimes Act; and (2) if a federal employee is enforcing a provision of the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 et seq., on federal land that is not a federal enclave, a state or local law enforcement officer may recognize such an exercise of law enforcement authority if the federal employee is enforcing a federal statute other than the Assimilative Crimes Act or a federal regulation that is necessary to implement the provisions of the Act with respect to the management, use and protection of the public lands and property located on those lands.

Section 9 of this bill authorizes a state or local law enforcement agency to assist a federal agency with the enforcement of federal law on land managed by the Federal Government pursuant to the Federal Land Policy and Management Act, 43 U.S.C. 1701 et seq., if the agreement requires the payment of fair compensation for such assistance.

Section 10 of this bill prohibits a state or local law enforcement officer from recognizing a federal employee's exercise of law enforcement authority if the federal employee is enforcing state or local law, except that a state or local law enforcement officer may recognize such an exercise of law enforcement authority: (1) under certain emergency circumstances; and (2) if the county sheriff or a state law enforcement agency, with the consent of the county sheriff, has entered into an agreement with the relevant federal agency authorizing specific federal employees to enforce state and local laws. Under **section 10**: (1) an agreement with a federal agency which authorizes specific federal employees to enforce state or local laws must be for a term of not more than 2 years; and (2) the federal employees granted authority to enforce state or local laws are required to successfully complete ~~[a 40-hour course focusing on criminal law and procedure in Nevada]~~ **an 80-hour online training course** approved by the Peace Officers' Standards and Training Commission.

Section 11 of this bill prohibits a state or local governmental agency from authorizing a federal agency to access or use the correctional and communication facilities and equipment of any state or local law enforcement agency without the express written consent of the appropriate responsible official of the state or local law enforcement agency.

Section 12 of this bill requires a county sheriff to review the duties and activities of federal agencies that have law enforcement responsibilities and that are acting within his or her jurisdiction to determine whether the federal agencies are acting consistently with the provisions of this bill.

Existing law prohibits a person from impersonating a public officer, a police officer or a person having special authority by law to perform an act affecting the rights or interests of another person. (NRS 199.430) For the purposes of that prohibition, the term "public officer" is defined to include only state and local officers, not federal officers. (NRS 193.019) Section 12.5 of this bill expands the scope of existing law to prohibit the impersonation of a federal officer.

Section 13 of this bill specifically states that the sheriff of a county and his or her deputies are the primary law enforcement officers in the unincorporated areas of their county. If a county has a metropolitan police department, **section 13** provides that the sheriff and his or her deputies are the primary law enforcement officers in the unincorporated areas of that county and in any incorporated city over which the department has jurisdiction.

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

Section 1. Chapter 171 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Exercise law enforcement authority" and "exercise of law enforcement authority" mean:***

1. To take any action on private land, state-owned land or federally managed land, to investigate, stop, serve process, search, arrest, cite, book or incarcerate a person for a federal, state or local criminal violation when the action is based on:

(a) A federal statute, regulation or rule; or

(b) A state or local statute, ordinance, regulation or rule; or

2. To gain access to or use the correctional or communication facilities and equipment of any state or local law enforcement agency.

Sec. 4. ***"Federal agency" means an agency that manages federally managed land or regulates activities on such land, including, without limitation:***

1. The United States Bureau of Land Management;

2. The United States Forest Service;

3. The National Park Service;

4. The United States Fish and Wildlife Service;

5. The United States Bureau of Reclamation;

6. The United States Environmental Protection Agency; and

7. The United States Army Corps of Engineers.

Sec. 5. ***"Federal employee" means an employee or other agent of a federal agency, but does not include:***

1. A special agent of the Federal Bureau of Investigation;

2. A special agent of the United States Secret Service;

3. A special agent of the Drug Enforcement Administration;

4. A United States Postal Inspector of the United States Postal Inspection Service; and

5. An officer or agent of the Bureau of Indian Affairs.

Sec. 6. ***"Federally managed land" means land*** ~~***[owned by the United States and]***~~ ***managed by:***

1. The United States Bureau of Land Management;

2. The United States Forest Service;

3. The National Park Service;

4. The United States Fish and Wildlife Service; or

5. The United States Bureau of Reclamation.

Sec. 7. ***"Proprietary jurisdiction federally managed land" means federally managed land except:***

1. Any building, installations and other structures under the exclusive jurisdiction of the Congress of the United States pursuant to Clause 17 of Section 8 of Article I of the United States Constitution.

2. Any parcel that constitutes a federal enclave subject to the jurisdiction of the United States and the State of Nevada.

Sec. 8. *1. Except as otherwise provided in this section, a state or local law enforcement officer may recognize a federal employee's exercise of law enforcement authority, on or off federally managed land in this State, when the exercise of that authority is consistent with the United States Constitution and based on:*

(a) A federal statute other than the Assimilative Crimes Act, 18 U.S.C. § 13; or

(b) A federal regulation that is authorized by a federal statute other than the Assimilative Crimes Act, 18 U.S.C. § 13.

2. A state or local law enforcement officer may recognize a federal employee's exercise of law enforcement authority on federally managed land in this State other than proprietary jurisdiction federally managed land, when the exercise of that authority is consistent with the United States Constitution and based on:

(a) A federal statute, including, without limitation, the Assimilative Crimes Act, 18 U.S.C. § 13; or

(b) A federal regulation that is authorized by a federal statute, including, without limitation, the Assimilative Crimes Act, 18 U.S.C. § 13.

3. A state or local law enforcement officer may recognize a federal employee's exercise of law enforcement authority to enforce the provisions of the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 et seq., on proprietary jurisdiction federally managed land, only if the exercise of that authority is consistent with the United States Constitution and based on:

(a) A federal statute other than the Assimilative Crimes Act, 18 U.S.C. § 13; or

(b) A federal regulation that is:

(1) Authorized by a federal statute other than the Assimilative Crimes Act, 18 U.S.C. § 13; and

(2) Necessary to implement the provisions of the Federal Land Policy and Management Act, 43 U.S.C. § 1701 et seq., with respect to the management, use and protection of the public lands and property located on those lands, as provided in 43 U.S.C. § 1733.

Sec. 9. *1. A state or local law enforcement agency may assist a federal agency or federal employee to enforce federal statutes and regulations on land managed pursuant to the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 et seq., if the state or local law enforcement agency has entered into an agreement pursuant to subsection 2.*

2. The sheriff of a county may enter into an agreement with a federal agency requiring fair compensation for assisting a federal agency or federal employee to enforce federal statutes and regulations on lands managed by a federal agency pursuant to the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 et seq.

Sec. 10. *1. Except as otherwise provided in subsection 2 or an agreement entered into pursuant to subsection 3 or 4, a state or local law enforcement officer may not recognize a federal employee's exercise of law enforcement authority, on or off federally managed land, when the exercise of that authority is based on a state or local statute, ordinance, regulation or rule.*

2. A state or local law enforcement officer may recognize a federal employee's limited exercise of law enforcement authority on federally managed land in cases of a violation of a state or local statute, ordinance, regulation or rule when:

(a) The offense is an emergency and poses an immediate risk of bodily injury or damage to property;

(b) A state or local law enforcement officer is not reasonably available to take action;

(c) The action is within the scope of the authority of the federal employee's law enforcement power; and

(d) The federal employee turns over the matter and custody of any person detained by the federal employee to a state or local law enforcement officer for further action as soon as such an officer becomes available.

3. The sheriff of a county may enter into an agreement with a federal agency granting limited authority to specific federal employees to exercise law enforcement powers to enforce state and local laws if:

(a) The agreement is for a term of not more than 2 years; and

(b) The federal officers granted such authority have successfully completed ~~[a 40-hour course concerning criminal law and procedure in Nevada]~~ an 80-hour online training course approved by the Peace Officers' Standards and Training Commission. Completion of such a course must not be construed as constituting certification of a federal officer as a peace officer in this State pursuant to chapter 289 of NRS or the regulations adopted pursuant thereto.

4. A state law enforcement agency may, with the consent of the sheriff of a county, enter into an agreement granting limited authority to specific federal employees to exercise law enforcement powers to enforce state and local laws in the county in accordance with the provisions of subsection 3.

Sec. 11. *A state or local governmental agency may not allow a federal agency or federal employee to access or use the correctional and communication facilities and equipment of any state or local law enforcement agency without the express written consent of the appropriate responsible official of the state or local law enforcement agency.*

Sec. 12. *The sheriff of a county shall regularly review the duties and activities of federal agencies which have law enforcement responsibilities in this State and which are acting within his or her jurisdiction to determine whether the federal agencies are acting consistently with the provisions of sections 2 to 12, inclusive, of this act.*

Sec. 12.5. **NRS 199.430 is hereby amended to read as follows:**

199.430 ~~[Every]~~

1. A person who ~~[shall falsely personate]~~ ***:***

(a) Falsely personates a public officer, civil or military, ~~[or]~~ a police officer, ***a federal officer*** or a private individual having special authority by law to perform an act affecting the rights or interests of another ~~[, or who, without]~~ ***person; or***

(b) Without authority ~~[shall assume]~~ ***, wears*** any uniform or badge by which such an officer or ~~[person]~~ ***private individual described in paragraph (a)*** is lawfully distinguished,

➥ and in such assumed character ~~[shall do]~~ ***does*** any act purporting to be official, whereby another ***person*** is injured or defrauded, ~~[shall be]~~ ***is*** guilty of a gross misdemeanor.

2. As used in this section, "federal officer" means an officer of the Federal Government.

Sec. 13. NRS 248.090 is hereby amended to read as follows:

248.090 ***1. Sheriffs and their deputies are the primary law enforcement officers in the unincorporated areas of their respective counties. In a county within the jurisdiction of a metropolitan police department, the sheriff and his or her deputies are the primary law enforcement officers in the unincorporated areas of the county and in any incorporated city whose law enforcement agency has been merged into the metropolitan police department.***

2. Sheriffs and their deputies shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony, or breach of the peace, they may call upon the power of their county to aid in such arrest or in preserving the peace.

Sec. 14. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 542 to Assembly Bill 283 clarifies the definition of "federally managed land." It requires federal officers granted authority to enforce state or local laws to successfully complete an 80-hour online training course. The completion of such a course must not be construed as constituting certification of a federal officer as a peace officer in this state. It also prohibits the impersonation of a federal officer. A person who falsely personates is guilty of a gross misdemeanor. The term "public officer" is defined to include only state and local officers, not federal officers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 285.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 321.

SUMMARY—Revises provisions relating to the self-administration of certain medications **by pupils** in public schools. (BDR 34-812)

AN ACT relating to pupils; allowing pupils to self-administer prescribed medications for diabetes under certain circumstances; **requiring a public school to establish protocols for containing blood-borne pathogens and the handling and disposal of needles, medical devices and other medical waste; providing immunity from liability to certain school administrators and employees for certain harm as a result of the self-administration of medication by a pupil;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows the parent or legal guardian of a pupil who has asthma or anaphylaxis to request authorization from the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled to allow the pupil to self-administer medication for the treatment of asthma or anaphylaxis while the pupil is on the grounds of a public school, at an activity sponsored by the public school or on a school bus. Existing law provides that if the request contains certain specified information, the principal or, if applicable, the school nurse is required to approve the request. (NRS 392.425) This bill similarly allows the parent or legal guardian of a pupil who has diabetes to request an authorization to self-administer medication for the treatment of diabetes and requires the principal or, if applicable, school nurse to approve the request if the request contains certain information. **This bill also requires a public school to: (1) establish protocols for containing blood-borne pathogens and the handling and disposal of needles, medical devices and other medical waste; and (2) provide a copy of these protocols to the parent or legal guardian of a pupil who requests permission to allow the pupil to self-administer medication.**

Existing law provides that the board of trustees of a school district, a school district and a public school and any employee or agent thereof are immune from liability for the injury to or death of a pupil as a result of the self-administration of medication. (NRS 392.425) This bill extends that immunity from liability to those persons for any injury or death caused by exposure to certain medical devices or medical waste from the self-administration of medication by a pupil.

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

Section 1. NRS 392.425 is hereby amended to read as follows:

392.425 1. The parent or legal guardian of a pupil who has asthma **,** ~~[or]~~ anaphylaxis ***or diabetes*** may submit a written request to the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled to allow the pupil to self-administer medication for the treatment of the pupil's asthma **,** ~~[or]~~ anaphylaxis ***or diabetes*** while the pupil is on the grounds of a

public school, participating in an activity sponsored by a public school or on a school bus.

2. ***A public school shall establish protocols for containing blood-borne pathogens and the handling and disposal of needles, medical devices and other medical waste and provide a copy of these protocols and procedures to the parent or guardian of a pupil who requests permission for the pupil to self-administer medication pursuant to subsection 1.***

3. A written request made pursuant to subsection 1 must include:

(a) A signed statement of a physician indicating that the pupil has asthma **,** ~~[or]~~ anaphylaxis ***or diabetes*** and is capable of self-administration of the medication while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus;

(b) A written treatment plan prepared by the physician pursuant to which the pupil will manage his or her asthma **,** ~~[or]~~ anaphylaxis ***or diabetes*** if the pupil experiences an asthmatic attack ***,*** ~~[or]~~ anaphylactic shock ***or diabetic episode*** while on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus; and

(c) A signed statement of the parent or legal guardian:

(1) Indicating that the parent or legal guardian grants permission for the pupil to self-administer the medication while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus; ~~[and]~~

(2) Acknowledging that the parent or legal guardian is aware of and understands the provisions of subsections ~~[3]~~ ***4*** and ~~[4.]~~ ***5;***

~~[3.]~~ ***(3) Acknowledging the receipt of the protocols provided pursuant to subsection 2;***

(4) Acknowledging that the protocols established pursuant to subsection 2 have been explained to the pupil who will self-administer the medication and that he or she has agreed to comply with the protocols; and

(5) Acknowledging that authorization to self-administer medication pursuant to this section may be revoked if the pupil fails to comply with the protocols established pursuant to subsection 2.

4. The provisions of this section do not create a duty for the board of trustees of the school district, the school district, the public school in which the pupil is enrolled, or an employee or agent thereof, that is in addition to those duties otherwise required in the course of service or employment.

~~[4.]~~ ***5.*** If a pupil is granted authorization pursuant to this section to self-administer medication, the board of trustees of the school district, the school district and the public school in which the pupil is enrolled, and any employee or agent thereof, are immune from liability for the injury to or death of ~~[the]~~ ***:***

(a) The pupil as a result of self-administration of a medication pursuant to this section or the failure of the pupil to self-administer such a medication ~~[.~~ ~~5.]~~ ***; and***

(b) Any other person as a result of exposure to or injury caused by needles, medical devices or other medical waste from the self-administration of medication by a pupil pursuant to this section.

6. Upon receipt of a request that complies with subsection ~~[2.]~~ ***3,*** the principal or, if applicable, the school nurse of the public school in which a pupil is enrolled shall provide written authorization for the pupil to carry and self-administer medication to treat his or her asthma **,** ~~[or]~~ anaphylaxis ***or diabetes*** while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus. The written authorization must be filed with the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled and must include:

(a) The name and purpose of the medication which the pupil is authorized to self-administer;

(b) The prescribed dosage and the duration of the prescription;

(c) The times or circumstances, or both, during which the medication is required or recommended for self-administration;

(d) The side effects that may occur from an administration of the medication; ~~[and]~~

(e) The name and telephone number of the pupil's physician and the name and telephone number of the person to contact in the case of a medical emergency concerning the pupil ~~[.~~

~~6.]~~ ***; and***

(f) The procedures for the handling and disposal of needles, medical devices and other medical waste.

7. The written authorization provided pursuant to subsection ~~[5]~~ ***6*** is valid for 1 school year. If a parent or legal guardian submits a written request that complies with subsection ~~[2.]~~ ***3,*** the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled shall renew and, if necessary, revise the written authorization.

~~[7.]~~ ***8.*** If a parent or legal guardian of a pupil who is authorized pursuant to this section to carry medication on his or her person provides to the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled doses of the medication in addition to the dosage that the pupil carries on his or her person, the principal or, if applicable, the school nurse shall ensure that the additional medication is:

(a) Stored on the premises of the public school in a location that is secure; and

(b) Readily available if the pupil experiences an asthmatic attack **,** ~~[or]~~ anaphylactic shock ***or diabetic episode*** during school hours.

~~[8.]~~ ***9.*** As used in this section:

(a) "Medication" means any medicine prescribed by a physician for the treatment of anaphylaxis **,** ~~[or]~~ asthma ~~[,]~~ ***or diabetes,*** including, without limitation, asthma inhalers **,** ~~[and]~~ auto-injectable epinephrine ~~[.]~~ ***and insulin.***

(b) "Physician" means a person who is licensed to practice medicine pursuant to chapter 630 of NRS or osteopathic medicine pursuant to chapter 633 of NRS.

(c) "Self-administer" means the auto-administration of a medication pursuant to the prescription for the medication or written directions for such a medication.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 321 to Assembly Bill 285 includes "diabetic episode" as one of the conditions for which a written treatment plan may be prepared. It requires a public school to establish protocols for containing blood-borne pathogens; the handling and disposal of needles, medical devices, and other medical waste; and provide a copy of these protocols and procedures to the parent or guardian of a pupil who requests permission to self-administer medication as provided for in the bill. It requires an acknowledgement from the parent or legal guardian that a copy of the protocols has been received and explained to the pupil, who has agreed to comply with the protocols and that failure to do so may result in the revocation of the authorization to self-administer medication. It requires that the procedures for handling and disposal of needles, medical devices, and medical waste are included in the written authorization prepared by the school principal or school nurse. Finally, the amendment includes a provision that the school district, board of trustees, or any employee or agent of the school is immune from liability as a result of exposure to or injury caused by needles, medical devices, or other medical waste from the self-administration of medication.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 294.

Bill read second time.

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

Amendment No. 292.

SUMMARY—Enacts provisions relating to suicide prevention for veterans. (BDR ~~[54-692)]~~ **37-692)**

AN ACT relating to public health; ~~[requiring providers of health care to receive training relating to suicide assessment, screening and referral;]~~ requiring the Department of Health and Human Services to report information concerning the suicide mortality rate of veterans to the Interagency Council on Veterans Affairs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires certain health care professionals to receive training relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. (NRS 450B.180, 630.253, 631.342, 632.343) Section 1 of this bill requires a provider of health care to receive training relating to suicide assessment, screening and referral and authorizes a provider of health care to use credit for completing such training in place of~~

~~not more than 3 hours of the requirements for continuing education, not relating to ethics, of the provider of health care.]~~

Existing law provides for the creation, powers and duties of the Department of Veterans Services and the Interagency Council on Veterans Affairs. (NRS 417.0191-417.105) **Section 2** of this bill requires the Department of Health and Human Services to report to the Council certain information relating to the suicide mortality rate of veterans and requires the Council to report such information annually to the Legislature or, if the Legislature is not in session, to the Legislative Commission.

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

Section 1. ~~[Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A provider of health care shall complete a course of instruction, within 2 years after initial licensure, relating to suicide assessment, screening and referral. The course must provide at least 3 hours of instruction relating to suicide assessment, screening and referral and be approved by the Division of Public and Behavioral Health of the Department of Health and Human Services.*~~

~~*2. Unless a specific statute or regulation requires or authorizes a greater number of hours, a provider of health care who is required to complete continuing education may use the completion of a course of instruction pursuant to this section in place of not more than 3 hours of the continuing education that the provider of health care is required to complete, other than any continuing education relating to ethics that the provider of health care is required to complete.*~~

~~*3. The Division of Public and Behavioral Health of the Department of Health and Human Services may adopt such regulations as it determines to be necessary to carry out the provisions of this section.]*~~ **(Deleted by amendment.)**

Sec. 2. Chapter 417 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department of Health and Human Services shall provide, subject to any limitations or restrictions contained in any state or federal law governing the privacy or confidentiality of records, a report from the State Registrar of Vital Statistics setting forth the suicide mortality rate of veterans in this State to the Interagency Council on Veterans Affairs. The Department of Health and Human Services shall submit such information to the Council not later than November 30 of each year and shall provide the information in aggregate and in digital form, and in a manner such that the data is capable of integration by the Council.

2. The Council shall, upon receiving the information submitted pursuant to this section, analyze and compile the information, including any

recommendations of the Council, and submit the information with the report submitted pursuant to subsection 3 of NRS 417.0195.

Sec. 3. This act becomes effective ~~[:~~

~~1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~2. On]~~ **on** January 1, 2016 **.** ~~[, for all other purposes.]~~

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 292 to Assembly Bill 294 removes provisions requiring a provider of health care to complete a three-hour course of instruction relating to suicide assessment, screening, and referral within two years of initial licensure.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 305.

Bill read second time.

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

Amendment No. 302.

AN ACT relating to public health; ~~[providing for an endorsement on]~~ **authorizing** the **holder of a** permit ~~[of]~~ **to operate** an ambulance service, air ambulance service or fire-fighting agency to **obtain an endorsement on the permit to** allow ~~[them]~~ **certain employees and volunteers** to provide community paramedicine services **;** ~~[in certain cases; authorizing certain providers of emergency medical services employed by such an ambulance service, air ambulance service or fire-fighting agency to provide community paramedicine services;]~~ requiring **certain health authorities to prepare** an annual report ~~[to be prepared]~~ concerning the provision of community paramedicine services; repealing a provision which prohibited certain fire-fighting agencies from obtaining a permit to provide intermediate or advanced medical care; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the operator of an ambulance or air ambulance or a fire-fighting agency that operates vehicles at the scene of an emergency to obtain a permit. (NRS 450B.200, 450B.240, 450B.265) **Section 4** of this bill requires the State Board of Health in a county whose population is less than 700,000 (currently all counties except for Clark County) and the district board of health in a county whose population is 700,000 or more (currently Clark County) to adopt regulations to provide for an endorsement to be placed on the permit to operate those vehicles that allows the holder to provide community paramedicine services. **Section 2** of this bill defines the term "community

paramedicine services" as health care services provided to **certain** patients ~~[outside of a hospital using mobile equipment]~~ **who do not require emergency medical transportation** in a manner that is integrated with the local and regional health care and social services systems. **Section 4** requires such regulations to prescribe the training and qualifications necessary for an emergency medical technician, advanced emergency medical technician or paramedic **who is** employed by **or serves as a volunteer for** the holder of such an endorsement ~~[to have to be able]~~ to provide community paramedicine services and to prescribe the scope of the community paramedicine services that may be provided.

Section 9 of this bill prohibits a person or governmental entity from providing community paramedicine services without a currently valid permit with an endorsement which authorizes the provision of such services and makes a violation ~~[of this]~~ a misdemeanor. (NRS 450B.900) **Section 10** of this bill prohibits an emergency medical technician, advanced emergency medical technician or paramedic from providing community paramedicine services unless the person meets certain requirements and makes a violation a misdemeanor. (NRS 450B.900)

Section 5 of this bill requires each holder of a permit with an endorsement to provide community paramedicine services to submit to the ~~[State Board of Health]~~ **Division of Public and Behavioral Health of the Department of Health and Human Services or district board of health, as applicable, (health authority)** a quarterly report concerning the effect of providing community paramedicine services. **Section 5** also requires the ~~[Board]~~ **Division and the district board of health** to submit to the Legislature an annual report that summarizes the quarterly reports it receives.

Existing law prohibits an agency other than the district board of health in a county whose population is 700,000 or more (currently only Clark County) from issuing a permit authorizing a fire-fighting agency to provide the level of care provided by an advanced medical technician or paramedic to sick or injured persons while transporting those persons to a medical facility. (NRS 450B.1985) **Section 13** of this bill repeals this provision so that a fire-fighting agency located anywhere in this State may obtain such a permit and provide the level of care provided by an advanced medical technician or paramedic to patients being transported to a medical facility on an emergency basis or, if the agency holds an endorsement to provide community paramedicine services, a non-emergency basis.

Sections 3 and 6~~[, 8]~~ **8.5** make conforming changes.

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

Section 1. Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Community paramedicine services" means services provided by an emergency medical technician, advanced emergency medical technician***

or paramedic to patients who do not require emergency medical transportation ~~[to or services at a hospital]~~ and provided ~~[using mobile equipment and]~~ in a manner that is integrated with the health care and social services resources available in the community. ~~[Such services may include, without limitation, transportation to a facility other than a hospital, which may include a mental health facility, and the provision of health care services provided to patients on a scheduled basis.]~~

Sec. 3. *As used in sections 3, 4 and 5 of this act, unless the context otherwise requires, "emergency medical provider" means an emergency medical technician, advanced emergency medical technician or paramedic.*

Sec. 4. *1. The board shall adopt regulations to provide for the issuance of an endorsement on a permit which allows an emergency medical provider who is employed by or serves as a volunteer for the holder of the permit to provide community paramedicine services. Such regulations must establish, without limitation:*

(a) The manner in which to apply for an endorsement;

(b) The qualifications and requirements of a holder of a permit to obtain an endorsement;

(c) The required training and qualifications of an emergency medical provider who will provide community paramedicine services and the proof necessary to demonstrate such training and qualifications;

(d) The scope of the community paramedicine services that may be provided by an emergency medical provider who is employed by or serves as a volunteer for the holder of the permit, which must not include any services that are outside the scope of practice of the emergency medical provider;

(e) The continuing education requirements or other evidence of continued competency for renewal of the endorsement; and

(f) ~~[Any fee for the issuance and renewal of the endorsement, which must not exceed the actual cost to the board; and~~

~~(g)]~~ Such other requirements as the board deems necessary to carry out the provisions of sections 3, 4 and 5 of this act.

2. The holder of a permit may apply for an endorsement to provide community paramedicine services by submitting to the health authority an application upon forms prescribed by the board and in accordance with procedures established by the board. The health authority must not approve an application for an endorsement or a renewal of an endorsement unless the applicant meets the requirements prescribed by the board by regulation pursuant to subsection 1. No additional fee may be charged for an endorsement.

3. An endorsement to provide community paramedicine services expires on the same date as the permit and is renewable annually thereafter ~~[upon payment of any fee required by the board]~~ at least 30 days before the expiration date.

4. An emergency medical provider may provide community paramedicine services only as an employee of or volunteer for the holder of

a permit who has obtained an endorsement and only if the emergency medical provider possesses the training and qualifications required by the board. Any services provided must not exceed the scope of practice of the emergency medical provider.

Sec. 5. ***1. Each holder of a permit who has obtained an endorsement to provide community paramedicine services pursuant to section 4 of this act shall submit a quarterly report to the*** ~~***[State Board of Health]***~~ ***health authority that issued the endorsement which must include, without limitation:***

(a) Information concerning the community paramedicine services that were provided in lieu of emergency medical transportation ~~***[to a hospital,]***~~ ***, including, without limitation, the types of services provided and the number of persons for whom such services were provided;***

(b) The impact of providing community paramedicine services on the overall services provided to patients; and

(c) Such other information as prescribed by the ~~***[State Board of Health]***~~ ***health authority or requested by the Legislature or the Legislative Committee on Health Care.***

2. On or before February 1 of each year, ~~***[the State Board of Health]***~~ ***each health authority shall submit a report summarizing the information received concerning community paramedicine services pursuant to subsection 1 along with a summary of the impact of providing such services to patients in that manner to the Director of the Legislative Counsel Bureau for transmittal to the Legislature in odd-numbered years or the Legislative Committee on Health Care in even-numbered years.***

Sec. 6. NRS 450B.020 is hereby amended to read as follows:

450B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 450B.025 to 450B.110, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 450B.072 is hereby amended to read as follows:

450B.072 "Fire-fighting agency" means a fire department or fire protection district of the State or a political subdivision which holds a permit issued pursuant to this chapter. ~~**[**The term does not include a person or governmental entity, other than a governmental entity to whom a permit is issued in accordance with the provisions of NRS 450B.1985, which provides transportation of sick or injured persons to a medical facility.**]**~~

Sec. 8. NRS 450B.100 is hereby amended to read as follows:

450B.100 "Permit" means the permit issued by the health authority under the provisions of this chapter to:

1. A person, agency of the State or political subdivision to own or operate an ambulance or air ambulance in the State of Nevada; or

2. A fire-fighting agency to provide ~~**[**medical**]**~~ ***:***

(a) Medical care by emergency medical technicians, advanced emergency medical technicians or paramedics to sick or injured persons:

~~**[**(a)**]**~~ ***(1)*** At the scene of an emergency; or

~~[(b)]~~ ***(2)*** At the scene of an emergency and while transporting those persons to a medical facility ~~[.]~~ ***; and***

(b) Community paramedicine services, but only if the fire-fighting agency has obtained an endorsement on the permit to provide ~~[community paramedicine]~~ such services pursuant to section 4 of this act.

Sec. 8.5. **NRS 450B.200 is hereby amended to read as follows:**

450B.200 1. The health authority may issue a permit for ~~[the]~~ ***:***

(a) The operation of an ambulance ~~[,]~~ ***or*** an air ambulance ***;*** or ~~[a]~~

(b) A vehicle of a fire-fighting agency ~~[at]~~ ***:***

(1) At the scene of an emergency ~~[.]~~ ***; and***

(2) To provide community paramedicine services, but only if the holder of the permit has obtained an endorsement on the permit to provide such services pursuant to section 4 of this act.

2. Each permit must be evidenced by a card issued to the holder of the permit.

3. No permit may be issued unless the applicant is qualified pursuant to the regulations of the board.

4. An application for a permit must be made upon forms prescribed by the board and in accordance with procedures established by the board, and must contain the following:

(a) The name and address of the owner of the ambulance or air ambulance or of the fire-fighting agency;

(b) The name under which the applicant is doing business or proposes to do business, if applicable;

(c) A description of each ambulance, air ambulance or vehicle of a fire-fighting agency, including the make, year of manufacture and chassis number, and the color scheme, insigne, name, monogram or other distinguishing characteristics to be used to designate the applicant's ambulance, air ambulance or vehicle;

(d) The location and description of the places from which the ambulance, air ambulance or fire-fighting agency intends to operate; and

(e) Such other information as the board deems reasonable and necessary to a fair determination of compliance with the provisions of this chapter.

5. The board shall establish a reasonable fee for annual permits.

6. All permits expire on July 1 following the date of issue, and are renewable annually thereafter upon payment of the fee required by subsection 5 at least 30 days before the expiration date.

7. The health authority shall:

(a) Revoke, suspend or refuse to renew any permit issued pursuant to this section for violation of any provision of this chapter or of any regulation adopted by the board; or

(b) Bring an action in any court for violation of this chapter or the regulations adopted pursuant to this chapter,

➥ only after the holder of a permit is afforded an opportunity for a public hearing pursuant to regulations adopted by the board.

8. The health authority may suspend a permit if the holder is using an ambulance, air ambulance or vehicle of a fire-fighting agency which does not meet the minimum requirements for equipment as established by the board pursuant to this chapter.

9. In determining whether to issue a permit for the operation of an air ambulance pursuant to this section, the health authority:

(a) Except as otherwise provided in paragraph (b), may consider the medical aspects of the operation of an air ambulance, including, without limitation, aspects related to patient care; and

(b) Shall not consider economic factors, including, without limitation, factors related to the prices, routes or nonmedical services of an air ambulance.

10. The issuance of a permit pursuant to this section or NRS 450B.210 does not authorize any person or governmental entity to provide those services or to operate any ambulance, air ambulance or vehicle of a fire-fighting agency not in conformity with any ordinance or regulation enacted by any county, municipality or special purpose district.

11. A permit issued pursuant to this section is valid throughout the State, whether issued by the Division or a district board of health. An ambulance, air ambulance or vehicle of a fire-fighting agency which has received a permit from the district board of health in a county whose population is 700,000 or more is not required to obtain a permit from the Division, even if the ambulance, air ambulance or vehicle of a fire-fighting agency has routine operations outside the county.

12. The Division shall maintain a central registry of all permits issued pursuant to this section, whether issued by the Division or a district board of health.

13. The board shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 9. NRS 450B.240 is hereby amended to read as follows:

450B.240 1. A person or governmental entity shall not engage in the operation of any ambulance or air ambulance service in this state without a currently valid permit for that service issued by the health authority.

2. A fire-fighting agency shall not provide the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility without a currently valid permit for that care issued by the health authority.

3. ***A person or governmental entity shall not provide community paramedicine services or represent, advertise or otherwise imply that it is authorized to provide community paramedicine services without a currently valid permit with an endorsement to provide community paramedicine services issued by the health authority pursuant to section 4 of this act.***

4. Nothing in this section precludes the operation of an aircraft in this state in a manner other than as an air ambulance.

Sec. 10. NRS 450B.250 is hereby amended to read as follows:

450B.250 ***1.*** Except as otherwise provided in this chapter, a person shall not serve as an attendant on any ambulance or air ambulance and a firefighter shall not provide the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility unless the person holds a currently valid license issued by the health authority under the provisions of this chapter.

2. A person shall not provide community paramedicine services unless the person:

(a) Is certified as an emergency medical technician, an advanced emergency medical technician or a paramedic;

(b) Is employed by or serves as a volunteer for a person or governmental entity which has a currently valid permit with an endorsement to provide community paramedicine services issued by the health authority pursuant to section 4 of this act; and

(c) Meets the qualifications and has satisfied any training required by regulations adopted pursuant to section 4 of this act.

Sec. 11. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 12. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 13. NRS 450B.1985 is hereby repealed.

Sec. 14. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

TEXT OF REPEALED SECTION

450B.1985 Exclusive method of issuance; authority of district board of health in certain larger counties to issue; situations in which certain medical care may be provided.

1. Except as otherwise provided in subsection 2, no permit may be issued pursuant to this chapter authorizing a fire-fighting agency to provide the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons while transporting those persons to a medical facility.

2. Except as otherwise provided in subsection 10 of NRS 450B.200, the district board of health in a county whose population is 700,000 or more may issue a permit pursuant to NRS 450B.200 or 450B.210 authorizing a fire-fighting agency to provide the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons at the scene of an emergency and while transporting those persons to a medical facility.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Amendment 302 to Assembly Bill 305 revises the definition of "community paramedicine" to clarify that such services are provided to patients who do not require emergency transport, and removes references to the location where services may be provided and type of equipment used. It clarifies that no additional fee may be charged for a community paramedicine endorsement on a permit. It allows a person who serves as a volunteer for the holder of the permit to receive an endorsement to provide community paramedicine services and requires permit holders to report to the health authority that issued the endorsement rather than the State Board of Health.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 370.

Bill read second time and ordered to third reading.

Assembly Bill No. 374.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 408.

AN ACT relating to education; requiring the board of trustees of each school district to ensure that certain pupils meet **individually** with a counselor, administrator or other educational personnel to assess the pupil's college and career readiness; requiring the ~~[establishment of a]~~ **revision of the academic** plan for ~~[college and career readiness for]~~ a pupil under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, pupils that are enrolled in grade 11 in public high schools are required to take a college and career readiness assessment that has been chosen by the State Board of Education and is administered by the board of trustees of each school district. (NRS 389.807) This bill requires the board of trustees of each school district to ensure that a counselor, administrator or other educational personnel meets **individually** at least once with each pupil that is enrolled in grade 11 of a public high school ~~[after the pupil has taken the college and career readiness assessment, but before the pupil completes grade 11.]~~ **to review with the pupil the academic plan for the pupil.** This bill also requires the counselor, administrator or other educational personnel to use the pupil's results on the **college and career readiness** assessment **, if available,** and the pupil's academic records to determine if the pupil will be prepared for college and career success without the need for remediation. If the counselor, administrator or other educational personnel determines that remediation is necessary, this bill requires the counselor, administrator or other educational personnel to coordinate with the pupil and the pupil's parent or legal guardian to ~~[establish a plan for college and career readiness which will]~~ **revise the academic plan for the pupil to** ensure that the pupil will be prepared for college or career success before the pupil graduates.

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

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall ensure that a counselor, administrator or other licensed educational personnel from each public high school in the district meets individually at least once with each pupil in grade 11 [, after the pupil has taken the college and career readiness assessment administered pursuant to NRS 389.807, but before the pupil completes grade 11.] for the purpose of reviewing with the pupil the academic plan developed pursuant to NRS 388.205.

2. At a meeting conducted pursuant to subsection 1, the counselor, administrator or other licensed educational personnel shall use the results of the pupil's college and career readiness assessment administered pursuant to NRS 389.807, if assessment results are available at the time of the meeting, and the pupil's academic records to review with the pupil the areas of his or her academic strengths and weaknesses, including, without limitation, areas where additional work in the subject areas tested on the assessment is necessary to prepare the pupil for college and career success without the need for remediation.

3. If it is determined that remediation is necessary, the counselor, administrator or other licensed educational personnel shall coordinate with the pupil and the pupil's parent or legal guardian to [establish a plan for college and career readiness] revise the academic plan for the pupil to ensure that the pupil is prepared for college or career success before he or she graduates.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 408 to Assembly Bill 374 requires the board of trustees of each school district to ensure that a counselor, administrator, or other licensed educational personnel from each public high school in the district meets individually at least once with each pupil during their eleventh grade year for the purpose of reviewing the student's academic plan developed pursuant to existing law. Second, it requires the counselor, administrator, or other licensed educational personnel to use the results of the pupil's college and career readiness assessment, if the assessment results are available at the time of the meeting. Third, if it is determined that remediation is necessary, the counselor, administrator or other licensed educational personnel shall coordinate with the pupil and the pupil's parent or legal guardian to revise the pupil's academic plan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 375.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 535.

AN ACT relating to education; providing certain requirements for school facilities that are designated for use by persons of one biological sex; ~~[revising certain provisions governing courses on acquired immune deficiency syndrome and the human reproductive system;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires that any school facility in a public school, including a restroom, locker room or shower which is designated for use by persons of one biological sex must only be used by persons of that biological sex, as determined at birth. **Section 1** also requires a public school to provide separate, private areas designated for use by pupils based on their biological sex for any school facility where pupils may be in a state of undress in the presence of other pupils. For the purposes of **section 1**, **section 3** of this bill provides an exception from the provisions of existing law that otherwise make it unlawful to deny equal access to places of public accommodation on the ground of gender identity or expression. (NRS 651.070)

~~[Existing law requires the board of trustees of a school district to establish a course of instruction concerning acquired immune deficiency syndrome and the human reproductive system which may be taught only by a teacher or nurse whose qualifications have been previously approved by the board of trustees. (NRS 389.065) Section 2 of this bill provides that such a course may not be offered to pupils in kindergarten to grade 6, inclusive. Section 2 also requires that such a course may be taught only by a teacher or nurse employed full-time by the school district and no other person or entity may assist in teaching the course. Section 2 further requires that any instructional material used in such a course may not contain explicit depictions of sexual activity.]~~

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any school facility in a public school, including, without limitation, a restroom, locker room or shower which is designated for use by persons of one biological sex must only be used by persons of that biological sex.

2. In any school facility or setting where a pupil may be in a state of undress in the presence of other pupils, a public school shall provide separate, private areas designated for use by pupils based on their biological sex.

3. For any pupil who asserts at school a gender that is different than the pupil's biological sex, a public school shall provide the best available accommodation that meets the needs of the pupil, but such accommodation must not include access to a school restroom, locker room or shower designated for use by persons whose biological sex is different from the pupil's biological sex. Such accommodation may include, without limitation,

access to a single-stall restroom, access to a unisex restroom or controlled use of a faculty restroom, locker room or shower.

4. As used in this section, "biological sex" means the biological condition of being male or female as determined at birth based on physical differences or, if necessary, at the chromosomal level.

Sec. 2. ~~[NRS 389.065 is hereby amended to read as follows:~~

~~389.065 1. The board of trustees of a school district shall establish a course or unit of a course of:~~

~~(a) Factual instruction concerning acquired immune deficiency syndrome; and~~

~~(b) Instruction on the human reproductive system, related communicable diseases and sexual responsibility.~~

~~2. *A course or unit of a course of instruction established pursuant to subsection 1 may not be offered to pupils enrolled in kindergarten to grade 6, inclusive.*~~

~~*3.* Each board of trustees shall appoint an advisory committee consisting of:~~

~~(a) Five parents of children who attend schools in the district; and~~

~~(b) Four representatives, one from each of four of the following professions or occupations:~~

~~(1) Medicine or nursing;~~

~~(2) Counseling;~~

~~(3) Religion;~~

~~(4) Pupils who attend schools in the district; or~~

~~(5) Teaching.~~

~~→ This committee shall advise the district concerning the content of and materials to be used in a course of instruction established pursuant to this section, and the recommended ages of the pupils to whom the course is offered. The final decision on these matters must be that of the board of trustees.~~

~~**[**3.**]** *4.* The subjects of the courses may be taught only by a teacher or school nurse **[**whose**]** *:*~~

~~*(a) Whose* qualifications have been previously approved by the board of trustees **[**.~~

~~4.**]** *; and*~~

~~*(b) Who is a permanent, full-time employee of the school district.*~~

~~→ *No other person or entity may assist in teaching the subjects of the courses.*~~

~~*5.* The parent or guardian of each pupil to whom a course is offered must first be furnished written notice that the course will be offered. The notice must be given in the usual manner used by the local district to transmit written material to parents, and must contain a form for the signature of the parent or guardian of the pupil consenting to the pupil's attendance. Upon receipt of the written consent of the parent or guardian, the pupil may attend the course. If the written consent of the parent or guardian is not received, the pupil must be excused from such attendance without any penalty as to credits or academic~~

~~standing. Any course offered pursuant to this section is not a requirement for graduation.~~

~~— [5.] *6.* All instructional materials to be used in a course [must] :~~

~~— *(a) Must* be available for inspection by parents or guardians of pupils at reasonable times and locations before the course is taught, and appropriate written notice of the availability of the material must be furnished to all parents and guardians [.] *; and*~~

~~— *(b) May not contain explicit depictions of sexual activity.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 651.070 is hereby amended to read as follows:

651.070 ~~[All]~~ ***Except as otherwise provided in section 1 of this act, all*** persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin, disability, sexual orientation, sex, gender identity or expression.

Sec. 4. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks to carry out the provisions of this act, and on January 1, 2016, for all other purposes.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 535 to Assembly Bill 375 deletes Section 2 of the bill, which prohibits instruction to be offered to pupils in kindergarten to grade 6 concerning acquired immune deficiency syndrome and the human reproductive system.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 395.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 479.

AN ACT relating to the State Public Charter School Authority; ~~[revising the requirements relating to the financial administration of the State Public Charter School Authority;]~~ revising provisions governing the personnel of the Authority; revising provisions regarding the adoption of administrative regulations governing charter schools sponsored by the Authority; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[The State Budget Act prescribes the procedures for the proposal of the budget for the Executive Department of the State Government. (NRS 353.150-353.246) Professional licensing and certification boards and commissions, which are not funded by money from the State General Fund, are exempted~~

~~entirely from the requirements of the State Budget Act and therefore do not submit their budgets for review and approval by the Executive Department and the Legislature. (NRS 353.005) The Legislative and Judicial Departments of the State Government, the Public Employees' Retirement System and the Tahoe Regional Planning Agency are required to submit their budgets to the Legislature for approval and to the Chief of the Budget Division of the Department of Administration for informational purposes, but are otherwise exempt from the requirements of the State Budget Act. (NRS 353.210, 353.246) In the same manner, sections 2, 13 and 14 of this bill exempt the State Public Charter School Authority, which is one of the entities that sponsors charter schools in Nevada, from the requirements of the State Budget Act, except for the requirements of submitting its biennial agency budget to the Legislature for approval and to the Chief of the Budget Division for informational purposes.]~~

Under existing law, officers and employees of the Executive Department of the State Government are in either the classified or unclassified service, unless otherwise provided by specific statute. (NRS 284.013, 284.140, 284.150) ~~[For example, employees of the Office of the Governor are not in the classified or unclassified service. (NRS 223. 085)]~~ Under existing law, the State Public Charter School Authority appoints a Director, who is in the unclassified service~~[,]~~ and ~~[employs]~~ **who serves a term of 3 years. (NRS 386.511) Section 4 of this bill removes the term of 3 years for the Director and instead provides that the Director serves at the pleasure of the Authority. Existing law also authorizes the Authority to employ** such staff as is necessary to carry out its powers and duties **~~[. (NRS 386.509-386.5125) Sections 2, 4, 5 and 12]~~ , who are in the classified service. (NRS 386.5125) Section 5** of this bill ~~[remove all officers and]~~ **removes the** employees of the Authority from the classified **service** and **places them in the** unclassified service ~~[and require the Authority to adopt rules and policies regarding the employment rights, salary ranges and benefits of its officers and employees. However, the officers and employees of the Authority remain eligible to participate in the Public Employees' Benefits Program and the Public Employees' Retirement System.]~~ **, and further provides those employees serve at the pleasure of the Director.** In addition, **section 5** transfers the authority to employ staff from the seven-member Authority to the Director of the Authority.

~~[With certain exceptions, existing law limits the amount of the salary of a person employed by the State to not more than 95 percent of the salary for the Office of Governor during the same period. (NRS 281. 123) Sections 2, 4 and 5 exempt the salaries of the Director and employees of the State Public Charter School Authority from this salary limitation and require that the amount of the salaries be within the limits of the biennial agency budget adopted by the Authority.]~~

Under existing law, the State Public Charter School Authority is required to sponsor the charter schools in Nevada whose applications it has approved. In

addition, if approved by the Department of Education, the board of trustees of a school district and a college or university within the Nevada System of Higher Education are authorized to sponsor charter schools in Nevada. (NRS 386.490-386.649) The Department of Education is authorized under existing law to adopt administrative regulations governing charter schools and is specifically required to adopt regulations governing: (1) the process for submission to a sponsor of an application to form a charter school, renew a charter contract or request an amendment of a written charter or charter contract, and the contents of the application; and (2) the criteria and type of investigation that must be applied by a sponsor in determining whether to approve such an application. (NRS 386.540)

Section 10 of this bill transfers from the Department to the State Public Charter School Authority the duty to adopt regulations governing the process for submission and approval, and the contents of, applications to form, renew a charter contract or request an amendment of a written charter or charter contract for a charter school sponsored by the Authority. With certain exceptions, **section 10** also authorizes the Authority to adopt such regulations as necessary to carry out its powers and duties concerning the charter schools that it sponsors. However, under **section 16** of this bill, the current regulations of the Department governing all charter schools remain in effect and will be enforced by the Authority with respect to charter schools sponsored by the Authority until the Authority amends those regulations. The Authority will continue to be subject to the regulations adopted by the Department on other matters such as reporting requirements by sponsors of charter schools, including the reporting of information for inclusion in the annual report of accountability. (NRS 385.347) Charter schools sponsored by the Authority will also continue to be subject to any regulations adopted by the Department governing procedures for accounting and budgeting and performance and financial audits. (NRS 386.540)

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

Section 1. ~~[NRS 385.007 is hereby amended to read as follows:~~

~~385.007 As used in this title, unless the context otherwise requires:~~

~~1. "Charter school" means a public school that is formed pursuant to the provisions of NRS 386.490 to 386.649, inclusive~~ **[.]** ***, and section 2 of this act.***

~~2. "Department" means the Department of Education.~~

~~3. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070.~~

~~4. "Limited English proficient" has the meaning ascribed to it in 20 U.S.C. § 7801(25).~~

~~5. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through~~

~~public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.~~

~~— 6. "State Board" means the State Board of Education.~~

~~— 7. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 392A.040.~~**]** **(Deleted by amendment.)**

Sec. 2. ~~**[**Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***— The State Public Charter School Authority shall:***~~

~~***— 1. Adopt biennially a budget for the operation of the State Public Charter School Authority for submission pursuant to NRS 353.210 and 353.246. The biennial agency budget must include, without limitation, all projected revenues and expenditures for the State Public Charter School Authority to carry out its powers and duties during the 2 fiscal years included in the biennial agency budget. Any changes to the biennial agency budget must be adopted by the State Public Charter School Authority.***~~

~~***— 2. Adopt such rules and policies as the State Public Charter School Authority deems appropriate to establish the employment rights of the persons appointed or employed by the State Public Charter School Authority.***~~

~~***— 3. In addition to the benefits provided to state officers and employees pursuant to chapters 286 and 287 of NRS, determine the other benefits of the members of the State Public Charter School Authority and the persons appointed or employed by the State Public Charter School Authority within the limits of the biennial agency budget adopted by the State Public Charter School Authority pursuant to subsection 1.***~~

~~***— 4. Adopt salary ranges for the positions of persons appointed or employed by the State Public Charter School Authority within the limits of the biennial agency budget adopted by the State Public Charter School Authority pursuant to subsection 1.]***~~ **(Deleted by amendment.)**

Sec. 3. ~~**[**NRS 386.490 is hereby amended to read as follows:~~

~~— 386.490 As used in NRS 386.490 to 386.649, inclusive, ***and section 2 of this act,*** the words and terms defined in NRS 386.492 to 386.503, inclusive, have the meanings ascribed to them in those sections.~~**]** **(Deleted by amendment.)**

Sec. 4. NRS 386.511 is hereby amended to read as follows:

386.511 1. The State Public Charter School Authority shall appoint a Director of the State Public Charter School Authority **.** ~~**[**for a term of 3 years.~~**]** The State Public Charter School Authority shall ensure that the Director has a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State.

2. ~~**[**A vacancy in the position of Director must be filled by the State Public Charter School Authority for the remainder of the unexpired term.~~

~~— 3.~~**]** The Director is ~~***[:***~~

~~***— (a) Is not]***~~ in the ~~***[classified or]***~~ unclassified service of the State ~~***[:***~~

~~***— (b) Serves]***~~ ***and serves at the pleasure of the State Public Charter School Authority.***

[(c) Is entitled to receive an annual salary determined by the State Public Charter School Authority which is within the salary range for the position adopted by the State Public Charter School Authority pursuant to section 2 of this act. The salary of the Director is exempt from the limitations set forth in NRS 281.123.]

Sec. 5. NRS 386.5125 is hereby amended to read as follows:

386.5125 The ~~[~~State Public Charter School Authority~~]~~ ***Director*** may ***[, within the limits of the biennial budget adopted by the State Public Charter School Authority pursuant to section 2 of this act,]*** employ such persons as ~~[~~it~~]~~ ***the Director*** deems necessary to carry out the ~~[~~provisions~~]~~ ***powers and duties*** of ***the State Public Charter School Authority pursuant to*** NRS 386.490 to 386.649, inclusive ***[, and section 2 of this act.]*** The staff employed ~~[~~by the State Public Charter School Authority must~~]~~ ***pursuant to this section:***

1. Must be qualified to carry out the daily responsibilities of sponsoring charter schools in accordance with the provisions of NRS 386.490 to 386.649, inclusive ***[, and section 2 of this act.]***

2. Have such duties as may be determined by the Director.

3. Are ~~[not]~~ in the ~~[classified or]~~ unclassified service of the State.

4. Serve at the pleasure of the Director.

[5. Are entitled to receive annual salaries determined by the Director which are within the salary ranges for the positions adopted by the State Public Charter School Authority pursuant to section 2 of this act. The salaries of the staff employed pursuant to this section are exempt from the limitations set forth in NRS 281.123.]

Sec. 6. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing charter contracts pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.649, inclusive, ~~***[and section 2 of this act,]***~~ and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity; and

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the written charter should be revoked or the charter contract terminated, as applicable, in accordance with NRS 386.530, 386.535 or 386.5351, as applicable.

5. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for evaluating charter school applications in accordance with NRS 386.525 and for the renewal of charter contracts pursuant to NRS 386.530;

(c) A description of how the sponsor will maintain oversight of the charter schools it sponsors; and

(d) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.

6. Evidence of material or persistent failure ***by a board of trustees or a college or university*** to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

Sec. 7. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;

(c) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and

(d) Two members who possess knowledge and expertise in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the committee to form a charter school may include, without limitation, not more than four additional members as follows:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

3. A majority of the persons who serve on the committee to form a charter school must be residents of this State at the time that the application to form the charter school is submitted to the ~~[~~Department.~~]~~ ***proposed sponsor.***

4. The committee to form a charter school shall ensure that the completed application:

(a) Presents the academic, financial and organizational vision and plans for the proposed charter school; and

(b) Provides the proposed sponsor of the charter school with a clear basis for assessing the capacity of the applicant to carry out the vision and plans.

5. An application to form a charter school must include all information prescribed by the ~~[~~Department by regulation~~]~~ ***applicable regulations adopted pursuant to NRS 386.540*** and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.490 to 386.649, inclusive , ~~*[, and section 2 of this act.]*~~

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the academic achievement of pupils;

(2) Encouraging the use of effective and innovative methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability and transparency of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates for accepting applications for enrollment in the initial year of operation of the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method for nominating and electing the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125 and 391.3128. If the procedure is different from the procedure prescribed in NRS 391.3125 and 391.3128, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125 and 391.3128.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method

for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

6. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 8. NRS 386.525 is hereby amended to read as follows:

386.525 1. A charter school may submit the application to the proposed sponsor of the charter school. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the committee to form the charter school;

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 5 of NRS 386.515.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application ~~[~~:

~~(1) Complies~~] ***complies*** with NRS 386.490 to 386.649, inclusive, ~~***[and section 2 of this act]***~~ and the ***applicable*** regulations ~~[~~applicable to charter schools;~~]~~ ***adopted pursuant thereto;*** and

~~[(2) Is complete in accordance with the regulations of the Department; and]~~

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 5 of NRS 386.515 that will likely result in a successful opening and operation of the charter school.

4. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or the university, as applicable, shall review an

application in accordance with the requirements for review set forth in subsections 2 and 3.

5. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of subsection 3.

6. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

7. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 6, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

8. If the State Public Charter School Authority receives an application pursuant to subsection 1 or 7, it shall consider the application at a meeting which must be held not later than 60 days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3. The State Public Charter School Authority may approve an application only if it satisfies the requirements of subsection 3. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

9. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to satisfy the requirements of subsection 3. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

10. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection 9, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

11. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the

Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 9. ~~[NRS 386.535 is hereby amended to read as follows:~~

~~386.535 Except as otherwise provided in NRS 386.5351:~~

~~1. The sponsor of a charter school may revoke a written charter or terminate a charter contract before the expiration of the charter if the sponsor determines that:~~

~~(a) The charter school, its officers or its employees:~~

~~(1) Committed a material breach of the terms and conditions of the written charter or charter contract;~~

~~(2) Failed to comply with generally accepted standards of fiscal management;~~

~~(3) Failed to comply with the provisions of NRS 386.490 to 386.649, inclusive, *and section 2 of this act* or any other statute or regulation applicable to charter schools; or~~

~~(4) If the charter school holds a charter contract, has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school;~~

~~(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; or~~

~~(c) There is reasonable cause to believe that revocation or termination is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located.~~

~~2. Before the sponsor revokes a written charter or terminates a charter contract, the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:~~

~~(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;~~

~~(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;~~

~~(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which~~

~~determination may be made during the public hearing held pursuant to subsection 3; and~~

~~(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to revoke the written charter or terminate the charter contract.~~

~~3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to revoke the written charter or terminate the charter contract. If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not revoke the written charter or terminate the charter contract of the charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected.~~

~~4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.~~

~~5. If the written charter is revoked or the charter contract is terminated, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after revoking the written charter or terminating the charter contract.~~**]** **(Deleted by amendment.)**

Sec. 10. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department **[**~~shall~~**]** ***:***

(a) Shall adopt regulations that prescribe:

[~~(a)~~**]** ***(1)*** The process for submission of an application pursuant to NRS 386.515 by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

[~~(b)~~**]** ***(2)*** The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to NRS 386.515 at least once every 3 years;

[~~(c)~~**]** ***(3)*** The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;

[~~(d)~~**]** ***(4)*** The process for submission **[**~~of an application to form a charter school~~**]** to the board of trustees of a school district **[**~~, the State Public Charter School Authority and~~**]** ***or*** a college or university within the Nevada System of Higher Education **[**~~,~~**]** ***of an application to form a charter school, an application to renew a charter contract and an application to request an amendment of a written charter pursuant to NRS 386.527,*** and the contents of **[**~~the~~**]** ***such an*** application;

~~[(e) The process for submission of an application to renew a charter contract;~~

~~(f)]~~ ***and***

(5) The criteria ***that must be applied*** and type of investigation that must be ~~[applied]~~ ***conducted*** by the board of trustees ~~[, the State Public Charter School Authority]~~ and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or ~~[a]~~ ***an application to*** request ~~[for]~~ an amendment of a written charter or a charter contract ***.*** ~~[; and~~

~~(g) The process for submission of an amendment of a written charter or a charter contract pursuant to NRS 386.527 and the contents of the application.~~

~~2. The Department may]~~

(b) May adopt ***such*** regulations ***governing a charter school sponsored by the board of trustees of a school district or a college or university within the Nevada System of Higher Education*** as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive ***.*** ~~[, including, without limitation, *and section 2 of this act,*]~~

(c) May adopt regulations that prescribe ***for a charter school sponsored by the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education*** the:

~~[(a)]~~ ***(1)*** Procedures for accounting and budgeting;

~~[(b)]~~ ***(2)*** Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

~~[(c)]~~ ***(3)*** Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

2. The State Public Charter School Authority:

(a) Shall adopt regulations that prescribe:

(1) The process for submission to the State Public Charter School Authority of an application to form a charter school, an application to renew a charter contract and an application to request an amendment of a written charter and the contents of such an application; and

(2) The criteria that must be applied and type of investigation that must be conducted by the State Public Charter School Authority in determining whether to approve an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a written contract or a charter contract.

(b) Except as otherwise provided in subsection 1, may adopt such regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, ~~[and section 2 of this act]~~ concerning a charter school sponsored by the State Public Charter School Authority.

Sec. 11. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department ~~[shall]~~ ***:***

(a) Shall adopt regulations that prescribe:

~~[(a)]~~ ***(1)*** The process for submission of an application pursuant to NRS 386.515 by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

~~[(b)]~~ ***(2)*** The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to NRS 386.515 at least once every 3 years;

~~[(c)]~~ ***(3)*** The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;

~~[(d)]~~ ***(4)*** The process for submission ~~[of an application to form a charter school]~~ to the board of trustees of a school district ~~[, the State Public Charter School Authority and]~~ ***or*** a college or university within the Nevada System of Higher Education ~~[,]~~ ***of an application to form a charter school, an application to renew a charter contract and an application to request an amendment of a charter contract pursuant to NRS 386.527,*** and the contents of ~~[the]~~ ***such an*** application;

~~[(e) The process for submission of an application to renew a charter contract;~~

~~(f)]~~ ***and***

(5) The criteria ***that must be applied*** and type of investigation that must be ~~[applied]~~ ***conducted*** by the board of trustees ~~[, the State Public Charter School Authority]~~ and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or ~~[a]~~ ***an application to*** request ~~[for]~~ an amendment of a charter contract ***.*** ~~[; and~~

~~(g) The process for submission of an amendment of a charter contract pursuant to NRS 386.527 and the contents of the application.~~

~~2. The Department may]~~

(b) May adopt ***such*** regulations ***governing a charter school sponsored by the board of trustees of a school district or a college or university within the Nevada System of Higher Education*** as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive ***.*** ~~[, including, without limitation, , and section 2 of this act,]~~

(c) May adopt regulations that prescribe ***for a charter school sponsored by the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education*** the:

~~[(a)]~~ ***(1)*** Procedures for accounting and budgeting;

~~[(b)]~~ ***(2)*** Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

~~[(c)]~~ ***(3)*** Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

2. The State Public Charter School Authority:

(a) Shall adopt regulations that prescribe:

(1) The process for submission to the State Public Charter School Authority of an application to form a charter school, an application to renew a charter contract and an application to request an amendment of a charter contract, and the contents of such an application; and

(2) The criteria that must be applied and type of investigation that must be conducted by the State Public Charter School Authority in determining whether to approve an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a charter contract.

(b) Except as otherwise provided in subsection 1, may adopt such regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, ~~[and section 2 of this act]~~ concerning a charter school sponsored by the State Public Charter School Authority.

Sec. 12. ~~[~~NRS 284.140 is hereby amended to read as follows:

~~284.140 [The] *Except as otherwise provided by specific statute, the* unclassified service of the State consists of the following state officers or employees in the Executive Department of the State Government who receive annual salaries for their services:~~

~~1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.~~

~~2. [Except as otherwise provided in NRS 223.085, 223.570 and 223.600, all] *All* persons required by law to be appointed by the Governor or heads of departments or agencies appointed by the Governor or by boards.~~

~~3. All employees other than clerical in the Office of the Attorney General and the State Public Defender required by law to be appointed by the Attorney General or the State Public Defender.~~

~~4. Except as otherwise provided by the Board of Regents of the University of Nevada pursuant to NRS 396.251, officers and members of the teaching staff and the staffs of the Agricultural Extension Department and Experiment Station of the Nevada System of Higher Education, or any other state institution of learning, and student employees of these institutions. Custodial, clerical or maintenance employees of these institutions are in the classified service. The Board of Regents of the University of Nevada shall assist the Administrator in carrying out the provisions of this chapter applicable to the Nevada System of Higher Education.~~

~~5. All other officers and employees authorized by law to be employed in the unclassified service.~~~~]~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 353.210 is hereby amended to read as follows:~~

~~353.210 1. Except as otherwise provided in subsections 6 and 7, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:~~

~~(a) The number of full-time equivalent positions within the department, institution or agency.~~

~~(b) The number of full-time equivalent positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy.~~

~~(c) Any existing contracts for services the department, institution or agency has with temporary employment services or other persons, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such services. If such contracts include any privatization contracts, a copy of each of those privatization contracts together with:~~

~~(1) A statement specifying the duration of the privatization contracts;~~

~~(2) The number of privatization contracts proposed for the next 2 fiscal years and the estimated expenditures for the privatization contracts; and~~

~~(3) An analysis of each of the privatization contracts, which includes, without limitation:~~

~~(I) For the preceding, current and next fiscal years, the annual amount required to perform each of the privatization contracts; and~~

~~(II) For the preceding and current fiscal years, the number of persons the department, institution or agency employed pursuant to the privatization contracts, reflected as the equivalent full-time position if the persons were regularly employed by the department, institution or agency, including the equivalent hourly wage and the cost of benefits for each job classification.~~

~~(d) Estimates of expenditure requirements of the department, institution or agency, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.~~

~~2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.~~

~~3. The Budget Division of the Department of Administration shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Department of Administration and personnel of other state agencies regarding budget~~

~~estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.~~

~~4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures by program or budgetary account and by category of expense, and must include a mission statement and measurement indicators in adequate detail to comply with the requirements of subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner at the discretion of the Chief.~~

~~5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or which the Chief may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.~~

~~6. Agencies, bureaus, commissions and officers of the Legislative Department **[**, the Public Employees' Retirement System**]** and the Judicial Department of the State Government ***, the Public Employees' Retirement System and the State Public Charter School Authority*** shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.~~

~~7. On or before September 1 of each even-numbered year, the Tahoe Regional Planning Agency shall submit the budget which the Agency proposes to submit to the Legislature to:~~

~~(a) The Chief for his or her information in preparing the proposed executive budget.~~

~~(b) The Fiscal Analysis Division of the Legislative Counsel Bureau.~~

~~8. The information provided by a department, institution or agency pursuant to paragraph (c) of subsection 1 is a public record and must be open to public inspection.~~

~~9. As used in this section, "privatization contract" means a contract executed by or on behalf of a department, institution or agency which authorizes a private entity to provide public services which are:~~

~~(a) Substantially similar to the services performed by the public employees of the department, institution or agency; and~~

~~(b) In lieu of the services otherwise authorized or required to be provided by the department, institution or agency.~~**]** **(Deleted by amendment.)**

Sec. 14. **[**~~NRS 353.246 is hereby amended to read as follows:~~

~~353.246 1. Except as otherwise provided in subsection 2 of this section and subsections 6 and 7 of NRS 353.210, the provisions of NRS 353.150 to 353.245, inclusive, do not apply to agencies, bureaus, commissions and officers of the Legislative Department **[**, the Public Employees' Retirement System,**]** ***and*** the Judicial Department of the State Government ***, the Public***

~~*Employees' Retirement System, the State Public Charter School Authority*~~ ~~and the Tahoe Regional Planning Agency.~~

~~2. The Legislative Department [, the Public Employees' Retirement System,] *and* the Judicial Department of the State Government *, the Public Employees' Retirement System, the State Public Charter School Authority*~~ ~~and the Tahoe Regional Planning Agency shall submit their budgets to the Legislature in the same format as the proposed executive budget unless otherwise provided by the Legislative Commission. All projections of revenue and any other information concerning future state revenue contained in those budgets must be based upon the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[1. If, on July 1, 2015, the State Public Charter School Authority has not adopted the rules, policies and salary ranges and determined the benefits for all of its officers and employees who are not in the classified or unclassified service of the State on July 1, 2015, as required pursuant to section 2 of this act, those officers and employees are entitled to the same rights and privileges as they enjoyed under chapter 284 of NRS before July 1, 2015, until the adoption of those rules, policies and salary ranges and the determination of those benefits.~~

~~2.]~~ A person who is employed by the State Public Charter School Authority on June 30, 2015, with permanent status in the classified service may request the Division of Human Resource Management of the Department of Administration to place his or her name on an appropriate reemployment list maintained by the Division. Upon receipt of such a request, the Division shall maintain such an employee on the reemployment list until June 30, 2016, or until the person is reemployed by the Executive Department of the State Government in the classified service in the class or a comparable class with the same grade as the position that the person held with the State Public Charter School Authority before the position was moved from the classified service, whichever occurs earlier. An employee's eligibility to remain on the reemployment list during the period specified in this subsection is not affected by any separation from service of the employee with the State Public Charter School Authority during that period.

Sec. 16. 1. Any administrative regulations adopted by the Department of Education pursuant to NRS 386.540 before July 1, 2015, remain in force with respect to a charter school proposed to be sponsored or sponsored by the State Public Charter School Authority before, on or after July 1, 2015, until amended by the State Public Charter School Authority.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for

the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 17. 1. This section and sections 1 to 10, inclusive, and sections 12 to 16, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of the State Public Charter School Authority ~~[carrying out its duties pursuant to section 2 of this act and]~~ adopting regulations; and

(b) On July 1, 2015, for all other purposes.

2. Section 11 of this act becomes effective on January 1, 2020.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 479 to Assembly Bill 395 deletes sections of the bill that exempted the State Public Charter School Authority from the State Budget Act. It also deletes sections of the bill that exempted the Director and staff of the Authority from the classified and unclassified service. It retains provisions that provide the Director serves at the pleasure of the Authority and authorizes the Director to hire staff and direct them in their duties. Finally, it transfers from the Department of Education to the Authority the regulatory authority specifically governing the process for submission, approval, and renewal of charter contracts under the authorization of the Authority.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 536.

Assemblyman ~~[Hambrick]~~ **Hansen** (By Request)

AN ACT relating to abortions; revising provisions regulating an abortion performed on a pregnant woman who is a minor or a ward; requiring notification of a parent or guardian under certain circumstances before a physician performs such an abortion; providing expedited procedures for petitioning a court for judicial authorization to proceed without such notification; ~~[adding reporting requirements for physicians who perform certain abortions; imposing administrative penalties on physicians who fail to comply with the reporting requirements; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to compile and report statistical data relating to certain abortions; requiring the Administrative Office of the Courts to compile and submit to the Division statistical data regarding cases involving judicial authorization for certain~~

~~abortions;~~] providing civil liabilities and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law in NRS 442.250 regulates the medical conditions under which abortions may be performed in this State. Because NRS 442.250 was submitted to and approved by a referendum of the voters at the 1990 general election, Section 1 of Article 19 of the Nevada Constitution dictates that the provisions of NRS 442.250 may not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. In addition to the provisions of NRS 442.250, Nevada's abortion laws contain certain parental notification requirements that apply only to abortions performed upon pregnant minors. (NRS 442.255, 442.2555, 442.268) Because the parental notification requirements were not part of the referendum in 1990, they may be amended or repealed by the Legislature without being approved by the direct vote of the people.

This bill repeals the existing parental notification requirements for pregnant minors and enacts new notification requirements that apply to pregnant minors and to pregnant wards, regardless of their age, for whom a legal guardian or conservator has been appointed. This bill conforms with Section 1 of Article 19 of the Nevada Constitution because this bill does not amend, annul, repeal, set aside, suspend or in any way make inoperative the provisions of NRS 442.250. Instead, this bill serves a different governmental purpose than the provisions of NRS 442.250 and enacts new laws that are separate and complete by themselves and are not amendatory of the provisions of NRS 442.250. (*Matthews v. State ex rel. Nev. Tax Comm'n*, 83 Nev. 266, 267-69 (1967))

In 1985, the Legislature enacted the existing parental notification requirements for pregnant minors which prohibit a physician, with certain exceptions, from knowingly performing an abortion upon a pregnant minor unless: (1) a custodial parent or guardian of the minor is notified in the statutorily-prescribed manner before the abortion; or (2) upon the request of the minor, the district court authorizes the abortion without parental notification when the minor meets certain criteria. (Chapter 681, Statutes of Nevada 1985, pp. 2306-09 (codified in NRS 442.255, 442.2555, 442.268)) Before the requirements became effective in 1985, Nevada's federal district court enjoined their implementation on grounds that they unconstitutionally burden a woman's fundamental right to make the highly personal choice of whether to have an abortion, thereby violating the woman's interests in personal liberty protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution. (*Glick v. McKay*, 616 F. Supp. 322, 323-28 (D. Nev. 1985))

In 1991, the United States Court of Appeals for the Ninth Circuit affirmed the federal district court's decision in *Glick v. McKay*, 937 F.2d 434, 437-42 (9th Cir. 1991). The Ninth Circuit relied upon two reasons for invalidating Nevada's existing parental notification requirements: (1) the requirements

impermissibly narrowed the criteria under which the district court could give judicial authorization for an abortion without parental notification when the abortion would be in the minor's best interests; and (2) the requirements did not place any time limit on the period within which the district court must rule upon a request for judicial authorization and therefore they did not facially ensure that the minor's interests would be protected by expedited judicial review. (*Glick v. McKay*, 937 F.2d 434, 437-42 (9th Cir. 1991))

In 1997, when the United States Supreme Court reversed a different Ninth Circuit decision that struck down Montana's parental notification requirements, the United States Supreme Court disapproved the first reason relied upon by the Ninth Circuit in the *Glick* decision to strike down Nevada's parental notification requirements. (*Lambert v. Wicklund*, 520 U.S. 292, 294-99 (1997)) However, the United States Supreme Court did not address the second reason relied upon by the Ninth Circuit in the *Glick* decision to strike down Nevada's parental notification requirements. As a result, based upon the second reason, the Ninth Circuit's *Glick* decision is still in effect in Nevada, which means that Nevada's existing parental notification requirements remain unconstitutional because they do not place any time limit on the period within which the district court must rule upon a request for judicial authorization and therefore they do not facially ensure that the minor's interests will be protected by expedited judicial review. (*Glick v. McKay*, 937 F.2d 434, 440-42 (9th Cir. 1991); *Planned Parenthood of S. Ariz. v. Lawall* (*Lawall I*), 180 F.3d 1022, 1029 n.9 (9th Cir. 1999) ("Nothing in *Wicklund*, however, affects *Glick's* holding regarding [the failure of Nevada's law to facially comply with] *Bellotti II's* expediency requirement."), *amended on denial of reh'g*, 193 F.3d 1042, 1043 (9th Cir. 1999))

Section 27 of this bill repeals Nevada's existing parental notification requirements, and **sections 10-18** of this bill enact new notification requirements that apply to pregnant minors and wards. The new notification requirements are modeled, in part, on portions of Minnesota's parental notification requirements that were upheld by the United States Supreme Court in *Hodgson v. Minnesota*, 497 U.S. 417, 422-23 (1990) (plurality opinion) (upholding portions of Minn. Stat. § 144.343). However, the new notification requirements also take into account additional constitutional considerations addressed in other decisions of the United States Supreme Court and the Ninth Circuit regarding parental notification or consent statutes. (*Ayotte v. Planned Parenthood of N. New Eng.*, 546 U.S. 320, 323-28 (2006); *Lambert v. Wicklund*, 520 U.S. 292, 294-99 (1997); *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 899-901 (1992); *Ohio v. Akron Ctr. for Reproductive Health* (*Akron II*), 497 U.S. 502, 510-19 (1990) (plurality opinion); *Bellotti v. Baird* (*Bellotti II*), 443 U.S. 622, 646-51 (1979) (plurality opinion); *Planned Parenthood of Idaho v. Wasden*, 376 F.3d 908, 924-35 (9th Cir. 2004); *Planned Parenthood of S. Ariz. v. Lawall* (*Lawall II*), 307 F.3d 783, 786-89 (9th Cir. 2002); *Planned Parenthood of S. Ariz. v. Lawall* (*Lawall I*), 180 F.3d

1022, 1027-33 (9th Cir. 1999), *amended on denial of reh'g*, 193 F.3d 1042, 1043 (9th Cir. 1999))

To carry out the new notification requirements, **section 6** of this bill defines the term "minor" to mean a person who is less than 18 years of age, unmarried and unemancipated. To be considered emancipated and not a minor, the person must offer reasonable proof of a court order declaring the person to be emancipated under Nevada law or the law of any other state, territory or possession of the United States or the District of Columbia. **Section 9** of this bill defines the term "ward" to mean a person for whom a legal guardian or conservator has been appointed because of a court finding of mental or intellectual incompetency, incapacity or insanity.

Section 10 of this bill states that the new notification requirements are intended to assist minors and wards in making a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion by requiring, with certain exceptions, notification of a parent or guardian of the minor or ward, followed by a waiting period of 48 hours, before a physician may perform an abortion upon the minor or ward. **Sections 10-18** do not require a parent or guardian to consent to the abortion before it is performed and do not prohibit a physician from performing the abortion after notification has been provided and the waiting period has expired.

Section 12 prohibits, with certain exceptions, a physician from knowingly performing an abortion on a minor or ward unless: (1) written notice of the proposed abortion is delivered to at least one parent or guardian in the statutorily-required manner; and (2) a period of not less than 48 hours has elapsed after the time of delivery of the written notice. However, **section 12** also provides that no parent or guardian must be notified if: (1) the physician certifies in writing in the medical record of the minor or ward that a medical emergency exists which necessitates an immediate abortion; (2) a parent or guardian of the minor or ward certifies in writing that he or she has been notified regarding the abortion; or (3) upon a petition filed by the minor or ward, the district court or the appellate court gives judicial authorization for a physician to perform the abortion without notification of a parent or guardian.

Sections 13-17 establish rules, standards and procedures for filing petitions seeking judicial authorization and for conducting expedited proceedings in the district court and the appellate court, with express mandates setting forth specific time limits within which the district court and the appellate court must rule upon petitions and any appeals therefrom. **Sections 14 and 15**: (1) protect the identity and anonymity of the minor or ward and require confidentiality at all stages of the proceedings; (2) provide the minor or ward with the right to request a court appointed attorney for legal representation that is a charge against the county; and (3) permit the appointment of a guardian ad litem or court appointed special advocate when necessary to protect the best interests of the minor or ward.

Section 16 requires the district court to grant judicial authorization if it finds that: (1) the pregnant woman is sufficiently mature and well-informed and, if

a ward, competent, to be capable, in consultation with a physician, of making a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion without notification of a parent or guardian; or (2) regardless of whether the pregnant woman is sufficiently mature and well-informed and, if a ward, competent, it otherwise is or would be in the best interests of the pregnant woman to authorize a physician to perform the proposed abortion without notification of a parent or guardian.

Section 18 provides that a person who knowingly performs an abortion upon a minor or ward in violation of the new notification requirements is guilty of a misdemeanor and is subject to a civil action brought by any parent or guardian improperly denied notification. However, **section 18** also provides immunity from criminal prosecution and civil liability under certain circumstances.

~~[Finally, existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to adopt a system for reporting certain information concerning abortions to the Division. (NRS 442.260) Section 19 of this bill requires a physician to submit an annual report to the Division that contains statistical data relating to the notification requirements and the number of abortions performed by the physician. Section 19 also requires the Division to impose administrative penalties against a physician whose report is overdue and authorizes the Division to commence a civil action if any report is more than 1 year overdue.~~

~~Section 20 of this bill requires the Administrative Office of the Courts to compile and submit annually to the Division certain statistical data relating to cases in which a minor or ward seeks judicial authorization for an abortion without notification of a parent or guardian. Section 21 of this bill requires the Division to compile the data it receives from the physicians and the Administrative Office of the Courts in order to issue an annual report, to be made available to the public, containing statistical data about the effect of the notification requirements on the rate of abortions in this State. If the Division fails to issue the annual report, section 22 of this bill authorizes a civil action against the Administrator of the Division seeking to compel the issuance of the report with penalties for contempt.]~~

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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[23,]~~ **18,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[23,]~~ 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Abortion" has the meaning ascribed to it in NRS 442.240.***

Sec. 4. ***"Guardian" means a person who has been appointed by a court of competent jurisdiction as a legal guardian or conservator of a pregnant woman who is a minor or a ward.***

Sec. 5. *1. "Medical emergency" means the existence or happening of one or more medical conditions, events or occurrences, or any combination thereof, which in the good faith clinical judgment of an attending physician, so complicates the physical health of a pregnant woman who is a minor or a ward that, within a reasonable degree of medical certainty, it necessitates an immediate abortion to be performed upon the pregnant woman to prevent:*

(a) The death of the pregnant woman; or

(b) A serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman.

2. For the purposes of this section, the existence or happening of one or more medical conditions, events or occurrences, or any combination thereof, shall not be considered to be a medical emergency when it is primarily based on one or more:

(a) Psychological, mental or emotional conditions, events or occurrences; or

(b) Claims or diagnoses that, if an abortion is not performed immediately, the pregnant woman is likely to or will engage in self-destructive conduct or behavior which could result in her death or in substantial or irreversible physical impairment of a major bodily function.

Sec. 6. *1. "Minor" means a person who is:*

(a) Less than 18 years of age;

(b) Unmarried; and

(c) Unemancipated.

2. For the purposes of this section, a person who is less than 18 years of age and unmarried shall not be considered to be emancipated unless the person offers reasonable proof of an order or decree from a court of competent jurisdiction declaring the person to be emancipated pursuant to the method of emancipation provided by NRS 129.080 to 129.140, inclusive, or any other statutes of this State or any other state, territory or possession of the United States or the District of Columbia.

Sec. 7. *1. "Parent" means, with regard to a pregnant woman who is a minor, not more than one parent or guardian of the pregnant woman if at least one parent or guardian of the pregnant woman is living.*

2. The term does not include a parent or guardian whose parental or legal rights have been terminated by a court of competent jurisdiction.

Sec. 8. *"Petition" means a petition filed by a pregnant woman who is a minor or a ward pursuant to section 13 of this act.*

Sec. 9. *"Ward" means a person for whom a legal guardian or conservator has been appointed by an order or decree from a court of competent jurisdiction declaring the person to be mentally or intellectually incompetent, incapacitated or insane.*

Sec. 10. *The Legislature hereby finds and declares that:*

1. A pregnant woman who is a minor or a ward may not have the necessary maturity, emotional development or mental or intellectual competency, capacity or understanding to be capable on her own, without

the assistance of a parent or guardian, to make a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion, which usually presents a difficult, stressful and often overwhelming decision involving potentially significant short-term and long-term physical, emotional and psychological consequences.

2. The provisions of sections 10 to 18, inclusive, of this act are intended to assist a pregnant woman who is a minor or a ward in making a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion by requiring, with certain exceptions, notification of a parent or guardian of the pregnant woman, followed by a waiting period of 48 hours, before a physician may perform an abortion upon the pregnant woman in order to:

(a) Encourage the pregnant woman to seek advice, guidance, counsel and support from a parent or guardian in making a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion; and

(b) Facilitate and foster the involvement of a parent or guardian who can provide advice, guidance, counsel and support to the pregnant woman in making a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion.

Sec. 11. *The provisions of sections 10 to 18, inclusive, of this act:*

1. Must be interpreted to establish conditions on performing an abortion upon a pregnant woman who is a minor or a ward that supplement but do not supplant any other conditions on performing an abortion upon a pregnant woman established by NRS 442.240 to 442.270, inclusive, or any other statutes of this State.

2. Must not be interpreted to amend, annul, repeal, set aside, suspend or in any way make inoperative the provisions of NRS 442.250 which were submitted to and approved by a referendum of the voters pursuant to Section 1 of Article 19 of the Nevada Constitution.

3. Must not be interpreted to require a physician, or a designated agent of the physician, to notify more than one parent or guardian of a pregnant woman who is a minor or a ward.

Sec. 12. *1. In addition to the conditions established by NRS 442.240 to 442.270, inclusive, or any other statutes of this State, and except as otherwise provided in sections 10 to 18, inclusive, of this act, a physician shall not knowingly perform an abortion upon a pregnant woman who is a minor or a ward unless:*

(a) Written notice of the proposed abortion is delivered to at least one parent or guardian of the pregnant woman in the manner required by this section; and

(b) A period of not less than 48 hours has elapsed after the time of delivery of the written notice to at least one parent or guardian of the pregnant woman in the manner required by this section.

2. To deliver the written notice of the proposed abortion required by this section, the physician, or a designated agent of the physician, shall determine the address of the usual place of abode of a parent or guardian of the pregnant woman and deliver the written notice to a parent or guardian by at least one of the following methods:

(a) Personal service addressed to a parent or guardian at his or her usual place of abode and handed directly to a parent or guardian who is an authorized addressee. The time of delivery of the written notice shall be deemed to be the time of the personal service on a parent or guardian.

(b) Certified mail, with restricted delivery and return receipt requested, addressed to a parent or guardian at his or her usual place of abode. The time of delivery of the written notice shall be deemed to be 12 p.m. on the next day on which regular mail delivery takes place after the day on which the written notice is mailed. As used in this paragraph, "restricted delivery" means a postal employee is required to deliver the certified mail only to an authorized addressee.

3. No parent or guardian of the pregnant woman must be notified pursuant to this section before a physician performs an abortion upon the pregnant woman if:

(a) The physician certifies in writing in the medical record of the pregnant woman that a medical emergency exists which necessitates that an immediate abortion must be performed upon the pregnant woman;

(b) A parent or guardian of the pregnant woman certifies in writing that he or she has been notified regarding the abortion to be performed upon the pregnant woman; or

(c) A court has given judicial authorization for a physician to perform the abortion upon the pregnant woman pursuant to sections 10 to 18, inclusive, of this act without notification of a parent or guardian of the pregnant woman.

Sec. 13. *1. If a pregnant woman who is a minor or a ward does not want any parent or guardian to be notified pursuant to section 12 of this act, the pregnant woman may petition the district court to conduct expedited proceedings to determine whether to issue an order authorizing a physician to perform an abortion upon the pregnant woman without notification of a parent or guardian pursuant to section 12 of this act.*

2. Notwithstanding any other statute, regulation or rule to the contrary:

(a) The pregnant woman must not be charged, assessed or held liable for any filing fees or other court fees relating to the petition or the proceedings regarding the petition at any stage of the proceedings, including, without limitation, any appeal, except that the pregnant woman shall pay the special court fee required by Section 16 of Article 6 of the Nevada Constitution unless the pregnant woman does not have the ability to pay that fee.

(b) The rules of civil procedure do not apply to the petition or the proceedings regarding the petition. The Supreme Court shall adopt and issue all necessary rules and orders, which must not be inconsistent with the

provisions of sections 10 to 18, inclusive, of this act, to implement and facilitate expedited and confidential judicial review and resolution of the petition at all stages of the proceedings, including, without limitation, any appeal.

(c) In preparing the petition, the pregnant woman shall initial the petition but shall not sign the petition. The caption and body of the petition must contain only the initials of the pregnant woman to identify the petitioner.

(d) The petition must set forth:

(1) The age of the pregnant woman and whether she is a minor or a ward;

(2) The estimated number of weeks elapsed from the probable time of conception;

(3) The reasons the pregnant woman does not want any parent or guardian of the pregnant woman to be notified pursuant to section 12 of this act; and

(4) Any supporting facts or circumstances that may be relevant and helpful to the district court in determining whether to authorize the proposed abortion without notification of a parent or guardian pursuant to section 12 of this act.

Sec. 14. ***Notwithstanding any other statute, regulation or rule to the contrary:***

1. A petition filed by a pregnant woman who is a minor or a ward and all proceedings regarding the petition:

(a) Are confidential and are not public records;

(b) Must ensure the anonymity of the pregnant woman; and

(c) Must not be made available to or accessible by the public at any stage of the proceedings, including, without limitation, any appeal.

2. The district court and appellate court shall take the necessary steps to ensure, preserve and protect the confidentiality of the petition and the proceedings, except that the district court or appellate court may allow a properly restricted and limited disclosure of the petition or the proceedings to the extent necessary to carry out the provisions of sections 10 to 18, inclusive, of this act, but the district court or appellate court shall take the necessary steps to protect the anonymity of the pregnant woman in any such disclosure.

3. The confidentiality required by this section includes, without limitation, all files, documents and records relating to the proceedings.

4. If the district court or appellate court needs to identify the petition or the proceedings for docketing, scheduling or other administrative purposes in any files, documents or records that are available to the public, including, without limitation, any index, calendar, docket, register, minutes or case management system, such identification must contain only the initials of the pregnant woman to identify the petitioner and must not contain any information that identifies or could lead to the identification of the pregnant woman.

5. If any officer, employee or contractor of this State or a political subdivision of this State, including, without limitation, any officer, employee or contractor of the district court or appellate court or any attorney, guardian ad litem, court appointed special advocate or member of support staff, acquires information concerning the petition or the proceedings regarding the petition in the course of performing the person's duties, the person shall take the necessary steps to ensure, preserve and protect the confidentiality of the information and shall not disclose the information without appropriate authorization.

6. A person who violates this section is guilty of a misdemeanor.

Sec. 15. ***1. If a pregnant woman who is a minor or a ward files a petition, the district court shall:***

(a) Advise her that she is entitled to be represented by a court-appointed attorney; and

(b) Upon her request, appoint such an attorney to represent her at all stages of the proceedings, including, without limitation, any appeal.

2. If the pregnant woman does not request to be represented by a court-appointed attorney, the pregnant woman may participate in the proceedings on her own behalf, except that the district court may appoint an attorney to represent her if the district court determines that such representation would be in her best interests.

3. Whether or not the pregnant woman is represented by a court-appointed attorney, the district court may appoint a guardian ad litem or a court appointed special advocate to represent the pregnant woman if the district court determines that such representation would be in her best interests.

4. If the pregnant woman is represented by a court-appointed attorney, the district court shall set the compensation and expenses of the attorney in a manner that is consistent with the compensation and expenses provided in NRS 7.125 and 7.135 for similar legal work, and the compensation and expenses of the attorney are a charge against the county.

Sec. 16. ***1. After a pregnant woman who is a minor or a ward files a petition, the district court shall:***

(a) Give the petition and the proceedings priority over other pending matters and expedite the proceedings in order to serve the best interests of the pregnant woman as soon as possible and without delay; and

(b) As soon as possible but not later than 5 judicial days after the date on which the petition is filed, hold an expedited hearing on the record regarding the merits of the petition, unless the pregnant woman requests the district court to continue the date of the hearing.

2. At the hearing regarding the merits of the petition, the district court shall take evidence on the record that may be relevant and helpful in determining whether:

(a) The pregnant woman is sufficiently mature and well-informed and, if a ward, competent, to be capable, in consultation with a physician, of making

a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion without notification of a parent or guardian pursuant to section 12 of this act; or

(b) Regardless of whether the pregnant woman is sufficiently mature and well-informed and, if a ward, competent, it otherwise is or would be in the best interests of the pregnant woman to authorize a physician to perform the proposed abortion without notification of a parent or guardian pursuant to section 12 of this act.

3. The district court may take evidence on the record of any other facts or circumstances that may be relevant and helpful in determining whether to authorize a physician to perform the proposed abortion without notification of a parent or guardian pursuant to section 12 of this act.

4. The district court shall order a confidential record of the evidence to be maintained.

5. As soon as possible but not later than 2 judicial days after the date of the hearing regarding the merits of the petition, the district court shall:

(a) Issue a written order granting or denying the petition which must contain specific findings of fact and conclusions of law supporting the decision of the district court; and

(b) File the written order under seal of confidentiality with the district court clerk and serve the pregnant woman with the written order by the most expeditious manner of service feasible under the circumstances.

6. The district court shall grant the petition if, based on the evidence taken on the record at the hearing, the district court finds that:

(a) The pregnant woman is sufficiently mature and well-informed and, if a ward, competent, to be capable, in consultation with a physician, of making a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion without notification of a parent or guardian pursuant to section 12 of this act; or

(b) Regardless of whether the pregnant woman is sufficiently mature and well-informed and, if a ward, competent, it otherwise is or would be in the best interests of the pregnant woman to authorize a physician to perform the proposed abortion without notification of a parent or guardian pursuant to section 12 of this act.

7. If the district court grants the petition:

(a) The district court shall, in its written order, give judicial authorization to permit a physician to perform an abortion upon the pregnant woman in accordance with the provisions of NRS 442.240 to 442.270, inclusive, and without notification of a parent or guardian pursuant to section 12 of this act; and

(b) The district court's written order and its judicial authorization are not subject to an appeal, and no person has standing to take such an appeal.

8. If the district court denies the petition, the pregnant woman may appeal the district court's written order pursuant to section 17 of this act.

Sec. 17. *1. If the district court denies a petition of a pregnant woman who is a minor or a ward, the pregnant woman may appeal the district court's written order to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution.*

2. To take such an appeal, the pregnant woman must file a notice of appeal with the district court clerk not later than 5 judicial days after the date on which the pregnant woman is served with the district court's written order pursuant to section 16 of this act.

3. Not later than 1 judicial day after the date on which the pregnant woman files the notice of appeal with the district court clerk, the pregnant woman shall file a request for expedited relief with the Clerk of the Supreme Court pursuant to the Nevada Rules of Appellate Procedure or any applicable rule or order of the appellate court.

4. The record on appeal must be perfected and transmitted to the appellate court not later than 5 judicial days after the date on which the pregnant woman files the notice of appeal or within such earlier time as may be required by any applicable rule or order of the appellate court.

5. The appellate court shall:

(a) Give the appeal priority over other pending matters and expedite the appeal in order to serve the best interests of the pregnant woman as soon as possible and without delay; and

(b) As soon as possible but not later than 5 judicial days after the date on which the record on appeal is transmitted to the appellate court, issue a written order resolving the appeal.

Sec. 18. *1. Except as otherwise provided in this section, if a person knowingly performs an abortion upon a pregnant woman who is a minor or a ward in violation of section 12 of this act, the person is guilty of a misdemeanor.*

2. In addition to any other remedy or penalty provided by law, but except as otherwise provided in this section, if a person knowingly performs an abortion upon a pregnant woman who is a minor or a ward in violation of section 12 of this act and no parent or guardian of the pregnant woman was properly notified because of the violation, any parent or guardian of the pregnant woman may bring a civil action against the person who performed the abortion for:

(a) Actual and consequential damages;

(b) Punitive damages, which are subject to the provisions of NRS 42.005;

(c) Reasonable attorney's fees and costs; and

(d) Any other legal or equitable relief that the court deems appropriate.

3. A person is immune from criminal prosecution and civil liability pursuant to this section and no parent or guardian of the pregnant woman is entitled to any relief against the person pursuant to this section if the person establishes by written evidence that, before performing the abortion upon the pregnant woman:

(a) A court gave judicial authorization to perform the abortion upon the pregnant woman pursuant to sections 10 to 18, inclusive, of this act without notification of a parent or guardian; or

(b) The person, or the designated agent of the person:

(1) Attempted with reasonable diligence to deliver the notice required by section 12 of this act to at least one parent or guardian of the pregnant woman but was unable to do so; or

(2) Relied upon evidence which would be sufficient to convince a careful and prudent person that the representations of the pregnant woman regarding information necessary to comply with section 12 of this act were bona fide and true.

4. Any immunity provided by this section extends to the performance of the abortion and any necessary accompanying services which are performed in a competent manner.

Sec. 19. ~~[*1. On or before February 28 of each year, on a form prescribed by the Division, each physician shall submit to the Division a complete and accurate report of the following statistical data regarding the application of sections 10 to 18, inclusive, of this act on proposed abortions and abortions involving a pregnant woman who is a minor or a ward:*~~

~~*(a) The number of pregnant women for whom written notice was delivered to a parent or guardian as required by section 12 of this act and of those pregnant women, the number of notices delivered by:*~~

~~*(1) Personal service and of those pregnant women, the number of pregnant women upon whom the physician performed an abortion; and*~~

~~*(2) Certified mail and of those pregnant women, the number of pregnant women upon whom the physician performed an abortion.*~~

~~*(b) The number of pregnant women upon whom the physician performed an abortion without providing written notice to a parent or guardian and of those pregnant women, the number for whom:*~~

~~*(1) The physician certified in writing that a medical emergency existed which necessitated that an immediate abortion had to be performed upon the pregnant woman;*~~

~~*(2) A parent or guardian of the pregnant woman certified in writing that he or she had already been notified; or*~~

~~*(3) A court gave judicial authorization to perform the abortion upon the pregnant woman pursuant to sections 10 to 18, inclusive, of this act without notification of a parent or guardian.*~~

~~*2. Each physician shall take the necessary steps to ensure that the data included in each report does not include any confidential information, including, without limitation, any information that identifies or could lead to the identification of a pregnant woman or a parent or guardian of a pregnant woman.*~~

~~*3. The Division shall impose an administrative penalty of $500 on a physician who does not submit a complete and accurate report within 30 days*~~

~~*after the due date of the report and an additional administrative penalty of $500 for each 30 day period, or portion thereof, that the report is overdue.*~~

~~*4. The Division may bring a civil action in the district court against a physician who, more than 1 year after the report is due, has not submitted the report or has submitted a report that is not complete or accurate. The district court may:*~~

~~*(a) Issue an order requiring the physician to submit a complete and accurate report within the period specified by the district court; or*~~

~~*(b) Hold the physician in contempt and impose a reasonable penalty to enforce the reporting requirement.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~*[1. On or before a date specified by the Division, on a form prescribed by the Division, the Administrative Office of the Courts shall compile and submit annually to the Division the following statistical data regarding the number of cases in which a pregnant woman who is a minor or a ward:*~~

~~*(a) Petitioned the district court pursuant to sections 10 to 18, inclusive, of this act and of those cases, the number of cases in which the district court:*~~

~~*(1) Appointed an attorney for the pregnant woman pursuant to section 15 of this act;*~~

~~*(2) Appointed a guardian ad litem or court appointed special advocate for the pregnant woman pursuant to section 15 of this act;*~~

~~*(3) Granted the petition; and*~~

~~*(4) Denied the petition.*~~

~~*(b) Appealed the order of the district court pursuant to sections 10 to 18, inclusive, of this act, and of those cases, the number of cases in which the appellate court:*~~

~~*(1) Affirmed the order of the district court; and*~~

~~*(2) Reversed the order of the district court.*~~

~~*2. The Administrative Office of the Courts shall take the necessary steps to ensure that the data included in each report does not include any confidential information, including, without limitation, any information that identifies or could lead to the identification of a pregnant woman or a parent or guardian of a pregnant woman.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~*[1. The Division shall compile annually a report containing statistical data about the effect of notification of a parent or guardian of a pregnant woman who is a minor or a ward on the rate of abortion in this State. The statistical data must be compiled from the data required to be submitted annually by physicians pursuant to section 19 of this act and by the Administrative Office of the Courts pursuant to section 20 of this act.*~~

~~*2. On or before June 30 of each year, the Division shall make the report available to the public. The Division shall include in each report statistical data from:*~~

~~*(a) The current year; and*~~

~~*(b) Each previous report it issues pursuant to this section, including, without limitation, any additional or adjusted statistical data the Division has*~~

~~*acquired from late or corrected reports submitted to the Division since the previous report was compiled and issued.*~~

~~*— 3. The Division shall take the necessary steps to ensure that the data included in each report does not include any confidential information, including, without limitation, any information that identifies or could lead to the identification of a pregnant woman or a parent or guardian of a pregnant woman.]*~~ **(Deleted by amendment.)**

Sec. 22. ~~*[1. If the Division fails to make available to the public the report containing statistical data required by section 20 of this act, any group of 10 or more citizens of this State may commence a civil action against the Administrator of the Division in the First Judicial District Court seeking an injunction or other appropriate relief to compel the Administrator to submit a complete report within a period specified by the district court.*~~

~~*— 2. If the district court grants the injunction or other appropriate relief but the Administrator fails to comply with it, the district court may hold the Administrator in contempt and impose a reasonable penalty to enforce the injunction or other appropriate relief.*~~

~~*— 3. The district court shall award reasonable attorney's fees and costs:*~~

~~*— (a) To the plaintiffs, if the court grants the injunction.*~~

~~*— (b) To the Administrator, if the court denies the injunction and the court finds that the civil action was frivolous or vexatious.]*~~ **(Deleted by amendment.)**

Sec. 23. ~~*[1. The Division shall prescribe a form on which each physician licensed in this State shall report the information described in section 19 of this act.*~~

~~*— 2. On or before December 1 of each year, the Division shall provide to each physician the form and a copy of sections 2 to 23, inclusive, of this act.*~~

~~*— 3. To achieve administrative convenience or fiscal savings or to reduce the burden of reporting requirements, the Division may by regulation alter the dates established in subsection 2, subsection 1 of section 19 of this act, or subsection 2 of section 21 of this act or consolidate any forms or reports described in section 19, 20 or 21 of this act. Regardless of any such changes, each physician licensed in this State shall receive a form annually and the Division shall issue a report containing statistical data annually.]*~~ **(Deleted by amendment.)**

Sec. 24. NRS 442.256 is hereby amended to read as follows:

442.256 A physician who performs an abortion shall maintain a record of it for at least 5 years after it is performed. The record must contain:

1. The written consent of the woman;

2. A statement of the information which was provided to the woman pursuant to NRS 442.253; and

3. A description of efforts to give any notice required by ~~[~~NRS 442.255.~~]~~ ***section 12 of this act.***

Sec. 25. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to ~~[NRS 442.255 and 442.2555]~~ ***sections 13 to 16, inclusive, of this act*** to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 441A.510 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 26. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110,

217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 598.0964, 598A.110, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, ***and section 14 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours

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

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

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

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 27. NRS 442.255, 442.2555 and 442.268 are hereby repealed.

Sec. 28. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On October 1, 2015, for all other purposes.

TEXT OF REPEALED SECTIONS

442.255 Notice to custodial parent or guardian; request for authorization for abortion; rules of civil procedure inapplicable.

1. Unless in the judgment of the attending physician an abortion is immediately necessary to preserve the patient's life or health or an abortion is authorized pursuant to subsection 2 or NRS 442.2555, a physician shall not knowingly perform or induce an abortion upon an unmarried and unemancipated woman who is under the age of 18 years unless a custodial parent or guardian of the woman is personally notified before the abortion. If the custodial parent or guardian cannot be so notified after a reasonable effort, the physician shall delay performing the abortion until the physician has

notified the parent or guardian by certified mail at the last known address of the parent or guardian.

2. An unmarried or unemancipated woman who is under the age of 18 years may request a district court to issue an order authorizing an abortion. If so requested, the court shall interview the woman at the earliest practicable time, which must be not more than 2 judicial days after the request is made. If the court determines, from any information provided by the woman and any other evidence that the court may require, that:

(a) She is mature enough to make an intelligent and informed decision concerning the abortion;

(b) She is financially independent or is emancipated; or

(c) The notice required by subsection 1 would be detrimental to her best interests,

➥ the court shall issue an order within 1 judicial day after the interview authorizing a physician to perform the abortion in accordance with the provisions of NRS 442.240 to 442.270, inclusive.

3. If the court does not find sufficient grounds to authorize a physician to perform the abortion, it shall enter an order to that effect within 1 judicial day after the interview. If the court does not enter an order either authorizing or denying the performance of the abortion within 1 judicial day after the interview, authorization shall be deemed to have been granted.

4. The court shall take the necessary steps to ensure that the interview and any other proceedings held pursuant to this subsection or NRS 442.2555 are confidential. The rules of civil procedure do not apply to any action taken pursuant to this subsection.

442.2555 Procedure if district court denies request for authorization for abortion: Petition; hearing on merits; appeal.

1. If the order is denied pursuant to NRS 442.255, the court shall, upon request by the minor if it appears that she is unable to employ counsel, appoint an attorney to represent her in the preparation of a petition, a hearing on the merits of the petition, and on an appeal, if necessary. The compensation and expenses of the attorney are a charge against the county as provided in the following schedule:

(a) For consultation, research and other time reasonably spent on the matter, except court appearances, $20 per hour.

(b) For court appearances, $30 per hour.

2. The petition must set forth the initials of the minor, the age of the minor, the estimated number of weeks elapsed from the probable time of conception, and whether maturity, emancipation, notification detrimental to the minor's best interests or a combination thereof are relied upon in avoidance of the notification required by NRS 442.255. The petition must be initialed by the minor.

3. A hearing on the merits of the petition, on the record, must be held as soon as possible and within 5 judicial days after the filing of the petition. At the hearing the court shall hear evidence relating to:

(a) The minor's emotional development, maturity, intellect and understanding;

(b) The minor's degree of financial independence and degree of emancipation from parental authority;

(c) The minor's best interests relative to parental involvement in the decision whether to undergo an abortion; and

(d) Any other evidence that the court may find useful in determining whether the minor is entitled to avoid parental notification.

4. In the decree, the court shall, for good cause:

(a) Grant the petition, and give judicial authorization to permit a physician to perform an abortion without the notification required in NRS 442.255; or

(b) Deny the petition, setting forth the grounds on which the petition is denied.

5. An appeal from an order issued under subsection 4 may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution, which shall suspend the Nevada Rules of Appellate Procedure pursuant to NRAP 2 to provide for an expedited appeal. The notice of intent to appeal must be given within 1 judicial day after the issuance of the order. The record on appeal must be perfected within 5 judicial days after the filing of the notice of appeal and transmitted to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court. The appellate court of competent jurisdiction, shall, by court order or rule, provide for a confidential and expedited appellate review of cases appealed under this section.

442.268 Civil immunity of person performing judicially authorized abortion in accordance with provisions of NRS 442.240 to 442.270, inclusive. If an abortion is judicially authorized and the provisions of NRS 442.240 to 442.270, inclusive, are complied with, an action by the parents or guardian of the minor against persons performing the abortion is barred. This civil immunity extends to the performance of the abortion and any necessary accompanying services which are performed in a competent manner. The costs of the action, if brought, must be borne by the parties respectively.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 536 to Assembly Bill 405 deletes Section 19 through 23 of the bill, which deletes certain reporting requirements. It also removes the original sponsor of the bill and substitutes a new sponsor.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 414.

Bill read second time and ordered to third reading.

Assembly Bill No. 419.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 363.

AN ACT relating to unclaimed property; clarifying the applicability of the Uniform Unclaimed Property Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Uniform Unclaimed Property Act, which sets forth various provisions relating to the disposition of certain abandoned property. (Chapter 120A of NRS) This bill clarifies that the provisions of the Act do not apply to tangible property held in a safe-deposit box or other safekeeping depository which is not maintained by **: (1)** a bank or other financial institution **~~[.]~~ ; or (2) a safe-deposit company.**

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

Section 1. Chapter 120A of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this chapter do not apply to tangible property held in a safe-deposit box or other safekeeping depository which is not maintained by ~~[a]~~ :

1. A bank or other financial institution ~~[.]~~ ; or

2. A safe-deposit company.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 363 to Assembly Bill 419 clarifies that the provisions of the Uniform Unclaimed Property Act do not apply to tangible property held in a safe-deposit box or other safekeeping depository which is not maintained by a bank or other financial institution or a safe-deposit company.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 435.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 549.

AN ACT relating to district courts; providing for the realignment of certain judicial districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for this State to be divided into 10 judicial districts. (NRS 3.010) The Nevada Constitution authorizes the Legislature, under

certain circumstances, to: (1) alter the boundaries or divisions of those judicial districts; (2) increase or diminish the number of those judicial districts; and (3) increase or diminish the number of judges in those judicial districts. (Nev. Const. Art. 6, § 5)

Section 2 of this bill: (1) increases the number of judicial districts in this State from 10 to 11 judicial districts; (2) ~~[moves]~~ **removes** Mineral County from the Fifth Judicial District **;** ~~[to the Sixth Judicial District; and]~~ (3) removes ~~[Humboldt County]~~ **Lander and Pershing Counties** from the Sixth Judicial District **;** and **(4)** provides that ~~[Humboldt County constitutes]~~ **Lander, Mineral and Pershing Counties constitute** the Eleventh Judicial District. **Section 1** of this bill provides that there must be one district judge for the Eleventh Judicial District, and **section 3** of this bill decreases the number of district judges in the Sixth Judicial District from two to one.

Section 3.5 of this bill provides that the Sixth and Eleventh Judicial District Courts have concurrent jurisdiction over all matters arising from or relating to the administration of the Humboldt River Decree. The venue for any case or proceeding arising from or relating to the administration of the Humboldt River Decree must be determined on an alternating basis between the Sixth and Eleventh Judicial District Courts.

Section 4 of this bill clarifies that this bill does not abrogate or affect the current term of office of any district judge who is serving in that office on July 1, 2015. **Section 4** also provides that on July 1, 2015: (1) the district judge who was serving in Department ~~[2]~~ **1** of the Sixth Judicial District becomes the one district judge for the Eleventh Judicial District; (2) the district judge who was serving in Department ~~[1]~~ **2** of the Sixth Judicial District continues serving as the district judge for the Sixth Judicial District; and (3) the district judges who were serving in Departments 1 and 2 of the Fifth Judicial District continue serving as the district judges for the Fifth Judicial District.

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

Section 1. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

For the Eleventh Judicial District, there must be one district judge.

Sec. 2. NRS 3.010 is hereby amended to read as follows:

3.010 The State is hereby divided into ~~[10]~~ ***11*** judicial districts, as follows:

First Judicial District. Carson City and the County of Storey constitute the First Judicial District.

Second Judicial District. The County of Washoe constitutes the Second Judicial District.

Third Judicial District. The County of Lyon constitutes the Third Judicial District.

Fourth Judicial District. The County of Elko constitutes the Fourth Judicial District.

Fifth Judicial District. The Counties of ~~[Mineral,]~~ Esmeralda and Nye constitute the Fifth Judicial District.

Sixth Judicial District. The ~~[Counties of Lander, Pershing and]~~ ***County of*** Humboldt ~~*[Mineral* constitute]~~ ***constitutes*** the Sixth Judicial District.

Seventh Judicial District. The Counties of Eureka, White Pine and Lincoln constitute the Seventh Judicial District.

Eighth Judicial District. The County of Clark constitutes the Eighth Judicial District.

Ninth Judicial District. The County of Douglas constitutes the Ninth Judicial District.

Tenth Judicial District. The County of Churchill constitutes the Tenth Judicial District.

Eleventh Judicial District. The ~~[County]~~ Counties of ~~[Humboldt constitutes]~~ Lander, Mineral and Pershing constitute the Eleventh Judicial District.

Sec. 3. NRS 3.016 is hereby amended to read as follows:

3.016 For the Sixth Judicial District there must be ~~[two]~~ ***one*** district ~~[judges.]~~ ***judge.***

Sec. 3.5. **1. The Sixth and Eleventh Judicial District Courts have concurrent jurisdiction over all matters arising from or relating to the administration of the Humboldt River Decree. The venue for any case or proceeding arising from or relating to the Humboldt River Decree must be determined on an alternating basis between the Sixth and Eleventh Judicial District Courts.**

2. As used in subsection 1, "Humboldt River Decree" refers collectively to the two decrees entered by the Sixth Judicial District Court in 1930 and 1935 which adjudicated the rights to water from the Humboldt River and its tributaries.

Sec. 4. 1. The amendatory provisions of this act do not abrogate or affect the current term of office of any district judge who is serving in that office on July 1, 2015.

2. On July 1, 2015:

(a) The district judge who was serving in Department ~~[2]~~ **1** of the Sixth Judicial District before July 1, 2015, becomes the one district judge for the Eleventh Judicial District.

(b) The district judge who was serving in Department ~~[1]~~ **2** of the Sixth Judicial District before July 1, 2015, continues serving as the district judge for the Sixth Judicial District.

(c) The district judges who were serving in Departments 1 and 2 of the Fifth Judicial District before July 1, 2015, continue serving as the district judges for the Fifth Judicial District.

Sec. 5. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 549 to Assembly Bill 435 increases from 10 to 11 the number of judicial districts in the state by removing Lander, Mineral, and Pershing counties from the current judicial districts and providing they constitute the eleventh judicial district. It also provides the sixth and eleventh judicial district courts have concurrent jurisdiction over matters relating to the administration of the Humboldt River Decree.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Joint Resolution No. 10 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that upon return from the printer, Assembly Bills Nos. 146, 197, 221, and 395 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 62 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 62.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 571.

AN ACT relating to veterans; establishing "Veterans Day at the Legislature" as a day of observance; revising provisions relating to preferences in state purchasing and state public works for a business owned and operated by a veteran with a service-connected disability; authorizing the Governor to require the naming of a state building, park, highway or other property after a deceased member of the Armed Forces of the United States under certain circumstances; requiring certain state agencies and regulatory bodies to report certain information to the Interagency Council on Veterans Affairs; requiring the Council to report such information to the Legislature; requiring the Director of the Department of Veterans Services to compile in digital form certain information relating to state laws that affect veterans; requiring the Director to provide such information electronically to certain veterans for whom the Department has an electronic mail address of record; requiring the Director to maintain such information on its Internet website; authorizing xeriscaping in the area immediately above and surrounding the interred remains of a veteran at a veterans' cemetery under certain circumstances; providing for the disposition of the unclaimed remains of a veteran by certain county agencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain days of observance in this State to commemorate certain persons or occasions or to publicize information regarding certain important topics. (Chapter 236 of NRS) **Section 1** of this bill establishes the third Wednesday of March during each regular session of the Legislature as "Veterans Day at the Legislature," which is a day of observance and not a legal holiday.

Under existing law, a bid or proposal for a state purchasing contract for which the estimated cost exceeds $50,000 that is submitted by a local business owned by a veteran with a service-connected disability of at least zero percent and who is a responsive and responsible bidder is deemed to be 5 percent lower than the bid or proposal actually submitted. (NRS 333.300, 333.3365, 333.3366) **Section 15** of this bill provides that this 5-percent preference applies with respect to bids or proposals by **local businesses owned and operated by** such veterans for state purchasing contracts for which the estimated cost is more than $50,000 but not more than $250,000. For state purchasing contracts for which the estimated cost is more than $250,000 but less than $500,000, **section 15** makes only a **local business owned and operated by a** veteran with a service-connected disability of 50 percent or more eligible for the 5-percent preference.

Under existing law, a bid submitted by a local business owned by a veteran with a service-connected disability of at least zero percent for a contract for a state public work for which the estimated cost is $100,000 or less is deemed to be 5 percent lower than the bid or proposal actually submitted. (NRS 338.13843, 338.13844) **Section 19** of this bill provides a similar 5-percent preference to a local business owned **and operated** by a veteran with a service-connected disability of 50 percent or more for a contract for a state public work for which the estimated cost is more than $100,000 but less than $250,000.

~~**[** Section 18.5 of this bill revises the ownership qualifications for eligibility of a local business owned by a veteran with a service-connected disability for the 5-percent preference on state purchasing and state public works contracts from one or more veterans with service-connected disabilities to not more than five veterans with service-connected disabilities. (NRS 333.3362, 338.13841)**]**~~

Under existing law, the Purchasing Division and the State Public Works Division of the Department of Administration are required to provide a biannual report to the Legislature, if it is in session, or to the Interim Finance Committee, if the Legislature is not in session, regarding bids or proposals submitted by local businesses owned by a veteran with a service-connected disability for state purchasing and state public works contracts and any such contracts awarded to those businesses. (NRS 333.3368, 338.13846) **Sections 16 and 20** of this bill require those Divisions to also submit such reports to the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs when the Legislature is not in session.

Sections 9, 22, 24, 26, 27 and 31 of this bill provide for the naming by the Governor of a state building, park, monument, bridge, road or other property constructed, acquired, leased or opened on or after July 1, 2015, after deceased members of the Armed Forces of the United States who were residents of this State and killed in action.

Existing law provides for the creation, powers and duties of the Department of Veterans Services and the Interagency Council on Veterans Affairs. (NRS 417.0191-417.105) **Section 28** of this bill requires certain state agencies and regulatory bodies to report to the Council certain information relating to veterans and requires the Council to report such information annually to the Legislature or, if the Legislature is not in session, to the Legislative Commission. **Section 29** of this bill requires the Director of the Department to prepare a digital copy of certain information relating to state laws that affect veterans and services for veterans and to provide the information in digital form to each veteran in this State for whom the Department has an electronic mail address of record. **Section 29** further requires the Director to publish such information on the Department's Internet website.

Existing law provides for the establishment, operation and maintenance of veterans' cemeteries in this State, and further requires a cemetery superintendent to ensure that the area immediately above and surrounding the interred remains of veterans in each veterans' cemetery is landscaped with natural grass. (NRS 417.200-417.230) **Sections 32 and 33** of this bill require a cemetery superintendent to ensure that the area is landscaped with natural grass only if a veteran does not indicate by testamentary instrument or on an application for interment at the cemetery his or her desire to have the area landscaped with xeriscaping.

Section 34.5 of this bill provides for the reporting and disposition of the unclaimed remains of a veteran by the agency in a county that is responsible for interring or cremating the remains of indigent persons.

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

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

The third Wednesday in March during each regular session of the Legislature is established as "Veterans Day at the Legislature" in the State of Nevada in recognition of the contributions veterans have made to the prosperity of Nevada and the United States.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. Chapter 331 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor may, upon receiving a recommendation from the Nevada Veterans Services Commission pursuant to section 26 of this act, direct the Administrator to name after a deceased member of the Armed Forces of the United States a building, ground or other property constructed, acquired, leased or opened on or after July 1, 2015, over which the Administrator has supervision and control pursuant to NRS 331.070.

2. The Administrator shall, as soon as sufficient money is available from the Nevada Will Always Remember Veterans Gift Account created by section 27 of this act, cause to be designed, procured and installed an appropriate marker, plaque, statue or sign bearing the name of the deceased member of the Armed Forces of the United States at or upon the respective building, ground or property as directed by the Governor pursuant to subsection 1.

Sec. 10. NRS 331.010 is hereby amended to read as follows:

331.010 As used in NRS 331.010 to 331.145, inclusive, ***and section 9 of this act,*** unless the context otherwise requires:

1. "Administrator" means the Administrator of the Division.

2. "Buildings and Grounds Section" means the Buildings and Grounds Section of the Division.

3. "Department" means the Department of Administration.

4. "Director" means the Director of the Department.

5. "Division" means the State Public Works Division of the Department.

Sec. 11. NRS 331.080 is hereby amended to read as follows:

331.080 1. ~~[The]~~ ***Except as otherwise provided in section 9 of this act, the*** Administrator may expend appropriated money to meet expenses for the care, maintenance and preservation of the buildings, grounds and their appurtenances identified in NRS 331.070, and for the repair of the furniture and fixtures therein.

2. The Administrator shall take proper precautions against damage thereto, or to the furniture, fixtures or other public property therein.

Sec. 12. NRS 331.101 is hereby amended to read as follows:

331.101 1. The Buildings and Grounds Operating Fund is hereby created as an internal service fund.

2. ~~[All]~~ ***Except as otherwise provided in section 9 of this act, all*** costs of administering the provisions of NRS 331.010 to 331.145, inclusive, ***and section 9 of this act*** must be paid out of the Buildings and Grounds Operating Fund as other claims against the State are paid.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 14.5. **NRS 333.3362 is hereby amended to read as follows:**

333.3362 "Business owned ***and operated*** by a veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13841.

Sec. 15. NRS 333.3366 is hereby amended to read as follows:

333.3366 ***1.*** For the purpose of awarding a formal contract solicited pursuant to subsection 2 of NRS 333.300, if ~~[a]~~ ***:***

(a) A local business owned ***and operated*** by a veteran with a service-connected disability submits a bid or proposal ***for a contract for which the estimated cost is more than $50,000 but not more than $250,000*** and is a responsive and responsible bidder, the bid or proposal shall be deemed to be 5 percent lower than the bid or proposal actually submitted.

(b) A local business owned and operated by a veteran with a service-connected disability which is determined to be 50 percent or more by the United States Department of Veterans Affairs submits a bid or proposal for a contract for which the estimated cost is more than $250,000 but less than $500,000 and is a responsive and responsible bidder, the bid or proposal shall be deemed to be 5 percent lower than the bid or proposal actually submitted.

2. The preferences described in subsection 1 may not be combined with any other preference.

Sec. 16. NRS 333.3368 is hereby amended to read as follows:

333.3368 The Purchasing Division shall ***,*** ~~[report]~~ every 6 months ***, submit*** to the Legislature, if it is in session, or to the Interim Finance Committee ~~[,]~~ ***and the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750,*** if the Legislature is not in session ~~[. The]~~ ***, a*** report ***which*** must contain, for the period since the ***submission of the*** last report:

1. The number of state purchasing contracts that were subject to the provisions of NRS 333.3361 to 333.3369, inclusive.

2. The total dollar amount of state purchasing contracts that were subject to the provisions of NRS 333.3361 to 333.3369, inclusive.

3. The number of local businesses owned ***and operated*** by veterans with service-connected disabilities that submitted a bid or proposal on a state purchasing contract.

4. The number of state purchasing contracts that were awarded to local businesses owned ***and operated*** by veterans with service-connected disabilities.

5. The total number of dollars' worth of state purchasing contracts that were awarded to local businesses owned ***and operated*** by veterans with service-connected disabilities.

6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 18.5. NRS 338.13841 is hereby amended to read as follows:

338.13841 "Business owned ***and operated*** by a veteran with a service-connected disability" means a business:

1. Of which at least 51 percent of the ownership interest is held by one or ~~***[not]***~~ more ~~***[than five]***~~ veterans with service-connected disabilities;

2. That is organized to engage in commercial transactions; and

3. That is managed and operated on a day-to-day basis by one or more veterans with service-connected disabilities.

➥ The term includes a business which meets the above requirements that is transferred to the spouse of a veteran with a service-connected disability upon the death of the veteran, as determined by the United States Department of Veterans Affairs.

Sec. 19. NRS 338.13844 is hereby amended to read as follows:

338.13844 1. For the purpose of awarding a contract for a public work of this State for which the estimated cost is $100,000 or less, as governed by NRS 338.13862, if a local business owned ***and operated*** by a veteran with a service-connected disability submits a bid, the bid shall be deemed to be 5 percent lower than the bid actually submitted.

2. ***For the purpose of awarding a contract for a public work of this State for which the estimated cost is more than $100,000 but less than $250,000, if a local business owned and operated by a veteran with a service-connected disability that has been determined to be 50 percent or more by the United States Department of Veterans Affairs submits a bid and is a responsive and responsible bidder, the bid shall be deemed to be 5 percent lower than the bid actually submitted.***

3. The ~~[preference]~~ ***preferences*** described in ~~[subsection]~~ ***subsections*** 1 ***and 2*** may not be combined with any other preference.

Sec. 20. NRS 338.13846 is hereby amended to read as follows:

338.13846 The Division shall ***,*** ~~[report]~~ every 6 months ***, submit*** to the Legislature, if it is in session, or to the Interim Finance Committee ~~[,]~~ ***and the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750,*** if the Legislature is not in session ~~[. The]~~ ***,*** ***a*** report ***which*** must contain, for the period since the ***submittal of the*** last report:

1. The number of contracts for public works of this State that were subject to the provisions of NRS 338.1384 to 338.13847, inclusive.

2. The total dollar amount of contracts for public works of this State that were subject to the provisions of NRS 338.1384 to 338.13847, inclusive.

3. The number of local businesses owned ***and operated*** by veterans with service-connected disabilities that submitted a bid ~~[or proposal]~~ on a contract for a public work of this State.

4. The number of contracts for public works of this State that were awarded to local businesses owned ***and operated*** by veterans with service-connected disabilities.

5. The total number of dollars' worth of contracts for public works of this State that were awarded to local businesses owned ***and operated*** by veterans with service-connected disabilities.

6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.

Sec. 21. (Deleted by amendment.)

Sec. 22. Chapter 407 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor may, upon receiving a recommendation from the Nevada Veterans Services Commission pursuant to section 26 of this act, direct the Administrator to name, subject to the provisions of NRS 407.065, a state park, monument or recreational area constructed, acquired, leased or opened on or after July 1, 2015, after a deceased member of the Armed Forces of the United States.

2. The Administrator shall, as soon as sufficient money is available from the Nevada Will Always Remember Veterans Gift Account created by section 27 of this act, cause to be designed, procured and installed an appropriate marker, plaque, statue or sign bearing the name of the deceased member of the Armed Forces of the United States at or upon the respective state park, monument or recreational area as directed by the Governor pursuant to subsection 1.

Sec. 23. NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) Except as otherwise provided in this paragraph ~~[,]~~ ***and section 22 of this act,*** may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas. The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) Except as otherwise provided in this paragraph, shall impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The Division shall issue an annual permit for entering, camping and boating in all state parks and recreational areas in this State:

(1) Upon application therefor and proof of residency and age, to any person who is 65 years of age or older and has resided in this State for at least 5 years immediately preceding the date on which the application is submitted.

(2) Upon application therefor and proof of residency and proof of status as described in subsection 5 of NRS 361.091, to a bona fide resident of the State of Nevada who has incurred a permanent service-connected disability of 10 percent or more and has been honorably discharged from the Armed Forces of the United States.

➥ The permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.

(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

(g) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature. The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

(h) In addition to any concession specified in paragraph (f), may establish concessions within the boundaries of any state park to provide for the sale of food, drinks, ice, publications, sundries, gifts and souvenirs, and other such related items as the Administrator determines are appropriately made available to visitors. Any money received by the Administrator for a concession established pursuant to this paragraph must be deposited in the Account for State Park Interpretative and Educational Programs and Operation of Concessions created by NRS 407.0755.

2. The Administrator:

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee.

3. An annual permit issued pursuant to subsection 2 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

4. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d), (e) and (f) of subsection 1 or subsection 2 must be deposited in the State General Fund.

Sec. 24. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor may, upon receiving a recommendation from the Nevada Veterans Services Commission pursuant to section 26 of this act, require the Director to name, subject to the provisions of this chapter, a highway, road, bridge or transportation facility of this State constructed, acquired, leased or opened on or after July 1, 2015, after a deceased member of the Armed Forces of the United States.

2. The Director shall, as soon as sufficient money is available from the Nevada Will Always Remember Veterans Gift Account created by section 27 of this act, cause to be designed, procured and installed an appropriate marker, plaque, statue or sign bearing the name of the deceased member of the Armed Forces of the United States at or upon the respective highway, road, bridge or transportation facility as required by the Governor pursuant to subsection 1.

Sec. 25. Chapter 417 of NRS is hereby amended by adding thereto the provisions set forth as sections 26 to 29, inclusive, of this act.

Sec. 26. ***1. The Nevada Veterans Services Commission shall recommend to the Governor:***

(a) The names of deceased members of the Armed Forces of the United States to be honored pursuant to the provisions of section 9, 22 or 24 of this act. Each deceased member must have been:

(1) A resident of this State; and

(2) Killed in action.

(b) The building, ground, property, park, monument, recreational area, highway, road, bridge or transportation facility of this State constructed, acquired, leased or opened on or after July 1, 2015, which may be named after each deceased member recommended to the Governor pursuant to paragraph (a).

2. The Commission shall develop criteria to be used in determining the names to be recommended to the Governor pursuant to subsection 1.

Sec. 27. ***1. The Nevada Will Always Remember Veterans Gift Account is hereby created in the State General Fund.***

2. The Director and the Deputy Director may accept donations, gifts and grants of money from any source for deposit in the Account.

3. The money deposited in the Account pursuant to subsection 2 must only be used to pay for the design, procurement and installation of markers, plaques, statues or signs bearing the names of deceased members of the Armed Forces of the United States pursuant to the provisions of section 9, 22 and 24 of this act.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. Any money remaining in the Account at the end of the each fiscal year does not revert to the State General Fund, but must be carried forward to the next fiscal year.

Sec. 28. ***1. Each state agency and regulatory body identified in subsections 2 to 15, inclusive, shall report, subject to any limitations or***

restrictions contained in any state or federal law governing the privacy or confidentiality of records, the data identified in subsections 2 to 15, inclusive, as applicable, to the Interagency Council on Veterans Affairs. Each state agency and regulatory body shall submit such information to the Council not later than November 30 of each year and shall provide the information in aggregate and in digital form, and in a manner such that the data is capable of integration by the Council.

2. The Department of Administration shall provide:

(a) Descriptions of and the total amount of the grant dollars received for veteran-specific programs;

(b) The total number of veterans employed by each agency in the State; and

(c) The total number of veterans with service-connected disabilities who are seeking preferences through the Purchasing Division and the State Public Works Division of the Department of Administration pursuant to NRS 333.3368 and 338.13846.

3. The State Department of Conservation and Natural Resources shall provide the total number of veterans receiving:

(a) Expedited certification for the grade I certification examination for wastewater treatment plant operators based on their military experience; and

(b) Any discounted fees for access to or the use of state parks.

4. The Department of Corrections shall provide:

(a) An annual overview of the monthly population of inmates in this State who are veterans; and

(b) The success rates for any efforts developed by the Incarcerated Veterans Reintegration Council.

5. The Office of Economic Development shall provide an overview of the workforce that is available statewide of veterans, organized by O*NET-SOC code from the United States Department of Labor or the trade, job title, employment status, zip code, county, highest education level and driver's license class.

6. The Department of Education shall provide the distribution of dependents of service members enrolled in Nevada's public schools.

7. The Department of Employment, Training and Rehabilitation shall provide a summary of:

(a) The average number of veterans served by a veteran employment specialist of the Department per week;

(b) The average number of initial and continuing claims for benefits filed per week by veterans pursuant to NRS 612.455 to 612.530, inclusive;

(c) The average weekly benefit received by veterans receiving benefits pursuant to chapter 612 of NRS; and

(d) The average duration of a claim by claimants who are veterans receiving benefits pursuant to chapter 612 of NRS.

8. The Department of Health and Human Services shall provide:

(a) The total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency Medical Technician and Paramedic through the State Emergency Medical Systems program; and

(b) A report from the State Registrar of Vital Statistics setting forth the suicide mortality rate of veterans in this State.

9. The Department of Motor Vehicles shall provide:

(a) The total number of veterans who have declared themselves as a veteran and who applied for and received a commercial driver's license;

(b) The average monthly total of veteran license plates issued; and

(c) An overview of the data on veterans collected pursuant to NRS 483.292 and 483.852.

10. The Adjutant General shall provide the total number of:

(a) Members of the Nevada National Guard using waivers for each semester and identifying which schools accepted the waivers;

(b) Members of the Nevada National Guard identified by Military Occupational Specialty and zip code; and

(c) Members of the Nevada National Guard employed under a grant from Beyond the Yellow Ribbon.

11. The Department of Public Safety shall provide the percentage of veterans in each graduating class of its academy for training peace officers.

12. The Department of Taxation shall provide the total number of veterans receiving tax exemptions pursuant to NRS 361.090, 361.091, 361.155, 371.103 and 371.104.

13. The Department of Wildlife shall provide the total number of:

(a) Veterans holding hunting or fishing licenses based on disability; and

(b) Service members holding hunting or fishing licenses who are residents of this State but are stationed outside this State.

14. The Commission on Postsecondary Education shall provide, by industry, the total number of schools in this State approved by the United States Department of Veterans Affairs that are serving veterans.

15. Each regulatory body shall provide the total number of veterans and service members applying for licensure by the regulatory body.

16. The Council shall, upon receiving the information submitted pursuant to this section, synthesize and compile the information, including any recommendations of the Council, and submit the information with the report submitted pursuant to subsection 3 of NRS 417.0195.

17. As used in this section:

(a) "Regulatory body" has the meaning ascribed to it in NRS 622.060.

(b) "Service member" has the meaning ascribed to it in NRS 125C.0635.

Sec. 29. ***1. The Director shall, not later than September 1 following each regular session of the Legislature, prepare a digital copy of the provisions of NRS relating to veterans and transmit a digital copy to each veteran in this State for whom the Department has an electronic mail address of record.***

2. The Director shall, to the extent practicable, include with the digital copy provided pursuant to subsection 1, a memorandum that includes:

(a) A description of each statute newly enacted by the Legislature which affects veterans in this State. The memorandum may compile each statute into one document.

(b) A description of each bill, or portion of a bill, newly enacted by the Legislature that appropriates or authorizes money for veterans, or otherwise affects the amount of money that is available for veterans' services, including, without limitation, each line item in a budget for such an appropriation or authorization. The memorandum may compile each bill, or portion of a bill, as applicable, into one document.

(c) If a statute or bill described in the memorandum requires the Director or the Department to take action to carry out the statute or bill, a brief plan for carrying out such duties.

(d) The date on which each statute and bill described in the memorandum becomes effective and the date by which each statute and bill must be carried into effect.

3. If a statute or bill described in subsection 2 is enacted during a special session of the Legislature that concludes after July 1, the Director shall, to the extent practicable, prepare an addendum to the memorandum that includes the information required by this section for each such statute or bill. The addendum must be provided electronically to each veteran who received the memorandum not later than 30 days after the conclusion of the special session.

4. The Director shall publish a digital copy of the information prepared pursuant to this section on the Internet website maintained by the Department.

Sec. 30. (Deleted by amendment.)

Sec. 30.5. **NRS 417.105 is hereby amended to read as follows:**

417.105 1. Each year on or before October 1, the Department shall review the reports submitted pursuant to NRS 333.3368 and 338.13846.

2. In carrying out the provisions of subsection 1, the Department shall seek input from:

(a) The Purchasing Division of the Department of Administration.

(b) The State Public Works Board of the State Public Works Division of the Department of Administration.

(c) The Office of Economic Development.

(d) Groups representing the interests of veterans of the Armed Forces of the United States.

(e) The business community.

(f) Local businesses owned ***and operated*** by veterans with service-connected disabilities.

3. After performing the duties described in subsections 1 and 2, the Department shall make recommendations to the Legislative Commission regarding the continuation, modification, promotion or expansion of the

preferences for local businesses owned ***and operated*** by veterans with service-connected disabilities which are described in NRS 333.3366 and 338.13844.

4. As used in this section:

(a) "Business owned ***and operated*** by a veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13841.

(b) "Local business" has the meaning ascribed to it in NRS 333.3363.

(c) "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843.

Sec. 31. NRS 417.190 is hereby amended to read as follows:

417.190 The Nevada Veterans Services Commission shall:

1. Advise the Director and Deputy Director.

2. Make recommendations to the Governor, the Legislature, the Director and the Deputy Director regarding aid or benefits to veterans.

3. Make recommendations to the Governor pursuant to section 26 of this act.

Sec. 32. NRS 417.200 is hereby amended to read as follows:

417.200 1. The Director shall establish, operate and maintain a veterans' cemetery in northern Nevada and a veterans' cemetery in southern Nevada, and may, within the limits of legislative authorization, employ personnel and purchase equipment and supplies necessary for the operation and maintenance of the cemeteries. The Director shall employ a cemetery superintendent to operate and maintain each cemetery.

2. The cemetery superintendent shall ***, if a veteran does not indicate by testamentary instrument that the veteran desires to have the area immediately above and surrounding the interred remains of the veteran landscaped with xeriscaping, or if an application for interment submitted pursuant to NRS 417.210 does not indicate that the veteran desires to have the area immediately above and surrounding the interred remains of the veteran landscaped with xeriscaping,*** ensure that the area immediately above and surrounding the interred remains ***of the veteran*** in ~~[each]~~ ***the*** veterans' cemetery is landscaped with natural grass.

3. A person desiring to provide voluntary services to further the establishment, maintenance or operation of either of the cemeteries shall submit a written offer to the cemetery superintendent which describes the nature of the services. The cemetery superintendent shall consider all such offers and approve those he or she deems appropriate. The cemetery superintendent shall coordinate the provision of all services so approved.

Sec. 33. NRS 417.210 is hereby amended to read as follows:

417.210 1. A veteran who is eligible for interment in a national cemetery pursuant to the provisions of 38 U.S.C. § 2402 is eligible for interment in a veterans' cemetery in this State.

2. An eligible veteran, or a member of his or her immediate family, or a veterans' organization recognized by the Director may apply for a plot in a cemetery for veterans in this State by submitting a request to the cemetery superintendent on a form to be supplied by the cemetery superintendent. The

cemetery superintendent shall assign available plots in the order in which applications are received. ***The application for interment must provide for a selection to have the area immediately above and surrounding the interred remains of the applicant landscaped with natural grass or xeriscaping.*** A specific plot may not be reserved before it is needed for burial. No charge may be made for a plot or for the interment of a veteran.

3. One plot is allowed for the interment of each eligible veteran and for each member of his or her immediate family, except where the conditions of the soil or the number of the decedents of the family requires more than one plot.

4. The Director shall charge a fee for the interment of a family member, but the fee may not exceed the actual cost of interment.

5. As used in this section, "immediate family" means the spouse, minor child or, when the Director deems appropriate, the unmarried adult child of an eligible veteran.

Sec. 34. NRS 417.220 is hereby amended to read as follows:

417.220 1. The Account for Veterans Affairs is hereby created in the State General Fund.

2. Money received by the Director or the Deputy Director from:

(a) Fees charged pursuant to NRS 417.210;

(b) Allowances for burial from the United States Department of Veterans Affairs or other money provided by the Federal Government for the support of veterans' cemeteries;

(c) Receipts from the sale of gifts and general merchandise;

(d) Grants obtained by the Director or the Deputy Director for the support of veterans' cemeteries; and

(e) Except as otherwise provided in subsection 6 and NRS 417.145 and 417.147, ***and section 27 of this act,*** gifts of money and proceeds derived from the sale of gifts of personal property that he or she is authorized to accept, if the use of such gifts has not been restricted by the donor,

➥ must be deposited with the State Treasurer for credit to the Account for Veterans Affairs and must be accounted for separately for a veterans' cemetery in northern Nevada or a veterans' cemetery in southern Nevada, whichever is appropriate.

3. The interest and income earned on the money deposited pursuant to subsection 2, after deducting any applicable charges, must be accounted for separately. Interest and income must not be computed on money appropriated from the State General Fund to the Account for Veterans Affairs.

4. The money deposited pursuant to subsection 2 may only be used for the operation and maintenance of the cemetery for which the money was collected. In addition to personnel he or she is authorized to employ pursuant to NRS 417.200, the Director may use money deposited pursuant to subsection 2 to employ such additional employees as are necessary for the operation and maintenance of the cemeteries, except that the number of such additional full-time employees that the Director may employ at each cemetery must not

exceed 60 percent of the number of full-time employees for national veterans' cemeteries that is established by the National Cemetery Administration of the United States Department of Veterans Affairs.

5. Except as otherwise provided in subsection 7, gifts of personal property which the Director or the Deputy Director is authorized to receive but which are not appropriate for conversion to money may be used in kind.

6. The Gift Account for Veterans Cemeteries is hereby created in the State General Fund. Gifts of money that the Director or the Deputy Director is authorized to accept and which the donor has restricted to one or more uses at a veterans' cemetery must be accounted for separately in the Gift Account for Veterans Cemeteries. The interest and income earned on the money deposited pursuant to this subsection must, after deducting any applicable charges, be accounted for separately for a veterans' cemetery in northern Nevada or a veterans' cemetery in southern Nevada, as applicable. Any money remaining in the Gift Account for Veterans Cemeteries at the end of each fiscal year does not revert to the State General Fund, but must be carried over into the next fiscal year.

7. The Director or the Deputy Director shall use gifts of money or personal property that he or she is authorized to accept and for which the donor has restricted to one or more uses at a veterans' cemetery in the manner designated by the donor, except that if the original purpose of the gift has been fulfilled or the original purpose cannot be fulfilled for good cause, any money or personal property remaining in the gift may be used for other purposes at the veterans' cemetery in northern Nevada or the veterans' cemetery in southern Nevada, as appropriate.

Sec. 34.5. Chapter 451 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the county agency that is responsible for interring or cremating the remains of indigent persons obtains custody of the unclaimed human remains of a deceased person whom the county agency knows, has reason to know or reasonably believes is a veteran, the county agency shall report the name of the deceased person to the Department of Veterans Services as soon as practicable after obtaining custody of the remains.

2. Upon receipt of a report made pursuant to subsection 1, the Department of Veterans Services shall determine whether the deceased person is a veteran who is eligible for interment at a national cemetery pursuant to 38 U.S.C. § 2402 or a veterans' cemetery pursuant to NRS 417.210. The Department shall provide notice of the determination to the county agency.

3. If the Department of Veterans Services provides notice pursuant to subsection 2 to a county agency of a determination that a deceased person is a veteran who:

(a) Is eligible for interment at a national cemetery or a veterans' cemetery, the county agency shall arrange for the proper disposition of the veteran's remains with:

(1) A national cemetery or veterans' cemetery; or

(2) The Department of Veterans Services.

(b) Is not eligible for interment at a national cemetery or a veterans' cemetery and is indigent, the county agency shall cause the veteran's remains to be decently interred or cremated in the county.

4. A county agency that is responsible for interring or cremating the remains of indigent persons is immune from civil or criminal liability for any act or omission with respect to complying with the provisions of this section.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 34.7. NRS 451.005 is hereby amended to read as follows:

451.005 As used in NRS 451.010 to 451.470, inclusive, ***and section 34.5 of this act,*** unless the context otherwise requires, "human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and the cremated remains of a body.

Sec. 35. (Deleted by amendment.)

Sec. 36. The provisions of subsection 1 of NRS 218D.380 do not apply to the reporting requirements of NRS 333.3368, as amended by section 16 of this act, the reporting requirements of NRS 338.13846, as amended by section 20 of this act, or the reporting requirements of section 28 of this act.

Sec. 37. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 38. (Deleted by amendment.)

Sec. 39. This act becomes effective on July 1, 2015.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

I worked with the Chairman of this committee as well as some of the other members of the committee to further clarify a section of this bill that was put in during the committee. Section 18.5 is now deleted, and we have a little more clarity regarding who is considered the veteran with the disability. So the business is owned and operated now, which you will see throughout the bill.

This is my original bill from 2009 so I wanted to ensure the integrity of the bill and to clarify the legislative intent. I also wanted to make sure that more veterans could participate in the process.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 16.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 16 provides that an employee of or a contractor or volunteer for a prison commits unauthorized custodial conduct if he or she voluntarily engages or attempts to engage in certain sexual acts with a prisoner. Acts that constitute unauthorized custodial conduct are listed in the bill. The penalty provided for unauthorized custodial conduct is a gross misdemeanor or a

misdemeanor, unless a greater penalty is provided. The bill clarifies that unauthorized custodial conduct does not include acts of an employee of or a contractor or volunteer for the prison that are performed to carry out official duties.

Further, the measure provides that an employee of or contractor or volunteer for a prison commits sexual abuse of a prisoner if he or she attempts to engage in certain sexual acts, as listed in the bill, whether or not the prisoner consents to a sexual act. The employee, contractor, or volunteer who commits sexual abuse of a prisoner is guilty of a category D felony. This bill also provides that a prisoner who voluntarily engages in sexual conduct with a person who is not an employee of or a contractor or volunteer for a prison is guilty of a category D felony. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 16:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 32.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 32 makes various changes relating to taxes imposed by the Department of Motor Vehicles [DMV] on the sale of special fuels, including expanding the definition of "special fuel dealer" to include a person who sells liquefied natural gas and who delivers that fuel into the fuel tank of a motor vehicle not owned or controlled by that person; reducing the rate on the sale or use of liquefied petroleum gas from 21 cents per gallon to 6.4 cents per gallon; changing the conversion rate on liquefied petroleum gas from 125 cubic feet per gallon to 36.3 cubic feet or 4.2 pounds per gallon; establishing a conversion rate for liquefied natural gas equal to 6.06 pounds per gallon; and requiring that special fuel dealers report all quantities of special fuel sold in gallons when the tax return is filed. This act becomes effective on July 1, 2015.

This Assembly bill corrects technical issues discovered during the interim regarding the conversion of special fuels to gallons and the application of the tax rate to the converted gallons of special fuel between the DMV and the special fuel taxpayers. The provisions of this bill related to the conversion of compressed natural gas and maintaining the current statutory 21 cent per gallon tax rate require a two-thirds vote to rectify the issue discovered during the interim.

Roll call on Assembly Bill No. 32:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 32 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 65.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 65 makes various changes relating to the regulation of notaries public and document preparation services. The bill clarifies that criminal convictions based on a plea of nolo

contendere, or no contest, can result in the suspension or revocation of the appointment of notaries public. The bill also clarifies that a person whose appointment as a notary public has expired or been suspended or revoked shall not represent him or herself as a notary public or face a potential civil penalty for such a violation.

The bill prohibits the Secretary of State from appointing as a notary public or registering as a document preparation service any person who previously served as a notary public or a document preparation service in this state or another state whose appointment or registration has been revoked for cause. The measure allows a person who holds employment authorization from the United States Citizenship and Immigration Services to register a document preparation service. Finally, the bill authorizes the Secretary of State to inspect the documents required to be maintained by a document preparation service to ensure compliance with the law. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 65:

YEAS—37.

NAYS—Fiore, Moore, Seaman, Shelton—4.

EXCUSED—Woodbury.

Assembly Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 81.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 81 revises the definition of a "treatment provider" to include a licensed or certified psychologist; marriage and family therapist; social worker; or alcohol, drug, and gambling counselor. If a court orders an offender to complete a treatment program for alcoholism or drug abuse, the treatment provider must be approved by the court. A court is authorized to allow a person to complete any remaining treatment under the supervision of a treatment provider in another jurisdiction who holds a license, certificate, or other credential issued by a regulatory agency of that jurisdiction.

The bill also revises the duties of the court when offering a treatment program to an offender. If a person chooses to participate in a treatment program and the court has a specialty court for the supervision and monitoring of the person, then the treatment provider must comply with the requirements of the specialty court.

Roll call on Assembly Bill No. 81:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 86.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Assembly Bill 86 makes various changes to the governance of the Silver State Health Insurance Exchange. The bill expands the number of voting members the Governor shall appoint to the Exchange's Board of Directors from five to seven, thereby expanding the total number of voting

Board members from seven to nine. Additionally, A.B. 86 removes the restriction against appointing a person to the Board who is affiliated in any way with a health insurer; however, it limits the number of voting members of the Board that may represent any particular area of expertise or experience. Finally, the measure provides for compensation of Board members and reduces the minimum number of Board meetings from once per quarter to once per year.

Roll call on Assembly Bill No. 86:

YEAS—21.

NAYS—Elliot Anderson, Araujo, Bustamante Adams, Carlton, Carrillo, Diaz, Fiore, Flores, Joiner, Jones, Kirkpatrick, Moore, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson, Titus—20.

EXCUSED—Woodbury.

Assembly Bill No. 86 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that the Assembly reconsider the action whereby Assembly Bill No. 86 was refused passage.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 86 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 93.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 93 requires psychiatrists, psychologists, clinical professional counselors, marriage and family therapists, and social workers to complete at least two hours of instruction on evidence-based suicide prevention and awareness in order to renew their licenses. The bill is effective on July 1, 2016.

Roll call on Assembly Bill No. 93:

YEAS—29.

NAYS—Dickman, Dooling, Edwards, Ellison, Fiore, Hansen, Jones, Moore, Seaman, Shelton, Titus, Trowbridge—12.

EXCUSED—Woodbury.

Assembly Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 129.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 129 subjects certain traceable amounts of annuity benefits listed as an asset on an application for a loan or pledged as payment for a loan to execution by certain creditors of the person who bought the annuity.

Roll call on Assembly Bill No. 129:

YEAS—40.

NAYS—Bustamante Adams.

EXCUSED—Woodbury.

Assembly Bill No. 129 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 164.

Bill read third time.

Remarks by Assemblymen Titus, Fiore, Ohrenschall, and Carlton.

ASSEMBLYWOMAN TITUS:

Assembly Bill 164 authorizes a manufacturer to provide, or make available, an investigational drug, biological product, or device to a patient diagnosed with a terminal condition that, without the administration of life-sustaining treatment, will result in death within one year, if a physician prescribes or recommends such drugs, products, or devices after certain conditions are met. An investigational drug, biological product, or device is defined as one that: (a) has successfully completed Phase 1 of a clinical trial; (b) has not been approved by the United States Food and Drug Administration [FDA]; and (c) is currently being tested in a clinical trial approved by the FDA. An informed written consent must be signed by the patient that contains certain information on the potential consequences of the use of this investigational drug, product, or devices. A physician or professional nurse is not subject to disciplinary action for prescribing or recommending such drugs, products, or devices when authorized to do so. The bill exempts a physician or any person or governmental entity from the misdemeanor penalty otherwise imposed against a person who engages in certain acts related to investigational drugs or biological products. Also, the bill makes it a misdemeanor for any officer, employee, or agent of the state to prevent a patient from accessing an investigational drug, biological product, or device if certain requirements are met. This bill is effective upon passage and approval.

ASSEMBLYWOMAN FIORE:

I am really excited about Assembly Bill 164. My colleague in Assembly District 12 and I have worked hard on this bill, and I would really appreciate all of your support. This is the Right to Try bill that, once you are diagnosed with a terminal illness, you can try several things. I want to thank my colleague for working together on this bill. Thank you for your support.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 164. "My father loves life," she said. "He wants to live." We heard this from Elayna Youchah, a daughter from Las Vegas who dearly loves her dad. That was back on March 6 in front of your Committee on Health and Human Services. She was testifying in support of Assembly Bill 164. Elayna's father is terminally ill with a very painful form of cancer called multiple myeloma. Elayna's dad has exhausted all treatment options available to him currently except for an experimental medication that has not made it through the Food and Drug Administration [FDA] trial process yet but is considered very promising. This experimental medication is available to some terminally ill patients through clinical trials. Unfortunately, none of those clinical trials are here in our state. Elayna's father is very frail, very ill; it is difficult for him to get around the block much less for him to travel out of state. Elayna supported this bill because it could potentially save her father's life as well as the lives of many other people who have come forward to express their support for the right to try experimental medications that have passed through Phase 1 of the FDA's clinical trials but do not yet have final FDA approval.

I want to remind you that final FDA approval can take between 10 and 15 years, and for many terminally ill patients, that is a lethal pace. It is a pace we should not expect our constituents to have to wait for. Assembly Bill 164 is a small step toward cutting some of the red tape to allow someone to make the choice to try a medication that could save their life. Fortunately, most of us

will never feel the frustration of knowing that there is a medication out there that could save a loved one's life but is off-limits because it does not yet have the FDA official stamp of approval.

Assembly Bill 164 is about allowing an adult to make the decision to move forward with a medication after that first phase of testing but before final approval which could take an additional ten years and could come too late. Fourteen states have passed very similar legislation. Thirteen of those states have acted through state legislative action. One state, Arizona, passed it at the ballot with over 80 percent of the vote.

Currently, for patients like Elayna's dad, there are two options in terms of trying to get a medication that has not made it through the FDA process. Clinical trials are available if you are lucky enough to have one in your home state. Or if you are well enough and have the resources, you could travel to a medical center where it is being tried. There is also something called the FDA's compassionate use exception. This came about back in the 1980s when many of our brothers and sisters were sick with the AIDS Virus. An organization called Act Up got very involved and urged the FDA to try to offer a compassionate use exception. And they did. They let people with HIV try these new medications that had not made it through the process. It is wonderful that we have that compassionate use exception offered by the Food and Drug Administration. In 2014 the FDA granted 6,000 compassionate use exceptions. That is according to *The New York Times*. According to the American Cancer Society, in 2014 there were 1,665,540 new cancer diagnoses in the United States and in 2014, 585,720 cancer deaths. I would argue that those statistics are unacceptable, and asking our constituents to have only those two options just will not cut it.

You may ask how a bill can change policy like this. In response to the Right to Try legislation that is sweeping across the nation, the FDA has in the last couple of months streamlined the compassionate use exception application process, which used to be very laborious in terms of the amount of paperwork that a dying patient had to fill out. It has gone from about 100 hours of paperwork—I kid you not, 100 hours, that is from the Government Accounting Office as to what they estimate it took to fill out the Compassionate Use paperwork—to about 45 minutes. So the legislation has not only changed things at the state level, but it has helped influence federal policy. I hope the body will look favorably on this legislation.

I do want to thank my colleague from Assembly District 4. She was the sponsor of Assembly Bill 358, and I think we took the best parts of both bills and put them together. I want to thank the Chairman of the Committee on Health and Human Services who worked very hard on this bill. Thank you to my colleagues from Districts 39, 36, 27, 30, 38, and the good doctor from Smith Valley who led the working group and my colleague from Sparks who was also in the working group. I think it is about time we passed this bill.

ASSEMBLYWOMAN CARLTON:

There has been some confusion on the amendment that was proposed, and I think I need to put some intent on the record. The amendment was eliminating the hospice provision that could possibly be negotiated, and I wanted to make sure that depending upon how the hospice is dealt with in each individual person's case, this does not give them the right or take the right away, it merely deals with the issue of it being taken away through the informed consent process that is there. If there are any other questions, I would be happy to answer them.

Roll call on Assembly Bill No. 164:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 3:07 p.m.

ASSEMBLY IN SESSION

At 3:12 p.m.
Mr. Speaker presiding.
Quorum present.

Assembly Bill No. 179.
Bill read third time.
Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 179 expands the definition of "personal information" for the purpose of requiring business entities that collect such information to provide certain security measures to ensure the information is protected. The revised definition includes a driver authorization card number, a medical identification number or health insurance identification number, and a user name, unique identifier, or e-mail address, in combination with a password, access code, or a security question and answer that would permit access to an online account. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 179:
YEAS—41.
NAYS—None.
EXCUSED—Woodbury.
Assembly Bill No. 179 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 189.
Bill read third time.
Remarks by Assemblymen Wheeler and Dooling.

ASSEMBLYMAN WHEELER:

Assembly Bill 189 makes various changes relating to special license plates. The bill requires an application by a charitable organization for a special license plate to include a budget prepared by or for the organization if it is not a governmental entity whose budget is included in the *Executive Budget*. This bill further requires that organization to provide the Commission on Special License Plates annually with a report on the organization's budget detailing how the special plate fees have been expended and a copy of its most recent federal tax return, if any. The measure also requires the organization to annually publish the tax return on its website or in a newspaper of general circulation in the county where the organization is based.

This bill further authorizes the Commission to request the Legislative Commission to direct the Legislative Auditor to perform an audit of any charitable organization receiving fees from the sale of special license plates if the Commission has reasonable cause to believe or has received a credible complaint that the organization has filed with the Commission or the Department forms or records that are inadequate or inaccurate; committed improper practices of financial administration; or failed to use adequate methods and procedures to ensure that all money received by the organization from special license plates is appropriately expended.

Finally, A.B. 189 provides that all records related to the receipt or use of money from the sale of special license plates are public records and are available for public inspection.

ASSEMBLYWOMAN DOOLING:

I rise in support of Assembly Bill 189. To paraphrase Justice Brandeis, sunlight is the best disinfectant. I doubt many, if any, of the charitable organizations subject to the audit created by this bill will fail. But I would not be a responsible steward of public funds if I did not push for

transparency and accountability from private recipients of those funds. This bill provides needed oversight, and I am very proud to support it.

Roll call on Assembly Bill No. 189:

YEAS—37.

NAYS—Araujo, Carlton, Diaz, Sprinkle—4.

EXCUSED—Woodbury.

Assembly Bill No. 189 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 214.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 214 authorizes a limited portion of the money in the Contingency Account for Victims of Human Trafficking to be used for fundraising for the direct benefit of the Contingency Account. The bill eliminates the requirements of review and recommendation by the Grants Management Advisory Committee of the Department of Health and Human Services if the Director determines that an emergency exists and an allocation of money from the Contingency Account is needed immediately.

The bill increases the penalty for soliciting a child for prostitution from a category E felony to a category E felony for a first offense, a category D felony for a second offense, and a category C felony for a third and subsequent offense. Lastly, the bill prohibits the court granting probation to, or suspending the sentence of, a person convicted of a third or subsequent offense of soliciting a child for prostitution. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 214:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 219.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 219 revises provisions governing the program established by the Court Administrator for the certification of court interpreters for persons with language barriers. Specifically, this bill changes terms referring to "certification" with terms referring to "credentialing" and replaces references to "language barriers" with references to "limited English proficiency." In addition, the bill requires an interpreter to be appointed at public expense for a person with limited English proficiency who is a party or witness in a civil proceeding. This bill is effective on October 1, 2015.

I know there are certain members of this body who were confused about limited English proficiency, and I wanted to let you know that the bill is not intended to cover considerations regarding individuals with sensory impairments such as visual or hearing losses as those are addressed under the disability rights sections of our law. Another part of our statute already addresses their access.

I also want to clarify that if we do not adopt civil cases along with criminal cases, Nevada could be in clear violation of Title VI of the Civil Rights Act of 1964. I want to leave in your mind that when we are talking about these civil cases, we are talking about child custody, child support cases, landlord-tenant cases, and also temporary or extended protective orders. It is my belief that if we clear these barriers in our courts and we are actually interpreting what is happening for defendants in the language they understand, we are going to be more effective. People will understand what they are held accountable to, what they need to follow through with, and we will avoid this merry-go-round with people not satisfying the requirements because they did not understand what was asked of them.

Roll call on Assembly Bill No. 219:

YEAS—30.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Oscarson, Seaman, Shelton, Titus, Wheeler—11.

EXCUSED—Woodbury.

Assembly Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 223 revises provisions concerning the abuse, neglect, exploitation, and isolation of older and vulnerable persons. "Abandonment" is defined as the desertion of an older person or vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care or withdrawal of necessary assistance owed to an older person or vulnerable person by a caretaker or other person with an obligation to provide services to the person. References to the term "abandonment" are added to provisions of existing law. Other terms are clarified, including the term "abuse" to mean the infliction of psychological or emotional anguish, pain, or distress on an older person or vulnerable person through any act and permitting such acts to be committed, and the term "isolation" to include permitting acts that constitute isolation to be committed against an older person or vulnerable person.

The bill removes from current law the option for a person who knows or has reasonable cause to believe that an older person has been subjected to certain acts to report such information to the county's office for protective services. Finally, A.B. 223 provides that if data or information concerning the confidential reports and investigations of the abuse, neglect, exploitation, isolation, or abandonment is made available, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 223:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 236.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 236 encourages each state agency, to the extent practicable and within the limits of available funding, to develop a policy to promote public engagement that includes the use of the Internet and Internet tools, including electronic mail, electronic mailing lists, online forums, and social media. This bill further authorizes a state agency to designate an employee as a public engagement specialist to implement the agency's policy on public engagement and to the extent feasible, provide training on public engagement to other employees of the agency. The bill further encourages a state agency to engage in a town hall meeting in a county whose population is 100,000 or less if the agency intends to propose a major change to an existing policy of the agency. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 236:

YEAS—31.

NAYS—Armstrong, Dickman, Dooling, Fiore, Moore, O'Neill, Seaman, Silberkraus, Titus, Wheeler—10.

EXCUSED—Woodbury.

Assembly Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 252.

Bill read third time.

Remarks by Assemblymen Moore, Thompson, Fiore, Stewart, Ohrenschall, Dickman, Carlton, and Hickey.

ASSEMBLYMAN MOORE:

I rise in support of Assembly Bill 252. This is a commonsense bill that will assist this body in drawing maps that we are mandated to draw. This is simply an advisory group that will ensure the Legislature is looking at proposals that are fair, constitutional, and reasonable. I urge your support.

ASSEMBLYMAN THOMPSON:

I rise in opposition to Assembly Bill 252. The Legislature knows how to do its job on redistricting. The confidence was entrusted to this body by the framers of the state constitution, and we should not just give that up. Additionally, I have concerns about public comment and engagement. I really do not feel comfortable with the language and where it is lightly referenced in the bill. We must ensure that we take the time to engage people from various communities. It should be an inclusive, well thought out, and transparent process.

ASSEMBLYWOMAN FIORE:

I rise in support of Assembly Bill 252. This is a great bill that will help this body through a very complicated and controversial redistricting process. This bill will help ensure the 2011 Session does not repeat itself, and the Legislature will fulfill our constitutional duties to redistrict. I urge your support.

ASSEMBLYMAN STEWART:

All this bill does is to prepare for what is coming. The last redistricting—a few of us were here, and we had a real struggle. It went on for some time. This bill prepares us by having this commission set up a program where we have a group of people get together and plan for the redistricting. They prepare three maps, they provide the personnel to get ready, and their proposals are ready after the census has been taken and the 2021 Session is underway. They will have a head start for getting things done as far as redistricting is concerned.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to A.B. 252. In response to the comments from your Chairman of Legislative Operations and Elections, we have a group of people tasked to redraw the districts

after the decennial census—the Nevada Legislature. That authority is vested in this body and in the other Chamber by the Nevada Constitution. I am troubled by the bill. I am troubled by the fact that the commission can meet throughout the interim, will have subpoena powers during the interim. These are powers that belong to the Legislature and should not be delegated to a commission that is not composed of us.

ASSEMBLYWOMAN DICKMAN:

I rise in support of A.B. 252. I am hearing all these comments that it is the Legislature's job, but as I recall, they did not get it done last time. I think it is great to have a head start, and I am in support of the bill.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Assembly Bill 252. Being one of the few people in this body who has been through redistricting twice, I understand the complications of doing it. This body did do its job last time. We passed two bills. They did not make it, but we did our jobs. We spent many Saturdays talking to constituents, going over maps, driving around our districts meeting with folks making sure their voices were heard in the process. The first time I did this, it was an ugly process. It is an ugly process. It is a political process. The second time we did it, it was the same. And the next time we do it, it is going to be the same. You cannot abdicate your responsibilities to do your job under the constitution. That is what this bill does.

ASSEMBLYMAN HICKEY:

I rise in support of this bill. I, too, have witnessed the process, and while we may have gotten input from constituents, the fact is the Legislature punted the last time. All this bill does, as my colleague from Henderson said, is to give us a head start, to begin compiling the information and having the discussions. It will not take away from our legislatively mandated duties to make that decision and vote on a plan. The last vote that we took in the previous round of things did not reflect any real discussion between the two parties. I was on that committee, and for that reason, I think this helps us do our job. It does not take away from us doing it.

Roll call on Assembly Bill No. 252:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

EXCUSED—Woodbury.

Assembly Bill No. 252 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 287.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 287 makes it a gross misdemeanor for a person to knowingly or willfully make or cause to be made a call to report an emergency on any nonemergency telephone line maintained by a governmental entity if no actual or perceived emergency exists. A person who makes such a call with the intent to initiate an emergency response is guilty of a category E felony if the emergency response results in the death or serious bodily injury of another. In addition, a person who is convicted of a category E felony for such an offense is liable for any costs incurred by any governmental entity as a result of his or her conduct. Finally, this bill provides that it is an affirmative defense to a violation charged pursuant to the provisions of this bill if it is proven by a preponderance of the evidence that the defendant suffers from a mental illness or is intellectually disabled. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 287:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 287 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 288.

Bill read third time.

Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:

Assembly Bill 288 provides that any mortgage servicer, mortgagee, beneficiary of a deed of trust, or an authorized agent of such a person is deemed to be in compliance with existing state law governing the servicing of residential mortgage loans if that person is in compliance with the Final Servicing Rules issued by the federal Consumer Financial Protection Bureau. If the Final Servicing Rules are repealed or held invalid or otherwise lapse, the servicer, mortgagee, beneficiary, or authorized agent is subject to the provisions of state law. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 288:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 288 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 301.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Assembly Bill 301 allows a unit owner in a common-interest community to display the state of Nevada flag as long as it is not larger than the size of the displayed United States flag.

Roll call on Assembly Bill No. 301:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Paul Anderson moved that the Assembly recess until 5:15 p.m.

Motion carried.

Assembly in recess at 3:43 p.m.

ASSEMBLY IN SESSION

At 5:50 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 88, 172, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 351.
Bill read third time.
Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 351 revises the criteria to be met before the Department of Business and Industry may issue a bond or other obligation to finance the acquisition, construction, improvement, restoration, or rehabilitation of property, buildings, or facilities of a charter school. The bill requires the charter school to have received, within the immediately preceding two consecutive school years, one of the three highest performance ratings pursuant to the statewide system of accountability for public schools. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 351:
YEAS—40.
NAYS—None.
EXCUSED—Ellison, Woodbury—2.
Assembly Bill No. 351 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 352.
Bill read third time.
Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Assembly Bill 352 limits the prohibition on carrying concealed firearms in public buildings to public buildings that have both metal detectors at each public entrance and signs at each public entrance stating that no firearms are allowed in the building.

Roll call on Assembly Bill No. 352:
YEAS—26.
NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Carlton, Diaz, Flores, Joiner, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—14.
EXCUSED—Ellison, Woodbury—2.
Assembly Bill No. 352 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 384.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 384 establishes the Nevada Oral History Program in the Research Division of the Legislative Counsel Bureau [LCB]. The Legislative Commission shall approve a plan and procedures to conduct oral histories of current and former legislators. Materials are confidential unless released pursuant to policies approved by the Legislative Commission. The Director of the LCB may accept gifts, grants, or donations in support of the program.

Roll call on Assembly Bill No. 384:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 391.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 391 expands the property tax exemption for certain property owned by a religious society or corporation to include parcels of land used exclusively for worship, including both developed and undeveloped portions of a parcel.

Roll call on Assembly Bill No. 391:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 415.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 415 revises the definition of “farm” with regard to the use of water to include two or more tracts of land that are owned or leased by the same person within a federal reclamation project and primarily used for agricultural purposes, regardless of whether the tracts are contiguous to one another.

Roll call on Assembly Bill No. 415:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 422.
Bill read third time.
Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:
Assembly Bill 422 provides that the handlebar on a motorcycle or moped may extend not more than six inches above the driver's shoulder. The bill also prohibits a local authority from enacting an ordinance governing the operation and equipment of a motorcycle or a moped that conflicts with any existing state laws. This measure is effective on October 1, 2015.

Roll call on Assembly Bill No. 422:
YEAS—40.
NAYS—None.
EXCUSED—Ellison, Woodbury—2.
Assembly Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 424.
Bill read third time.
Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:
Assembly Bill 424 creates the Account for the Statewide Alert System for the Safe Return of Abducted Children in the State General Fund. The bill requires the Committee for the Statewide Alert System to administer the Account, and any monies remaining at the end of a fiscal year do not revert to the State General Fund but rather are carried forward to the next fiscal year. Members of the Committee who are not representatives of an agency in the Executive Department of state government may receive reimbursements to the extent that money is available. The Committee is also authorized to apply for gifts, grants, and donations, which must be deposited into the Account. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 424:
YEAS—40.
NAYS—None.
EXCUSED—Ellison, Woodbury—2.
Assembly Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 425.
Bill read third time.
Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:
Assembly Bill 425 revises the membership of the Committee on Emergency Medical Services to provide that the member appointed by the State Board of Health who is a volunteer firefighter must instead be a volunteer for an organization that provides emergency medical services. The bill also revises the membership of the Committee to provide that the member who is employed by a fire-fighting agency at which volunteer firefighters also serve must instead be employed by a fire-fighting agency at which some firefighters and persons who provide emergency medical services for the agency are employed and some serve as volunteers. Any person who is licensed as an attendant or certified as an emergency medical technician, advance emergency medical

technician, or paramedic is included in the definition of a "provider of health care." This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 425:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 425 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 428.

Bill read third time.

Remarks by Assemblyman Munford.

ASSEMBLYMAN MUNFORD:

Assembly Bill 428 exempts the Nevada Rural Housing Authority from the provisions of the Local Government Purchasing Act. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 428:

YEAS—39.

NAYS—Benitez-Thompson.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 429 and 460 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Assembly Bill 444 creates the Subcommittee on Civil Procedure of the Advisory Commission on the Administration of Justice. The measure authorizes the Commission to request the drafting of not more than five legislative measures that relate to matters within the scope of the Commission. Lastly, the bill eliminates the Commission's Subcommittee on Juvenile Justice to remove the overlap in statutory duties with the Legislative Committee on Child Welfare and Juvenile Justice. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 444:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 447.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 447 revises existing provisions relating to the statewide performance evaluation system for educators. The bill requires that the 50 percent pupil achievement data used in evaluating an employee's overall performance be comprised of 25 percent from statewide examinations and assessments and 25 percent from assessments approved by both the school district board of trustees and the Superintendent of Public Instruction. The measure also delays until the 2016 2017 school year implementation of the statewide performance evaluation system for counselors, librarians, and other licensed educational personnel.

There is a lot going on with our statewide evaluation system now. This bill is an attempt to get it right. We need to get it right because other states have gone through problems, and so we are delaying it a little while to ensure that we are not getting sued and that we are fair to our teachers and our other personnel.

Roll call on Assembly Bill No. 447:

YEAS—39.

NAYS—Titus.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 449.

Bill read third time.

Remarks by Assemblymen Silberkraus and Carlton.

ASSEMBLYMAN SILBERKRAUS:

Assembly Bill 449 provides for the issuance of a special license plate supporting the Boy Scouts of America. Fees from these license plates are to be used to assist boys from low income families with the costs of participating in Boy Scouts and promote the Boy Scouts of America in schools. The bill also provides for the issuance of a special license plate recognizing a person who has achieved the rank of Eagle Scout. Fees from these plates are to be used to assist boys with the costs of participating in local area camps sponsored by the Boy Scouts of America.

Similarly, A.B. 449 provides for the issuance of special license plates recognizing a person who has been awarded the Girl Scout Gold Award by the Girl Scouts of America. Fees from these license plates are to be used to assist girls from low-income families with the costs of participating in Girl Scouts, and promote the Girl Scouts of America in schools.

Finally, the bill provides that special license plates recognizing a person who has achieved the rank of Eagle Scout in the Boy Scouts of America or has been awarded the Girl Scout Gold Award by the Girl Scouts of America are exempt from the requirements that a special license plate generally must be approved by the Department of Motor Vehicles based on a recommendation from the Commission on Special License Plates; is subject to a limitation on the number of separate designs of special license plates that the Department may issue at any one time; and may not be designed, prepared, or issued by the Department unless a certain minimum number of applications for the license plate is received.

ASSEMBLYWOMAN CARLTON:

I truly do support this bill, but I have some concerns about it circumventing the Commission on Special License Plates that was established in 2003. I have some questions to the sponsor. If this is totally going around the Commission, is it outside of the caps for Tier 1 and Tier 2 license plates?

ASSEMBLYMAN SILBERKRAUS:

Thank you to my distinguished colleague. As far as the first plate, the one supporting general scouting for Boy Scouts, that one would go through the Commission and would be in the queue and would not be moving ahead. For the plates recognizing Eagle Scouts and Girls Scout Gold Award recipients, as restricted plates, only individuals who have received those awards would be eligible for them. They would go around that 30 cap as we do with other recognition awards, be they veterans, public servants, or hall of fame athletes.

ASSEMBLYWOMAN CARLTON:

I did not see in the legislation where the Boy Scout or Girl Scout plate would be in the queue. It says that the Department will design, implement, accept the bond, but it did not say—and if you can point it out to me, I would love to be corrected because I would love to vote for this. I am the wife of an Eagle Scout, and I was a Girl Scout for 25 years and a Girl Scout leader just as long. I just want to make sure if they are in the queue, which tier they fall in. If they are going to bump the autism folks, or the conservation folks, or the food bank, or the Olympic committee; if they are going to bump Keep Memory Alive or the Women's Resource Medical Center, I would like to know where they are going to be in the queue.

ASSEMBLYMAN SILBERKRAUS:

I appreciate your comments and no, they would not bump them. The Boy Scouts are more than happy to wait in the queue, just like everybody else. I believe if you go through the bill, the exemption is placed behind the Eagle Scout section and behind the Girl Scout Gold Award section. It is not behind the Boy Scout section, so they would not be exempt from those provisions.

ASSEMBLYWOMAN CARLTON:

I am sorry, it is late in the day and I am confused. We have not had a piece of legislation that has addressed license plates in this building since 2003 when former Speaker Perkins put the bill in. We had two license plates attached to that, and those are the last two plates that have come out of this building, and I know that because I brokered the deal. I am not sure what is going to happen with this Boy Scout plate. I will support this today, but I have serious concerns about bringing plates to this body. Sooner or later, we are going to have to tell somebody no. It is easy to tell everybody yes. But sooner or later, we need to tell them to get in line with everyone else who has been waiting for five to ten years.

ASSEMBLYMAN SILBERKRAUS:

I appreciate your comments. I appreciate your support, and I believe the boys and the girls and the adults who support the Boys Scouts and the Girls Scouts of America appreciate your support as well.

Roll call on Assembly Bill No. 449:

YEAS—39.

NAYS—Carlton.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 449 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 451.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 451 revises provisions relating to the University of Nevada, Las Vegas, Campus Improvement Authority originally approved by the Legislature pursuant to Assembly Bill 335 of the 2013 Session. The bill extends the date by which the Authority must conclude its business by two years, from September 30, 2015, to September 30, 2017, and requires that the Authority submit an additional report to the Legislature containing recommendations of the Authority. Assembly Bill 451 additionally changes the boundaries of the Authority area to include all parcels of property that are located not more than 1.5 miles from the current boundary, as well as specifying that the meetings of the Board of Directors of the Authority may be held anywhere within Clark County, rather than only within the boundaries of the Authority area. This act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 451:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 451 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 456.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 456 repeals six inactive boards, committees, and similar entities, as recommended by the Sunset Subcommittee of the Legislative Commission. The provisions to repeal entities are effective upon passage and approval. Conforming revisions to statutes are effective on July 1, 2015.

Roll call on Assembly Bill No. 456:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 457.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Assembly Bill 457 allows for reports. We went through all the reports that were available, and we got rid of obsolete reports. That is what A.B. 457 does. I urge your support.

Roll call on Assembly Bill No. 457:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 8.

Resolution read third time.

Remarks by Assemblymen Dickman, Elliot Anderson, Ohrenschall, Hickey, Armstrong, Carlton, and Wheeler.

ASSEMBLYWOMAN DICKMAN:

Assembly Joint Resolution 8 proposes to amend the Nevada Constitution to require an affirmative vote of not less than two-thirds of the voters voting on any measure that increases revenue through a tax, fee, assessment, or rate. This requirement applies to any measure resulting from an initiative petition or a referendum from the Legislature. If approved in identical form during the 2017 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election.

We all remember the Gibbons tax restrain initiative that was passed overwhelmingly in the nineties, and I just think that the people should have an opportunity to decide if we should have that same restriction on ballot initiatives.

ASSEMBLYMAN ELLIOT ANDERSON:

I respectfully rise in opposition to Assembly Joint Resolution 8. I guess my opposition comes from two different avenues on this measure. I regret that two-thirds is the new 50 percent. We are talking here about a basic power of government. Taxing and spending are basic powers. We are not talking about impeachment. We are not taking about overriding a veto. We are not talking about something structural like that. I am opposed to two-thirds being the new 50 percent for regular powers of government.

Secondly, what this really does is take away power from the people. It makes it harder for the people to exercise their will. As long as we have had a republic, we have held sacrosanct 50 percent plus one. If you have one more vote than the next person, the majority rules, and this takes us farther away from that standard. I urge the body to reject A.J.R. 8.

ASSEMBLYMAN OHRENSCHALL:

I, too, rise in opposition to A.J.R. 8. Nevada has always prided itself on being a progressive state. We have initiative, referendum, and recall—things that came from folks like Senator Robert M. LaFollette, a good Republican senator from Wisconsin. We adopted these things. We value our state legislative process, but we also want our citizens to be able to enact policy through direct action.

My concern with how broadly A.J.R. 8 is written is that it basically nullifies the initiative process. It is not limited to a simple tax increase. It affects anything that might have any kind of a fee. I look at very popular initiatives that have passed in history—the Pistol Initiative after the *Kelo vs. New London* decision. People were mad when the U.S. Supreme Court said you could take private property for redevelopment purposes and for private use, not a public use as we traditionally understood. People supported Pistol. It got 60.81 percent of the vote. It is next to impossible to reach that two-thirds majority. I have looked back and so far, I have not found an initiative that surpassed that two-thirds majority. I am concerned that we are nullifying the citizens' right to enact policy through the initiative process. If we are going to do that, then I think we should just go to the Constitution and be honest with our voters and take that out.

ASSEMBLYMAN HICKEY:

I rise in support of A.J.R. 8. I agree with the opponents to a certain degree about the voice of the people in these matters with regards to initiatives. I probably would not support this would it not be going to a vote of the people. The people themselves can decide that. One of the reasons why this is worthy of their consideration, along with ours, is that we have said for a long time that budgeting should not be done by the ballot box. That is putting the onus on us. We are going to be looking at budget matters and taxing matters this session, and we are going to take votes and take heat for those who may disagree with it. This is a good measure, and I am voting for it because it will go to a vote of the people and they can weigh in on it.

ASSEMBLYMAN ARMSTRONG:

I rise in support of A.J.R. 8. I want to address my colleague from Assembly District 12. We do not have to look that far to see that we had a petition that had a two-thirds vote. Last November we saw a vote that received two-thirds of a total against a ballot initiative. I would like to remind people that we have to work together for the state and to collaborate for the best possible message. We are asking the people to decide if they want to have the same restraints as we do as a body. That would force people to come to measures they support in a bi-partisan way. I do not see that as a bad thing—asking the people that question.

ASSEMBLYWOMAN CARLTON:

I have concerns about A.J.R. 8. I rise in opposition. It seems a bit ironic to me that it is going to take a basic majority of voters to pass a two-thirds initiative. I think giving that much power to a small minority of people does not serve the whole the best way it can. If we truly believe this is the way we want to go, then A.J.R. 8 should be a two-thirds vote also.

ASSEMBLYMAN WHEELER:

I rise in support of A.J.R. 8. It is obvious to me that we should send this question to the people to see if they want to change the Constitution to make this happen. That is all we are doing with this vote. We are not approving a two-thirds vote, we are not approving any type of constitutional change other than the fact that we send it to the people if it passes this house twice.

Roll call on Assembly Joint Resolution No. 8:

YEAS—23.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

EXCUSED—Ellison, Woodbury—2.

Assembly Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 109.

Bill read third time.

Remarks by Assemblywoman Shelton.

ASSEMBLYWOMAN SHELTON:

Senate Bill 109 authorizes a board of county commissioners to initiate proceedings to sell or lease a county-owned telephone system by adopting a resolution to evaluate the propriety of receiving offers for the sale or lease of the system without the requirement of holding a primary or general election or obtaining approval of the registered voters of the county. The bill requires a board of county commissioners that adopts such a resolution to receive offers to sell a county-owned telephone system to contract with an expert to market and sell or lease the telephone system in a commercially reasonable manner, removing the requirement for newspaper advertisements. The board is not required to accept the highest bid but must consider other factors, including the return on investment to the county, the preservation of jobs, future revenue, and local control of the telephone system. Finally, the bill requires that at least three days before the board votes to accept or reject a proposed sale or lease, a notice must be published at least once in a local newspaper. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 109:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Senate Bill No. 109 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson requested that the following proclamation be entered in the journal.

PROCLAMATION

WHEREAS, The Nevada Legislature in 2007 authorized creation of the Advisory Council on Parental Involvement and Family Engagement (Council) to actively promote and support the participation and engagement of families and communities in the lives and academic success of all Nevada students; and

WHEREAS, The Council is comprised of parents or legal guardians, school teachers and administrators, business representatives, and school board trustees of urban and rural districts, and represents the diversity of the families served; and

WHEREAS, Historically, the Nevada Legislature has supported the Council in the belief that all Nevada families are welcomed and encouraged to participate in their children's education and are afforded opportunities for active involvement, which is strengthened through collaboration with the community; and

WHEREAS, The Council recognizes that family involvement in a student's life is key to each student's achievement and ability to reach the potential of his or her talents, interests, and goals; and

WHEREAS, The Council demonstrates, through its work, the belief that families are the most important educational resource in children's lives and families are the strongest partner that classroom teachers and school administrators have in preparing students for college and career success; and

WHEREAS, The Council has adopted national Parent Teacher Association standards to enrich the preparation and professional development of educators to include family engagement components; and

WHEREAS, It is in the best interest of all Nevadans to strengthen the bonds among families, schools, and the larger communities of neighborhoods, cities, counties, and states on behalf of all of our students; now, therefore be it

PROCLAIMED, That the work of the Advisory Council on Parental Involvement and Family Engagement is hereby commended for promoting family involvement in the education of all of Nevada's students; and be it further

PROCLAIMED, That all families and community members are encouraged to fully participate in the education of our students through active involvement in our schools and in the lives of Nevada children.

DATED this 16th day of April, 2015.

TERESA BENITEZ-THOMPSON
Nevada State Assemblywoman

DEBBIE SMITH
Nevada State Senator

MOISES MO DENIS
Nevada State Senator

JOYCE WOOD HOUSE
Nevada State Senator

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Oberg and Kimberly Regan.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Jodi Tyson, Dorian Stonebarger, Vicki Jackson, and Margarita Carrera.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Manuel Terriquez, Daisy Tamayo, Ilse Ortega, Sarah Nicholson, Bianca Arelleno, Carli Delchini, Daisy Flores, Brandon Reyes, Arturo Ayala, Stephanie Serafin, Daniela Ruiz, Leo Ramierez, Lila Leigh, Cade Davidson, Victoria Gomez, Diana Dominguez, Kalolaine Malafu, Kimberly Ochoa, Arturo Rodriguez, Lizette Valencia, Leslie Perez, Wendy Rojas, Nathan Cervantes, Diland Perez, Brandon Corral, Efrain Cervantes, Milly Nemendez, Evelyn Mendoza, Brandon Jacobo, Victor Corral, Brandon Egan, Yahir Mendoza, Denette Corrales, and Rose Avila.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Stacie Wilke.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Lacinda Waggener.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Jeffrey Hinton.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Ciardullo.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Dena Durish.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Mendel Cunin, Sarah Cunin, Diana Hoffman, LaTorre Nixon, Larissa Hansen, Alexis Hansen, Nick Smith, and Jana Moyes.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Harris, Karen Mowry, and Jennifer Hoy.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Kaia Bartling and LeNora Bredsguard-Brown.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Campitelli.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Darcy Houghton and Sean Davison.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Fitzgibbons and Heide Labastida.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Shelton, Jill Shelton, Carlos Shelton, Nicole Shelton, and Mark Shelton.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Jenna Allen, Gina Bielich, Dylan Blackwell, Emily Cox, Jacob Cox, Danielle Garza, Scott Gruel, Catelyn Higgins, Laci Hinojosa, Michael Kessin, Brennan Killoran, Malia Lindsey, Emma Madrid, Daichi Molde, Maison Nieken, Ava Paonessa, Olivia Pecoraro, Austin Penny, Mia Pereira, Casandra Roel, MaKenna Rosselli, Benjamin Smith, Chloe Torti, Matthew Woolsey, Revan Adams, Kemji Agu, Gabrail Batz, Paige Beaumier, Elizabeth Biek, Emma Broecker, Ava Carter, Olivia Charron, Ariel Dixon, Noah Fakhouri, Austin Forsythe, Anthony Hayes, Olivia Huang, Preston Kim, Liam Lawrence, Mackenzi Martinez, Morgan McCoy, Keegan Pryer, Alex Riccio, Andrew Specht, Francesca Steider, Joshua Valencia, Michelle Watts, Jolie Brislin, and Carlos Blumberg.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Theresa Randolph and Michelle Gach.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Paldi.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Rhodes.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Kelcey West, Michael Maxwell, and Stevan Corbett.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, April 17, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 6:33 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly