

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 17, 2015

Assembly called to order at 1:41 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Woodbury, who was excused.

Prayer by the Chaplain, Rajan Zed.

Om

Bhur bhuvah svah

tat Savitur varenyam

bhargo devasya dhimahi

dhiyo you nah prachodayat

We meditate on the transcendental Glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky, and inside the soul of the Heaven. May He stimulate and illuminate our minds.

Asato ma sad gamaya

Tamaso ma jyotir gamaya

Mrityor mamrtam gamaya

Lead me from the unreal to the Real

Lead me from darkness to Light.

Lead me from death to immortality.

niyatam kuru karma tvam karma jyayo hyakarmanah

sairayatrapī ca ten a prasiddhyedakarmanah

yajnarthatkarnano'nyatra loko'yam karmabandhanah

tadartham karma kaunteya muktasangah samacara

Fulfill all your duties; action is better than inaction. Even to maintain your body, you are obliged to act. Selfish action imprisons the world. Act selflessly, without any thought of personal profit.

tasmadasaktah satatam karyam karma samcara

asakto hyacarankarma paramapnoti purusah

karmanaiba hi samsiddhimasthita janakadayah

lokasangrahavevapi sampasyankartumarhasi

Strive constantly to serve the welfare of the world; by devotion to selfless one attains the supreme goal of life. Do your work with the welfare of others always in mind.

Om saha naavavatu

Saha nau bhunaktu

Saha viiryan karavaavahai

Tejasvi naavadhiitamastu

Maa vidhivishhaavahai

May we be protected together.

May we be nourished together.

May we work together with great vigor.

May our study be enlightening.
May no obstacle arise between us.

sanani va akutih
samana hridayani vah
samanam astu vo mano
yatha vah susahasti

United your resolve, united your hearts, may your spirits be at one, that you may long together dwell in unity and concord!

Om Shanti, Shanti, Shanti.
Peace, Peace, Peace be unto all.
Om.

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. 249, 292, 389, 454, 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 were referred Assembly Bills Nos. 226, 421, 448, 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 Legislative Operations and Elections, to which were referred Assembly Bills Nos. 177, 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 289, 381, 461, 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 Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBIN L. TITUS, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 326, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 16, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 78, Amendments Nos. 261, 583, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 68, 231, 242, 250, 273, 329, 401, 441, 443.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 153, 224, 261, 289, 293, 303, 312.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 17, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 182, 233, 316 and 332.

CINDY JONES
Fiscal Analysis Division

Assemblyman Paul Anderson moved that Assembly Bills Nos. 152 and 320 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 405 and 414 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

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

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 370, 374, 375, 419, 429, 435, and 460 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 68.

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

Motion carried.

Senate Bill No. 153.

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

Motion carried.

Senate Bill No. 224.

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

Motion carried.

Senate Bill No. 231.

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

Motion carried.

Senate Bill No. 242.

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

Motion carried.

Senate Bill No. 250.

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

Motion carried.

Senate Bill No. 261.

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

Motion carried.

Senate Bill No. 273.

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

Motion carried.

Senate Bill No. 289.

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

Motion carried.

Senate Bill No. 293.

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

Motion carried.

Senate Bill No. 303.

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

Motion carried.

Senate Bill No. 312.

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

Motion carried.

Senate Bill No. 329.

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

Motion carried.

Senate Bill No. 401.

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

Motion carried.

Senate Bill No. 441.

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

Motion carried.

Senate Bill No. 443.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 59.

Bill read second time.

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

Amendment No. 601.

SUMMARY—~~Clarifies~~ **Revises** the authority ~~and expands the jurisdiction of~~ of the Administrator of the State Public Works Division of the Department of Administration regarding leases for **certain** office rooms for state agencies, boards and commissions. (BDR 27-299)

AN ACT relating to the Department of Administration; ~~expanding the jurisdiction of~~ **revising the authority of** the Administrator of the State Public Works Division of the Department of Administration ~~to~~ **with respect to the leasing of certain office rooms;** requiring the Administrator to consider regulations adopted by the State Public Works Division when entering into **such** real property leases; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law establishes the jurisdiction of the Administrator of the State Public Works Division of the Department of Administration over all state buildings, grounds and property owned or leased by this State, except for buildings and grounds owned or leased by certain state established boards. (NRS 231.070) Section 1 of this bill eliminates the exception for state established boards and provides the Administrator with jurisdiction over all buildings, grounds and property owned or leased by this State without exception.]~~

Existing law ~~{also}~~ grants the Administrator of the State Public Works Division of the Department of Administration the authority to lease office space to house state officers, departments, agencies, ~~{board}~~ boards or commissions whenever sufficient space cannot be provided within state buildings. (NRS 331.110) ~~{Section 2 of this bill changes the permissive language granting this authority to mandatory language. In addition, section 2}~~ makes it mandatory for the Administrator to lease and equip office rooms outside of state buildings for the use of state officers, departments, agencies, boards and commissions whenever sufficient space cannot be provided within state buildings except state officers and employees of boards that are exempt from the provisions of chapter 353 of NRS. This bill authorizes those exempt boards to request the Administrator to lease office rooms for them. This bill also requires the Administrator, when considering entering into a lease for office rooms, to take into consideration the ~~{buildings and grounds}~~ regulations ~~{adopted by}~~ governing the ~~{State Public Works Division.}~~ duties of the Buildings and Grounds Section of the Division, as well as the reasonableness of the applicable agreement and the availability of sufficient space within state buildings.
~~{Section 3 of this bill makes a conforming revision to maintain consistency with the change to existing law in section 2.}~~

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

Section 1. ~~{NRS 331.070 is hereby amended to read as follows:~~

~~331.070 1. The Administrator shall have supervision over and control of all state buildings, grounds and properties not otherwise provided for by law. {except for any buildings, grounds or other properties owned or leased by boards that are exempt from the provisions of chapter 353 of NRS pursuant to NRS 353.005.}~~

~~2. The Administrator shall direct the making of all repairs and improvements on the buildings, grounds and properties over which the Administrator has supervision and control pursuant to subsection 1.~~

~~3. All officers, departments, boards, commissions and agencies shall make requisition upon the Administrator for any repairs or improvements necessary in buildings or parts thereof over which the Administrator has supervision and control that are owned by or leased to the State and occupied by such officers, departments, boards, commissions or agencies. (Deleted by amendment.)~~

Sec. 2. NRS 331.110 is hereby amended to read as follows:

331.110 1. Except as otherwise provided by law, the Administrator ~~{may}~~ shall :

(a) Except as otherwise provided in paragraph (b), shall lease and equip office rooms outside of state buildings for the use of state officers, departments, agencies, boards and commissions whenever sufficient space cannot be provided within state buildings. A state officer, department, agency,

board or commission to which this paragraph applies may only lease and equip office rooms outside of state buildings pursuant to this paragraph.

(b) May lease and equip office rooms outside of state buildings for the use of state officers and employees of boards that are exempt from the provisions of chapter 353 of NRS pursuant to NRS 353.005, upon the request of such a board.

2. The Administrator shall negotiate, approve and oversee any agreement to lease office rooms pursuant to this section, but no such lease may extend beyond the term of 1 year unless it is reviewed and approved by a majority of the members of the State Board of Examiners. The Attorney General shall approve each lease entered into pursuant to this subsection as to form and compliance with law.

~~12.1~~ **3.** Notwithstanding any other provision of law, before the Administrator enters into any lease for office rooms for any state officer, department, agency, board or commission ~~1.1~~ **pursuant to subsection 1,** the Administrator shall consider, without limitation:

(a) The reasonableness of the terms of the agreement, including, without limitation, the cost; ~~land~~

(b) The availability of space for use by the state officer, department, agency, board or commission **, as applicable,** in buildings that are owned by or leased to the State ~~1.1~~; and

(c) Any regulations adopted pursuant to or in accordance with NRS 341.110.

~~12.1~~ **4.** Each state officer, department, agency, board and commission shall maintain and, on or after April 1 but not later than June 30 of each year, provide to the Administrator an inventory of all real property leased to the State that is occupied by or otherwise used by the state officer, department, agency, board and commission. The Division of State Lands ~~1.1~~ **of the State Department of Conservation and Natural Resources,** Department of Transportation and State Public Works Division of the Department of Administration shall maintain and, on or after April 1 but not later than June 30 of each year, provide to the Administrator an inventory of all real property owned by the State. Each inventory must identify:

(a) Real property that is being actively used by a state officer, department, agency, board or commission.

(b) Real property that is not being actively used by a state officer, department, agency, board or commission.

(c) Real property that is not being used by a state officer, department, agency, board or commission but which is reasonably anticipated to be actively used by a state officer, department, agency, board or commission in the future.

(d) Real property that is being actively used as a park or wildlife area.

~~14.1~~ **5.** Except as otherwise provided in subsection ~~16.1~~ **7,** the Administrator shall post on an Internet website maintained by the State a list of all real property owned or leased by the State. Each such listing shall include, without limitation, a brief description of:

(a) The location, size and current use of the real property, including, without limitation, whether the real property is actively used; and

(b) The terms of the lease, including, without limitation, the cost to the State.

~~15.1~~ **6.** Before submitting the inventory to the Administrator pursuant to subsection ~~13.1~~ **4**, a state officer, department, agency, board, commission, the Division of State Lands ~~1.1~~ **of the State Department of Conservation and Natural Resources**, Department of Transportation or State Public Works Division of the Department of Administration that uses the property may request the Chief of the Budget Division of the Department of Administration to deem information regarding the property confidential for the purpose of maintaining public safety.

~~16.1~~ **7.** If the Chief of the Budget Division deems information regarding property to be confidential pursuant to subsection ~~15.1~~ **6**, the information concerning the property must be kept confidential and is not a public book or record within the meaning of NRS 239.010. The Chief of the Budget Division must inform the Administrator that the information is confidential and that the information must not be posted on an Internet website maintained by the State pursuant to subsection ~~14.1~~ **5**.

~~17.1~~ **8.** An owner of a building who enters into a contract with a state agency for occupancy in the building:

(a) If the contract is entered into before May 28, 2009, may comply with the program; and

(b) If the contract is entered into on or after May 28, 2009, shall, to the extent practicable as determined by the Administrator, comply with the program.

↪ If an owner chooses not to comply with the program pursuant to paragraph (a), a state or local agency shall not, after May 28, 2009, enter into a contract for occupancy of a building owned by the owner, except that the Administrator may authorize a state or local agency to enter into a contract for the occupancy of a building owned by an owner who does not comply with the program if the Administrator determines that it is impracticable for the owner to comply with the program.

~~18.1~~ **9.** As used in this section, “program” means the program established pursuant to NRS 701.218.

Sec. 3. ~~NRS 331.120 is hereby amended to read as follows:~~

~~331.120 1. Except as otherwise provided in NRS 331.130 and 331.135, the Administrator shall assign the rooms in the Capitol Building, and rooms elsewhere used by the State, and shall determine the occupancy thereof in such manner as the public service may require.~~

~~2. The executive and administrative officers, departments, boards, commissions and agencies of the State must be provided with suitable quarters which must, so far as is expedient, be in Carson City. [As used in this subsection, “boards” does not include boards that are exempt from the provisions of chapter 353 of NRS pursuant to NRS 353.005.]~~

~~3. The Administrator shall provide suitable office space for the use of the Governor Elect and expend money for incidental expenses connected therewith. The provisions of this subsection do not apply if the incumbent Governor is elected to succeed himself or herself.~~

~~4. The Administrator may provide suitable space in the Capitol Building for the permanent use of accredited members of the press and for the installation of communication equipment.~~ **(Deleted by amendment.)**

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

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment clarifies that certain boards and commissions are exempt from the office leasing services offered by the State Public Works Division; however, exempted boards and commissions may continue to seek assistance from the State Public Works Division, if needed, at their discretion.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 88.

Bill read second time.

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

Amendment No. 488.

AN ACT relating to the City of Reno; making various changes relating to appointive officers and appointive employees of the City; ~~authorizing the City's Charter Committee to request the drafting of one legislative measure at each regular legislative session;~~ clarifying provisions relating to filling vacancies in elective ~~office~~ **offices** by appointment or special election; requiring the City Manager to prepare a document setting forth the organization of every department ~~and division~~ and other office of the City; amending provisions relating to the appointment of members of the Charter Committee; amending the qualifications for the position of City Manager; requiring the City Manager to prepare and maintain a classification plan for all positions in the City's Civil Service System; making various other changes relating to the System; making various other changes to the Charter of the City of Reno; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill amends various provisions of the Charter of the City of Reno. **Section 1** of this bill adopts certain definitions applicable to the Charter as a whole.

Existing law provides for the appointment of members to the Charter Committee. (Reno City Charter § 1.140) The members of the Senate and Assembly delegations representing residents of the City and belonging to the majority and minority parties of the respective Houses appoint certain

members to the Committee. **Section 10** of this bill provides that the Majority Leader or Minority Leader of the Senate or the Speaker or Minority Leader of the Assembly shall appoint those members to the Charter Committee if there are no members of the respective Houses representing the residents of the City that belong to the majority or minority party, as applicable.

~~[Existing law provides that the duties of the Charter Committee include recommending necessary amendments to the Charter as one of the bill draft requests that the City Council is authorized to request at each regular legislative session. (Reno City Charter § 1.150) Sections 2 and 11 of this bill authorize the Charter Committee to request the drafting of one legislative measure that proposes amendments to the Charter without obtaining the approval of the City Council.]~~

Section 6 of this bill clarifies the procedures for filling a vacancy in an elective office by special election or appointment.

Section 7 of this bill sets forth who is an appointive officer or an appointive employee of the City. **Section 7** also limits the number of ~~appointive offices and~~ appointive positions that may be created by the City Council. Further, **section 7** requires the City Manager to file annually with the City Clerk a document that sets forth the organization of every department ~~[, division]~~ or other office of the City.

Sections 12-14 of this bill clarify the appointive officers, appointive employees and other staff that may be appointed by the City Manager, City Clerk and City Attorney, respectively. **Section 12** requires the City Manager to be an actual, as opposed to constructive, resident of the State. **Section 12** also requires a person who is appointed as the City Manager to become an actual resident of the State not later than 6 months after the date of his or her appointment.

Section 15 of this bill authorizes the City Council to retain the services of special legal counsel rather than employ such counsel.

Section 17 of this bill clarifies which employees are exempted from the City's Civil Service System.

Existing law authorizes the City Manager to adopt and revise specifications for the classes of positions in the Civil Service System. (Reno City Charter § 9.180) **Section 21** of this bill requires the City Manager to instead: (1) prepare, maintain and, as necessary, revise a classification plan for positions in the Civil Service; and (2) allocate each position in the Civil Service to a class set forth in the classification plan. **Section 21** also sets forth a process for an employee to request that the Civil Service Commission review the allocation or reallocation of his or her position. **Section 18** of this bill requires the Commission to adopt rules setting forth the procedures for the Commission to review the allocation or reallocation of an employee's position by the City Manager.

Section 19 of this bill eliminates the authority of the Commission to require medical examinations of employees covered under the Civil Service System.

Section 20 of this bill revises provisions relating to employment positions that are moved into the Civil Service System.

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

Section 1. The Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto new sections to be designated as sections 1.0123, 1.0126 and 1.0129, respectively, immediately following section 1.012, to read as follows:

Sec. 1.0123 “Appointive office” defined. “Appointive office” means a position held by an appointive officer.

Sec. 1.0126 “Appointive officer” defined. “Appointive officer” means a person who is appointed to a position described in subsection 3 of section 1.090 or an appointive office established by ordinance pursuant to subsection 4 of section 1.090.

Sec. 1.0129 “Appointive position” defined. “Appointive position” means a position held by an appointive employee.

Sec. 2. ~~The Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto a new section to be designated as section 1.155, immediately following section 1.150, to read as follows:~~

~~**Sec. 1.155 Charter Committee: Request for legislative measure. The Charter Committee may request the drafting of not more than one legislative measure which may only propose amendments to this Charter. The request must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature.**~~ **(Deleted by amendment.)**

Sec. 3. Section 1.011 of the Charter of the City of Reno, being chapter 349, Statutes of Nevada 2013, at page 1814, is hereby amended to read as follows:

Sec. 1.011 Definitions. As used in this Charter, unless the context otherwise requires, the words and terms defined in sections 1.012 to 1.018, inclusive, **and sections 1.0123, 1.0126 and 1.0129** have the meanings ascribed to them in those sections.

Sec. 4. Section 1.012 of the Charter of the City of Reno, being chapter 349, Statutes of Nevada 2013, at page 1814, is hereby amended to read as follows:

Sec. 1.012 “Appointive employee” defined. “Appointive employee” means a person who is appointed to **an appointive position established by ordinance pursuant to subsection 4 of section 1.090 or** a position described in subsection ~~14~~ 5 of section 1.090.

Sec. 5. Section 1.015 of the Charter of the City of Reno, being chapter 349, Statutes of Nevada 2013, at page 1814, is hereby amended to read as follows:

Sec. 1.015 “Civil Service” or “Civil Service System” defined. “Civil Service” or “Civil Service System” means the system created by section 9.020 ~~{ }~~ **and described in article IX of this Charter.**

Sec. 6. Section 1.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1817, is hereby amended to read as follows:

Sec. 1.070 Elective offices: Vacancies. ~~{ Except as otherwise provided in NRS 268.325; }~~

1. Except as otherwise provided in this section, a vacancy in the City Council or in the office of City Attorney or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In filling a prospective vacancy, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official.

~~{2-}~~ The appointee shall serve until the next general municipal election and until his or her successor is elected and qualified. ~~{Notwithstanding the provisions of section 5.010 of this Charter to the contrary, the office must be filled by election at the next general municipal election. If that election is other than the election specified in section 5.010 of this Charter for the filling of the office, the election is only for the balance of the unexpired term for that office.}~~

~~—3-}~~ 2. If a **prospective vacancy or** vacancy occurs in an office of City Council, in lieu of appointment, the City Council may, by resolution, declare a special election to fill the vacancy ~~{ }~~ **for the remainder of the unexpired term. The resolution declaring a special election must be adopted within 30 days after the occurrence of the vacancy and must state the date set by the City Council for the special election. In the case of a prospective vacancy, the Council may adopt the resolution before the vacancy occurs, but the special election may not be held until after the vacancy occurs.** The special election must be conducted in accordance with the provisions of the resolution declaring the special election and section 5.030 of this Charter. **A person elected to fill a vacancy at a special election must have the same qualifications as are required of the elected official.**

Sec. 7. Section 1.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1818, is hereby amended to read as follows:

Sec. 1.090 Appointive officers and appointive employees.

1. The City Council shall provide for the appointment of a **City Manager and a City Clerk.**

2. *The City Manager shall appoint a Chief of Police and a Fire Chief, subject to ratification by the City Council. If a person so nominated is not confirmed, the City Manager shall continue to submit nominations until a nominee is confirmed.*

3. *The following are appointive officers:*

(a) *The City Manager [to perform the duties outlined in section 3.020. A vacancy in the office of City Manager must be filled within 6 months.*

~~—2. Applicants for the position of City Manager need not be residents of the City or State at the time of their appointment, except that applicants who are residents of the City and who have qualifications equal to those of nonresidents must be given preference in filling the position.~~

~~—3. The~~ , Assistant City Managers, Chief of Staff of the City Manager, Executive Assistant to the City Manager, Chief of Police, Assistant Chief of Police, Fire Chief, ~~Assistant Fire Chief,~~ the heads of each department ~~for division,~~ and the assistant heads of each department ~~for division.~~

(b) *The City Clerk, Chief Deputy City Clerk and Manager of Record Systems.*

(c) *Every Chief Deputy City Attorney.*

(d) *The Deputy City Assessor, if the City Council appoints a person as the Deputy City Assessor pursuant to section 3.080.*

(e) *The Deputy City Treasurer, if the City Treasurer appoints a person other than the City Clerk to be Deputy City Treasurer pursuant to section 3.090.*

4. *Except as otherwise provided in this subsection, the City Council may establish such other appointive offices **and appointive positions** as it may deem necessary for the operation of the City by designating the **office or** position and the **minimum** qualifications therefor by ordinance. [Appointive offices are limited to the head of each department or division except:*

~~—(a) One immediate assistant for the Director of Public Works.~~

~~—(b) In the Fire Department and Police Department, no positions below the office of Chief.~~

~~—4. Special technical staff members who report directly to the City Manager serve as appointive employees.~~

~~—5. Appointment of officers and employees pursuant to subsections 3 and 4 must be made by the City Manager, and the appointment of the Chief of Police and the Fire Chief must be confirmed by the City Council.~~

~~—6. A City Clerk must be appointed by the City Council.] The number of [appointive offices and] appointive positions established by the City Council pursuant to this subsection must not exceed the greater of:~~

(a) *Forty full-time equivalent appointive positions; or*

(b) *Four percent of the total number of:*

(1) *Appointive officers described in subsection 3; and*

(2) *All full-time equivalent positions in the Civil Service.*

5. Appointive employees:

(a) Are not appointive officers but regularly assist an appointive officer;

(b) Have duties that consist of administrative work directly related to management policies; and

(c) Have positions that require them customarily to exercise discretion and independent judgment.

6. No person who is an employee of the City's:

(a) Police Department is an appointive officer or appointive employee, other than the Chief of Police and the Assistant Chief of Police.

(b) Fire Department is an appointive officer or appointive employee, other than the Fire Chief ~~and the Assistant Fire Chief.~~

7. On or before June 30 of each fiscal year, the City Manager shall prepare and file with the City Clerk a document that sets forth the organization of every department ~~division~~ and other office of the City. The document must include, without limitation, a description of the job responsibilities of each appointive officer and appointive employee.

Sec. 8. Section 1.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1819, is hereby amended to read as follows:

Sec. 1.100 Appointive officers and appointive employees: Miscellaneous provisions.

1. All appointive officers and appointive employees, except the City Clerk and his or her deputy, shall perform such duties as are designated by the City Manager.

2. Any employee of the City holding a Civil Service rating under the City who is appointed to any **appointive office or appointive** position ~~provided for in section 1.090~~ does not lose his or her Civil Service rating while serving in that **appointive office or appointive** position.

3. The City Council may require from all other officers and employees of the City constituted or appointed under this Charter, except the Mayor and Council Members, sufficient security for the faithful and honest performance of their respective duties.

Sec. 9. Section 1.110 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 349, Statutes of Nevada 2013, at page 1819, is hereby amended to read as follows:

Sec. 1.110 Appointive officers and appointive employees: Duties; salary; benefits.

1. All appointive officers and appointive employees of the City, including those appointed by the City Council, except:

(a) The City Manager;

(b) The City Clerk ~~and the chief deputy~~, **Chief Deputy City Clerk** and ~~the~~ Manager of Record Systems appointed by the City Clerk pursuant to section 3.040;

(c) ~~{Assistants}~~ **The professional and paraprofessional legal staff and the clerical staff** appointed by the City Attorney pursuant to section 3.060; and

(d) The members of the City Board of Health and the City Health Officer, if the City administers the operations of the Board of Health, ➡ shall perform their duties under the direction of the City Manager or as designated by the City Council through the City Manager.

2. All appointive officers and appointive employees of the City are entitled to the salary designated by the City Council through the adoption of a resolution establishing the salary ranges applicable to each **appointive** office and **appointive** position.

3. All appointive officers and appointive employees are entitled to the employment benefits established by the applicable law of the State and to such other benefits as the City Council provides by resolution.

Sec. 10. Section 1.140 of the Charter of the City of Reno, being chapter 349, Statutes of Nevada 2013, at page 1815, is hereby amended to read as follows:

Sec. 1.140 Charter Committee: Appointment; terms; qualifications; vacancies; compensation.

1. The Charter Committee must be appointed as follows:

(a) Each Council Member shall appoint one member;

(b) The Mayor shall appoint one member;

(c) ~~{The}~~ ***Except as otherwise provided in subsection 2, the*** members of the Senate delegation representing the residents of the City and belonging to the majority party of the Senate shall appoint two members;

(d) ~~{The}~~ ***Except as otherwise provided in subsection 2, the*** members of the Senate delegation representing the residents of the City and belonging to the minority party of the Senate shall appoint one member;

(e) ~~{The}~~ ***Except as otherwise provided in subsection 2, the*** members of the Assembly delegation representing the residents of the City and belonging to the majority party of the Assembly shall appoint two members; and

(f) ~~{The}~~ ***Except as otherwise provided in subsection 2, the*** members of the Assembly delegation representing the residents of the City and belonging to the minority party of the Assembly shall appoint one member.

2. ***The:***

(a) ***Majority Leader of the Senate shall appoint the members of the Charter Committee described in paragraph (c) of subsection 1 if there are no members of the Senate representing the residents of the City and belonging to the majority party of the Senate.***

(b) ***Minority Leader of the Senate shall appoint the members of the Charter Committee described in paragraph (d) of subsection 1 if there are no members of the Senate representing the residents of the City and belonging to the minority party of the Senate.***

(c) Speaker of the Assembly shall appoint the members described in paragraph (e) of subsection 1 if there are no members of the Assembly representing the residents of the City and belonging to the majority party of the Assembly.

(d) Minority Leader of the Assembly shall appoint the members of the Charter Committee described in paragraph (f) of subsection 1 if there are no members of the Assembly representing the residents of the City and belonging to the minority party of the Assembly.

3. Each member of the Charter Committee:

(a) If appointed by a Council Member or the Mayor, serves during the term of the person by whom he or she was appointed;

(b) If appointed by members of the Senate delegation ~~§~~ **or the Majority Leader or Minority Leader of the Senate**, serves a term of 4 years;

(c) If appointed by members of the Assembly delegation ~~§~~ **or the Speaker or Minority Leader of the Assembly**, serves a term of 2 years;

(d) Must be a registered voter in the City; and

(e) Must reside in the City during his or her term of office.

~~§~~ **4.** If a vacancy occurs on the Charter Committee, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

~~§~~ **5.** Members of the Charter Committee are entitled to receive compensation, in an amount set by ordinance of the City Council, for each full meeting of the Charter Committee they attend.

Sec. 11. ~~Section 1.150 of the Charter of the City of Reno, being chapter 349, Statutes of Nevada 2013, at page 1815, is hereby amended to read as follows:~~

~~Sec. 1.150 Charter Committee: Officers; meetings; duties. The Charter Committee shall:~~

~~1. Elect a Chair and Vice Chair from among its members, who each serve for a term of 2 years;~~

~~2. Meet at least once every 2 years [before the beginning of each regular session of the Legislature] and when requested by the City Council or the Chair of the Charter Committee;~~

~~3. Meet jointly with the City Council [on a date to be set after the final biennial meeting of the Charter Committee is conducted pursuant to subsection 2 and] before [the beginning of the next regular session of the Legislature] **September 1 preceeding the commencement of a regular session of the Legislature** to advise the City Council with regard to the [recommendations of] **legislative measure that** the Charter Committee **will submit pursuant to section 1.155** concerning [necessary] amendments to this Charter;~~

~~4. [If the City Council elects to submit the Charter Committee's recommended amendments to the Legislature as one of the City's bill~~

~~draft requests, assist the City Council in the timely preparation of such amendments for presentation to the Legislature on behalf of the City;~~

~~5. If the City Council elects not to submit the Charter Committee's recommended amendments to the Legislature as one of the City's bill draft requests, seek sponsorship of a legislative measure by a member of the Senate or Assembly delegation representing the residents of the City and assist such member in the timely preparation of such amendments for presentation to the Legislature; and~~

~~6.] Perform all functions and do all things necessary to accomplish the purposes for which it is established, including, but not limited to, holding meetings and public hearings, and obtaining assistance from City officers.~~ **(Deleted by amendment.)**

Sec. 12. Section 3.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1825, is hereby amended to read as follows:

Sec. 3.020 City Manager: Duties; compensation ~~+~~ ; **residency; vacancy.**

1. The City Manager is the Chief Executive and Administrative Officer of the City Government. He or she is responsible to the City Council for the proper administration of all affairs of the City. The duties and salary of the City Manager must be fixed by the City Council and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

2. ***Except as otherwise provided in this subsection, the City Manager must actually, as opposed to constructively, reside in the State. A person who is appointed as City Manager by the City Council must become an actual resident of the State not later than 6 months after the date of his or her appointment.***

3. ***Any vacancy in the City Manager position must be filled by the City Council not later than 6 months after the vacancy occurs.***

4. The City Manager may appoint such ~~clerical and administrative assistants~~ **staff** as he or she deems necessary ~~+~~ **—3.] for the proper functioning of his or her office, including, without limitation:**

(a) ***A Chief of Staff, who is an appointive officer and not subject to the provisions of article IX of this Charter.***

(b) ***One or more Assistant City Managers, who are appointive officers and not subject to the provisions of article IX of this Charter.***

(c) ***An Executive Assistant, who is an appointive officer and not subject to the provisions of article IX of this Charter.***

(d) ***Clerical and office support staff, who are subject to the provisions of article IX of this Charter.***

5. The City Manager may designate an acting City Manager to serve in his or her absence or, if he or she fails to do so, the City Council may appoint an acting City Manager.

~~[4.]~~ 6. No member of the City Council may be appointed as City Manager during the term for which he or she was elected, or for 1 year thereafter.

~~[5.]~~ 7. The City Manager shall appoint all officers and employees of the City and may remove any officer or employee of the City except as otherwise provided in this Charter. The City Manager may authorize the head of a department or office to appoint or remove his or her subordinates. ~~[The appointment of a Chief of Police or a Fire Chief by the City Manager does not take effect until it has been confirmed by a majority vote of the members of the City Council. If a person so nominated is not confirmed, the City Manager shall continue to submit nominations until a nominee is confirmed.]~~

Sec. 13. Section 3.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1825, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Duties.

1. The City Clerk shall:

(a) Keep the corporate seal and all books and papers belonging to the City.

(b) Attend all meetings of the City Council and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval at each meeting of the City Council, the City Clerk shall attest the journal after it has been signed by the Mayor.

(c) Sign all warrants for payment issued.

(d) Number and sign all business licenses issued by the City. All business licenses must be in a form devised by the City Clerk and approved by the City Council.

(e) Enter upon the journal the result of the vote of the City Council upon the passage of ordinances, or of any resolution appropriating money, abolishing licenses, or increasing or decreasing the rates of licenses.

(f) Be the official collector of all business license fees and penalties of the City, and all money making up the City revenues, except general taxes and special assessments, must be paid over to him or her.

2. The City Clerk has custody of all the official records of the City. He or she is responsible to the City Council for the proper discharge of his or her duties. The duties and salary of the City Clerk are fixed by the City Council, and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

3. The City Clerk may, with approval of the City Council, appoint one ~~[chief deputy]~~ **Chief Deputy City Clerk** and one Manager of Record Systems, who are **appointive officers and** not subject to the provisions of article IX of this Charter.

4. The City Clerk may designate a member of his or her staff as acting City Clerk to:

- (a) Administer oaths; and
- (b) Perform all the duties of the City Clerk in his or her absence.

Sec. 14. Section 3.060 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1826, is hereby amended to read as follows:

Sec. 3.060 City Attorney: Qualifications; duties; salary.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada and a qualified elector within the City. Once elected, he or she shall hold office for a term of 4 years and until his or her successor is duly elected and qualified.

2. The City Attorney is the Legal Officer of the City and shall:

- (a) Perform such duties as are designated by ordinance;
- (b) Be present at all meetings of the City Council;
- (c) Be counsel for the Commission;
- (d) Devote his or her full time to the duties of the office; and
- (e) Not engage in the private practice of law.

3. The City Attorney is entitled to receive a salary as fixed by resolution of the City Council.

4. ~~The~~ **As he or she requires in the discharge of the duties of his or her office, the** City Attorney may ~~appoint~~ :

(a) Appoint and remove ~~such assistants as he or she requires in the discharge of the duties of his or her office. Such assistants~~ **any professional and paraprofessional legal staff, including, without limitation, attorneys, paralegals, investigators, an office administrator and an executive assistant. Professional and paraprofessional legal staff** must not be Civil Service employees.

(b) Appoint and remove clerical staff, including, without limitation, management assistants, legal secretaries and advocates. Clerical staff must not be Civil Service employees.

5. The Council may appropriate such an amount of money as it deems proper to compensate ~~such assistants. Such assistants~~ **the professional and paraprofessional legal staff and clerical staff appointed by the City Attorney pursuant to subsection 4.**

6. **Any attorney or paralegal** ~~who are attorneys and are~~ **is** employed for more than 20 hours per week by the City Attorney shall not engage in the private practice of law.

Sec. 15. Section 3.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1975, is hereby amended to read as follows:

Sec. 3.070 ~~Employment~~ **Services** of Special Counsel. The City Council may, by six-sevenths vote, ~~employ~~ **retain the services of** attorneys to perform any civil duty of the City Attorney. Such attorneys are responsible only to the City Council. ~~I, and the~~ **The** City Attorney shall have no responsibility or authority concerning the ~~subject matter of such employment.~~ **services of such attorneys.**

Sec. 16. Section 3.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1827, is hereby amended to read as follows:

Sec. 3.140 Interference and direction by City Council.

1. The Mayor or Council Members shall not dictate the appointment, suspension or removal of any ~~[City administrative officer or]~~ **appointive** employee. ~~[Appointed by the City Manager or his or her subordinates.]~~ No person covered by the rules and regulations of the Commission may be appointed, suspended or removed except as provided in those rules and regulations.

2. Any action directed by the City Council in a public meeting shall be deemed to be direction to the City Manager and not to any subordinate of the City Manager. The City Council or its members shall not:

(a) Deal directly with ~~[a City official or]~~ **an appointive** employee on a matter pertaining to City business, except for the purpose of inquiry, but shall deal through the City Manager; or

(b) Give any order, publicly or privately, to any subordinate of the City Manager.

Sec. 17. Section 9.020 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as last amended by chapter 349, Statutes of Nevada 2013, at page 1833, is hereby amended to read as follows:

Sec. 9.020 Civil Service and exempt positions.

1. A Civil Service System is created for the selection, appointment and promotion of all employees of the City except:

(a) ~~[A person]~~ **Any elected official described in section 1.060 or person who is appointed to fill a ~~[position]~~ vacancy pursuant to ~~this Charter.]~~ section 1.070.**

(b) A person who serves as a member of any board, commission, committee or other body created pursuant to the authority of the City.

(c) **An appointive officer or appointive employee.**

(d) A person employed by the City for less than 18 hours per week ~~[-(d)]~~ **or 234 hours per fiscal quarter, whichever is greater.**

(e) **A person who is not subject to the provisions of this article pursuant to section 3.020, 3.040 or 3.060.**

(f) A person for whose position half or more of the money is provided by a source other than the City.

~~[(e)]~~ **(g) An employee of the Municipal Court who is hired directly by the Court.**

~~[(f)]~~ **(g) An employee of the Municipal Court who is hired directly by the Court.**

2. The provisions of this article are not applicable to the selection, appointment, promotion, demotion, transfer, suspension, discipline or dismissal of any person described in subsection 1.

3. Any employee whose position was within the provisions of the Civil Service System before June 2, 2013, shall retain all rights and

benefits to which he or she would otherwise be entitled under the Civil Service System.

Sec. 18. Section 9.060 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 349, Statutes of Nevada 2013, at page 1834, is hereby amended to read as follows:

Sec. 9.060 Rules.

1. Except as otherwise provided in this section, the Commission shall adopt or amend rules for the Civil Service System, consistent with the provisions of this article. The Commission shall give or cause to be given at least 10 days' notice of the time and place of a public meeting of the Commission on proposed rules by posting the notice and a copy of each proposed rule on the bulletin board of each department and by giving a copy of the notice and each proposed rule to the City Council, the City Manager, each department head, and the president or secretary of each employee organization formally recognized by the City. At the meeting, the Commission shall permit a representative of the City Council or the City Manager, or both, to comment on any proposed rule. Any amendment of the rule governing the number of qualified persons certified to the appointing authority on the Civil Service eligibility list is not effective until the amendment is approved by the City Council.

2. The rules adopted by the Commission must provide for the following matters relating to the Civil Service System:

(a) The review and approval by the Commission of minimum qualifications set out in class specifications for positions.

(b) ***Procedures for the review by the Commission of the allocation or reallocation of an employee's position pursuant to subsection 4 of section 9.180.***

(c) Open and promotional recruitment of employees.

~~[(e)]~~ (d) The development and scoring of examinations of candidates for positions.

~~[(e)]~~ (e) The development, maintenance and certification of Civil Service eligibility lists, which must include criteria for the use of selective certification as applicable to a position.

~~[(e)]~~ (f) Procedures for emergency, temporary, provisional and such other types of appointments as the Commission deems desirable to facilitate the business of the City.

~~[(f)]~~ (g) The establishment of probationary periods, procedures for the confirmation of employees into the Civil Service System after completion of any applicable probationary period, and procedures for the dismissal of probationary employees, including, without limitation, the identification of circumstances in which a probationary employee, including, without limitation, a promoted employee, may not be dismissed by the head of a department without right of appeal.

~~[(g)]~~ (h) Procedures for the promotion of employees and any right of promoted employees to return to their previous positions.

~~{(h)}~~ (i) Procedures for the transfer and layoff of employees.

~~{(i)}~~ (j) Procedures for investigating and hearing appeals relating to the discipline or discharge of employees or alleged violations of the rules of the Commission.

3. A copy of all rules adopted and all changes in them must be filed in the Office of the City Clerk. The Commission shall cause the rules and all changes in them to be distributed as it deems necessary, except that the Commission shall cause a copy to be made available to all officers and employees of the City on the City's Internet website or in such other format as the Commission determines is appropriate.

4. The head of each department may adopt procedures for the governance of his or her department not inconsistent with this article or the rules of the Commission adopted thereunder.

5. As used in this section, "selective certification" means the certification of a person for inclusion on a Civil Service eligibility list for a position based upon specialized knowledge, skills or abilities of the person, in addition to those required to meet the minimum qualifications for the position, that are required to perform the duties of the position successfully.

Sec. 19. Section 9.100 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, is hereby amended to read as follows:

Sec. 9.100 Reports of employee performance. The Commission shall have authority to require from time to time reports on the performance and efficiency of employees . ~~{and to require medical examinations of any employee, and to obtain the results thereof.}~~ Each employee shall be entitled to see all such reports concerning him or her.

Sec. 20. Section 9.120 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, is hereby amended to read as follows:

Sec. 9.120 Blanketing into Civil Service. When positions which have not been within the Civil Service are declared by law to be included in the Civil Service, the Commission may ~~{authorize}~~ **by rule:**

1. Authorize the ~~{probationary}~~ **noncompetitive** appointment to such positions of employees who have held those positions satisfactorily for a period of 1 year. Other employees in such positions may be given temporary or provisional appointments as ordered by the Commission.

2. Waive any requirement that an employee complete a probationary period in the position after the position is included in the Civil Service.

3. Accept prior service acquired in the position before the position was included in the Civil Service as the equivalent of classified service.

4. Provide for other such matters as the Commission deems necessary or appropriate to facilitate the inclusion of a position in the Civil Service.

Sec. 21. Section 9.180 of the Charter of the City of Reno being chapter 553, Statutes of Nevada 1973, at page 886, is hereby amended to read as follows:

Sec. 9.180 Class specifications.

1. The City Manager ~~may adopt and revise specifications for the classes of~~ **or his or her designee shall:**

(a) Prepare, maintain and, as necessary, revise a classification plan for all positions in the Civil Service.

(b) Allocate each position in the Civil Service to a class set forth in the classification plan.

2. Each class ~~specification shall include~~ **of employees that is set forth in the classification plan must include, without limitation,** a title, a definition or statement of the characteristics of the class, a list of typical tasks or examples of the duties of the class, ~~and~~ **a list of the knowledge, skills and abilities required for employees in the class,** a statement ~~of~~ **that describes the** ~~desirable~~ minimum qualifications of employees in the class ~~and any other information that the City Manager determines is necessary for the proper classification and supervision of positions in the Civil Service.~~ The ~~desirable~~ minimum qualifications shall be subject to review and approval by the Commission as part of its responsibility for recruiting and selecting employees.

3. **The City Manager shall allocate positions into each class by grouping positions that have similar qualifications and levels of difficulty and responsibility such that the similarities justify similar treatment.**

4. **Any employee in the Civil Service who is adversely affected by the allocation or reallocation of his or her position to a class pursuant to subsection 1 may request to have the classification reviewed by the Commission. A request for such a review must be submitted to the Commission not more than 30 calendar days after the employee receives notification of the allocation or reallocation of the employee's position by the City Manager.**

5. **In reviewing the allocation or reallocation of an employee's position pursuant to subsection 4, the Commission shall make findings as to the duties, responsibilities and qualifications of the position. If the Commission finds that a position is not classified correctly, the Commission shall notify the City Council and City Manager of its findings. Upon receiving such notification, the City Council shall review the findings of the Commission and, if approved by the City Council, the City Manager shall allocate or reallocate the position to a class pursuant to the findings of the Commission.**

Sec. 22. Section 9.270 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as last amended by chapter 349, Statutes of Nevada 2013, at page 1836, is hereby amended to read as follows:

Sec. 9.270 Appeals to the Commission.

1. An employee in the Civil Service who has been suspended for a period of more than 3 days or who is the subject of an action by the City Manager to demote or terminate him or her may appeal such action to the Commission by serving the Secretary of the Commission with a written notice of appeal within 10 days after such action. The Commission shall set the time for hearing the appeal not less than 5 nor more than 15 days after the date of service of the notice of appeal.

2. The Commission shall adopt a rule for hearing such appeals and making any investigations it deems appropriate. ~~In all appeals to the Commission, the~~ **The City Attorney or, if applicable, special counsel retained pursuant to section 3.070** shall represent the interest of the City ~~in appeals to the Commission.~~

3. In connection with any hearing or investigation contemplated by this article each member of the Commission may administer oaths, secure by subpoena the attendance of witnesses residing within 50 miles of the City and the production of books and papers relevant to the hearing or investigation, compel witnesses to answer and punish for contempt in the same manner as provided by law for the governing of trials before justices of the peace for failure to answer or produce books and other evidence necessary for the hearing. All witnesses must be under oath. The accused has the right to be heard in person and by attorney in his or her own defense and is entitled to secure the attendance of witnesses at the expense of the City if within the reach of the Commission's subpoena and necessary for his or her defense. Upon a showing of necessity an accused may secure from the Commission an order requiring the taking of depositions of witnesses who are necessary to his or her defense and not within the reach of a subpoena. The Commission shall determine to what extent the expense of such depositions will be paid for by the City. Hearings on appeal must be reported and may be transcribed if a transcript is necessary for a deliberation of the Commission or for an appeal to the district court. The Commission shall render its decision within 7 days after the date of the hearing.

4. The action taken by the City Manager may be affirmed, modified or revoked by the Commission. If the Commission finds that the reason for which the action was taken is insufficient **or conflicts with the provisions of this Charter, the Civil Service rules and regulations, or any applicable law**, it must modify or revoke the action.

5. The Commission shall adopt a rule for the hearing and disposition of appeals concerning procedures or the content of examinations.

Sec. 23. The amendatory provisions of this act apply prospectively.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment adds City Council oversight of the allocation or reallocation of city employees; removes the provision requiring clerical staff in the City Attorney's Office to enter the Civil Service system; removes the request for an additional bill draft request for the Charter Commission; requires the City Council to issue a resolution declaring a special election within 30 days following the vacancy of an elected position; and finally, specifies that the Assistant Fire Chief and Division heads are not appointed positions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 89.

Bill read second time.

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

Amendment No. 79.

AN ACT relating to professions; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather and report certain data to the Interagency Council on Veterans Affairs; authorizing a private employer to adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran; revising provisions governing the dissemination of certain records of criminal history; ~~authorizing a medical facility to employ or contract with a physician to provide health care to a patient of the medical facility;~~ authorizing certain persons to obtain a commercial driver's license without taking a driving skills test; authorizing certain qualified professionals to apply for a license by endorsement to practice in this State; requiring a regulatory body to develop opportunities for reciprocity of licensure for certain qualified professionals; requiring a regulatory body in certain circumstances to prepare and submit to the Interagency Council on Veterans Affairs an annual report relating to veterans; authorizing certain regulatory bodies to enter into certain reciprocal agreements relating to the practice of licensed professionals; **revising provisions relating to the licensure of an allopathic and osteopathic physician;** revising provisions relating to **the practice of dentistry and dental hygiene, including, without limitation,** the licensing requirements for **and the issuance of a license to** dentists and dental hygienists; establishing a fee for the inspection of a facility required by the Board of Dental Examiners of Nevada to ensure compliance with infection control guidelines; authorizing certain qualified physicians and podiatrists to obtain a license by endorsement under certain circumstances; authorizing the Board of Examiners for Social Workers to grant a provisional license to certain persons; ~~increasing the application and licensing fees charged by the Board of Examiners for Social Workers;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill set forth new provisions relating to the employment of veterans. **Section 1** requires the Administrator of the Employment Security Division of the Department of Employment, Training

and Rehabilitation to gather ~~(and report)~~ aggregate unemployment data concerning veterans **and report such data** to the Interagency Council on Veterans Affairs on a ~~(monthly)~~ **quarterly** basis. **Section 2** authorizes a private employer to adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran. Existing law generally provides for preferential employment in public employment and the construction of public works for certain veterans. (NRS 281.060, 284.260, 338.130)

Under existing law, before a person can be issued a commercial driver's license by this State, the person is required, among other things, to pass a driving skills test for driving a commercial motor vehicle. (NRS 483.928) **Section 5** of this bill provides an exemption to this requirement for certain persons who have experience driving a commercial motor vehicle because of their service in the Armed Forces of the United States.

Existing law also generally provides for the regulation of professions in this State. (Title 54 of NRS) **Section 9** of this bill authorizes certain qualified professionals who are licensed in another state or territory of the United States and who are active members of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran to apply for and receive a license by endorsement to practice their respective profession in this State. **Section 9** also provides that a person who meets such requirements and receives a license by endorsement in certain professions is entitled to at least a 50 percent reduction in the fee for an examination required as a prerequisite to licensure or for initial issuance of a license. **Section 10** of this bill requires a regulatory body to develop opportunities for reciprocity of licensure for such persons who hold a professional license that is not recognized by this State. **Section 11** of this bill requires a regulatory body in certain circumstances to prepare and submit to the Interagency Council on Veterans Affairs an annual report providing information on the number of veterans who have applied for a license, have been issued a license or have renewed a license.

Section 12 of this bill authorizes certain regulatory bodies of this State to enter into a reciprocal agreement with the corresponding regulatory authority of another state or territory of the United States for the purposes of authorizing and regulating the practice of certain professions concurrently in this State and another jurisdiction. **Sections 13, ~~28.5~~ 30.5 and 33** of this bill authorize certain qualified physicians and certain qualified podiatrists to obtain ~~(a)~~ **an expedited** license by endorsement to practice in this State if the physician or podiatrist meets certain requirements. ~~[Section 4 of this bill authorizes a medical facility to employ or contract with a physician to provide health care to a patient of the medical facility.]~~ **Section 14 of this bill authorizes the Board of Medical Examiners to issue a license to practice medicine to certain persons who receive postgraduate education in certain approved residency programs in Canada.**

Sections 20-27 of this bill revise various provisions relating to dentists and dental hygienists. **Section 22.5 authorizes the Executive Director of the**

Board of Dental Examiners of Nevada to issue a license to a qualified applicant without further review of the Board under certain circumstances. Sections 23 and 25 revise provisions relating to the licensing requirements for dentists and dental hygienists, and **section 27** establishes a fee for the inspection of a facility required by the Board ~~of Dental Examiners of Nevada~~ to ensure compliance with infection control guidelines.

Additionally, existing law authorizes the Board of Examiners for Social Workers to grant a license without examination to a person who holds a current license to engage in the practice of social work in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the statutory provisions governing social workers in this State. (NRS 641B.270) **Section 36** of this bill authorizes the Board to grant a provisional license to engage in social work as an independent social worker or a clinical social worker to an active member of or the spouse of an active member of the Armed Forces of the United States who applied for such a license if the Board deems that the other state's licensing requirements are not substantially equivalent to the requirements set forth in the statutory provisions governing social workers in this State. ~~Section 37 of this bill increases the application and licensing fees charged and collected by the Board, and establishes a fee for an application to provide a course of continuing education.~~ **Section 3** of this bill adds the Board to the list of persons and governmental entities to whom records of criminal history must be disseminated by an agency of criminal justice upon request.

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

Section 1. Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Each month, the~~ **The Administrator of the Division shall, for each calendar quarter, gather (and report) aggregate unemployment data concerning veterans, including, without limitation, benefits paid to veterans, and report such data to the Interagency Council on Veterans Affairs.**

2. *As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.*

Sec. 2. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ***A private employer may adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran. Such a policy must be applied uniformly to employment decisions regarding the hiring or promotion of a veteran or the spouse of a veteran or the retention of a veteran or the spouse of a veteran during a reduction in the workforce.***

2. ***A private employer who gives preference in hiring to a veteran or the spouse of a veteran pursuant to subsection 1 does not violate any local or state equal employment law.***

3. ***As used in this section:***

(a) “Private employer” has the meaning ascribed to it in NRS 616A.295.

(b) “Veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 3. NRS 179A.100 is hereby amended to read as follows:

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

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

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

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

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

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

(c) Reported to the Central Repository.

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

(a) Reflect convictions only; or

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

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

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

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

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

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

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

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

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

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

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

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

(x) ***The Board of Examiners for Social Workers.***

(y) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

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

Sec. 4. ~~[Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~**1. A medical facility may employ or contract with a physician to provide health care to a patient of the medical facility.**~~

~~**2. If a medical facility, other than a hospital, employs or contracts with a physician pursuant to subsection 1, the medical facility must have:**~~

~~**(a) Credentialing and privileging standards and a process for peer review for the medical facility; and**~~

~~**(b) A physician or committee of physicians who oversees the standards and process required pursuant to paragraph (a).**~~

~~**3. If a medical facility employs or contracts with a physician pursuant to subsection 1, the medical facility must not, by virtue of its employment of or contract with the physician, interfere with, limit or otherwise impede the**~~

~~ability of the physician to care for a patient in a manner consistent with the professional medical judgment of the physician.~~

~~4. As used in this section:~~

~~(a) "Credentialing" means obtaining, verifying and assessing the qualifications of a physician to provide treatment, care or services in or for a medical facility.~~

~~(b) "Physician" means a person licensed to practice medicine pursuant to chapter 630 or 633 of NRS.~~

~~(c) "Privileging" means the authorizing by an appropriate authority of a physician to provide specific treatment, care or services at a medical facility subject to limits based on factors that include, without limitation, the physician's license, education, training, experience, competence, health status and specialized skill. (Deleted by amendment.)~~

Sec. 5. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In accordance with 49 C.F.R. § 383.77, the requirement set forth in paragraph (b) of subsection 2 of NRS 483.928 for the issuance of a commercial driver's license by this State must be waived for an applicant who:

- (a) Has experience driving a commercial motor vehicle because of his or her service in the Armed Forces of the United States;
- (b) Is licensed at the time of his or her application for a commercial driver's license; and
- (c) Meets the requirements set forth in subsection 2.

2. An applicant for a commercial driver's license who seeks a waiver pursuant to subsection 1 of the requirement set forth in paragraph (b) of subsection 2 of NRS 483.928 shall:

(a) Certify that, during the 2 years immediately preceding his or her application for a commercial driver's license, the applicant has not had:

- (1) More than one license in more than one jurisdiction at the same time ~~for~~, except for a military license;
- (2) A license suspended, revoked, cancelled or denied;
- (3) A conviction for an offense listed in 49 C.F.R. § 383.51(b);
- (4) More than one conviction for a serious traffic violation listed in 49 C.F.R. § 383.51(c); and

(5) A conviction for a violation of any military, state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault.

(b) Certify and provide evidence that he or she:

(1) ~~Has~~ Has been regularly employed in a military position that requires the operation of a commercial motor vehicle ~~for~~ within the 90 days immediately preceding his or her application;

(2) Is exempt from the requirements for a commercial driver's license pursuant to 49 C.F.R. § 383.3(c); and

(3) *Has operated a vehicle which is representative of the commercial motor vehicle that he or she intends to operate for at least 2 years immediately preceding the date of his or her application.*

Sec. 6. NRS 483.928 is hereby amended to read as follows:

483.928 A person who wishes to be issued a commercial driver's license by this State must:

1. Apply to the Department for a commercial driver's license;
2. In accordance with standards contained in regulations adopted by the Department:

- (a) Pass a knowledge test for the type of motor vehicle the person operates or expects to operate; and

- ~~(b) *Pass*~~ ***Except as otherwise provided in section 5 of this act, pass*** a driving skills test for driving a commercial motor vehicle taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate;

3. Comply with all other requirements contained in the regulations adopted by the Department pursuant to NRS 483.908;

4. Not be ineligible to be issued a commercial driver's license pursuant to NRS 483.929; and

5. For the issuance of a commercial driver's license with an endorsement for hazardous materials, submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History and all applicable federal agencies to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

Sec. 7. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 12, inclusive, of this act.

Sec. 8. *As used in sections 8 to 11, inclusive, of this act, unless the context otherwise requires, "veteran" has the meaning ascribed to it in NRS 417.005.*

Sec. 9. 1. *Notwithstanding the applicable provisions for obtaining a license pursuant to this title, a regulatory body may issue such a license by endorsement to an applicant if:*

- (a) The applicant holds a corresponding valid and unrestricted license to practice his or her respective profession in the District of Columbia or any state or territory of the United States;*

- (b) The applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and*

- (c) The regulatory body determines that the provisions of law in the District of Columbia or the state or territory in which the applicant holds a license as described in paragraph (a) are substantially equivalent to the applicable provisions of law in this State.*

2. An applicant for a license by endorsement pursuant to this section shall submit to the applicable regulatory body with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Satisfies the requirements of paragraphs (a) and (b) of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice his or her respective profession;

(4) If applicable to the profession, has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and

(5) If applicable to the profession, is certified by a specialty board of the American Board of Medical Specialties or the American Osteopathic Association;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the regulatory body in this State under whose jurisdiction the license may be issued.

3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, a regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. The regulatory body shall approve or deny the application not later than:

(a) Forty-five days after receiving all the additional information required by the regulatory body to complete the application; or

(b) If the regulatory body requires the applicant to submit fingerprints for the purpose of obtaining a report on the applicant's background, 10 days after receiving the report from the appropriate authority,

↪ whichever occurs later.

4. A license by endorsement may be issued at a meeting of the regulatory body or between its meetings by the chief executive officer of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

5. Notwithstanding any applicable provision of chapters 630 to 641C, inclusive, or 644 of NRS establishing a fee for any examination required as a prerequisite to licensure or for the issuance of a license, a regulatory body subject to one of those chapters shall not collect from any person to whom a license by endorsement is issued pursuant to this section more than one-half of the specified fee for the examination or initial issuance of the license.

6. At any time before making a final decision on an application for a license by endorsement, a regulatory body may grant a provisional license authorizing the applicant to practice his or her respective profession in accordance with regulations adopted by the regulatory body.

Sec. 10. *A regulatory body shall develop opportunities for reciprocity of licensure for any person who:*

- 1. Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and*
- 2. Holds a valid and unrestricted license to practice his or her profession that is not recognized by this State.*

Sec. 11. *If a regulatory body collects information regarding whether an applicant for a license is a veteran, the regulatory body shall prepare and submit to the Interagency Council on Veterans Affairs created by NRS 417.0191 an annual report which provides information on the number of veterans who have:*

- 1. Applied for a license from the regulatory body.*
- 2. Been issued a license by the regulatory body.*
- 3. Renewed a license with the regulatory body.*

Sec. 12. *1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, or 644 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:*

- (a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and*
- (b) Regulating the practice of such a person.*

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

- (a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and*
- (b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.*

3. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 13. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

- 1. Except as otherwise provided in NRS 630.1605 and 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:*

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties ~~or~~ or the American Osteopathic Association.

2. An applicant for a license by endorsement pursuant to this section shall submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or been the subject of multiple investigations by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice medicine; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; ~~more than once;~~

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than ~~45~~ :

(a) Forty-five days after receiving all the additional information required by the Board to complete the application ~~or~~ ; or

(b) If the Board requires the applicant to submit fingerprints for the purpose of obtaining a report on the applicant's background, 10 days after receiving the report from the appropriate authority,

whichever occurs later.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 14. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, **and sections 9 and 13 of this act**, a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family ~~practice~~ **medicine** and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education, ~~for the [Coordinating Council of Medical Education of the Canadian Medical Association]~~ **Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or their successor organizations;** or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association, has

completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

(e) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

3. ~~{An applicant for a license may satisfy the requirements for postgraduate education or training prescribed by paragraph (d) of subsection 2:~~

~~—(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or in the District of Columbia or another state or territory of the United States;~~

~~—(b) In one or more approved specialties or disciplines;~~

~~—(c) In nonconsecutive months; and~~

~~—(d) At any time before receiving his or her license.~~

~~4.}~~ The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

4. ~~{5.}~~ Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed \$5,000;

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

5. ~~16.~~ If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 15. NRS 630.165 is hereby amended to read as follows:

630.165 1. Except as otherwise provided in subsection 2, an applicant for a license to practice medicine ~~must~~ **shall** submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

2. An applicant for a license by endorsement to practice medicine pursuant to NRS 630.1605 ~~must~~ **or section 9 or 13 of this act shall** submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the license to practice medicine issued by the District of Columbia or any state or territory of the United States and that the license was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

3. An application submitted pursuant to subsection 1 or 2 must include all information required to complete the application.

4. In addition to the other requirements for licensure, the Board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

5. The applicant bears the burden of proving and documenting his or her qualifications for licensure.

Sec. 16. NRS 630.171 is hereby amended to read as follows:

630.171 Except as otherwise provided in NRS 630.263, in addition to the other requirements for licensure, an applicant for a license to practice medicine shall cause to be submitted to the Board, if applicable:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant ~~received~~ **completed** training; and

2. Proof of satisfactory completion of a progressive postgraduate training program specified in subparagraph (3) of paragraph (d) of subsection 2 of NRS 630.160 within 60 days after the scheduled completion of the program.

Sec. 17. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➡ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~or~~ **or section 9 or 13 of this act;**

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board ~~shall~~ **must** issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or
(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 18. NRS 630.265 is hereby amended to read as follows:

630.265 1. ~~{Except as otherwise provided in}~~ **Unless the Board denies such licensure pursuant to** NRS 630.161 ~~{,}~~ **or for other good cause,** the Board ~~may~~ **shall** issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 19. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement <i>issued pursuant to NRS 630.1605 or section 13 of this act</i>	\$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license	400
For renewal of a limited, restricted, authorized facility or special license	400
For application for and issuance of a license as a physician assistant.....	400
For biennial registration of a physician assistant	800
For biennial registration of a physician	800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care	400
For biennial renewal of a license as a perfusionist	600
For biennial registration of a practitioner of respiratory care	600
For biennial registration for a physician who is on inactive status	400
For written verification of licensure	50
For a duplicate identification card	25
For a duplicate license	50
For computer printouts or labels	500
For verification of a listing of physicians, per hour	20
For furnishing a list of new physicians	100

2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

Sec. 20. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

“Minimal sedation” means a minimally depressed level of consciousness, produced by a pharmacological method, that retains the patient’s ability to independently and continuously maintain an airway and respond normally

to tactile stimulation and verbal command, and during which cognitive function and coordination may be modestly impaired, but ventilatory and cardiovascular functions are unaffected.

Sec. 21. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, **and section 20 of this act** have the meanings ascribed to them in those sections.

Sec. 22. NRS 631.025 is hereby amended to read as follows:

631.025 ~~["Conscious"]~~ **"Moderate sedation"** means a ~~["minimally"]~~ **drug-induced** depressed level of consciousness, ~~["produced by a pharmacologic or nonpharmacologic method or a combination thereof, in"]~~ **during** which ~~["the"]~~ :

1. ~~The patient retains the ability ["independently and continuously to maintain an airway and"] to respond ["appropriately"]~~ **purposefully** to ~~["physical stimulation and"]~~ verbal commands ~~[""], either alone or accompanied by light tactile stimulation;~~

2. **Spontaneous ventilation is adequate and no interventions are required to maintain a patent airway; and**

3. **Cardiovascular function is usually maintained.**

Sec. 22.5. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene or dentistry, or any of its special branches, must:

- (a) File an application with the Board, ~~["at least 45 days before:~~
 - ~~["(1) The date on which the examination will be given; or~~
 - ~~["(2) If an examination is not required for the issuance of a license, the date on which the Board is scheduled to take action on the application."]~~

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240 or 631.300, submit with the application proof satisfactory that the applicant passed the examination.

2. An application must include all information required to complete the application.

3. The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 23. NRS 631.240 is hereby amended to read as follows:

631.240 1. Any person desiring to obtain a license to practice dentistry in this State, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must present to the Board a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Examination with an average score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners; or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed ~~within the 5 years immediately preceding the date of the application,~~ a clinical examination administered by the Western Regional Examining Board.

2. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

3. All persons who have satisfied the requirements for licensure as a dentist must be registered as licensed dentists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 23.5. NRS 631.260 is hereby amended to read as follows:

631.260 ~~[As]~~ **Except as otherwise provided in subsection 3 of NRS 631.220, as** soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 24. NRS 631.265 is hereby amended to read as follows:

631.265 1. No licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 may administer or supervise directly the administration of general anesthesia, ~~[conscious]~~ **minimal sedation, moderate sedation or deep sedation** to dental patients unless the dentist or person has been issued a permit authorizing him or her to do so by the Board.

2. The Board may issue a permit authorizing a licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 to administer or supervise directly the administration of general anesthesia, ~~[conscious]~~ **minimal sedation, moderate sedation or deep sedation** to dental patients under such standards, conditions and other requirements as the Board shall by regulation prescribe.

Sec. 25. NRS 631.300 is hereby amended to read as follows:

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners ~~for present evidence to the Board that the applicant has passed such a clinical examination within the 5 years immediately preceding the date of the application;~~ **;** ~~or~~

(2) ~~Successfully complete a clinical examination in dental hygiene given by the Board which examines the applicant's practical knowledge of dental hygiene and which includes, but is not limited to, demonstrations in the removal of deposits from, and the polishing of, the exposed surface of the teeth; or~~

~~—(3) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed [within the 5 years immediately preceding the date of the application,] a clinical examination administered by the Western Regional Examining Board.~~

2. ~~The clinical examination given by the Board must include components that are:~~

~~(a) Written or oral, or a combination of both; and~~

~~(b) Practical, as in the opinion of the Board is necessary to test the qualifications of the applicant.~~

~~3.]~~ The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

~~4.]~~ 3. All persons who have satisfied the requirements for licensure as a dental hygienist must be registered as licensed dental hygienists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 26. NRS 631.313 is hereby amended to read as follows:

631.313 1. A licensed dentist may assign to a person in his or her employ who is a dental hygienist, dental assistant or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, ~~{conscious}~~ **minimal sedation, moderate** sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

Sec. 27. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry	\$1,500
Application fee for an initial license to practice dental hygiene	750
Application fee for a specialist's license to practice dentistry	300
Application fee for a limited license or restricted license to practice dentistry or dental hygiene	300
Fee for administering a clinical examination in dentistry	2,500
Fee for administering a clinical examination in dental hygiene	1,500
Application and examination fee for a permit to administer general anesthesia, ~~{conscious}~~ minimal sedation, moderate sedation or deep sedation	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, ~~{conscious}~~ minimal sedation, moderate sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, ~~{conscious}~~ minimal sedation, moderate sedation or deep sedation	600

Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, ~~[conscious]~~ minimal sedation, moderate sedation or deep sedation	350
Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines	500
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry	\$1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry	300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene	600
Annual license renewal fee for a limited license to practice dental hygiene.....	300
Biennial license renewal fee for an inactive dentist.....	400
Biennial license renewal fee for a dentist who is retired or has a disability	100
Biennial license renewal fee for an inactive dental hygienist	200
Biennial license renewal fee for a dental hygienist who is retired or has a disability	100
Reinstatement fee for a suspended license to practice dentistry or dental hygiene	500
Reinstatement fee for a revoked license to practice dentistry or dental hygiene.....	500
Reinstatement fee to return a dentist or dental hygienist who is inactive, retired or has a disability to active status	500
Fee for the certification of a license.....	50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed \$150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 28. ~~[Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Except as otherwise provided in NRS 633.315, the Board may issue a license by endorsement to practice osteopathic medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:~~

~~(a) Holds a corresponding valid and unrestricted license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States; and~~

~~(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association;~~

~~2. An applicant for a license by endorsement pursuant to this section shall submit to the Board with his or her application:~~

~~(a) Proof satisfactory that the applicant:~~

~~(1) Satisfies the requirements of subsection 1;~~

~~(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice osteopathic medicine; and~~

~~(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;~~

~~(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.200;~~

~~(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and~~

~~(d) Any other information required by the Board.~~

~~3. Not later than 15 business days after receiving an application for a license by endorsement to practice osteopathic medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice osteopathic medicine to the applicant not later than:~~

~~(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or~~

~~(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, whichever occurs later;~~

~~4. A license by endorsement to practice osteopathic medicine may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.~~
(Deleted by amendment.)

Sec. 29. NRS 633.311 is hereby amended to read as follows:

633.311 1. Except as otherwise provided in NRS 633.315, 633.381 to 633.419, inclusive, and ~~sections~~ section 9 ~~and 29~~ of this act, an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

~~{1.}~~ (a) The applicant is 21 years of age or older;

~~{2.}~~ (b) The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;

~~{3.}~~ (c) The applicant is a graduate of a school of osteopathic medicine;

~~{4.}~~ (d) The applicant:

~~[(a)]~~ (1) Has graduated from a school of osteopathic medicine before 1995 and has completed:

~~[(1)]~~ (I) A hospital internship; or

~~[(2)]~~ (II) One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

~~[(b)]~~ (2) Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

~~[(c)]~~ (3) Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

~~[(5)]~~ (e) The applicant applies for the license as provided by law;

~~[(6)]~~ (f) The applicant passes:

~~[(a)]~~ (1) All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

~~[(b)]~~ (2) All parts of the licensing examination of the Federation of State Medical Boards ~~of the United States, Inc.;~~

~~[(c)]~~ ;

(3) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

~~[(d)]~~ (4) A combination of the parts of the licensing examinations specified in ~~paragraphs (a), (b) and (c)]~~ **subparagraphs (1), (2) and (3)** that is approved by the Board;

~~[(7)]~~ (g) The applicant pays the fees provided for in this chapter; and

~~[(8)]~~ (h) The applicant submits all information required to complete an application for a license.

2. An applicant for a license to practice osteopathic medicine may satisfy the requirements for postgraduate education or training prescribed by paragraph (d) of subsection 1:

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or, except for a resident who is enrolled in a postgraduate training program in this State pursuant to subparagraph (3) of paragraph (d) of subsection 1, in the District of Columbia or another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

Sec. 30. NRS 633.322 is hereby amended to read as follows:

633.322 In addition to the other requirements for licensure to practice osteopathic medicine, an applicant shall cause to be submitted to the Board:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant received training; and

2. If applicable, proof of satisfactory completion of a postgraduate training program specified in **subparagraph (3) of** paragraph ~~[(c)] (d)~~ of subsection ~~[4]~~ **1** of NRS 633.311 within 120 days after the scheduled completion of the program.

Sec. 30.5. NRS 633.400 is hereby amended to read as follows:

633.400 1. Except as otherwise provided in NRS 633.315, the Board shall, except for good cause, issue a license by endorsement to a person who has been issued a license to practice osteopathic medicine by the District of Columbia or any state or territory of the United States if:

(a) At the time the person files an application with the Board, the license is in effect and unrestricted; and

(b) The applicant:

(1) Is currently certified by either a specialty board of the American Board of Medical Specialties or a specialty board of the American Osteopathic Association, or was certified or recertified within the past 10 years;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of osteopathic medicine within his or her specialty for the past 5 years;

(4) Is not involved in and does not have pending any disciplinary action concerning a license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States;

(5) Provides information on all the medical malpractice claims brought against him or her, without regard to when the claims were filed or how the claims were resolved; and

(6) Meets all statutory requirements to obtain a license to practice osteopathic medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 633.311.

2. Any person applying for a license pursuant to this section shall pay in advance to the Board the application and initial license fee specified in this chapter.

3. **Not later than 15 business days after receiving an application for a license by endorsement to practice osteopathic medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice osteopathic medicine to the applicant not later than:**

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, whichever occurs later.

4. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such action shall be deemed to be an action of the Board.

Sec. 31. NRS 633.401 is hereby amended to read as follows:

633.401 1. ~~{Except as otherwise provided in}~~ **Unless the Board denies such licensure pursuant to** NRS 633.315 ~~{}~~ **or for other good cause,** the Board ~~{may}~~ **shall** issue a special license to practice osteopathic medicine:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his or her patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of **subparagraph (3) of** paragraph ~~{(c)}~~ **(d)** of subsection ~~{4}~~ **1** of NRS 633.311.

(c) Other than a license issued pursuant to NRS 633.419, for a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:

(a) Hold a full and unrestricted license to practice osteopathic medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.

3. A special license issued under this section may be renewed by the Board upon application of the licensee.

4. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 32. NRS 633.416 is hereby amended to read as follows:

633.416 1. An osteopathic physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,
 ➤ may obtain a special volunteer license to practice osteopathic medicine by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer license to practice osteopathic medicine must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the osteopathic physician;

(b) Proof that the osteopathic physician previously has been issued an unrestricted license to practice osteopathic medicine in any state of the United States and that the osteopathic physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the osteopathic physician satisfies the requirements for licensure set forth in NRS 633.311 or the requirements for licensure by endorsement set forth in NRS 633.400 ~~[-] or section 9 for 281 of this act;~~

(d) Acknowledgment that the practice of the osteopathic physician under the special volunteer license to practice osteopathic medicine will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the osteopathic physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer license to practice osteopathic medicine, except for payment by a medical facility at which the osteopathic physician provides volunteer medical services of the expenses of the osteopathic physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of an osteopathic physician satisfies the requirements of subsection 2 and that the retired osteopathic physician is competent to practice osteopathic medicine, the Board ~~shall~~ **must** issue a special volunteer license to practice osteopathic medicine to the osteopathic physician.

4. The initial special volunteer license to practice osteopathic medicine issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer license to practice osteopathic medicine; or

(b) The issuance or renewal of a special volunteer license to practice osteopathic medicine pursuant to this section.

6. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section and who accepts the privilege of practicing osteopathic medicine in this State pursuant to the provisions of the special volunteer license to practice osteopathic medicine is subject to all the provisions governing disciplinary action set forth in this chapter.

7. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 33. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant ~~+~~

~~(a) Holds~~ holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States ~~+~~ and

~~(b) Is certified in a specialty recognized by the American Board of Medical Specialties.~~

2. An applicant for a license by endorsement pursuant to this section shall submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice podiatry; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ~~;~~ ~~more than once.~~

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 34. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.

2. ~~{A}~~ Except as otherwise provided in section 9 or 33 of this act, a license to practice podiatry may be issued by the Board to any person who:

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

(d) Has completed a residency approved by the Board.

(e) Has passed the examination given by the National Board of Podiatric Medical Examiners.

(f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a license to practice podiatry ~~must~~ **shall** submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

(a) The fee for an application for a license of not more than \$600;

(b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and

(c) All other information required by the Board to complete an application for a license.

➡ The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.

4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

5. The Board may require such further documentation or proof of qualification as it may deem proper.

6. The provisions of this section do not apply to a person who applies for:

(a) A limited license to practice podiatry pursuant to NRS 635.075; or

(b) A provisional license to practice podiatry pursuant to NRS 635.082.

Sec. 35. NRS 635.065 is hereby amended to read as follows:

635.065 1. In addition to the other requirements for licensure set forth in this chapter, an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state or the District of Columbia ~~must~~ **shall** submit:

(a) An affidavit signed by the applicant that:

(1) Identifies each jurisdiction in which the applicant has been licensed to practice; and

(2) States whether a disciplinary proceeding has ever been instituted against the applicant by the licensing board of that jurisdiction and, if so, the status of the proceeding; and

(b) If the applicant is currently licensed to practice podiatry in another state or the District of Columbia, a certificate from the licensing board of that jurisdiction stating that the applicant is in good standing and no disciplinary proceedings are pending against the applicant.

2. ~~{The}~~ ***Except as otherwise provided in section 9 or 33 of this act, the*** Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:

(a) Pass an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

(b) Submit satisfactory proof that:

(1) The applicant maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding the application;

(2) No disciplinary proceeding has ever been instituted against the applicant by a licensing board in any jurisdiction in which he or she is licensed to practice podiatry; and

(3) The applicant has participated in a program of continuing education that is equivalent to the program of continuing education that is required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

Sec. 36. NRS 641B.275 is hereby amended to read as follows:

641B.275 1. The Board shall grant a provisional license to engage in social work as a social worker to a person:

(a) Who applies to take the next available examination and who is otherwise eligible to be a social worker pursuant to subsection 1 of NRS 641B.220; or

(b) Who:

(1) Possesses a baccalaureate degree or a master's degree in a related field of study from an accredited college or university recognized by the Board; and

(2) Presents evidence of enrollment in a program of study leading to a degree in social work at a college or university accredited by the Council on Social Work Education or which is a candidate for such accreditation and which is approved by the Board.

2. The Board shall grant a provisional license to engage in social work as an independent social worker to a person who applies to take the next available examination and who is otherwise eligible to be an independent social worker pursuant to subsection 1 of NRS 641B.230.

3. The Board shall grant a provisional license to engage in social work as a clinical social worker to a person who applies to take the next available examination and who is otherwise eligible to be a clinical social worker pursuant to subsection 1 of NRS 641B.240.

4. ***The Board may grant a provisional license to engage in social work as an independent social worker or as a clinical social worker pursuant to a plan of supervision established by the Board by regulation to a person who is an active member of, or the spouse of an active member of, the Armed Forces of the United States if:***

(a) The person applied for a license to engage in social work as an independent social worker or a clinical social worker without examination pursuant to NRS 641B.270; and

(b) The Board deemed that the state in which the person holds a license to engage in the practice of social work did not have licensing requirements

at the time the license was issued that are substantially equivalent to the requirements set forth in this chapter.

5. The Board shall establish by regulation the period during which a provisional license issued pursuant to this section will be valid. The period must be:

(a) ~~Not~~ **Not** longer than 9 months for a person who is granted a provisional license to engage in social work pursuant to paragraph (a) of subsection 1 or subsection 2 or 3; and

(b) ~~Not~~ **Not** longer than 3 years for a person who is granted a provisional license to engage in social work pursuant to paragraph (b) of subsection 1.

Sec. 37. ~~NRS 641B.300 is hereby amended to read as follows:~~
~~641B.300 The Board shall charge and collect fees not to exceed the following amounts for:~~

Initial application.....	~~[\$40]~~ \$120
Provisional license.....	~~[75]~~ 225
Initial issuance of a license.....	~~[100]~~ 300
Annual renewal of a license.....	~~[150]~~ 450
Restoration of a suspended license or reinstatement of a — revoked license.....	~~[150]~~ 450
Restoration of an expired license.....	~~[200]~~ 600
Renewal of a delinquent license.....	~~[100]~~ 300
Reciprocal license without examination.....	~~[100]~~ 300
~~Application to provide a course of continuing education.....~~	~~100~~

(Deleted by amendment.)

Sec. 37.5. 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. 38. This act becomes effective on July 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment No. 79 to Assembly Bill 89 removes provisions relating to the employment of physicians by a medical facility. It clarifies provisions relating to the waiver of certain requirements for drivers of commercial vehicles. It also removes provisions relating to modifications of the requirements for postgraduate education or training. It revises *Nevada Revised Statutes* 633.400 to include timelines for action by the State Board of Osteopathic Medicine on applications for license by endorsement and removes redundant provisions in the bill. It removes fee increases for the Board of Examiners for Social Workers. It requires the reports mandated by this bill to continue in perpetuity. It changes the reporting requirements in section 1 of the bill from monthly to quarterly, and allows the Secretary-Treasurer of the Board of Dental Examiners of Nevada to accept or reject certain applications submitted to the Board under certain circumstances.

Amendment adopted.

The following amendment was proposed by Assemblyman Kirner:

Amendment No. 250.

AN ACT relating to professions; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather and report certain data to the Interagency Council on Veterans Affairs; authorizing a private employer to adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran; **authorizing the Nevada Equal Rights Commission to review such an employment policy under certain circumstances;** revising provisions governing the dissemination of certain records of criminal history; authorizing a medical facility to employ or contract with a physician to provide health care to a patient of the medical facility; authorizing certain persons to obtain a commercial driver's license without taking a driving skills test; authorizing certain qualified professionals to apply for a license by endorsement to practice in this State; requiring a regulatory body to develop opportunities for reciprocity of licensure for certain qualified professionals; requiring a regulatory body in certain circumstances to prepare and submit to the Interagency Council on Veterans Affairs an annual report relating to veterans; authorizing certain regulatory bodies to enter into certain reciprocal agreements relating to the practice of licensed professionals; revising provisions relating to the licensing requirements for dentists and dental hygienists; establishing a fee for the inspection of a facility required by the Board of Dental Examiners of Nevada to ensure compliance with infection control guidelines; authorizing certain qualified physicians and podiatrists to obtain a license by endorsement under certain circumstances; authorizing the Board of Examiners for Social Workers to grant a provisional license to certain persons; increasing the application and licensing fees charged by the Board of Examiners for Social Workers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill set forth new provisions relating to the employment of veterans. **Section 1** requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather and report aggregate unemployment data concerning veterans to the Interagency Council on Veterans Affairs on a monthly basis. **Section 2** authorizes a private employer to adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran. **Section 2 also authorizes the Nevada Equal Rights Commission to review the uniform application of such an employment policy upon receiving a written complaint from a prospective employee of the employer and requires the employer, upon a finding by the Commission that the policy has not been applied uniformly, to revise his or her employment policy in accordance with the recommendations of the Commission.** Existing law generally provides for preferential employment in public employment and the construction of public works for certain veterans. (NRS 281.060, 284.260, 338.130)

Under existing law, before a person can be issued a commercial driver's license by this State, the person is required, among other things, to pass a driving skills test for driving a commercial motor vehicle. (NRS 483.928)

Section 5 of this bill provides an exemption to this requirement for certain persons who have experience driving a commercial motor vehicle because of their service in the Armed Forces of the United States.

Existing law also generally provides for the regulation of professions in this State. (Title 54 of NRS) **Section 9** of this bill authorizes certain qualified professionals who are licensed in another state or territory of the United States and who are active members of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran to apply for and receive a license by endorsement to practice their respective profession in this State. **Section 9** also provides that a person who meets such requirements and receives a license by endorsement in certain professions is entitled to at least a 50 percent reduction in the fee for an examination required as a prerequisite to licensure or for initial issuance of a license. **Section 10** of this bill requires a regulatory body to develop opportunities for reciprocity of licensure for such persons who hold a professional license that is not recognized by this State. **Section 11** of this bill requires a regulatory body in certain circumstances to prepare and submit to the Interagency Council on Veterans Affairs an annual report providing information on the number of veterans who have applied for a license, have been issued a license or have renewed a license.

Section 12 of this bill authorizes certain regulatory bodies of this State to enter into a reciprocal agreement with the corresponding regulatory authority of another state or territory of the United States for the purposes of authorizing and regulating the practice of certain professions concurrently in this State and another jurisdiction. **Section 12 provides that such a reciprocal agreement must not authorize a person to practice his or her profession concurrently in this State unless the person meets certain credentialing requirements.** **Sections 13, 28 and 33** of this bill authorize certain qualified physicians and certain qualified podiatrists to obtain a license by endorsement to practice in this State if the physician or podiatrist meets certain requirements. **Section 4** of this bill authorizes a medical facility to employ or contract with a physician to provide health care to a patient of the medical facility.

Sections 20-27 of this bill revise various provisions relating to dentists and dental hygienists. **Sections 23 and 25** revise provisions relating to the licensing requirements for dentists and dental hygienists, and **section 27** establishes a fee for the inspection of a facility required by the Board of Dental Examiners of Nevada to ensure compliance with infection control guidelines.

Additionally, existing law authorizes the Board of Examiners for Social Workers to grant a license without examination to a person who holds a current license to engage in the practice of social work in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the statutory provisions

governing social workers in this State. (NRS 641B.270) **Section 36** of this bill authorizes the Board to grant a provisional license to engage in social work as an independent social worker or a clinical social worker to an active member of or the spouse of an active member of the Armed Forces of the United States who applied for such a license if the Board deems that the other state's licensing requirements are not substantially equivalent to the requirements set forth in the statutory provisions governing social workers in this State. **Section 37** of this bill increases the application and licensing fees charged and collected by the Board, and establishes a fee for an application to provide a course of continuing education. **Section 3** of this bill adds the Board to the list of persons and governmental entities to whom records of criminal history must be disseminated by an agency of criminal justice upon request.

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

Section 1. Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each month, the Administrator of the Division shall gather and report aggregate unemployment data concerning veterans, including, without limitation, benefits paid to veterans, to the Interagency Council on Veterans Affairs.*

2. *As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.*

Sec. 2. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A private employer may adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran. Such a policy must be applied uniformly to employment decisions regarding the hiring or promotion of a veteran or the spouse of a veteran or the retention of a veteran or the spouse of a veteran during a reduction in the workforce.*

2. *A private employer who gives preference in hiring to a veteran or the spouse of a veteran pursuant to subsection 1 does not violate any local or state equal employment law.*

3. The Nevada Equal Rights Commission may, upon receipt of a written complaint from a prospective employee of a private employer who has adopted an employment policy giving preference in hiring to a veteran or the spouse of a veteran pursuant to subsection 1, review the employment policy to determine whether the policy is being applied uniformly in accordance with subsection 1. If the Commission determines that an employment policy is not being applied uniformly, the Commission shall cause written notice of its findings, including the recommendations of the Commission, to be provided to the employer and prospective employee. Upon receipt of a notice from the Commission that an employment policy is not being applied uniformly, the employer shall revise his or her employment policy consistent with the recommendations of the Commission.

4. As used in this section:

(a) “Private employer” has the meaning ascribed to it in NRS 616A.295.

(b) “Veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 3. NRS 179A.100 is hereby amended to read as follows:

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

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

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

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

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

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

(c) Reported to the Central Repository.

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

(a) Reflect convictions only; or

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

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

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

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

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

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

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

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

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

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

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

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

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

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

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

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

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

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

will be otherwise confidential in accordance with state and federal law and regulation.

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

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

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

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

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

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

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

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

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

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

(x) ***The Board of Examiners for Social Workers.***

(y) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

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

Sec. 4. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A medical facility may employ or contract with a physician to provide health care to a patient of the medical facility.

2. If a medical facility, other than a hospital, employs or contracts with a physician pursuant to subsection 1, the medical facility must have:

(a) Credentialing and privileging standards and a process for peer review for the medical facility; and

(b) A physician or committee of physicians who oversees the standards and process required pursuant to paragraph (a).

3. *If a medical facility employs or contracts with a physician pursuant to subsection 1, the medical facility must not, by virtue of its employment of or contract with the physician, interfere with, limit or otherwise impede the ability of the physician to care for a patient in a manner consistent with the professional medical judgment of the physician.*

4. *As used in this section:*

(a) *“Credentialing” means obtaining, verifying and assessing the qualifications of a physician to provide treatment, care or services in or for a medical facility.*

(b) *“Physician” means a person licensed to practice medicine pursuant to chapter 630 or 633 of NRS.*

(c) *“Privileging” means the authorizing by an appropriate authority of a physician to provide specific treatment, care or services at a medical facility subject to limits based on factors that include, without limitation, the physician’s license, education, training, experience, competence, health status and specialized skill.*

Sec. 5. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *In accordance with 49 C.F.R. § 383.77, the requirement set forth in paragraph (b) of subsection 2 of NRS 483.928 for the issuance of a commercial driver’s license by this State must be waived for an applicant who:*

(a) *Has experience driving a commercial motor vehicle because of his or her service in the Armed Forces of the United States;*

(b) *Is licensed at the time of his or her application for a commercial driver’s license; and*

(c) *Meets the requirements set forth in subsection 2.*

2. *An applicant for a commercial driver’s license who seeks a waiver pursuant to subsection 1 of the requirement set forth in paragraph (b) of subsection 2 of NRS 483.928 shall:*

(a) *Certify that, during the 2 years immediately preceding his or her application for a commercial driver’s license, the applicant has not had:*

(1) *More than one license in more than one jurisdiction at the same time;*

(2) *A license suspended, revoked, cancelled or denied;*

(3) *A conviction for an offense listed in 49 C.F.R. § 383.51(b);*

(4) *More than one conviction for a serious traffic violation listed in 49 C.F.R. § 383.51(c); and*

(5) *A conviction for a violation of any military, state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault.*

(b) *Certify and provide evidence that he or she:*

(1) *Is regularly employed in a military position that requires the operation of a commercial motor vehicle;*

(2) Is exempt from the requirements for a commercial driver's license pursuant to 49 C.F.R. § 383.3(c); and

(3) Has operated a vehicle which is representative of the commercial motor vehicle that he or she intends to operate for at least 2 years immediately preceding the date of his or her application.

Sec. 6. NRS 483.928 is hereby amended to read as follows:

483.928 A person who wishes to be issued a commercial driver's license by this State must:

1. Apply to the Department for a commercial driver's license;
2. In accordance with standards contained in regulations adopted by the Department:

(a) Pass a knowledge test for the type of motor vehicle the person operates or expects to operate; and

(b) ~~{Pass}~~ *Except as otherwise provided in section 5 of this act, pass* a driving skills test for driving a commercial motor vehicle taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate;

3. Comply with all other requirements contained in the regulations adopted by the Department pursuant to NRS 483.908;

4. Not be ineligible to be issued a commercial driver's license pursuant to NRS 483.929; and

5. For the issuance of a commercial driver's license with an endorsement for hazardous materials, submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History and all applicable federal agencies to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

Sec. 7. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 12, inclusive, of this act.

Sec. 8. *As used in sections 8 to 11, inclusive, of this act, unless the context otherwise requires, "veteran" has the meaning ascribed to it in NRS 417.005.*

Sec. 9. 1. *Notwithstanding the applicable provisions for obtaining a license pursuant to this title, a regulatory body may issue such a license by endorsement to an applicant if:*

(a) The applicant holds a corresponding valid and unrestricted license to practice his or her respective profession in the District of Columbia or any state or territory of the United States;

(b) The applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and

(c) The regulatory body determines that the provisions of law in the District of Columbia or the state or territory in which the applicant holds a

license as described in paragraph (a) are substantially equivalent to the applicable provisions of law in this State.

2. An applicant for a license by endorsement pursuant to this section shall submit to the applicable regulatory body with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Satisfies the requirements of paragraphs (a) and (b) of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice his or her respective profession;

(4) If applicable to the profession, has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and

(5) If applicable to the profession, is certified by a specialty board of the American Board of Medical Specialties or the American Osteopathic Association;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the regulatory body in this State under whose jurisdiction the license may be issued.

3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, a regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. The regulatory body shall approve or deny the application not later than:

(a) Forty-five days after receiving all the additional information required by the regulatory body to complete the application; or

(b) If the regulatory body requires the applicant to submit fingerprints for the purpose of obtaining a report on the applicant's background, 10 days after receiving the report from the appropriate authority,

↪ whichever occurs later.

4. A license by endorsement may be issued at a meeting of the regulatory body or between its meetings by the chief executive officer of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

5. Notwithstanding any applicable provision of chapters 630 to 641C, inclusive, or 644 of NRS establishing a fee for any examination required as a prerequisite to licensure or for the issuance of a license, a regulatory body subject to one of those chapters shall not collect from any person to whom a license by endorsement is issued pursuant to this section more than one-half of the specified fee for the examination or initial issuance of the license.

6. At any time before making a final decision on an application for a license by endorsement, a regulatory body may grant a provisional license

authorizing the applicant to practice his or her respective profession in accordance with regulations adopted by the regulatory body.

Sec. 10. A regulatory body shall develop opportunities for reciprocity of licensure for any person who:

1. Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and

2. Holds a valid and unrestricted license to practice his or her profession that is not recognized by this State.

Sec. 11. If a regulatory body collects information regarding whether an applicant for a license is a veteran, the regulatory body shall prepare and submit to the Interagency Council on Veterans Affairs created by NRS 417.0191 an annual report which provides information on the number of veterans who have:

1. Applied for a license from the regulatory body.

2. Been issued a license by the regulatory body.

3. Renewed a license with the regulatory body.

Sec. 12. 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, or 644 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) Has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in or does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 13. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section shall submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or been the subject of multiple investigations by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice medicine; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the

Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 14. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, **and sections 9 and 13 of this act**, a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family ~~practice~~ **medicine** and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association, has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

(e) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

3. *An applicant for a license may satisfy the requirements for postgraduate education or training prescribed by paragraph (d) of subsection 2:*

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or in the District of Columbia or another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

4. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

~~{4.}~~ **5.** Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed \$5,000;

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

~~{5-}~~ 6. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 15. NRS 630.165 is hereby amended to read as follows:

630.165 1. Except as otherwise provided in subsection 2, an applicant for a license to practice medicine ~~must~~ **shall** submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

2. An applicant for a license by endorsement to practice medicine pursuant to NRS 630.1605 ~~must~~ **or section 9 or 13 of this act shall** submit to the

Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the license to practice medicine issued by the District of Columbia or any state or territory of the United States and that the license was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

3. An application submitted pursuant to subsection 1 or 2 must include all information required to complete the application.

4. In addition to the other requirements for licensure, the Board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

5. The applicant bears the burden of proving and documenting his or her qualifications for licensure.

Sec. 16. NRS 630.171 is hereby amended to read as follows:

630.171 Except as otherwise provided in NRS 630.263, in addition to the other requirements for licensure, an applicant for a license to practice medicine shall cause to be submitted to the Board, if applicable:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant ~~received~~ **completed** training; and

2. Proof of satisfactory completion of a progressive postgraduate training program specified in subparagraph (3) of paragraph (d) of subsection 2 of NRS 630.160 within 60 days after the scheduled completion of the program.

Sec. 17. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➡ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~or~~ **or section 9 or 13 of this act;**

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board ~~shall~~ **must** issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 18. NRS 630.265 is hereby amended to read as follows:

630.265 1. ~~{Except as otherwise provided in}~~ **Unless the Board denies such licensure pursuant to** NRS 630.161 ~~{,}~~ **or for other good cause,** the Board ~~may~~ **shall** issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a

written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 19. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement issued pursuant to NRS 630.1605 or section 13 of this act	\$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license	400
For renewal of a limited, restricted, authorized facility or special license	400
For application for and issuance of a license as a physician assistant.....	400
For biennial registration of a physician assistant.....	800
For biennial registration of a physician	800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care	400
For biennial renewal of a license as a perfusionist.....	600
For biennial registration of a practitioner of respiratory care	600
For biennial registration for a physician who is on inactive status	400
For written verification of licensure	50
For a duplicate identification card.....	25
For a duplicate license.....	50
For computer printouts or labels.....	500

For verification of a listing of physicians, per hour.....	20
For furnishing a list of new physicians.....	100

2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

Sec. 20. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

“Minimal sedation” means a minimally depressed level of consciousness, produced by a pharmacological method, that retains the patient’s ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command, and during which cognitive function and coordination may be modestly impaired, but ventilatory and cardiovascular functions are unaffected.

Sec. 21. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, **and section 20 of this act** have the meanings ascribed to them in those sections.

Sec. 22. NRS 631.025 is hereby amended to read as follows:

631.025 ~~“Conscious”~~ ***“Moderate sedation”*** means a ~~minimally~~ **drug-induced** depressed level of consciousness, ~~produced by a pharmacologic or nonpharmacologic method or a combination thereof, in~~ **during** which ~~the~~ :

1. ~~The patient retains the ability independently and continuously to maintain an airway and~~ to respond ~~appropriately~~ **purposefully** to ~~physical stimulation and~~ verbal commands ~~[-], either alone or accompanied by light tactile stimulation;~~

2. ***Spontaneous ventilation is adequate and no interventions are required to maintain a patent airway; and***

3. ***Cardiovascular function is usually maintained.***

Sec. 23. NRS 631.240 is hereby amended to read as follows:

631.240 1. Any person desiring to obtain a license to practice dentistry in this State, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must present to the Board a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Examination with an average score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners; or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed ~~the~~ ~~within the 5 years immediately preceding the date of the application,~~ a clinical examination administered by the Western Regional Examining Board.

2. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

3. All persons who have satisfied the requirements for licensure as a dentist must be registered as licensed dentists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 24. NRS 631.265 is hereby amended to read as follows:

631.265 1. No licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 may administer or supervise directly the administration of general anesthesia, ~~conscious~~ **minimal sedation, moderate** sedation or deep sedation to dental patients unless the dentist or person has been issued a permit authorizing him or her to do so by the Board.

2. The Board may issue a permit authorizing a licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 to administer or supervise directly the administration of general anesthesia, ~~conscious~~ **minimal sedation, moderate** sedation or deep sedation to dental patients under such standards, conditions and other requirements as the Board shall by regulation prescribe.

Sec. 25. NRS 631.300 is hereby amended to read as follows:

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners ~~for present evidence to the Board that the applicant has passed such a clinical examination within the 5 years immediately preceding the date of the application;~~ **;** or

(2) ~~[Successfully complete a clinical examination in dental hygiene given by the Board which examines the applicant's practical knowledge of dental hygiene and which includes, but is not limited to, demonstrations in the removal of deposits from, and the polishing of, the exposed surface of the teeth; or~~

~~—(3) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed ~~it~~ within the 5 years immediately preceding the date of the application,~~ a clinical examination administered by the Western Regional Examining Board.

2. ~~The clinical examination given by the Board must include components that are:~~

~~—(a) Written or oral, or a combination of both; and~~

~~—(b) Practical, as in the opinion of the Board is necessary to test the qualifications of the applicant.~~

~~—3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.~~

~~4.~~ 3. All persons who have satisfied the requirements for licensure as a dental hygienist must be registered as licensed dental hygienists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 26. NRS 631.313 is hereby amended to read as follows:

631.313 1. A licensed dentist may assign to a person in his or her employ who is a dental hygienist, dental assistant or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, ~~conscious~~ **minimal sedation, moderate** sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

Sec. 27. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry	\$1,500
Application fee for an initial license to practice dental hygiene.....	750
Application fee for a specialist's license to practice dentistry.....	300
Application fee for a limited license or restricted license to practice dentistry or dental hygiene.....	300
Fee for administering a clinical examination in dentistry.....	2,500
Fee for administering a clinical examination in dental hygiene	1,500
Application and examination fee for a permit to administer general anesthesia, ~~{conscious}~~ minimal sedation, moderate sedation or deep sedation	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, ~~{conscious}~~ minimal sedation, moderate sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, ~~{conscious}~~ minimal sedation, moderate sedation or deep sedation	600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, ~~{conscious}~~ minimal sedation, moderate sedation or deep sedation	350
Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines	500
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry	1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry	300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene	600
Annual license renewal fee for a limited license to practice dental hygiene.....	300
Biennial license renewal fee for an inactive dentist	400
Biennial license renewal fee for a dentist who is retired or has a disability	100
Biennial license renewal fee for an inactive dental hygienist.....	200
Biennial license renewal fee for a dental hygienist who is retired or has a disability	100

Reinstatement fee for a suspended license to practice dentistry or dental hygiene	500
Reinstatement fee for a revoked license to practice dentistry or dental hygiene.....	500
Reinstatement fee to return a dentist or dental hygienist who is inactive, retired or has a disability to active status	500
Fee for the certification of a license	50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed \$150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 28. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 633.315, the Board may issue a license by endorsement to practice osteopathic medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.

2. An applicant for a license by endorsement pursuant to this section shall submit to the Board with his or her application:

(a) Proof satisfactory that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice osteopathic medicine; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice osteopathic medicine pursuant to this

section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice osteopathic medicine to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement to practice osteopathic medicine may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 29. NRS 633.311 is hereby amended to read as follows:

633.311 1. Except as otherwise provided in NRS 633.315, **633.381 to 633.419, inclusive, and sections 9 and 28 of this act**, an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

~~{1-}~~ **(a)** The applicant is 21 years of age or older;

~~{2-}~~ **(b)** The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;

~~{3-}~~ **(c)** The applicant is a graduate of a school of osteopathic medicine;

~~{4-}~~ **(d)** The applicant:

~~{a)}~~ **(1)** Has graduated from a school of osteopathic medicine before 1995 and has completed:

~~{1)}~~ **(I)** A hospital internship; or

~~{2)}~~ **(II)** One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

~~{b)}~~ **(2)** Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

~~{c)}~~ **(3)** Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

~~{5-}~~ **(e)** The applicant applies for the license as provided by law;

~~{6-}~~ **(f)** The applicant passes:

~~{a)}~~ **(1)** All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

~~{b)}~~ **(2)** All parts of the licensing examination of the Federation of State Medical Boards ~~of the United States, Inc.;~~

~~—(c)}~~ ;

(3) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified

by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

~~[(d)]~~ **(4)** A combination of the parts of the licensing examinations specified in ~~paragraphs (a), (b) and (c)]~~ **subparagraphs (1), (2) and (3)** that is approved by the Board;

~~[(7)]~~ **(g)** The applicant pays the fees provided for in this chapter; and

~~[(8)]~~ **(h)** The applicant submits all information required to complete an application for a license.

2. An applicant for a license to practice osteopathic medicine may satisfy the requirements for postgraduate education or training prescribed by paragraph (d) of subsection 1:

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or, except for a resident who is enrolled in a postgraduate training program in this State pursuant to subparagraph (3) of paragraph (d) of subsection 1, in the District of Columbia or another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

Sec. 30. NRS 633.322 is hereby amended to read as follows:

633.322 In addition to the other requirements for licensure to practice osteopathic medicine, an applicant shall cause to be submitted to the Board:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant received training; and

2. If applicable, proof of satisfactory completion of a postgraduate training program specified in **subparagraph (3) of paragraph** ~~[(c)]~~ **(d)** of subsection ~~[(4)]~~ **1** of NRS 633.311 within 120 days after the scheduled completion of the program.

Sec. 31. NRS 633.401 is hereby amended to read as follows:

633.401 1. ~~Except as otherwise provided in]~~ **Unless the Board denies such licensure pursuant to NRS 633.315** ~~[(1)]~~ **or for other good cause**, the Board ~~may]~~ **shall** issue a special license to practice osteopathic medicine:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his or her patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of **subparagraph (3) of paragraph** ~~[(c)]~~ **(d)** of subsection ~~[(4)]~~ **1** of NRS 633.311.

(c) Other than a license issued pursuant to NRS 633.419, for a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:

(a) Hold a full and unrestricted license to practice osteopathic medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.

3. A special license issued under this section may be renewed by the Board upon application of the licensee.

4. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 32. NRS 633.416 is hereby amended to read as follows:

633.416 1. An osteopathic physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➡ may obtain a special volunteer license to practice osteopathic medicine by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer license to practice osteopathic medicine must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the osteopathic physician;

(b) Proof that the osteopathic physician previously has been issued an unrestricted license to practice osteopathic medicine in any state of the United States and that the osteopathic physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the osteopathic physician satisfies the requirements for licensure set forth in NRS 633.311 or the requirements for licensure by endorsement set forth in NRS 633.400 ~~+~~ **or section 9 or 28 of this act;**

(d) Acknowledgment that the practice of the osteopathic physician under the special volunteer license to practice osteopathic medicine will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the osteopathic physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer license to practice osteopathic medicine, except for payment by a medical facility at which the osteopathic physician provides volunteer medical services of the expenses of the osteopathic physician for necessary travel,

continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of an osteopathic physician satisfies the requirements of subsection 2 and that the retired osteopathic physician is competent to practice osteopathic medicine, the Board ~~shall~~ **must** issue a special volunteer license to practice osteopathic medicine to the osteopathic physician.

4. The initial special volunteer license to practice osteopathic medicine issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer license to practice osteopathic medicine; or

(b) The issuance or renewal of a special volunteer license to practice osteopathic medicine pursuant to this section.

6. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section and who accepts the privilege of practicing osteopathic medicine in this State pursuant to the provisions of the special volunteer license to practice osteopathic medicine is subject to all the provisions governing disciplinary action set forth in this chapter.

7. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 33. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section shall submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice podiatry; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 34. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.

2. ~~1A~~ *Except as otherwise provided in section 9 or 33 of this act, a license to practice podiatry may be issued by the Board to any person who:*

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

(d) Has completed a residency approved by the Board.

(e) Has passed the examination given by the National Board of Podiatric Medical Examiners.

(f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a license to practice podiatry ~~must~~ *shall* submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

(a) The fee for an application for a license of not more than \$600;

(b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and

(c) All other information required by the Board to complete an application for a license.

➡ The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.

4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

5. The Board may require such further documentation or proof of qualification as it may deem proper.

6. The provisions of this section do not apply to a person who applies for:

(a) A limited license to practice podiatry pursuant to NRS 635.075; or

(b) A provisional license to practice podiatry pursuant to NRS 635.082.

Sec. 35. NRS 635.065 is hereby amended to read as follows:

635.065 1. In addition to the other requirements for licensure set forth in this chapter, an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state or the District of Columbia ~~must~~ **shall** submit:

(a) An affidavit signed by the applicant that:

(1) Identifies each jurisdiction in which the applicant has been licensed to practice; and

(2) States whether a disciplinary proceeding has ever been instituted against the applicant by the licensing board of that jurisdiction and, if so, the status of the proceeding; and

(b) If the applicant is currently licensed to practice podiatry in another state or the District of Columbia, a certificate from the licensing board of that jurisdiction stating that the applicant is in good standing and no disciplinary proceedings are pending against the applicant.

2. ~~The~~ **Except as otherwise provided in section 9 or 33 of this act, the** Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:

(a) Pass an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

(b) Submit satisfactory proof that:

(1) The applicant maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding the application;

(2) No disciplinary proceeding has ever been instituted against the applicant by a licensing board in any jurisdiction in which he or she is licensed to practice podiatry; and

(3) The applicant has participated in a program of continuing education that is equivalent to the program of continuing education that is required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

Sec. 36. NRS 641B.275 is hereby amended to read as follows:

641B.275 1. The Board shall grant a provisional license to engage in social work as a social worker to a person:

(a) Who applies to take the next available examination and who is otherwise eligible to be a social worker pursuant to subsection 1 of NRS 641B.220; or

(b) Who:

(1) Possesses a baccalaureate degree or a master's degree in a related field of study from an accredited college or university recognized by the Board; and

(2) Presents evidence of enrollment in a program of study leading to a degree in social work at a college or university accredited by the Council on Social Work Education or which is a candidate for such accreditation and which is approved by the Board.

2. The Board shall grant a provisional license to engage in social work as an independent social worker to a person who applies to take the next available examination and who is otherwise eligible to be an independent social worker pursuant to subsection 1 of NRS 641B.230.

3. The Board shall grant a provisional license to engage in social work as a clinical social worker to a person who applies to take the next available examination and who is otherwise eligible to be a clinical social worker pursuant to subsection 1 of NRS 641B.240.

4. ***The Board may grant a provisional license to engage in social work as an independent social worker or as a clinical social worker pursuant to a plan of supervision established by the Board by regulation to a person who is an active member of, or the spouse of an active member of, the Armed Forces of the United States if:***

(a) The person applied for a license to engage in social work as an independent social worker or a clinical social worker without examination pursuant to NRS 641B.270; and

(b) The Board deemed that the state in which the person holds a license to engage in the practice of social work did not have licensing requirements at the time the license was issued that are substantially equivalent to the requirements set forth in this chapter.

5. The Board shall establish by regulation the period during which a provisional license issued pursuant to this section will be valid. The period must be:

(a) ~~Not~~ **Not** longer than 9 months for a person who is granted a provisional license to engage in social work pursuant to paragraph (a) of subsection 1 or subsection 2 or 3; and

(b) ~~Not~~ **Not** longer than 3 years for a person who is granted a provisional license to engage in social work pursuant to paragraph (b) of subsection 1.

Sec. 37. NRS 641B.300 is hereby amended to read as follows:

641B.300 The Board shall charge and collect fees not to exceed the following amounts for:

Initial application.....	~~[\$40]~~ \$120
Provisional license.....	~~[75]~~ 225
Initial issuance of a license.....	~~[100]~~ 300
Annual renewal of a license	~~[150]~~ 450
Restoration of a suspended license or reinstatement of a revoked license	~~[150]~~ 450

Restoration of an expired license	~~{200}~~ 600
Renewal of a delinquent license	~~{100}~~ 300
Reciprocal license without examination	~~{100}~~ 300
<i>Application to provide a course of continuing education</i>	100

Sec. 38. This act becomes effective on July 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 250 to Assembly Bill 89 authorizes the Nevada Equal Rights Commission to review employment policies that provide hiring preference to a veteran or spouse of a veteran. The amendment also provides that a reciprocal agreement entered into by the regulatory body must not authorize a person to practice his or her profession concurrently in this state unless the person meets certain credentialing requirements.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 91.

Bill read second time.

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

Amendment No. 505.

AN ACT relating to mental health; expanding the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary **court-ordered** admission of such a person to certain facilities or programs; **expanding the list of persons authorized to conduct the examination required before a person is admitted to a mental health facility on an emergency basis;** expanding the list of persons authorized to complete ~~to complete a certificate stating that certain persons admitted to certain mental health facilities or hospitals are not persons with mental illness;~~ **certain certificates concerning the mental condition of another;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "person with mental illness" as a person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others. (NRS 433A.115) Existing law authorizes certain persons to file an application for the emergency admission of a person alleged to be a person with mental illness to certain facilities. (NRS 433A.160) **Section ~~14~~ 1.5** of this bill expands the list of persons who are authorized to file such an application to include a physician assistant.

Existing law requires a person to be examined by a physician, physician assistant or advanced practice registered nurse before being admitted to

a mental health facility on an emergency basis. (NRS 433A.165) Section 1.6 of this bill authorizes a paramedic to conduct such an examination.

With certain exceptions, existing law requires an application for the emergency admission of a person alleged to be a person with a mental illness to be accompanied by a certificate of a psychiatrist or licensed psychologist or, if neither is available, a physician, stating that the person has a mental illness and, because of the mental illness, is likely to harm himself or herself or others if not admitted to certain facilities or programs. (NRS 433A.170, 433A.200) Under existing law, a licensed physician on the medical staff of certain facilities may release a person alleged to be a person with mental illness who has been admitted on an emergency basis if a licensed physician on the medical staff of the facility completes a certificate stating that the person admitted is not a person with a mental illness. (NRS 433A.195) Sections 1, 1.7, 2, ~~and~~ 3 and 4 of this bill authorize a physician assistant ~~or~~ under the supervision of a psychiatrist, a psychologist, a clinical social worker ~~or~~ with certain psychiatric training and experience, an advanced practice registered nurse with certain psychiatric training and experience or an accredited agent of the Department of Health and Human Services to complete such a certificate while still requiring a licensed physician on the medical staff of the facility to release the person. Sections 4.2 and 4.7 of this bill require the State Board of Nursing and the Board of Examiners for Social Workers to adopt regulations prescribing the psychiatric training and experience necessary before an advanced practice registered nurse or clinical social worker, as applicable, may complete such a certificate.

Existing law prohibits a person who is related by blood or marriage within the first degree of consanguinity or affinity from completing: (1) an application for the emergency admission of such a person to a mental health facility; (2) a certificate stating that a person has a mental illness, is likely to harm himself or herself or others if not admitted to a mental health facility on an emergency basis; or (3) a certificate stating that a person is not a person with a mental illness. (NRS 433A.197) Section 3 also prohibits a person who is related by blood or marriage within the second degree of consanguinity or affinity to a person alleged to be a person with mental illness from completing such an application or certificate.

Existing law authorizes the spouse or a parent, adult child or legal guardian of a person and certain other persons to file a petition for the involuntary court-ordered admission of a person alleged to be a person with mental illness to a mental health facility or to a program of community-based or outpatient services. (NRS 433A.200) Section 4 ~~of this bill~~ further authorizes a physician assistant to file such a petition.

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

Section 1. NRS 433A.145 is hereby amended to read as follows:

433A.145 1. If a person with mental illness is admitted to a public or private mental health facility or hospital as a voluntary consumer, the facility or hospital shall not change the status of the person to an emergency admission unless the hospital or facility receives, before the change in status is made, an application for an emergency admission pursuant to NRS 433A.160 and the certificate of a psychiatrist, psychologist, ~~for~~ physician, ***physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department*** pursuant to NRS 433A.170.

2. A person whose status is changed pursuant to subsection 1 must not be detained in excess of 48 hours after the change in status is made unless, before the close of the business day on which the 48 hours expires, a written petition is filed with the clerk of the district court pursuant to NRS 433A.200.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

~~[Section 1.4]~~ **Sec. 1.5.** NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, ***physician assistant***, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, ***physician assistant***, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➔ only if the agent, officer, physician, ***physician assistant***, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe

that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose.

➡ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

2. An application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. As used in this section, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

Sec. 1.6. NRS 433A.165 is hereby amended to read as follows:

433A.165 1. Before a person alleged to be a person with mental illness may be admitted to a public or private mental health facility pursuant to NRS 433A.160, the person must:

(a) First be examined by a licensed physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS ~~or~~ an advanced practice registered nurse licensed pursuant to NRS 632.237 **or a paramedic certified pursuant to chapter 450B of NRS** at any location where such a physician, physician assistant, ~~or~~ advanced practice registered nurse **or paramedic** is authorized to conduct such an examination to determine whether the person has a medical

problem, other than a psychiatric problem, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

(1) To a hospital if the person is in need of emergency services or care; or

(2) To another appropriate medical facility if the person is not in need of emergency services or care.

2. If a person with a mental illness has a medical problem in addition to a psychiatric problem which requires medical treatment that requires more than 72 hours to complete, the licensed physician, physician assistant, ~~for~~ advanced practice registered nurse or paramedic who examined the person must:

(a) On the first business day after determining that such medical treatment is necessary file with the clerk of the district court a written petition to admit the person to a public or private mental health facility pursuant to NRS 433A.160 after the medical treatment has been completed. The petition must:

(1) Include, without limitation, the medical condition of the person and the purpose for continuing the medical treatment of the person; and

(2) Be accompanied by a copy of the application for the emergency admission of the person required pursuant to NRS 433A.160 and the certificate required pursuant to NRS 433A.170.

(b) Seven days after filing a petition pursuant to paragraph (a) and every 7 days thereafter, file with the clerk of the district court an update on the medical condition and treatment of the person.

3. The examination and any transfer of the person from a facility when the person has an emergency medical condition and has not been stabilized must be conducted in compliance with:

(a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted pursuant thereto, and must involve a person authorized pursuant to federal law to conduct such an examination or certify such a transfer; and

(b) The provisions of NRS 439B.410.

4. The cost of the examination must be paid by the county in which the person alleged to be a person with mental illness resides if services are provided at a county hospital located in that county or a hospital or other medical facility designated by that county, unless the cost is voluntarily paid by the person alleged to be a person with mental illness or, on the person's behalf, by his or her insurer or by a state or federal program of medical assistance.

5. The county may recover all or any part of the expenses paid by it, in a civil action against:

(a) The person whose expenses were paid;

(b) The estate of that person; or

(c) A responsible relative as prescribed in NRS 433A.610, to the extent that financial ability is found to exist.

6. The cost of treatment, including hospitalization, for a person who is indigent must be paid pursuant to NRS 428.010 by the county in which the person alleged to be a person with mental illness resides.

7. The provisions of this section do not require the Division to provide examinations required pursuant to subsection 1 at a Division facility if the Division does not have the:

(a) Appropriate staffing levels of physicians, physician assistants, advanced practice registered nurses, paramedics or other appropriate staff available at the facility as the Division determines is necessary to provide such examinations; or

(b) Appropriate medical laboratories as the Division determines is necessary to provide such examinations.

8. The Division shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that:

(a) Define “emergency services or care” as that term is used in this section; and

(b) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

9. As used in this section, “medical facility” has the meaning ascribed to it in NRS 449.0151.

Sec. 1.7. NRS 433A.170 is hereby amended to read as follows:

433A.170 ~~[Except as otherwise provided in this section, the]~~ ***The*** administrative officer of a facility operated by the Division or of any other public or private mental health facility or hospital shall not accept an application for an emergency admission under NRS 433A.160 unless that application is accompanied by a certificate of a psychiatrist or a licensed psychologist ***, a physician, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department*** stating that he or she has examined the person alleged to be a person with mental illness and that he or she has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty. ~~[If a psychiatrist or licensed psychologist is not available to conduct an examination, a physician may conduct the examination.]~~ The certificate required by this section may be obtained from a ~~[psychiatrist,]~~ licensed psychologist ~~, for]~~ physician ***, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department*** who is employed by the public or private mental health facility or hospital to which the application is made.

Sec. 2. NRS 433A.195 is hereby amended to read as follows:

433A.195 A licensed physician on the medical staff of a facility operated by the Division or of any other public or private mental health facility or

hospital may release a person admitted pursuant to NRS 433A.160 upon completion of a certificate which meets the requirements of NRS 433A.197 signed by a licensed physician on the medical staff of the facility or hospital, **a physician assistant ~~or~~ under the supervision of a psychiatrist, a psychologist, a clinical social worker ~~or~~ who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department** stating that he or she has personally observed and examined the person and that he or she has concluded that the person is not a person with a mental illness.

Sec. 3. NRS 433A.197 is hereby amended to read as follows:

433A.197 1. An application or certificate authorized under subsection 1 of NRS 433A.160 or NRS 433A.170 or 433A.195 must not be considered if made by a psychiatrist, psychologist, ~~or~~ physician, **physician assistant, clinical social worker ~~or~~, advanced practice registered nurse or accredited agent of the Department** who is related by blood or marriage within the ~~(first)~~ **second** degree of consanguinity or affinity to the person alleged to be a person with mental illness, or who is financially interested in the facility in which the person alleged to be a person with mental illness is to be detained.

2. An application or certificate of any examining person authorized under NRS 433A.170 must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by such examining person not more than 72 hours prior to the making of the application or certificate. The certificate required pursuant to NRS 433A.170 must set forth in detail the facts and reasons on which the examining person based his or her opinions and conclusions.

3. A certificate authorized pursuant to NRS 433A.195 must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by the examining physician ~~or~~, **physician assistant, psychologist, clinical social worker, advanced practice registered nurse or accredited agent of the Department.** The certificate authorized pursuant to NRS 433A.195 must ~~set forth~~ **describe** in detail the facts and reasons on which the examining physician, **physician assistant, psychologist, clinical social worker, advanced practice registered nurse or accredited agent of the Department** based his or her opinions and conclusions.

Sec. 4. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in NRS 432B.6075, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility or to a program of community-based or outpatient services with the clerk of the district court of the county where the person who is to be treated resides. The petition may be

filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, **physician assistant**, psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, psychiatrist or a licensed psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department stating that he or she has examined the person alleged to be a person with mental illness and has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; and

(2) The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

Sec. 4.2. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

↪ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term “in the process of obtaining accreditation.”

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 4.7. NRS 641B.160 is hereby amended to read as follows:

641B.160 The Board shall adopt ~~(such)~~ :

1. Such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter ~~(-)~~ ; **and**

2. Regulations establishing reasonable standards for the psychiatric training and experience necessary for a clinical social worker to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200.

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment authorizes a paramedic to conduct an examination to admit a person to a mental health facility on an emergency basis; expands the list of persons who may complete a certificate relating to a person with a mental illness; requires certain boards to adopt regulations prescribing the psychiatric training and experience necessary to complete a certificate; and prohibits a person who is related to an alleged person with mental illness by blood or marriage within the second degree of consanguinity from the involuntary commit process.

Amendment adopted.

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

Assembly in recess at 2:12 p.m.

ASSEMBLY IN SESSION

At 3:15 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that upon return from the printer, Assembly Bill No. 91 be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 297 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 51 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 294 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. 294.

Bill read third time.

The following amendment was proposed by Assemblyman Thompson:

Amendment No. 567.

AN ACT relating to public health; 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; **requiring certain providers of health care to receive training relating to suicide assessment;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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.

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 2.5 of this bill requires certain providers of health care to receive training relating to suicide assessment, screening and referral and authorizes any 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.

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

Section 1. (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. 2.5. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each person licensed, certified or registered pursuant to chapter 630, 630A, 633, 640A, 641, 641A, 641B or 641C of NRS shall complete a course of instruction, within 2 years after initial licensure, certification or registration, as applicable, 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 appropriate health care licensing board.

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. Each health care licensing board may adopt such regulations as it determines to be necessary to carry out the provisions of this section.

4. As used in this section, "health care licensing board" means a board created pursuant to chapter 630, 630A, 633, 640A, 641, 641A, 641B or 641C of NRS.

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

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 January 1, 2016, ~~it~~, for all other purposes.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

This amendment requires certain providers of health care to receive training related to suicide assessment, screening, and referral, and authorizes any provider of health care to use credit for completing such training in place of not more than three hours of the requirements for continuing education not relating to ethics. I would also like to thank the Chairman of Commerce and Labor for working closely with me on this amendment as well as the input from many active veteran groups.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

SECOND READING AND AMENDMENT

Assembly Bill No. 107.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 26.

AN ACT relating to education; requiring reports of accountability for public schools to include certain information regarding pupils who qualify for free or reduced-price lunches pursuant to federal law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the ~~board~~ **State Board of Education, the boards of trustees of ~~each~~ school ~~district~~, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school districts and the sponsors of charter schools** to prepare ~~an~~ annual ~~report~~ **reports** of accountability that ~~contains~~ **contain** certain information ~~it~~ **regarding public schools and pupils enrolled**

in public schools. (NRS 385.347 ~~to~~, 385.3572) Section ~~1.1~~ 1.2 of this bill requires ~~this~~ the annual report of accountability prepared by each school district and the sponsor of each charter school to include: (1) the number and percentage of pupils who are eligible for free or reduced-price breakfasts pursuant to federal law; (2) the number and percentage of pupils who are eligible for free or reduced-price lunches pursuant to federal law; ~~(2) (3)~~ the number and percentage of pupils who are eligible for free or reduced-price breakfasts and who receive free and reduced-price breakfasts; (4) the number and percentage of pupils who are eligible for free or reduced-price lunches and who receive free and reduced-price lunches; (5) a comparison of the achievement and proficiency of pupils, reported separately by race, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches ~~for~~, pupils who receive free and reduced-price lunches and pupils who ~~belong to each race~~ are not eligible for ~~[which data is collected to the general population]~~ free or reduced-price breakfasts or lunches; and ~~(3) (6)~~ (6) a comparison of pupils, reported separately by race, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free and reduced-price lunches ~~[reported separately by race]~~ and pupils who receive free and reduced-price lunches in certain areas for which data is collected. Section ~~1.1~~ 1.2 also authorizes the State Board of Education to adopt any regulations necessary to carry out the provisions of this bill. Section 1.4 of this bill requires the annual report of accountability prepared by the State Board to include the same information for the State as a whole.

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 a new section to read as follows:~~ the provisions set forth as sections 1.2 and 1.4 of this act.

Sec. 1.2. 1. *The annual report of accountability prepared pursuant to NRS 385.347 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:*

(a) The number and percentage of pupils who are eligible for free or reduced-price ~~[lunches]~~ breakfasts;

(b) The percentage of pupils who receive free and reduced-price breakfasts;

(c) The number and percentage of pupils who are eligible for free or reduced-price lunches;

(d) The percentage of pupils who receive free and reduced-price lunches;

(e) A comparison of the achievement and proficiency of pupils, reported separately by race, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

~~[(e)]~~ (f) A comparison of pupils, reported separately by race, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

(1) Retention rates;

(2) Graduation rates;

(3) Dropout rates;

(4) Grade point averages; and

(5) Scores on the examinations administered pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.

2. The State Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 1.4. The annual report of accountability prepared by the State Board pursuant to NRS 385.3572 must include for each school district, including, without limitation, each charter school in the district, and for this State as a whole, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

1. The number and percentage of pupils who are eligible for free or reduced-price breakfasts;

2. The number and percentage of pupils who receive free and reduced-price breakfasts;

3. The number and percentage of pupils who are eligible for free or reduced-price lunches;

4. The number and percentage of pupils who receive free and reduced-price lunches;

5. A comparison of the achievement and proficiency of pupils, reported separately by race, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

6. A comparison of pupils, reported separately by race, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches

and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

- (a) Retention rates;
- (b) Graduation rates;
- (c) Dropout rates;
- (d) Grade point averages; and
- (e) Scores on the examinations administered pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.

Sec. 2. NRS 385.3455 is hereby amended to read as follows:

385.3455 As used in NRS 385.3455 to 385.3891, inclusive, ~~and section 4~~ **and section 1.2 of this act**, unless the context otherwise requires, the words and terms defined in NRS 385.346 to 385.34675, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 385.3468 is hereby amended to read as follows:

385.3468 The provisions of NRS 385.3455 to 385.3891, inclusive, ~~and section 4~~ **and section 1.2 of this act** do not supersede, negate or otherwise limit the effect or application of the provisions of chapters 288 and 391 of NRS or the rights, remedies and procedures afforded to employees of a school district under the terms of collective bargaining agreements, memoranda of understanding or other such agreements between employees and their employers.

Sec. 4. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385.347 to 385.3495, inclusive, ~~and section 4~~ **and section 1.2 of this act** for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385.347 to 385.3495, inclusive, ~~and section 4~~ **and section 1.2 of this act**, and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385.347 to 385.3495, inclusive, ~~and section 4~~ **and section 1.2 of this act**, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the

statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385.347 to 385.3495, inclusive, **and section ~~4~~ 1.2 of this act**, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to this section and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration;
- (6) Legislative Counsel Bureau; and
- (7) Charter School Association of Nevada,

➡ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher

Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to this section is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee;
- (5) Bureau; and

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385.3483.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

8. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 7 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to this section.

Sec. 4.5. NRS 385.3572 is hereby amended to read as follows:

385.3572 1. The State Board shall prepare a single annual report of accountability that includes, without limitation the information prescribed by NRS 385.3572 to 385.3592, inclusive, ~~+~~, **and section 1.4 of this act.**

2. A separate reporting for a group of pupils must not be made pursuant to this section and NRS 385.3572 to 385.3592, inclusive, **and section 1.4 of this act,** if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

- (a) Be prepared in a concise manner; and
- (b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

- (1) Governor;
- (2) Committee;
- (3) Bureau;
- (4) Board of Regents of the University of Nevada;
- (5) Board of trustees of each school district;
- (6) Governing body of each charter school; and
- (7) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385.3584.

5. Upon the request of the Governor, the Attorney General, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

Sec. 5. This act becomes effective on July 1, 2015.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 26 adds that the report of state accountability prepared by the State Board of Education include information concerning pupils who are eligible for free or reduced priced breakfasts for each school in the district, including charter schools and the district as a whole. The bill further requires the report completed by the State Board of Education to include the same information for Nevada on a statewide basis.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 120.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 324.

SUMMARY—Clarifies rights of public school pupils regarding the free exercise of religion ~~to~~ **and freedom of expression.** (BDR 34-520)

AN ACT relating to education; clarifying the rights of pupils at public schools regarding the free exercise of religion ~~to~~ **and freedom of expression; requiring the governing body of each public school to adopt a policy providing** a grievance process for pupils claiming that ~~their~~ **those** rights ~~of free exercise of religion~~ have been violated; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill clarifies that pupils at public schools are entitled to ~~to~~ **(1) pray to the same extent and under the same circumstances as pupils are allowed to meditate, reflect or speak on nonreligious matters; (2) express a religious viewpoint to the same extent and under the same circumstances as pupils are allowed to express a viewpoint on a nonreligious matter; (3) possess or distribute religious literature to the same extent and under the same circumstances as pupils are allowed to possess or distribute literature on a nonreligious matter; and (4) organize or participate in any prayer group, religious club or religious gathering before, during or after regular school hours to the same extent and under the same circumstances as pupils are allowed to organize and participate in any extracurricular group or activity before, during and after regular school hours. Section 2 also authorizes the boards of trustees of each school district and the governing bodies of charter schools and university schools for profoundly gifted pupils to disclaim sponsorship of extracurricular groups and activities held at a school or facility of the school district, charter school or university school for profoundly gifted pupils in a manner that neither favors nor disfavors religious groups.**

~~Section 3 of this bill provides a grievance process for pupils claiming that a right conferred by section 2 has been violated. Section 3 authorizes pupils at most public schools to allege such a violation first to the principal at the school, then to the superintendent of the school district in which the school is located and finally to the board of trustees of the school district. For pupils at a charter school or a university school for profoundly gifted pupils, section 3 authorizes pupils to allege a violation to the administrative head of the school and then to the governing body of the school. Section 3 also provides a right of action to any pupil whose rights have allegedly been violated and who has exhausted the grievance process described above.]~~ **express themselves in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution, provided that such**

expression does not disrupt instruction at a public school, is not used to bully or intimidate any person and is not organized, broadcast or endorsed by the public school. Section 2 also requires the board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils to adopt a grievance policy prescribing procedures for the resolution of a complaint that the rights described in section 2 have been violated.

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.}~~ **(Deleted by amendment.)**

Sec. 2. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each pupil of a public school, including, without limitation, each pupil of a university school for profoundly gifted pupils, is entitled to:

~~—(a) Pray, either silently or audibly and either alone or with other pupils, to the same extent and under the same circumstances as each pupil is allowed to meditate, reflect or speak on a nonreligious matter, either alone or with other pupils.~~

~~—(b) Speak or otherwise express a religious viewpoint, including, without limitation, express a religious viewpoint in any school work, to the same extent and under the same circumstances as each pupil is allowed to speak or otherwise express a viewpoint on a nonreligious matter.~~

~~—(c) Possess or distribute religious literature to the same extent and under the same circumstances as each pupil is allowed to possess or distribute literature on a nonreligious matter.~~

~~—(d) Organize or participate in a prayer group, religious club or any other religious gathering before, during or after regular school hours to the same extent and under the same circumstances as each pupil is allowed to organize or participate in any other extracurricular group or activity before, during or after regular school hours.~~

~~2. The board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils may disclaim sponsorship of any extracurricular school group or any activity held at a school or other facility of the school district, charter school or university school for profoundly gifted pupils in a manner that neither favors nor disfavors any group that meets to pray or otherwise express a viewpoint on a religious matter.~~ express himself or herself in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution.

2. Any expression described in subsection 1 must not be disruptive of instruction at a public school, including, without limitation, a university school for profoundly gifted pupils, must not be used to bully or intimidate any person and must not be organized, broadcast or endorsed by a public

school, including, without limitation, a university school for profoundly gifted pupils.

3. The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils must adopt a policy prescribing procedures for the resolution of a complaint by a pupil of the school district, charter school or university school for profoundly gifted pupils that the rights of the pupil described in subsection 1 have been violated. The policy required by this subsection may be part of a comprehensive discrimination grievance policy of the school district, charter school or university school for profoundly gifted pupils or may be a separate policy.

~~Sec. 3. 1. Pursuant to the provisions of subsection 2 or 3, as applicable, a pupil of a public school, including, without limitation, a university school for profoundly gifted pupils, may complain that a right of the pupil conferred by section 2 of this act has been violated.~~

~~2. For a public school that is not a charter school or a university school for profoundly gifted pupils:~~

~~(a) A pupil may complain, orally or in writing, to the principal of the school that a right of the pupil conferred by section 2 of this act has been violated. As soon as practicable upon receipt of the complaint, the principal shall schedule a meeting to discuss the complaint with the pupil, with a parent or legal guardian of the pupil, or with the pupil and a parent or legal guardian of the pupil. The meeting must be held not later than 10 days after the receipt of the complaint unless the pupil agrees to a later date.~~

~~(b) If, after the meeting, the concerns of the pupil are not resolved to the satisfaction of the pupil, the pupil may complain in writing to the superintendent of schools of the school district in which the school is located that a right of the pupil conferred by section 2 of this act has been violated. The complaint must:~~

~~(1) Be submitted to the superintendent not later than 30 days after the meeting held pursuant to paragraph (a); and~~

~~(2) Include specific allegations regarding the violation of a right of the pupil conferred by section 2 of this act.~~

~~(c) As soon as practicable after receiving the complaint, the superintendent shall begin an investigation of the allegations included in the complaint. Not later than 30 days after receiving the complaint, the superintendent shall notify the pupil of any action that the superintendent has taken or will take to resolve the concerns of the pupil.~~

~~(d) If the superintendent notifies the pupil that no action has been or will be taken, or if any action taken does not resolve the concerns of the pupil to the satisfaction of the pupil, the pupil may make a written request to the board of trustees of the school district in which the school is located to hear a complaint that a right of the pupil conferred by section 2 of this act has been violated. The request must:~~

~~—(1) Be submitted to the board of trustees not later than 30 days after the pupil is notified pursuant to paragraph (c); and~~

~~—(2) Include specific allegations regarding the violation of a right of the pupil conferred by section 2 of this act.~~

~~—(c) Not later than 45 days after receiving the request, the board of trustees shall determine whether to hold a hearing on the complaint and shall notify the pupil of the determination. If the board of trustees determines to hold a hearing, the hearing must be held not later than the next regular meeting of the board of trustees to be held after making the determination. At the hearing, the board of trustees shall determine whether to take any action to resolve the concerns of the pupil.~~

~~—(f) If the board of trustees determines not to hold a hearing, or if a hearing is held but any action taken by the board does not satisfy the concerns of the pupil, the pupil may file a civil action in the district court of the county in which the school is located for declaratory, injunctive and monetary relief against the board of trustees. Such an action must be filed not later than:~~

~~—(1) Thirty days after the hearing; or~~

~~—(2) If the board of trustees determines not to hold a hearing, 30 days after the pupil is notified of that determination.~~

~~3. For a charter school or a university school for profoundly gifted pupils:~~

~~—(a) A pupil may complain, orally or in writing, to the administrative head of the charter school or university school for profoundly gifted pupils that a right of the pupil conferred by section 2 of this act has been violated. As soon as practicable upon receipt of the complaint, the administrative head shall schedule a meeting to discuss the complaint with the pupil, with a parent or legal guardian of the pupil, or with the pupil and a parent or legal guardian of the pupil. The meeting must be held not later than 10 days after the receipt of the complaint unless the pupil agrees to a later date.~~

~~—(b) If, after the meeting, the concerns of the pupil are not resolved to the satisfaction of the pupil, the pupil may make a written request to the governing body of the charter school or university school for profoundly gifted pupils to hear a complaint that a right of the pupil conferred by section 2 of this act has been violated. The request must:~~

~~—(1) Be submitted to the governing body not later than 30 days after the meeting held pursuant to paragraph (a); and~~

~~—(2) Include specific allegations regarding the violation of a right of the pupil conferred by section 2 of this act.~~

~~—(c) Not later than 45 days after receiving the request, the governing body shall determine whether to hold a hearing on the complaint and shall notify the pupil of the determination. If the governing body determines to hold a hearing, the hearing must be held not later than the next regularly scheduled public meeting of the governing body to be held after making the determination. At the hearing, the governing body shall determine whether to take any action to resolve the concerns of the pupil.~~

~~(d) If the governing body determines not to hold a hearing, or if a hearing is held but any action taken by the governing body does not satisfy the concerns of the pupil, the pupil may file a civil action in the district court of the county in which the school is located for declaratory, injunctive and monetary relief against the governing body. Such an action must be filed not later than:~~

~~— (1) Thirty days after the hearing; or~~

~~— (2) If the governing body determines not to hold a hearing, 30 days after the pupil is notified of that determination.~~

~~4. In a civil action filed pursuant to this section:~~

~~(a) The prevailing party is entitled to recover reasonable attorney's fees and costs of suit.~~

~~(b) If the court finds for the pupil, the court shall award the pupil the sum of \$10,000 or the amount of his or her actual damages, whichever is greater.~~

~~5. As used in this section, unless the context otherwise requires, "pupil" includes a parent or guardian of a pupil.] (Deleted by amendment.)~~

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

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

This amendment simplifies the bill by providing a statement that a pupil in a public school may express himself or herself in a manner consistent with religious rights guaranteed under the First Amendment to the *United States Constitution* as long as such expressions are not disruptive of instructional time or used for bullying or to intimidate. It requires the school district to have an antidiscrimination grievance policy in place for pupils to register complaints concerning restrictions upon such expressions that may be in conflict with the provisions set forth in the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 140.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 234.

AN ACT relating to domestic relations; revising provisions governing the division of property and the award of alimony or spousal support in cases involving veterans with a service-connected disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in granting a divorce, a court must make an equal disposition of the community property of the parties and of any property held in joint tenancy by the parties. (NRS 125.150) Existing law also provides that, under certain circumstances, a court may award alimony or spousal support to either spouse. (NRS 125.150, 125.210) Section 2 of this bill provides that unless a valid premarital agreement provides otherwise, in making a disposition of ~~such~~ the community and joint tenancy property, ~~it~~

, and in making an alimony award, the court must not: (1) ~~{consider}~~ **attach, levy or seize** any federal disability benefits awarded to a veteran for a disability connected to his or her ~~{service in the}~~ military ~~{,}~~ **service**; or (2) ~~{indemnify the veteran's spouse or former spouse, or award the veteran's spouse or former spouse any of the veteran's income or property, for a waiver or reduction in military retirement or retainer pay related to the receipt of the veteran's disability}~~ **make an assignment of or otherwise divide any such** benefits. ~~{Existing law provides that under certain circumstances, a court may award alimony or spousal support to either spouse. (NRS 125.150, 125.210) Sections 2 and 3 and}~~ **Section 5** of this bill ~~{provide}~~ **provides** that unless a valid premarital agreement provides otherwise, in ~~{determining whether to}~~ **making an** award ~~{alimony or}~~ **of** spousal support, ~~{for the amount of any award of alimony or spousal support,}~~ the court must not consider any federal disability benefits awarded to ~~{the other spouse}~~ **a veteran** for a disability connected to his or her service in the military.

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

Section 1. Chapter 125 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *Unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS, in making a disposition of the community property of the parties and any property held in joint tenancy by the parties, and in making an award of alimony, the court shall not:*

1. ~~{Consider}~~ Attach, levy or seize by or under any legal or equitable process either before or after receipt by a veteran, any federal disability benefits awarded to a veteran for a service-connected disability pursuant to chapter 11 of Title 38 of the United States Code.

2. ~~{Indemnify a veteran's spouse or former spouse for any prejudgment or postjudgment waiver or reduction in military retirement or retainer pay related to the receipt of}~~ Make an assignment or otherwise divide any federal disability benefits awarded to ~~{the}~~ a veteran for a service-connected disability pursuant to chapter 11 of Title 38 of the United States Code.

~~{3. Award any other income or property of a veteran to the veteran's spouse or former spouse for any prejudgment or postjudgment waiver or reduction in military retirement or retainer pay related to the receipt of federal disability benefits awarded to the veteran for a service connected disability pursuant to chapter 11 of Title 38 of the United States Code.}~~

Sec. 3. ~~{Unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS, in determining whether to award alimony or the amount of any award of alimony, the court shall not consider any federal disability benefits awarded to the other spouse for a service-connected disability pursuant to chapter 11 of Title 38 of the United States Code.}~~ (Deleted by amendment.)

Sec. 4. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 **and sections 2 and 3 of this act** and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➔ As used in this subsection, “contribution” includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney’s fee to either party to an action for divorce.

4. In granting a divorce, the court may also set apart such portion of the husband’s separate property for the wife’s support, the wife’s separate property for the husband’s support or the separate property of either spouse for the support of their children as is deemed just and equitable.

5. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

6. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

7. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

8. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

- (a) The financial condition of each spouse;
- (b) The nature and value of the respective property of each spouse;
- (c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;
- (d) The duration of the marriage;
- (e) The income, earning capacity, age and health of each spouse;
- (f) The standard of living during the marriage;
- (g) The career before the marriage of the spouse who would receive the alimony;
- (h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;
- (i) The contribution of either spouse as homemaker;
- (j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and
- (k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

9. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job,

career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

10. If the court determines that alimony should be awarded pursuant to the provisions of subsection 9:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

11. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.

Sec. 5. NRS 125.210 is hereby amended to read as follows:

125.210 1. Except as otherwise provided in subsection 2, in any action brought pursuant to NRS 125.190, the court may:

(a) Assign and decree to either spouse the possession of any real or personal property of the other spouse;

(b) Order or decree the payment of a fixed sum of money for the support of the other spouse and their children;

(c) Provide that the payment of that money be secured upon real estate or other security, or make any other suitable provision; and

(d) Determine the time and manner in which the payments must be made.

2. The court may not:

(a) Assign and decree to either spouse the possession of any real or personal property of the other spouse; or

(b) Order or decree the payment of a fixed sum of money for the support of the other spouse,

↪ if it is contrary to a premarital agreement between the spouses which is enforceable pursuant to chapter 123A of NRS.

3. ***Unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS, in determining whether to award money for the support of a spouse or the amount of any award of money for the support of a spouse, the court shall not ~~be considered to~~ attach, levy or seize by or under any legal or equitable process, either before or after receipt by a veteran, any federal disability benefits awarded to ~~the other spouse~~ a veteran for a service-connected disability pursuant to chapter 11 of Title 38 of the United States Code.***

4. Except as otherwise provided in chapter 130 of NRS, the court may change, modify or revoke its orders and decrees from time to time.

~~{4.}~~ 5. No order or decree is effective beyond the joint lives of the husband and wife.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment clarifies that a court cannot attach, levy, or seize by or under any legal or equitable process any federal disability benefits awarded to a veteran for a disability connected to his or her military service for a disposition of community and joint tenancy property, for an alimony award, or for the support of a spouse unless there is a valid premarital agreement.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 158.

Bill read second time.

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

Amendment No. 319.

SUMMARY—~~{Authorizes certain entities to obtain and provide or administer}~~ **Revises and expands provisions relating to obtaining, providing and administering** auto-injectable epinephrine in certain circumstances. (BDR 40-66)

AN ACT relating to public health; authorizing certain entities to obtain auto-injectable epinephrine for use when a person experiences anaphylaxis; specifying the qualifications of persons authorized to provide or administer auto-injectable epinephrine; requiring certain entities that maintain auto-injectable epinephrine to report the circumstances surrounding each administration of auto-injectable epinephrine; **authorizing certain providers of health care to issue an order for auto-injectable epinephrine to a school**

or certain other entities; providing immunity to certain persons for acts or omissions relating to the acquisition, possession or administration of auto-injectable epinephrine in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each public school in this State to obtain an order from a physician for auto-injectable epinephrine and maintain at least two doses at the school. (NRS 388.424) Existing law also authorizes a private school to obtain such an order and maintain auto-injectable epinephrine at the school. (NRS 394.1995) A school nurse or other trained employee at a public or private school that maintains auto-injectable epinephrine pursuant to such an order is authorized, during regular school hours, to administer auto-injectable epinephrine maintained at the school to any pupil on the premises of the school whom the school nurse or other trained employee reasonably believes is experiencing anaphylaxis. (NRS 388.424, 394.1995)

Section 3 of this bill authorizes an authorized entity to obtain an order from a physician, physician assistant or advanced practice registered nurse for auto-injectable epinephrine, and **section 2** of this bill defines an “authorized entity” as any public or private entity, other than a public or private school, where allergens capable of causing anaphylaxis may be present on the premises of the entity or in connection with activities conducted by the entity. **Sections 6, 6.5 and 7** of this bill authorize a physician, physician assistant or advanced practice registered nurse to issue such an order. Additionally, sections 5.2, 5.7, 6, 6.5 and 7 of this bill authorize a physician assistant or advanced practice registered nurse to issue an order for auto-injectable epinephrine to a public or private school.

Section 3 authorizes an authorized entity that has obtained such an order to maintain auto-injectable epinephrine at any location under the control of the authorized entity where allergens capable of causing anaphylaxis may be present. Additionally, **section 3** provides that auto-injectable epinephrine maintained by an authorized entity may be provided or administered by: (1) an owner, employee or agent of the authorized entity who has received certain training; or (2) a person, other than an owner, employee or agent of the authorized entity, who is trained in the administration of auto-injectable epinephrine. **Section 3** also requires an authorized entity to report the circumstances surrounding each administration of auto-injectable epinephrine to: (1) the State Board of Health if it occurs in a county whose population is less than 700,000 (currently all counties other than Clark County); or (2) the district board of health if it occurs in a county whose population is 700,000 or more (Clark County). **Section 4** of this bill prescribes requirements for the training to be provided to the owners, employees and agents of an authorized entity concerning the storage and administration of auto-injectable epinephrine.

~~Sections 4-8~~ **Sections 5 and 6-8** of this bill exempt an authorized entity that maintains auto-injectable epinephrine, a person who administers auto-

injectable epinephrine, a physician, physician assistant or advanced practice registered nurse who issues ~~to a prescription~~ an order to authorize a school or an authorized entity to acquire and maintain auto-injectable epinephrine, a pharmacist who dispenses auto-injectable epinephrine pursuant to such an order and certain other persons from liability for certain damages relating to the acquisition, possession, provision or administration of auto-injectable epinephrine not amounting to gross negligence or willful or wanton conduct.

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. *As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, “authorized entity” means any public or private entity where allergens capable of causing anaphylaxis may be present on the premises of the entity or in connection with activities conducted by the entity. Such an entity may include, without limitation, a restaurant, recreation program, sports league, amusement park, stadium or arena. The term does not include a public or private school.*

Sec. 3. 1. *An authorized entity may obtain an order for auto-injectable epinephrine from a physician, or osteopathic physician, physician assistant or advanced practice registered nurse, pursuant to NRS 630.374 or 633.707 or section 6.5 of this act to be maintained by the authorized entity at any location under control of the authorized entity where allergens capable of causing anaphylaxis may be present. If a dose of auto-injectable epinephrine maintained by the authorized entity is used or expires, the authorized entity may obtain an additional dose of auto-injectable epinephrine to replace the used or expired dose.*

2. *Auto-injectable epinephrine maintained by an authorized entity pursuant to this section may be provided to a person for self-administration or may be administered to any person reasonably believed to be experiencing anaphylaxis by:*

(a) An owner, employee or agent of the authorized entity who has received the training required pursuant to section 4 of this act; or

(b) A person, other than an owner, employee or agent of the authorized entity, who is trained to recognize the symptoms of anaphylaxis and to administer auto-injectable epinephrine, who may include, without limitation, a provider of health care, a provider of emergency medical services, an athletic trainer or a family member of a person who suffers from allergies capable of causing anaphylaxis.

3. *An authorized entity shall:*

(a) Store auto-injectable epinephrine in a designated, secure location that is easily accessible and in compliance with the instructions provided by the

manufacturer of the auto-injectable epinephrine and any requirements prescribed by the board; and

(b) Designate one or more employees or agents who have received the training described in section 4 of this act to be responsible for the storage, maintenance and oversight of the auto-injectable epinephrine maintained by the authorized entity.

4. Not later than 30 days after a dose of auto-injectable epinephrine maintained by an authorized entity is administered, the authorized entity shall report, on a form prescribed by the board, the circumstances surrounding such administration. The board shall publish an annual report summarizing and analyzing the information reported by authorized entities pursuant to this subsection.

5. As used in this section:

(a) “Provider of emergency medical services” means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to this chapter.

(b) “Provider of health care” means a physician, nurse or physician assistant registered or licensed in this State.

Sec. 4. 1. Before administering auto-injectable epinephrine pursuant to section 3 of this act, an owner, employee or agent of an authorized entity must receive training that is provided by a nationally recognized organization that provides training to persons who are not health care professionals in the provision of health care or emergency medical services or a person or organization approved by the board to provide the training. Such training:

(a) May be provided in person or through a program of distance education; and

(b) Must include, without limitation, instruction in:

(1) Recognizing the symptoms of a severe allergic reaction, including anaphylaxis;

(2) The proper storage and administration of auto-injectable epinephrine; and

(3) Follow-up procedures after the administration of auto-injectable epinephrine.

2. Upon completion of the training required pursuant to subsection 1, a person must be issued a certificate on a form developed or approved by the board to evidence completion of the training.

3. As used in this section, “distance education” means a program that offers instruction which is delivered by the Internet in such a manner that the person supervising or providing the instruction and the person receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.

Sec. 5. 1. An authorized entity that maintains auto-injectable epinephrine pursuant to section 3 of this act, an owner, employee or agent of such an authorized entity, a person who administers auto-injectable

epinephrine pursuant to section 3 of this act and a person or organization that provides training pursuant to section 4 of this act is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine as authorized pursuant to section 3 of this act not amounting to gross negligence or reckless, willful or wanton conduct.

2. A person who administers auto-injectable epinephrine pursuant to section 3 of this act shall not be deemed to have engaged in the practice of medicine, osteopathic medicine or respiratory care for the purposes of chapter 630 or 633 of NRS or to have otherwise violated any provision relating to the practice of medicine, osteopathic medicine or respiratory care.

Sec. 5.2. NRS 388.424 is hereby amended to read as follows:

388.424 1. Each public school, including, without limitation, each charter school, shall obtain an order from a physician, ~~for~~ osteopathic physician, physician assistant or advanced practice registered nurse for auto-injectable epinephrine pursuant to NRS 630.374 or 633.707 or section 6.5 of this act and acquire at least two doses of the medication to be maintained at the school. If a dose of auto-injectable epinephrine maintained by the public school is used or expires, the public school shall ensure that at least two doses of the medication are available at the school and obtain additional doses to replace the used or expired doses if necessary.

2. Auto-injectable epinephrine maintained by a public school pursuant to this section may be administered:

(a) At a public school other than a charter school, by a school nurse or any other employee of the public school who has been designated by the school nurse and has received training in the proper storage and administration of auto-injectable epinephrine; or

(b) At a charter school, by the employee designated to be authorized to administer auto-injectable epinephrine pursuant to NRS 386.598 if the person has received the training in the proper storage and administration of auto-injectable epinephrine.

3. A school nurse or other designated employee of a public school may administer auto-injectable epinephrine maintained at the school to any pupil on the premises of the public school during regular school hours whom the school nurse or other designated employee reasonably believes is experiencing anaphylaxis.

4. A public school may accept gifts, grants and donations from any source for the support of the public school in carrying out the provisions of this section, including, without limitation, the acceptance of auto-injectable epinephrine from a manufacturer or wholesaler of auto-injectable epinephrine.

Sec. 5.7. NRS 394.1995 is hereby amended to read as follows:

394.1995 1. A private school may obtain an order from a physician, ~~for~~ osteopathic physician, physician assistant or advanced practice registered nurse, for auto-injectable epinephrine pursuant to NRS 630.374 or 633.707 or section 6.5 of this act to be maintained at the school. If a dose of auto-

injectable epinephrine maintained by the private school is used or expires, the private school may obtain additional doses of auto-injectable epinephrine to replace the used or expired auto-injectable epinephrine.

2. Auto-injectable epinephrine maintained by a private school pursuant to this section may be administered by a school nurse or any other employee of the private school who has received training in the proper storage and administration of auto-injectable epinephrine.

3. A school nurse or other trained employee may administer auto-injectable epinephrine maintained at the school to any pupil on the premises of the private school during regular school hours whom the school nurse or other trained employee reasonably believes is experiencing anaphylaxis.

4. A private school shall ensure that auto-injectable epinephrine maintained at the school is stored in a designated, secure location that is unlocked and easily accessible.

Sec. 6. NRS 630.374 is hereby amended to read as follows:

630.374 1. A physician or physician assistant may issue to a public or private school an order to allow the school to obtain and maintain auto-injectable epinephrine at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

2. *A physician or physician assistant may issue to an authorized entity an order to allow the authorized entity to obtain and maintain auto-injectable epinephrine at any location under the control of the authorized entity where allergens capable of causing anaphylaxis may be present, regardless of whether any person employed by, affiliated with or served by the authorized entity has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.*

3. An order issued pursuant to subsection 1 **or 2** must contain:

(a) The name and signature of the physician or physician assistant and the address of the physician or physician assistant if not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name of the public or private school **or authorized entity** to which the order is issued;

(d) The name, strength and quantity of the drug authorized to be obtained and maintained by the order; and

(e) The date of issue.

~~{3-}~~ 4. A physician or physician assistant is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 **or 2** to an entity other than a natural person and without knowledge of a specific natural person who requires the medication.

~~{4-}~~ 5. *A physician or physician assistant is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine maintained by a public or private school or authorized entity pursuant to an order issued by the ~~osteopathic~~ physician*

or physician assistant pursuant to subsection 1 or 2 not resulting from gross negligence or reckless, willful or wanton conduct of the physician ~~or~~ or physician assistant.

6. As used in this section:

(a) *“Authorized entity” has the meaning ascribed to it in section 2 of this act.*

(b) *“Private school” has the meaning ascribed to it in NRS 394.103.*

~~{(b)}~~ (c) *“Public school” has the meaning ascribed to it in NRS 385.007.*

Sec. 6.5. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An advanced practice registered nurse may issue to a public or private school an order to allow the school to obtain and maintain auto-injectable epinephrine at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

2. An advanced practice registered nurse may issue to an authorized entity an order to allow the authorized entity to obtain and maintain auto-injectable epinephrine at any location under the control of the authorized entity where allergens capable of causing anaphylaxis may be present, regardless of whether any person employed by, affiliated with or served by the authorized entity has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

3. An order issued pursuant to subsection 1 or 2 must contain:

(a) The name and signature of the advanced practice registered nurse and the address of the advanced practice registered nurse if not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name of the public or private school or authorized entity to which the order is issued;

(d) The name, strength and quantity of the drug authorized to be obtained and maintained by the order; and

(e) The date of issue.

4. An advanced practice registered nurse is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 or 2 to an entity other than a natural person and without knowledge of a specific natural person who requires the medication.

5. An advanced practice registered nurse is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine maintained by a public or private school or authorized entity pursuant to an order issued by the advanced practice registered nurse pursuant to subsection 1 or 2 not resulting from gross negligence or reckless, willful or wanton conduct of the advanced practice registered nurse.

6. As used in this section:

(a) “Authorized entity” has the meaning ascribed to it in section 2 of this act.

(b) “Private school” has the meaning ascribed to it in NRS 394.103.

(c) “Public school” has the meaning ascribed to it in NRS 385.007.

Sec. 7. NRS 633.707 is hereby amended to read as follows:

633.707 1. An osteopathic physician or physician assistant may issue to a public or private school an order to allow the school to obtain and maintain auto-injectable epinephrine at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

2. *An osteopathic physician or physician assistant may issue to an authorized entity an order to allow the authorized entity to obtain and maintain auto-injectable epinephrine at any location under the control of the authorized entity where allergens capable of causing anaphylaxis may be present, regardless of whether any person employed by, affiliated with or served by the authorized entity has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.*

3. An order issued pursuant to subsection 1 **or** 2 must contain:

(a) The name and signature of the osteopathic physician or physician assistant and the address of the osteopathic physician or physician assistant if not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name of the public or private school **or authorized entity** to which the order is issued;

(d) The name, strength and quantity of the drug authorized to be obtained and maintained by the order; and

(e) The date of issue.

~~{3.}~~ 4. An osteopathic physician or physician assistant is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 **or** 2 to an entity other than a natural person and without knowledge of a specific natural person who requires the medication.

~~{4.}~~ 5. *An osteopathic physician or physician assistant is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine maintained by a public or private school or authorized entity pursuant to an order issued by the osteopathic physician or physician assistant not resulting from gross negligence or reckless, willful or wanton conduct of the osteopathic physician ~~or~~ or physician assistant.*

6. As used in this section:

(a) *“Authorized entity” has the meaning ascribed to it in section 2 of this act.*

(b) *“Private school” has the meaning ascribed to it in NRS 394.103.*

~~{(b)}~~ (c) *“Public school” has the meaning ascribed to it in NRS 385.007.*

Sec. 8. NRS 639.2357 is hereby amended to read as follows:

639.2357 1. Upon the request of a patient, or a public or private school **or an authorized entity** for which an order was issued pursuant to NRS 630.374 or 633.707 ~~or~~ **or section 6.5 of this act**, a registered pharmacist shall transfer a prescription or order to another registered pharmacist.

2. A registered pharmacist who transfers a prescription or order pursuant to subsection 1 shall comply with any applicable regulations adopted by the Board relating to the transfer.

3. The provisions of this section do not authorize or require a pharmacist to transfer a prescription or order in violation of:

- (a) Any law or regulation of this State;
- (b) Federal law or regulation; or
- (c) A contract for payment by a third party if the patient is a party to that contract.

4. ***A pharmacist is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine that the pharmacist has dispensed to a public or private school or authorized entity pursuant to an order issued pursuant to NRS 630.374 or 633.707 or section 6.5 of this act not resulting from gross negligence or reckless, willful or wanton conduct of the pharmacist.***

5. ***As used in this section, "authorized entity" has the meaning ascribed to it in section 2 of this act.***

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment authorizes a physician assistant and advanced practice registered nurse to issue an order for auto-injectable epinephrine to an authorized entity and a public or private school. It adds athletic trainers to the example of persons, other than an authorized entity, who are trained to recognize symptoms of anaphylaxis and authorized to administer auto-injectable epinephrine. It exempts from liability a person who administers epinephrine and a physician assistant or advanced practice registered nurse who issues an order for auto-injectable epinephrine.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 172.

Bill read second time.

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

Amendment No. 426.

SUMMARY—~~[Requires contractors and subcontractors on a public work to use the federal E-Verify system to verify eligibility for employment for workers on the public work and revises prevailing wage requirements for]~~ Revises provisions relating to public works. (BDR 28-565)

AN ACT relating to public works; ~~[requiring contractors and subcontractors on a public work to use the federal E-Verify system to verify eligibility for employment for workers on the public work,]~~ raising the estimated thresholds

at or above which prevailing wage requirements apply to certain public work construction projects; ~~specifying that certain provisions governing the payment of prevailing wage do not apply to a school district, a charter school or the Nevada System of Higher Education; repealing provisions governing the payment of such wages by the Nevada System of Higher Education;~~ **increasing the amount of a preference in bidding on certain public works given to contractors and certain other persons who meet certain eligibility requirements;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Under existing law, a contractor or subcontractor on a public work must comply with certain requirements, such as making employment decisions without discrimination based on race, color, creed, national origin, sex, sexual orientation, gender identity or expression, or age. (NRS 338.125) Section 1 of this bill requires a contractor or subcontractor on a public work to use the federal E-Verify system to verify the employment eligibility of all workers on the public work.~~

Under existing law, any contract for a public work whose cost is \$100,000 or more is subject to the prevailing wage requirements. (NRS 338.080) The prevailing wage requirements also apply if a redevelopment agency provides financial incentives to the developer with a value of more than \$100,000. (NRS 279.500) ~~Existing law also provides specifically that contracts for construction work of the Nevada System of Education for which the estimated cost exceeds \$100,000 require the payment of prevailing wage even if the construction work does not qualify as a public work. (NRS 338.075)~~ **Sections 3 and 4 of this bill raise the threshold for the applicability of prevailing wage requirements from \$100,000 to ~~\$5,000,000,~~ \$350,000, require this amount to be adjusted every 5 years for inflation,** and also make a technical correction in **section 4** clarifying that if the relevant work will cost exactly ~~\$5,000,000,~~ **\$350,000,** the work is subject to the prevailing wage requirements. ~~Section 3 also excludes from the prevailing wage requirement: (1) any contract for a public work to which a school district, a charter school or the Nevada System of Higher Education is a party; and (2) a public work of, or constructed by, a school district, a charter school or the Nevada System of Higher Education. Section 6 of this bill eliminates the requirement that the Nevada System of Higher Education pay prevailing wage on certain construction work that does not qualify as a public work.~~

Under existing law, a contractor, applicant to serve as a construction manager at risk or design-build team may qualify to receive a 5 percent preference in bidding on certain contracts for public works if certain conditions, including the employment of a specified percentage of Nevada employees, are met. (NRS 338.1389, 338.147, 338.1693, 338.1725, 338.1727, 408.3886) Sections 3.3, 3.5, 3.6, 3.7, 3.8 and 4.5 increase the amount of that preference in bidding to 7.5 percent.

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

Section 1. ~~[Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Each contractor and subcontractor on a public work shall register and participate in the E-Verify system to verify the employment eligibility of all workers on the public work.~~

~~2. As used in this section, "E-Verify system" means an electronic program through which employers verify the employment eligibility of their employees administered through the United States Department of Homeland Security and established pursuant to 8 U.S.C. § 1324a. (Deleted by amendment.)~~

Sec. 2. [NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive, ~~and section 1 of this act.~~

2. In addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, violates any provision of NRS 338.010 to 338.130, inclusive, ~~and section 1 of this act~~ or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice and an opportunity for a hearing, impose against the person an administrative penalty of not more than \$5,000 for each such violation.

3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

4. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law. ~~(Deleted by amendment.)~~

Sec. 3. NRS 338.080 is hereby amended to read as follows:

338.080 1. None of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

~~(1.)~~ (a) Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

~~(2.)~~ (b) Apprentices recorded under the provisions of chapter 610 of NRS.

~~(3.)~~ (c) Any contract for a public work whose cost is less than ~~[\$100,000, \$5,000,000.]~~ \$350,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below ~~[\$100,000, \$5,000,000.]~~

~~4. Any contract for a public work to which a school district, a charter school or the Nevada System of Higher Education is a party.~~

~~5. A public work of, or constructed by, a school district, a charter school or the Nevada System of Higher Education, \$350,000.~~

2. The Labor Commissioner shall, on or before January 1, 2020, and every 5 years thereafter, adjust the amount set forth in paragraph (c) of subsection 1 to reflect inflation, as measured by the average percentage of increase or decrease in the Consumer Price Index for All Urban Consumers of the United States Department of Labor, Bureau of Labor Statistics, for the preceding 5 years. The Labor Commissioner shall determine the amount of the increase or decrease required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.

Sec. 3.3. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than ~~15~~ **7.5** percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

↪ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds \$5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 3.5. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than ~~15~~ 7.5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

☛ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to

the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reappplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds \$5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or

its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 3.6. NRS 338.1693 is hereby amended to read as follows:

338.1693 1. The public body or its authorized representative shall appoint a panel consisting of at least three but not more than seven members, a majority of whom must have experience in the construction industry, to rank the proposals submitted to the public body by evaluating the proposals as required pursuant to subsections 2 and 3.

2. The panel appointed pursuant to subsection 1 shall rank the proposals by:

(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and

(b) Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.

3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of ~~(5)~~ 7.5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

4. After the panel appointed pursuant to subsection 1 ranks the proposals, the public body or its authorized representative shall, except as otherwise provided in subsection 8, select at least the two but not more than the five applicants whose proposals received the highest scores for interviews.

5. The public body or its authorized representative may appoint a separate panel to interview and rank the applicants selected pursuant to subsection 4. If a separate panel is appointed pursuant to this subsection, the panel must consist of at least three but not more than seven members, a majority of whom must have experience in the construction industry.

6. During the interview process, the panel conducting the interview may require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, but in no event shall the proposed amount of compensation exceed 20 percent of the scoring for the selection of the most qualified applicant. All presentations made at any interview conducted pursuant to this subsection or subsection 5 may be made only by key personnel employed by the applicant, as determined by the applicant, and the employees of the applicant who will

be directly responsible for managing the preconstruction and construction of the public work.

7. After conducting such interviews, the panel that conducted the interviews shall rank the applicants by using a ranking process that is separate from the process used to rank the applicants pursuant to subsection 2 and is based only on information submitted during the interview process. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant. When ranking the applicants, the panel that conducted the interviews shall assign a relative weight of ~~45~~ 7.5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

8. If the public body did not receive at least two proposals, the public body may not contract with a construction manager at risk.

9. Upon receipt of the final rankings of the applicants from the panel that conducted the interviews, the public body or its authorized representative shall enter into negotiations with the most qualified applicant determined pursuant to the provisions of this section for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

10. The public body or its authorized representative shall make available to all applicants and the public the final rankings of the applicants, as determined by the panel that conducted the interviews, and shall provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.

Sec. 3.7. NRS 338.1725 is hereby amended to read as follows:

338.1725 1. The public body shall select at least two but not more than four finalists from among the design-build teams that submitted preliminary proposals. If the public body does not receive at least two preliminary proposals from design-build teams that the public body determines to be qualified pursuant to this section and NRS 338.1721, the public body may not contract with a design-build team for the design and construction of the public work.

2. The public body shall select finalists pursuant to subsection 1 by:

(a) Verifying that each design-build team which submitted a preliminary proposal satisfies the requirements of NRS 338.1721;

(b) Conducting an evaluation of the qualifications of each design-build team that submitted a preliminary proposal, including, without limitation, an evaluation of:

(1) The professional qualifications and experience of the members of the design-build team;

(2) The performance history of the members of the design-build team concerning other recent, similar projects completed by those members, if any;

(3) The safety programs established and the safety records accumulated by the members of the design-build team; and

(4) The proposed plan of the design-build team to manage the design and construction of the public work that sets forth in detail the ability of the design-build team to design and construct the public work; and

(c) Except as otherwise provided in this paragraph, assigning, without limitation, a relative weight of ~~45~~ 7.5 percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design-build team and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this paragraph relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this paragraph do not apply insofar as their application would preclude or reduce federal assistance for that public work.

3. After the selection of finalists pursuant to this section, the public body shall make available to the public the results of the evaluations of preliminary proposals conducted pursuant to paragraph (b) of subsection 2 and identify which of the finalists, if any, received an assignment of ~~45~~ 7.5 percent pursuant to paragraph (c) of subsection 2.

Sec. 3.8. NRS 338.1727 is hereby amended to read as follows:

338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:

(a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the public body.

2. If one or more of the finalists selected pursuant to NRS 338.1725 is disqualified or withdraws, the public body may select a design-build team from the remaining finalist or finalists.

3. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of ~~15~~ 25 percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design-build team if the contractors submit signed affidavits that meet the requirements of subsection 1 of NRS 338.0117, and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team, and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to a preference in bidding on public works, or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.

4. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly and be responsive to the criteria that the public body will use to select a design-build team to design and construct the public work described in subsection 1. A design-build team that submits a final proposal which is not responsive shall not be awarded the contract and shall not be eligible for the partial reimbursement of costs provided for in subsection 7.

5. A final proposal is exempt from the requirements of NRS 338.141.

6. After receiving and evaluating the final proposals for the public work, the public body or its authorized representative shall enter into negotiations with the most qualified applicant, as determined pursuant to the criteria set forth pursuant to subsections 1 and 3, and award the design-build contract to the design-build team whose proposal is selected. If the public body or its authorized representative is unable to negotiate with the most qualified applicant a contract that is determined by the parties to be fair and reasonable, the public body may terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

7. If a public body selects a final proposal and awards a design-build contract pursuant to subsection 6, the public body shall:

(a) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (j) of subsection 2 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(b) Make available to the public the results of the evaluation of final proposals that was conducted and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

8. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive.

(b) Must specify:

(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

(c) May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.

(d) Except as otherwise provided in paragraph (e), must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.

(e) May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.

(f) Must require that the design-build team to whom a contract is awarded assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.

9. Upon award of the design-build contract, the public body shall make available to the public copies of all preliminary and final proposals received.

Sec. 4. NRS 279.500 is hereby amended to read as follows:

279.500 1. The provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by an agency for work to be done in a project.

2. If an agency:

(a) Provides property for development at less than the fair market value of the property;

(b) Provides a loan to a small business pursuant to NRS 279.700 to 279.740, inclusive; or

(c) Provides financial incentives to a developer with a value of ~~more than \$100,000, \$5,000,000, \$350,000 or more,~~

↪ regardless of whether the project is publicly or privately owned, the agency must provide in the loan agreement with the small business or the agreement with the developer, as applicable, that the development project is subject to the provisions of NRS 338.010 to 338.090, inclusive, to the same extent as if the agency had awarded the contract for the project. This subsection applies only to the project covered by the loan agreement between the agency and the small business or the agreement between the agency and the developer, as applicable. This subsection does not apply to future development of the property unless an additional loan, or additional financial incentives with a value of ~~more than \$100,000, \$5,000,000, \$350,000 or more,~~ are provided to the small business or developer, as applicable.

3. The Labor Commissioner shall, on or before January 1, 2020, and every 5 years thereafter, adjust the amount set forth in paragraph (c) of subsection 2 to reflect inflation, as measured by the average percentage of increase or decrease in the Consumer Price Index for All Urban Consumers of the United States Department of Labor, Bureau of Labor Statistics, for the preceding 5 years. The Labor Commissioner shall determine the amount of the increase or decrease required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.

Sec. 4.5. NRS 408.3886 is hereby amended to read as follows:

408.3886 1. After selecting the finalists pursuant to NRS 408.3885, the Department shall provide to each finalist a request for final proposals for the project. The request for final proposals must:

(a) Set forth the factors that the Department will use to select a design-build team to design and construct the project, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the Department.

2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the Department shall assign, without limitation, a relative weight of ~~5~~ **7.5** percent to the design-build team's possession of both a certificate of eligibility to receive a preference in bidding on public works by the prime contractor on the design-build team, if the design-build team submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117, and a certificate of

eligibility to receive a preference when competing for public works by all persons who hold a certificate of registration to practice architecture or a license as a professional engineer on the design-build team, and a relative weight of at least 30 percent for the proposed cost of design and construction of the project. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular project because of the provisions of this subsection relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that project.

3. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the Department will use to select a design-build team to design and construct the project described in subsection 1 and comply with the provisions of NRS 338.141.

4. After receiving the final proposals for the project, the Department shall:

- (a) Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2;
- (b) Reject all the final proposals; or
- (c) Request best and final offers from all finalists in accordance with subsection 5.

5. If the Department determines that no final proposal received is cost-effective or responsive and the Department further determines that requesting best and final offers pursuant to this subsection will likely result in the submission of a satisfactory offer, the Department may prepare and provide to each finalist a request for best and final offers for the project. In conjunction with preparing a request for best and final offers pursuant to this subsection, the Department may alter the scope of the project, revise the estimates of the costs of designing and constructing the project, and revise the selection factors and relative weights described in paragraph (a) of subsection 1. A request for best and final offers prepared pursuant to this subsection must set forth the date by which best and final offers must be submitted to the Department. After receiving the best and final offers, the Department shall:

- (a) Select the most cost-effective and responsive best and final offer, using the criteria set forth in the request for best and final offers; or
- (b) Reject all the best and final offers.

6. If the Department selects a final proposal pursuant to paragraph (a) of subsection 4 or selects a best and final offer pursuant to paragraph (a) of subsection 5, the Department shall hold a public meeting to:

- (a) Review and ratify the selection.
- (b) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 408.3883. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(c) Make available to the public a summary setting forth the factors used by the Department to select the successful design-build team and the ranking of the design-build teams who submitted final proposals and, if applicable, best and final offers. The Department shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

7. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive; and

(b) Must specify:

(1) An amount that is the maximum amount that the Department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the Department will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

8. A design-build team to whom a contract is awarded pursuant to this section shall:

(a) Assume overall responsibility for ensuring that the design and construction of the project is completed in a satisfactory manner; and

(b) Use the workforce of the prime contractor on the design-build team to construct at least 15 percent of the project.

Sec. 5. 1. The amendatory provisions of ~~Sections 3 and 4 of~~ this act do not apply to a public work or other project of construction, repair or reconstruction that is awarded before July 1, 2015.

2. As used in this section, “public work” has the meaning ascribed to it in NRS 338.010.

Sec. 6. [NRS 338.075 is hereby repealed.] **(Deleted by amendment.)**

Sec. 7. ~~1.1~~ This ~~section and sections 3 to 6, inclusive, of this~~ act ~~become~~ **becomes** effective on July 1, 2015.

~~2. Sections 1 and 2 of this act become effective on October 1, 2015.~~

~~TEXT OF REPEALED SECTION~~

~~338.075 Applicability to certain contracts for construction work of Nevada System of Higher Education. The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.~~

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment deletes all the language related to the federal E-Verify requirements in the bill; lowers the threshold for prevailing wage requirements on public works projects from \$5,000,000 in the original bill to \$350,000; requires the Labor Commissioner to adjust the prevailing wage threshold every five years based on inflation beginning on or before January 1, 2020; and finally, increases the bidder preference from 5 to 7.5 percent.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 173.

Bill read second time.

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

Amendment No. 246.

AN ACT relating to private investigations; exempting **certain professionals who provide** information security ~~professionals, while engaging in certain activities,~~ from regulation as a private investigator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person engaging in the business of a private investigator must be licensed by and is subject to the regulation of the Private Investigator's Licensing Board. (NRS 648.060) Existing law defines a private investigator to include a person who conducts an investigation through the review or analysis of computerized data not available to the public. (NRS 648.012) **Section 1** of this bill defines the term "information ~~security~~ professional" for the purpose of exempting information security professionals from existing law governing private investigators. **Section 2.5** of this bill **revises the definition of "private investigator" to exclude from the definition certain professionals who provide information security.** **Section 3 of this bill** exempts ~~an~~ **certain professionals who provide** information security ~~professional~~ from the provisions ~~of chapter 648~~ of NRS ~~which is the existing law~~ governing private investigators. ~~while the information security professional is engaged in those activities specified in the definition of an information security professional.~~

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

Section 1. Chapter 648 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. "Information security professional" means a person with expertise in computer systems who engages in the business of establishing, maintaining and restoring the confidentiality, integrity and availability of information assets by:~~

~~(a) Participating in the design, installation and configuration of information assets;~~

~~—(b) Auditing, monitoring and testing the confidentiality, integrity and availability of information assets;~~

~~—(c) Responding to and rectifying data breaches or failures of the confidentiality, integrity and availability of information assets;~~

~~—(d) Analyzing information assets to determine the causes of data breaches and failures or to prevent future data breaches and failures; or~~

~~—(e) Ensuring compliance with regulations or mandates regarding the confidentiality, integrity and availability of information assets.~~

~~—2. The term includes, without limitation, a person commonly referred to in the information security industry by any of the following job titles:~~

~~—(a) Data network forensic analyst;~~

~~—(b) Data security incident handler;~~

~~—(c) Data system intrusion analyst;~~

~~—(d) Data system penetration tester;~~

~~—(e) Data system perimeter protection analyst;~~

~~—(f) Data system security administrator;~~

~~—(g) Data system security auditor;~~

~~—(h) Data system security controls auditor;~~

~~—(i) Digital forensic analyst;~~

~~—(j) Industrial control system data security analyst;~~

~~—(k) Information governance professional;~~

~~—(l) Information security analyst;~~

~~—(m) Malware reverse engineer; or~~

~~—(n) Mobile device security analyst.~~

~~—3. As used in this section:~~

~~—(a) “Availability” means the process by which information assets are rendered accessible to authorized persons when requested.~~

~~—(b) “Confidentiality” means the process of protecting information assets so that data is accessible only by persons authorized to access such data.~~

~~—(c) “Information asset” means private data and the hardware upon which the data is stored or moved.~~

~~—(d) “Integrity” means the process of protecting information assets so the content of the data is not changed, altered or deleted by unauthorized persons.]~~

“Information security” has the meaning ascribed to it in 44 U.S.C. § 3552. The term includes restoring the integrity, confidentiality and availability of information and information systems after a data breach, suspected data breach or other data security incident.

Sec. 2. NRS 648.005 is hereby amended to read as follows:

648.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 648.006 to 648.016, inclusive, **and section 1 of this act** have the meanings ascribed to them in those sections.

Sec. 2.5. **NRS 648.012 is hereby amended to read as follows:**

648.012 **1.** “Private investigator” means any person who for any consideration engages in business or accepts employment to furnish, or agrees

to make or makes any investigation for the purpose of obtaining ~~[, including, without limitation, through the review, analysis and investigation of computerized data not available to the public,]~~ information with reference to:

~~[1.]~~ **(a)** The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;

~~[2.]~~ **(b)** The location, disposition or recovery of lost or stolen property;

~~[3.]~~ **(c)** The cause or responsibility for fires, libels, losses, accidents or damage or injury to persons or to property;

~~[4.]~~ **(d)** A crime or tort that has been committed, attempted, threatened or suspected, except an expert witness or a consultant who is retained for litigation or a trial, or in anticipation of litigation or a trial, and who performs duties and tasks within his or her field of expertise that are necessary to form his or her opinion;

~~[5.]~~ **(e)** Securing evidence to be used before any court, board, officer or investigating committee; or

~~[6.]~~ **(f)** The prevention, detection and removal of surreptitiously installed devices for eavesdropping or observation.

2. The term does not include:

(a) Any person who is accessing exclusively public records, public databases or any other public information; or

(b) Any person who for any consideration engages in business or accepts employment to provide information security.

Sec. 3. NRS 648.018 is hereby amended to read as follows:

648.018 Except as to polygraphic examiners and interns, this chapter does not apply:

1. To any detective or officer belonging to the law enforcement agencies of the State of Nevada or the United States, or of any county or city of the State of Nevada, while the detective or officer is engaged in the performance of his or her official duties.

2. To special police officers appointed by the police department of any city, county, or city and county within the State of Nevada while the officer is engaged in the performance of his or her official duties.

3. To insurance adjusters and their associate adjusters licensed pursuant to the Nevada Insurance Adjusters Law who are not otherwise engaged in the business of private investigators.

4. To any private investigator, private patrol officer, process server, dog handler or security consultant employed by an employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

5. To a reposessor employed exclusively by one employer regularly in connection with the affairs of that employer if a bona fide employer-employee

relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

6. To a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

7. To a charitable philanthropic society or association incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

8. To an attorney at law in performing his or her duties as such.

9. To a collection agency unless engaged in business as a reposessor, licensed by the Commissioner of Financial Institutions, or an employee thereof while acting within the scope of his or her employment while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her assets and of property which the client has an interest in or lien upon.

10. To admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

11. To any bank organized pursuant to the laws of this State or to any national bank engaged in banking in this State.

12. To any person employed to administer a program of supervision for persons who are serving terms of residential confinement.

13. To any commercial registered agent, as defined in NRS 77.040, who obtains copies of, examines or extracts information from public records maintained by any foreign, federal, state or local government, or any agency or political subdivision of any foreign, federal, state or local government.

14. To any holder of a certificate of certified public accountant issued by the Nevada State Board of Accountancy pursuant to chapter 628 of NRS while performing his or her duties pursuant to the certificate.

15. To a person performing the repair or maintenance of a computer who performs a review or analysis of data contained on a computer solely for the purposes of diagnosing a computer hardware or software problem and who is not otherwise engaged in the business of a private investigator.

16. To ~~an information security professional while engaged in an activity described in section 1 of this act.~~ any person who for any consideration engages in business or accepts employment to provide information security.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 246 to Assembly Bill 173 removes the definition of “information security professional” from the bill and inserts a reference to federal law to define the phrase “information security.” The amendment also deletes language inserted in section 648.012 of *Nevada Revised Statutes* in 2013 related to the use of computerized data not available to the public and restates the intent to regulate private investigators’ use of nonpublic records in another way at the end of the section. It also excludes from the definition of “private investigator” those persons who provide information security.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 182.

Bill read second time.

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

Amendment No. 368.

AN ACT relating to local governments; ~~prohibiting~~ **authorizing** a local government employer ~~(from entering)~~ **to enter** into an agreement to pay dues to an employee organization through deductions from compensation; prohibiting such an employer from providing paid leave or paying compensation or benefits for time spent by an employee in providing services to an employee organization; **authorizing the Local Government Employee-Management Relations Board to appoint a Deputy Commissioner; declaring the right of a local government employee to resign from an employee organization at any time;** prohibiting the inclusion of certain employees in a bargaining unit; revising provisions relating to a reduction in force; providing that a collective bargaining agreement between a local government employer and a recognized employee organization expires for certain purposes at the end of the term stated in the agreement; requiring public notice of certain offers made in collective bargaining; eliminating final and binding fact-finding except upon the election of the governing body; removing a portion of the budgeted ending fund balance of certain governmental funds from the scope of collective bargaining and from consideration by a fact finder; eliminating statutory impasse arbitration for firefighters, police officers, teachers and educational support personnel; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law does not prohibit a local government employer from providing for the payment of dues to an employee organization through deductions from the compensation of employees, and such deductions are a mandatory subject of collective bargaining. (NRS 288.150) **Section 1** of this bill ~~prohibits~~ **provides that** such an arrangement ~~and is lawful pursuant to an agreement that recognizes the right of every employee to resign from the employee organization at any time, free of any obligation to pay dues.~~ **Section 1** also bars a local government employer from providing paid leave or paying any compensation or monetary benefits to an employee for time spent by the employee in performing duties or providing services to an employee organization.

The Local Government Employee-Management Relations Board has been created to administer the provisions governing labor relations between local government employers and employee organizations. (NRS 288.080, 288.110) The Board is authorized by existing law to appoint a Commissioner, who serves in the unclassified service of the State.

(NRS 288.090) Section 2.5 of this bill additionally authorizes the Board to appoint a Deputy Commissioner and section 13.5 of this bill makes an appropriation for that purpose.

Existing law establishes the right of every local government employee to join or refrain from joining an employee organization. (NRS 288.140) Section 3 of this bill provides that a local government employee is also free to resign from an employee organization at any time, without any obligation to pay dues accruing before, on or after the date of the resignation.

Existing law excludes certain local government employees from membership in a bargaining unit and requires employees in certain supervisory and administrative positions to be members of a different bargaining unit from the employees they supervise. (NRS 288.140, 288.170) **Sections 2, 3 and 7** of this bill consolidate those provisions and exclude **certain** school administrators, **firefighters and police officers**, and other employees in supervisory and administrative positions from membership in any bargaining unit. Existing law also excludes confidential employees from membership in a bargaining unit. (NRS 288.170) **Section 7** also expands the definition of “confidential employee” to include any employee whose duties entail access to proprietary or confidential information.

Under existing law, a local government employer is entitled, without bargaining, to effectuate a reduction in force or layoff because of a lack of work or lack of money. (NRS 288.150) **Section 4** of this bill revises those provisions to authorize a reduction in force or layoff because of a reduction or elimination of services, budgetary reallocation of expenditures or loss of revenues ~~or~~ **, or whenever the local government employer determines that such action is in the best interest of the local government employer.** If a local government employer ~~eliminates or reduces any service provided by its employees,~~ **determines that a reduction in force or layoff is appropriate,** ~~section 5 of this bill authorizes the employer to effectuate a layoff or reduction in force directed to those employees on the basis of any factors it deems appropriate, without regard to the seniority of those employees,~~ **sets forth various factors that the local government employer may consider in determining whether to lay off a given employee.**

Section 6 of this bill is directed to “evergreen” language in a collective bargaining agreement, pursuant to which the agreement remains in effect beyond the end of its stated term until a successor agreement becomes effective. Notwithstanding any such provision, **section 6** generally provides that upon the end of the term stated in a collective bargaining agreement, and until a successor agreement becomes effective, a local government employer shall not increase any compensation or monetary benefits paid to or on behalf of employees in the affected bargaining unit.

If an impasse is reached in collective bargaining negotiations, existing law establishes a process of fact-finding. Under existing law, the findings and recommendations of the fact finder are final and binding if the parties so agree

or a statutory panel determines that the findings and recommendations are to be final and binding as to some or all of the issues in dispute. (NRS 288.200-288.203) **Sections 10 and 15** of this bill eliminate the panel. **Section 10** also : **(1)** provides that the findings and recommendations are not final and binding unless the governing body or chief executive officer of the local government **employer** so elects before the submission of the dispute to fact-finding ~~it~~ ; **and (2) requires the governing body or chief executive officer, before submission of the dispute to fact-finding, to determine whether the fact finder will issue a decision on the basis of a single final offer by each party for all unresolved issues or a separate final offer by each party for each such issue.** Sections 8-10 of this bill require public notice of the final offers made by each party during collective bargaining negotiations, mediation and fact-finding.

Existing law limits the extent to which money in certain governmental funds may be expended by a local government employer pursuant to a collective bargaining agreement or considered by a fact finder or arbitrator in determining the financial ability of the local government employer to pay monetary benefits. (NRS 288.200, 288.215, 288.217, 354.6241) **Section 13** of this bill provides that a budgeted ending fund balance for certain governmental funds of not more than ~~146.64~~ **25** percent of the total budgeted expenditures, less capital outlay: (1) is not subject to collective bargaining negotiations; and (2) must not be considered by a fact finder in resolving issues of financial ability to pay.

Under existing law, an impasse in collective bargaining negotiations involving firefighters, police officers, teachers or educational support personnel may be submitted to an arbitrator, whose decision is final and binding. (NRS 288.215, 288.217) **Section 15** repeals those provisions, eliminating the statutory right to arbitration as a means of impasse resolution.

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

Section 1. Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:

A local government employer : ~~(shall not)~~

1. ~~(Agree)~~ May agree with any of its employees or any employee organization to deduct dues for an employee organization from the compensation of the employee . ~~It or~~ **Any such agreement must provide, in accordance with NRS 288.140, that every employee governed by the agreement is entitled to resign from the employee organization at any time, free of any obligation to pay dues accruing before, on or after the date of the resignation. Any agreement that conflicts with the provisions of this subsection is void.**

2. ~~(Provide)~~ Shall not provide paid leave or otherwise pay from public money any compensation or monetary benefits to or on behalf of any of its

employees for time spent by an employee in performing duties or providing services for an employee organization.

Sec. 1.5. NRS 288.034 is hereby amended to read as follows:

288.034 “Commissioner” means the Commissioner or Deputy Commissioner appointed by the Board.

Sec. 2. NRS 288.075 is hereby amended to read as follows:

288.075 1. “Supervisory employee” means ~~the~~

~~—(a) Any~~ **any** individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee’s workday. ~~;~~ ~~or~~

~~—(b) Any individual or class of individuals appointed by the employer and having authority on behalf of the employer to:~~

~~—(1) Hire, transfer, suspend, lay off, recall, terminate, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or to effectively recommend such action;~~

~~—(2) Make budgetary decisions; and~~

~~—(3) Be consulted on decisions relating to collective bargaining;~~

~~→ if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee’s workday.]~~

2. Nothing in this section shall be construed to mean that an employee who has been given incidental administrative duties shall be classified as a supervisory employee.

Sec. 2.5. NRS 288.090 is hereby amended to read as follows:

288.090 1. The members of the Board shall annually elect one of their number as Chair and one as Vice Chair. Any two members of the Board constitute a quorum.

2. The Board may, within the limits of legislative appropriations and any other available money:

(a) Appoint a Commissioner , a Deputy Commissioner and a Secretary, who are in the unclassified service of the State; and

(b) Employ such additional clerical personnel as may be necessary, who are in the classified service of the State.

Sec. 3. NRS 288.140 is hereby amended to read as follows:

288.140 1. It is the right of every local government employee, subject to the ~~limitations~~ **limitation** provided in ~~subsections~~ **subsection 3**, ~~and 4,~~ to join any employee organization of the employee’s choice, ~~or to~~

joining any employee organization ~~or~~ **or resign from any employee organization at any time, free of any obligation to pay dues accruing before, on or after the date of the resignation. Any agreement that conflicts with the provisions of this subsection is void.** A local government employer shall not discriminate in any way among its employees on account of membership or nonmembership in an employee organization.

2. The recognition of an employee organization for negotiation, pursuant to this chapter, does not preclude any local government employee who is not a member of that employee organization from acting for himself or herself with respect to any condition of his or her employment, but any action taken on a request or in adjustment of a grievance shall be consistent with the terms of an applicable negotiated agreement, if any.

3. A police officer, sheriff, deputy sheriff or other law enforcement officer may be a member of an employee organization only if such employee organization is composed exclusively of law enforcement officers.

~~4. The following persons may not be a member of an employee organization:~~

~~—(a) A supervisory employee described in paragraph (b) of subsection 1 of NRS 288.075, including but not limited to appointed officials and department heads who are primarily responsible for formulating and administering management, policy and programs.~~

~~—(b) A doctor or physician who is employed by a local government employer.~~

~~—(c) Except as otherwise provided in this paragraph, an attorney who is employed by a local government employer and who is assigned to a civil law division, department or agency. The provisions of this paragraph do not apply with respect to an attorney for the duration of a collective bargaining agreement to which the attorney is a party as of July 1, 2011.~~

~~5. As used in this section, “doctor or physician” means a doctor, physician, homeopathic physician, osteopathic physician, chiropractic physician, practitioner of Oriental medicine, podiatric physician or practitioner of optometry, as those terms are defined or used, respectively, in NRS 630.014, 630A.050, 633.091, chapter 634 of NRS, chapter 634A of NRS, chapter 635 of NRS or chapter 636 of NRS.]~~

Sec. 4. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as **otherwise** provided in subsection 4 ~~or~~ **and NRS 354.6241**, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

- (a) Salary or wage rates or other forms of direct monetary compensation.
- (b) Sick leave.

- (c) Vacation leave.
- (d) Holidays.
- (e) Other paid or nonpaid leaves of absence.
- (f) Insurance benefits.
- (g) Total hours of work required of an employee on each workday or workweek.
- (h) Total number of days' work required of an employee in a work year.
- (i) Discharge and disciplinary procedures.
- (j) Recognition clause.
- (k) The method used to classify employees in the bargaining unit.
- (l) Deduction of dues for the recognized employee organization ~~that~~
pursuant to an agreement that is consistent with the provisions of this chapter.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) ~~that~~ No-strike provisions consistent with the provisions of this chapter.

(o) ~~that~~ Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) ~~that~~ General savings clauses.

(q) ~~that~~ Duration of collective bargaining agreements.

(r) ~~that~~ Safety of the employee.

(s) ~~that~~ Teacher preparation time.

(t) ~~that~~ Materials and supplies for classrooms.

(u) ~~that~~ The policies for the transfer and reassignment of teachers.

(v) ~~that~~ Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) ~~that~~ Procedures and requirements for the reopening of collective bargaining agreements that exceed 1 year in duration for additional, further, new or supplementary negotiations during periods of fiscal emergency. The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) ~~that~~ of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of **a** lack of work , **reduction or elimination of services, budgetary reallocation of expenditures, loss of revenues** or lack of money, **or whenever the local government employer determines that such action is in the best interest of**

the local government employer, subject to paragraph (v) ~~((u))~~ of subsection 2. As used in this paragraph, "loss of revenues" includes, without limitation, any reduction in revenues from taxation or any decline in revenues resulting from the termination or expiration of a grant.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

7. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

Sec. 5. NRS 288.151 is hereby amended to read as follows:

288.151 **1. Except as otherwise provided in subsection 2, if a local government employer ~~eliminates or reduces any service provided by its employees, it may effectuate~~ determines that a layoff or reduction in its workforce ~~directed to those employees on the basis of any factors it deems appropriate, without regard to the seniority of those employees,~~ is in the best interest of the local government employer, the local government employer, in determining whether to lay off an employee, may consider, without limitation:**

(a) The needs of the local government employer;

(b) The performance and any evaluations of the employee;

(c) Any special skills or qualifications of the employee or any license held by the employee;

(d) Any record of disciplinary action taken against the employee; and**(e) The seniority of the employee.**

2. If the board of trustees of a school district determines that a reduction in the existing workforce of the licensed educational personnel in the school district is necessary, the decision to lay off a teacher or an administrator must not be based solely on the seniority of the teacher or administrator and may include, without limitation, a consideration of the following factors:

~~{1-}~~ (a) Whether the teacher or administrator is employed in a position which is hard to fill;

~~{2-}~~ (b) Whether the teacher or administrator has received a national board certification;

~~{3-}~~ (c) The performance evaluations of the teacher or administrator;

~~{4-}~~ (d) The disciplinary record of the teacher or administrator within the school district;

~~{5-}~~ (e) The criminal record of the teacher or administrator, if any;

~~{6-}~~ (f) The type of licensure held by the teacher or administrator; and

~~{7-}~~ (g) The type of degree attained by the teacher or administrator and whether the degree is in a subject area that is related to his or her position.

Sec. 6. NRS 288.155 is hereby amended to read as follows:

288.155 ~~{Agreements entered into between local government employers and employee organizations pursuant to this chapter may}~~

1. A collective bargaining agreement:

(a) **May** extend beyond the term of office of any member or officer of the local government employer.

(b) **Expires for the purposes of subsection 2 at the end of the term stated in the agreement, notwithstanding any provision of the agreement that it remains in effect, in whole or in part, after the end of that term until a successor agreement becomes effective.**

2. **Except as otherwise provided in this subsection and notwithstanding any provision of the agreement to the contrary, upon the expiration of a collective bargaining agreement, if no successor agreement is effective and until a successor agreement becomes effective, a local government employer shall not pay to or on behalf of any employee in the affected bargaining unit any compensation or monetary benefits in any amount greater than the amount in effect as of the expiration of the agreement. This subsection does not prohibit a local government employer from paying an increase in the employer's portion of the matching contribution rate for employees and employers in accordance with an adjustment in the rate of contributions pursuant to NRS 286.450.**

Sec. 7. NRS 288.170 is hereby amended to read as follows:

288.170 1. Each local government employer which has recognized one or more employee organizations shall determine, after consultation with the recognized organization or organizations, which group or groups of its employees constitute an appropriate unit or units for negotiating. The primary

criterion for that determination must be the community of interest among the employees concerned.

2. ~~2. [A principal, assistant principal or other school administrator below the rank of superintendent, associate superintendent or assistant superintendent shall not be a member of the same bargaining unit with public school teachers unless the school district employs fewer than five principals but may join with other officials of the same specified ranks to negotiate as a separate bargaining unit.~~

~~3. A head of a department of a local government, an administrative employee or a supervisory employee must not be a member of the same bargaining unit as the employees under the direction of that department head, administrative employee or supervisory employee. Any dispute between the parties as to whether an employee is a supervisor must be submitted to the Board.] An employee organization which is negotiating on behalf of two or more bargaining units consisting of firefighters or police officers [as defined in NRS 288.215,] may select members of the units to negotiate jointly on behalf of each other. [even if one of the units consists of supervisory employees and the other unit does not.~~

~~4. Confidential employees of the local government employer must be excluded from any bargaining unit but are entitled to participate in any plan to provide benefits for a group that is administered by the bargaining unit of which they would otherwise be a member.~~

~~5.] 3. The following local government employees may not be members of a bargaining unit:~~

~~(a) A supervisory employee.~~

~~(b) A firefighter above the rank of fire captain.~~

~~(c) A police officer above the rank of lieutenant.~~

~~(d) A school administrator above the rank of [teacher,] principal, including, without limitation, a [principal, assistant principal,] superintendent, associate superintendent, [or] assistant superintendent [or] [e)] or any school administrator designated as a chief or assistant chief. Any employee described in this paragraph is entitled to participate in any plan to provide benefits for the bargaining unit of which he or she would otherwise be a member.~~

~~(e) An administrative employee.~~

~~(f)] (f) An attorney who is assigned to a civil or criminal law division, department or agency.~~

~~(g)] (g) A doctor or physician.~~

~~(h)] (h) A confidential employee, but such an employee is entitled to participate in any plan to provide benefits for the bargaining unit of which he or she would otherwise be a member.~~

↪ Any dispute between the parties as to whether a local government employee is a type of employee excluded from a bargaining unit must be submitted to the Board.

4. If any employee organization is aggrieved by the determination of a bargaining unit, it may appeal to the Board. Subject to judicial review, the decision of the Board is binding upon the local government employer and employee organizations involved. The Board shall apply the same criterion as specified in subsection 1.

~~{6.}~~ 5. As used in this section:

(a) “Confidential employee” means an employee who is involved in the decisions of management affecting collective bargaining ~~{ }~~ ***or whose duties entail access to proprietary or confidential information.***

(b) ~~“Supervisory employee” means a supervisory employee described in paragraph (a) of subsection 1 of NRS 288.075.~~ ***“Doctor or physician” means a physician, homeopathic physician, osteopathic physician, chiropractic physician, doctor of Oriental medicine, podiatric physician or practitioner of optometry, as those terms are defined or used, respectively, in NRS 630.014, 630A.050 or 633.091 or chapter 634, 634A, 635 or 636 of NRS.***

(c) ***“Firefighter” means a salaried or hourly employee of a fire prevention or suppression unit organized by a political subdivision of the State whose principal duty is to control and extinguish fires.***

(d) ***“Police officer” means a salaried or hourly employee of a police department or other law enforcement agency organized by a political subdivision of the State whose principal duty is to enforce the law.***

Sec. 8. NRS 288.180 is hereby amended to read as follows:

288.180 1. Whenever an employee organization desires to negotiate concerning any matter which is subject to negotiation pursuant to this chapter, it shall give written notice of that desire to the local government employer. If the subject of negotiation requires the budgeting of money by the local government employer, the employee organization shall give notice on or before February 1.

2. Following the notification provided for in subsection 1, the employee organization or the local government employer may request reasonable information concerning any subject matter included in the scope of mandatory bargaining which it deems necessary for and relevant to the negotiations. The information requested must be furnished without unnecessary delay. The information must be accurate, and must be presented in a form responsive to the request and in the format in which the records containing it are ordinarily kept. If the employee organization requests financial information concerning a metropolitan police department, the local government employers which form that department shall furnish the information to the employee organization.

3. The parties shall promptly commence negotiations. As the first step, the parties shall discuss the procedures to be followed if they are unable to agree on one or more issues.

4. ***If the parties reach agreement through negotiations during the term of an existing contract between the parties, the new contract must become effective upon the expiration of the existing contract. If the parties reach agreement after the end of that term, the new contract must be effective***

retroactively to the expiration date of the last contract unless the parties otherwise agree. The parties may agree to:

(a) Include in or exclude from the new contract any term or condition of employment; and

(b) Make any such term or condition of employment effective prospectively or retroactively.

5. If the parties are unable to reach agreement through negotiations, the governing body of the local government employer shall:

(a) Publish on the Internet website, if any, of the local government the final offers made by the parties during negotiations; and

(b) Hold a public meeting in accordance with the provisions of chapter 241 of NRS to inform the public of those offers.

6. This section does not preclude, but this chapter does not require, informal discussion between an employee organization and a local government employer of any matter which is not subject to negotiation or contract under this chapter. Any such informal discussion is exempt from all requirements of notice or time schedule.

Sec. 9. NRS 288.190 is hereby amended to read as follows:

288.190 ~~[Except in cases to which NRS 288.205 and 288.215 apply:]~~

1. Anytime before March 1, the dispute may be submitted to a mediator, if both parties agree. Anytime after March 1, either party involved in negotiations may request a mediator. If the parties do not agree upon a mediator, the Commissioner shall submit to the parties a list of seven potential mediators. The parties shall select their mediator from the list by alternately striking one name until the name of only one mediator remains, who will be the mediator to hear the dispute. The employee organization shall strike the first name.

2. If mediation is agreed to or requested pursuant to subsection 1, the mediator must be selected at the time the parties agree upon a mediator or, if the parties do not agree upon a mediator, within 5 days after the parties receive the list of potential mediators from the Commissioner.

3. The mediator shall bring the parties together as soon as possible and, unless otherwise agreed upon by the parties, attempt to settle the dispute within 30 days after being notified of the mediator's selection as mediator. The mediator may establish the times and dates for meetings and compel the parties to attend but has no power to compel the parties to agree.

4. The local government employer and employee organization each shall pay one-half of the cost of mediation. Each party shall pay its own costs of preparation and presentation of its case in mediation.

5. If the parties reach agreement through mediation during the term of an existing contract between the parties, the new contract must become effective upon the expiration of the existing contract. If the parties reach agreement after the end of that term, the new agreement must be effective retroactively to the expiration date of the last contract unless the parties otherwise agree.

6. If the dispute is submitted to a mediator and then submitted to a fact finder ~~by the~~ :

(a) ***The governing body of the local government employer shall:***

(1) ***Publish on the Internet website, if any, of the local government the final offers made by the parties during mediation; and***

(2) ***Hold a public meeting in accordance with the provisions of chapter 241 of NRS to inform the public of those offers.***

(b) ***The*** mediator shall, within 15 days after the last meeting between the parties, give to the Commissioner of the Board a report of the efforts made to settle the dispute.

Sec. 10. NRS 288.200 is hereby amended to read as follows:

288.200 ~~{Except in cases to which NRS 288.205 and 288.215, or NRS 288.217 apply:}~~

1. If:

(a) The parties have failed to reach an agreement after at least six meetings of negotiations; and

(b) The parties have participated in mediation and by April 1, have not reached agreement,

↪ either party to the dispute, at any time after April 1, may submit the dispute to an impartial fact finder for the findings and recommendations of the fact finder. ~~{The}~~ ***Except as otherwise provided in subsection 5, the*** findings and recommendations of the fact finder are not binding on the parties . ~~{except as provided in subsections 5, 6 and 11.}~~ The mediator of a dispute may also be chosen by the parties to serve as the fact finder.

2. If the parties are unable to agree on an impartial fact finder or a panel of neutral arbitrators within 5 days, either party may request from the American Arbitration Association or the Federal Mediation and Conciliation Service a list of seven potential fact finders. If the parties are unable to agree upon which arbitration service should be used, the Federal Mediation and Conciliation Service must be used. Within 5 days after receiving a list from the applicable arbitration service, the parties shall select their fact finder from this list by alternately striking one name until the name of only one fact finder remains, who will be the fact finder to hear the dispute in question. The employee organization shall strike the first name.

3. The local government employer and employee organization each shall pay one-half of the cost of fact-finding. Each party shall pay its own costs of preparation and presentation of its case in fact-finding.

4. A schedule of dates and times for the hearing must be established within 10 days after the selection of the fact finder pursuant to subsection 2, and the fact finder shall report the findings and recommendations of the fact finder to the parties to the dispute within 30 days after the conclusion of the fact-finding hearing.

5. ~~{The parties to the dispute may agree, before}~~ ***Before*** the submission of the dispute to fact-finding, ***the governing body*** ~~of the local government~~

~~employer}~~ or the chief executive officer of the local government employer if specifically authorized by the governing body ~~may~~ :

(a) May elect to make the findings and recommendations on all or any specified issues final and binding on the parties.

(b) Shall elect to make the provisions of subsection 6 or 7 applicable to the fact-finding and the findings and recommendations of the fact finder.

6. ~~If the parties do not agree on whether to make the findings and recommendations of the fact finder final and binding, either party may request the formation of a panel to determine whether the findings and recommendations of a fact finder on all or any specified issues in a particular dispute which are within the scope of subsection 11 are to be final and binding. The determination must be made upon the concurrence of at least two members of the panel and not later than the date which is 30 days after the date on which the matter is submitted to the panel, unless that date is extended by the Commissioner of the Board. Each panel shall, when making its determination, consider whether the parties have bargained in good faith and whether it believes the parties can resolve any remaining issues. Any panel may also consider the actions taken by the parties in response to any previous fact-finding between these parties, the best interests of the State and all its citizens, the potential fiscal effect both within and outside the political subdivision, and any danger to the safety of the people of the State or a political subdivision.]~~

If the governing body or chief executive officer of the local government employer has elected pursuant to subsection 5 to make the provisions of this subsection applicable, each of the parties shall, at the conclusion of the hearing, submit a single written statement containing its final offer for all of the unresolved issues. Within 10 days after the final offers are submitted, the fact finder shall accept one of the written statements in its entirety on the basis of the criteria provided in subsection 9, and report the decision to the parties.

7. If the governing body or chief executive officer of the local government employer has elected pursuant to subsection 5 to make the provisions of this subsection applicable, each of the parties shall, at the conclusion of the hearing, submit a final written offer for each unresolved issue. Within 10 days after the final offers are submitted, the fact finder shall, for each such issue, accept one of the written statements on the basis of the criteria provided in subsection 9, and report the decision to the parties.

8. Before the fact finder makes a recommendation or award, the governing body of the local government employer shall:

(a) Publish on the Internet website, if any, of the local government the final offers made by the parties during fact-finding; and

(b) Hold a public meeting in accordance with the provisions of chapter 241 of NRS to inform the public of those offers.

~~{7.}~~ 9. Except as otherwise provided in subsection ~~{10.}~~ 12, any fact finder, whether the fact finder's recommendations are to be binding or not, shall base such recommendations or award on the following criteria:

(a) A preliminary determination must be made as to the financial ability of the local government employer based on all existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision.

(b) Once the fact finder has determined in accordance with paragraph (a) that there is a current financial ability to grant monetary benefits, and subject to the provisions of paragraph (c), the fact finder shall consider, to the extent appropriate, compensation of other government employees ~~for~~ **and employees in private employment**, both in and out of the State and use normal criteria for interest disputes regarding the terms and provisions to be included in an agreement in assessing the reasonableness of the position of each party as to each issue in dispute and the fact finder shall consider whether the Board found that either party had bargained in bad faith.

(c) A consideration of funding for the current year being negotiated. If the parties mutually agree to ~~arbitrate~~ **conduct fact-finding relating to** a multiyear contract, the fact finder must consider the ability to pay over the life of the contract being negotiated or arbitrated.

➔ The fact finder's report must contain the facts upon which the fact finder based the fact finder's determination of financial ability to grant monetary benefits and the fact finder's recommendations or award.

~~9.7~~ **10.** Within 45 days after the receipt of the report from the fact finder, the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues of the parties submitted ~~for pursuant to subsection 3.7~~ **to the fact finder;**

(b) The report of findings and recommendations of the fact finder; and

(c) The overall fiscal impact of the findings and recommendations, which must not include a discussion of the details of the report.

➔ The fact finder must not be asked to discuss the decision during the meeting.

~~9.7~~ **11.** The chief executive officer of the local government shall report to the local government the fiscal impact of the findings and recommendations. The report must include, without limitation, an analysis of the impact of the findings and recommendations on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.

~~10.7~~ **12.** Any sum of money which is maintained in a fund whose balance is required by law to be:

(a) Used only for a specific purpose other than the payment of compensation to the bargaining unit affected; or

(b) Carried forward to the succeeding fiscal year in any designated amount, to the extent of that amount,

↪ must not be counted in determining the financial ability of a local government employer and must not be used to pay any monetary benefits recommended or awarded by the fact finder.

~~[11. The issues which may be included in a panel's order pursuant to subsection 6 are:~~

~~—(a) Those enumerated in subsection 2 of NRS 288.150 as the subjects of mandatory bargaining, unless precluded for that year by an existing collective bargaining agreement between the parties; and~~

~~—(b) Those which an existing collective bargaining agreement between the parties makes subject to negotiation in that year.~~

↪ This subsection does not preclude the voluntary submission of other issues by the parties pursuant to subsection 5.]

13. If the findings and recommendations of the fact finder are binding pursuant to subsection 5 and are made during the term of an existing contract between the parties, the findings and recommendations must become effective upon the expiration of the existing contract. If the findings and recommendations are made after the end of that term, they must be effective retroactively to the expiration date of the last contract between the parties unless the parties otherwise agree.

Sec. 11. ~~[NRS 288.280 is hereby amended to read as follows:~~

~~288.280 Any controversy concerning a practice prohibited [practices] by NRS 288.270 may be submitted to the Board in the same manner and with the same effect as provided in NRS 288.110, except that an alleged failure to provide information as provided by NRS 288.180 shall be heard and determined by the Board as soon as possible after the complaint is filed with the Board.] (Deleted by amendment.)~~

Sec. 12. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 621.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, ~~[288.203,]~~ 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

↪ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 13. NRS 354.6241 is hereby amended to read as follows:

354.6241 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:

(a) Whether the fund is being used in accordance with the provisions of this chapter.

(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.

(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.

(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.

(e) The statutory and regulatory requirements applicable to the fund.

(f) The balance and retained earnings of the fund.

2. Except as otherwise provided in **subsection 3 and** NRS 354.59891 and 354.613, to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.

3. For the purposes of chapter 288 of NRS, a budgeted ending fund balance of not more than ~~16.6~~ 25 percent of the total budgeted expenditures, less capital outlay, for a general or special revenue fund that receives revenue from property taxes or the Local Government Tax Distribution Account:

(a) Is not subject to negotiations with an employee organization; and

(b) Must not be considered by a fact finder in determining the financial ability of the local government to pay compensation or monetary benefits.

Sec. 13.3. NRS 391.168 is hereby amended to read as follows:

391.168 1. The board of trustees of each school district shall:

(a) Establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators which

must be negotiated pursuant to chapter 288 of NRS ~~[1]~~, **insofar as the provisions of that chapter apply to those employees;** and

(b) Commencing with the 2015-2016 school year, implement the program established pursuant to paragraph (a).

2. The program of performance pay and enhanced compensation established by a school district pursuant to subsection 1 must have as its primary focus the improvement in the academic achievement of pupils and must give appropriate consideration to implementation in at-risk schools. In addition, the program may include, without limitation, the following components:

(a) Career leadership advancement options to maximize the retention of teachers in the classroom and the retention of administrators;

(b) Professional development;

(c) Group incentives; and

(d) Multiple assessments of individual teachers and administrators, with primary emphasis on individual pupil improvement and growth in academic achievement, including, without limitation, portfolios of instruction, leadership and professional growth, and other appropriate measures of teacher and administrator performance which must be considered.

Sec. 13.5. 1. There is hereby appropriated from the State General Fund to the Local Government Employee-Management Relations Board the sum of \$300,000 for the purpose of employing a Deputy Commissioner pursuant to NRS 288.090, as amended by section 2.5 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2017, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2017, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2017.

Sec. 14. 1. Except as otherwise provided in subsection 2, insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any ~~agreement~~:

(a) Agreement described in section 1 of this act;

(b) Agreement described in subsection 1 of NRS 288.140, as amended by section 3 of this act; or ~~any collective~~

(c) Collective bargaining agreement;

↪ entered into before July 1, 2015, but do apply to any extension or renewal of such an agreement and to any agreement entered into on or after July 1, 2015. For the purposes of this subsection, the term of an agreement ends on the date provided in the agreement, notwithstanding any provision of the agreement that it remains in effect, in whole or in part, after that date until a successor agreement becomes effective.

2. The provisions of paragraph ~~(e)~~ (f) of subsection 3 of NRS 288.170, as amended by section 7 of this act, do not apply with respect to an attorney **assigned to a civil law division** for the duration of a collective bargaining agreement to which the attorney is a party as of July 1, 2011.

Sec. 15. NRS 288.201, 288.202, 288.203, 288.205, 288.215 and 288.217 are hereby repealed.

Sec. 16. This act becomes effective on July 1, 2015.

LEADLINES OF REPEALED SECTIONS

288.201 Request for formation of panel to determine whether findings and recommendations of fact finder are final and binding.

288.202 Formation of panel to determine whether findings and recommendations of fact finder are final and binding.

288.203 Compensation of members of panel; claims.

288.205 Submission of dispute between certain employees and local government employer to fact finder: Time limited for certain matters.

288.215 Submission of dispute between firefighters of police officers and local government employer to arbitrator; hearing; determination of financial ability of local government employer; negotiations and final offer; content of decision.

288.217 Submission of dispute between school district and employee organization to arbitrator; hearing; determination of financial ability of school district; negotiations and final offer; effect of decision of arbitrator; content of decision.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 368 to Assembly Bill 182 allows a local government to agree to deduct dues from employees' paychecks if the employee is free to resign from the labor organization, explicitly allows a local government employee to resign from an employee organization at any time, reinstates deduction of dues in the scope of mandatory bargaining, and defines the term "loss of revenues" for purposes of rights to reduce in force or lay off employees. It revises the considerations a local government employer is required to make in determining whether to lay off an employee, and modifies the employees who may not be members of a bargaining unit.

Further, the amendment allows the parties of an agreement to agree to include or exclude certain terms or conditions of employment and make any such terms effective prospectively or retroactively, and it makes changes to the final offers submitted to fact-finding and allows a fact finder to consider the compensation of employees in private employment in certain circumstances. It increases the percentage of ending fund balance for certain governmental funds from 16.6 percent to 25 percent of the total budgeted expenditures, less capital outlay and clarifies the application of the bill to existing agreements. Finally, it authorizes the Local Government Employee-Management Relations Board to appoint a Deputy Commissioner and provides an appropriation to fund the position.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 334.

AN ACT relating to records of criminal history; revising provisions ~~for requesting and receiving certain information~~ relating to records of criminal history; ~~from the Federal Bureau of Investigation;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Central Repository for Nevada Records of Criminal History for the collection and maintenance of certain information relating to records of criminal history. Under existing law, the General Services Division of the Department of Public Safety is authorized to request of and receive from the Federal Bureau of Investigation the background and personal history of a person by submitting to the Federal Bureau of Investigation a complete set of fingerprints of the person which was received by the Central Repository. (NRS 179A.075) ~~This~~ **Section 1 of this** bill provides that such information may be requested of and received from the Federal Bureau of Investigation by **, depending upon the purpose of the request, the submission of a complete set of fingerprints,** one or more fingerprints ~~, rather than a complete set of fingerprints,~~ or other "biometric identifier" which is defined in this bill as a fingerprint, **palm print, scar, bodily mark, tattoo,** voiceprint, facial image, retina image or iris image of a person. **Section 1 also requires the Central Repository to adopt certain regulations governing biometric identifiers and the information and data derived therefrom.**

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

Section 1. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

↪ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints **or other biometric identifier** the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

~~{6.}~~

6. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to ~~{this}~~ subsection ~~{6.}~~ 5. the Central Repository must receive ~~{the}~~ :

(a) The person's complete set of fingerprints ~~for~~ for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation.

↪ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the ~~{fingerprints}~~ received data to the Federal Bureau of Investigation for its report.

~~{6.}~~ 7. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

↪ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

↪ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits **one or more** fingerprints **or other biometric identifier** or has ~~{fingerprints}~~ **such data** submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

~~{7}~~ **(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:**

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

8. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is

required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

~~8.1~~ 9. As used in this section:

(a) **“Biometric identifier” means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.**

(b) **“Mobile identification” means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.**

(c) **“Personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:**

(1) The name, driver’s license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) ~~[The fingerprints, voiceprint, retina image and iris image]~~ **A biometric identifier** of a person.

~~(b) (c)~~ (d) **“Private school” has the meaning ascribed to it in NRS 394.103.**

Sec. 2. NRS 179A.175 is hereby amended to read as follows:

179A.175 1. The Director of the Department shall establish within the Central Repository a program for reporting crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

2. The program must be designed to collect, compile and analyze statistical data about crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression. The Director shall adopt guidelines for the collection of the statistical data, including, but not limited to, the criteria to establish the presence of prejudice.

3. The Central Repository shall include in its annual report to the Governor pursuant to subsection ~~6.1~~ 7 of NRS 179A.075, and in any other appropriate report, an independent section relating solely to the analysis of crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

4. Data acquired pursuant to this section must be used only for research or statistical purposes and must not contain any information that may reveal the identity of an individual victim of a crime.

5. As used in this section, “gender identity or expression” has the meaning ascribed to it in NRS 193.0148.

Sec. 3. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection ~~4~~ 7 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

4. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

5. A license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:

(1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

Sec. 4. NRS 391.035 is hereby amended to read as follows:

391.035 1. Except as otherwise provided in NRS 239.0115, an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:

(a) The applicant's health records;

(b) The applicant's fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History;

(c) Transcripts of the applicant's records at colleges or other educational institutions;

(d) The applicant's scores on the examinations administered pursuant to the regulations adopted by the Commission;

(e) Any correspondence concerning the application; and

(f) Any other personal information,

↪ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection ~~6~~ 7 of NRS 179A.075 or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for inspection by the applicant during regular business hours.

~~{Sec. 2.}~~ **Sec. 5.** This act becomes effective upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment clarifies that the Central Repository for Nevada Records of Criminal History needs a complete set of ten fingerprints for purposes such as booking a person into the city or county jail or detention facility. It clarifies that one or more of the person's fingerprints are needed for the purposes of mobile identification by a criminal justice agency. Other biometric identifiers may be required for the purposes of arrest or criminal investigation. The definition of "biometric identifiers" is revised to include a palm print, scar, bodily mark, or tattoo. "Mobile identification" is defined. Finally, the Central Repository is required to adopt regulations governing biometric identifiers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 228.

Bill read second time.

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

Amendment No. 578.

AN ACT relating to trade regulations; authorizing a ~~{financier}~~ **creditor who finances the sale or lease** of a motor vehicle to install **under certain circumstances** certain devices in the motor vehicle which he or she finances; revising provisions relating to retail installment contracts; **providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes a ~~{financier (a person)}~~ **creditor** who finances the sale **or lease** of a motor vehicle ~~{for a lessor who leases a motor vehicle to a lessee}~~ to install under certain circumstances devices in the motor vehicle which the ~~{financier}~~ **creditor** finances or leases, which devices are used to remotely locate or disable a motor vehicle upon breach or default of the financing contract by the ~~{debtor or lessee}~~ **consumer.**

Existing law requires certain retail installment contracts to be contained in a single document which must contain the entire agreement of the parties. (NRS 97.165) ~~{Section}~~ **Sections 2 and 2.5** of this bill ~~{amends}~~ **remove** that

requirement, commonly known as the “single document rule,” ~~to provide that it does not apply~~ with regard to applications for credit and retail installment contracts relating to the sale, loan or lease of ~~to~~ certain motor vehicle in which the secured party and a debtor enter into an agreement authorizing the secured party to install and use a device which is able to remotely disable the motor vehicle upon breach or default by the debtor. vehicles.

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

Section 1. Chapter ~~597~~ 598 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~A financier creditor, in connection with a credit or retail installment sale, loan or lease of a motor vehicle shall not install or use electronic ~~repossession~~ tracking technology in a motor vehicle which he or she finances to ~~take possession~~ obtain or record the location of the motor vehicle ~~or without removal, to render the motor vehicle unusable,~~~~ unless:

~~(a) After executing the financing contract, the parties to the contract enter into an agreement which:~~

~~—— (1) Is contained in a separate document;~~

~~—— (2) Is not a condition of the financing contract; and~~

~~—— (3) Provides that:~~

~~—— (I) Electronic tracking technology may be used by the financier only to ensure that the electronic tracking technology is operating properly, to repossess the motor vehicle, to locate the motor vehicle for the purpose of servicing the financing contract or to keep the financing contract current;~~

~~—— (II) The debtor or lessee, as applicable, may cancel the agreement authorizing the use of electronic tracking technology at any time during the term of the financing contract without affecting the sale or lease of the motor vehicle or any term or condition of the financing contract; and~~

~~—— (III) After providing proper notice to the debtor or lessee, as applicable, pursuant to subsection 2, a financier may use starter interrupt technology to disable the motor vehicle following certain defaults or breaches of the financing contract; and~~ The creditor provides written notification to the consumer before the transaction that the motor vehicle is equipped with electronic tracking technology and that the electronic tracking technology may be used by the creditor to verify and maintain the operational status of the electronic tracking technology, to service the transaction or to locate the vehicle for repossession or recovery; or

~~(b) At the time of the sale or lease of the motor vehicle, the financier provides the debtor or lessee, as applicable, with a written disclosure that the vehicle is equipped with electronic repossession technology and which includes, without limitation:~~

~~—— (1) The nature of the defaults or breaches following which the financier may use the electronic repossession technology;~~

~~(2) The prohibitions on the use of electronic repossession technology as provided in subsection 3;~~

~~(3) The consumer elects to have the electronic tracking technology installed in the motor vehicle and the agreement to utilize the electronic tracking technology is optional and is not a condition of the sale, loan or lease.~~

2. A creditor, in connection with a credit or retail installment sale, loan or lease of a motor vehicle, shall not install or use starter interrupt technology to disable a motor vehicle unless:

(a) The creditor provides written notification to the consumer before the transaction that:

(1) The motor vehicle is equipped with starter interrupt technology;

(2) The creditor may use the starter interrupt technology to disable the starter of the vehicle remotely; and

(3) The creditor may only activate the starter interrupt technology as provided for in this section; and

(b) The creditor provides written notification to the consumer informing the consumer:

(1) Of the name, address and toll-free telephone number of the ~~financier~~ creditor for the purposes of communicating directly with the ~~financier~~ creditor concerning the security interest in the motor vehicle and the extension of credit;

(2) That in the event the security interest or loan associated with the vehicle is transferred to a successor-in-interest, the successor-in-interest must provide the name, address and toll-free telephone number of the creditor to the consumer in a commercially reasonable time and manner;

(3) That the consumer must receive notice not less than 48 hours before the starter interrupt technology disables the vehicle; and

(4) That in the event of an emergency, the ~~debtor or lessee, as applicable,~~ consumer will be ~~able~~ provided the ability to start ~~the~~ disabled vehicle for a minimum of 24 hours ~~for~~

~~2. A financier of a motor vehicle shall provide written notice to the debtor or lessee, as applicable, before using the electronic repossession technology installed in a motor vehicle to disable the motor vehicle. The written notice must be delivered by registered or certified mail, return receipt requested, a minimum of 2 days, excluding Saturdays, Sundays and holidays, before the financier disables the motor vehicle. The notice must include:~~

~~(a) The name, address and telephone number of the financier;~~

~~(b) The amount required to be paid by the debtor or lessee, as applicable, to cure the breach or default; and~~

~~(c) Notice that in the event of an emergency the debtor or lessee, as applicable, will be provided the ability to start the disabled motor vehicle for a period of not less than 24 hours, after the initial disablement.~~

3. The use of ~~{electronic repossession technology}~~ starter interrupt technology in a motor vehicle which is financed or leased by a ~~{financier}~~ creditor is prohibited if:

(a) Disablement of the motor vehicle will occur while the engine of the motor vehicle is running;

(b) The ~~{electronic repossession technology}~~ use of the starter interrupt technology causes an audible warning which lasts longer than 20 seconds upon starting or shutting off the engine of the motor vehicle;

(c) ~~{The financier has reason to know that the use of the vehicle repossession technology will result in substantial injury or harm to the debtor or lessee, as applicable, the public health, safety or welfare, or will in any way adversely affect any third party; or~~

~~—(d)—~~ Less than 10 days have lapsed since the default or breach of the contract by the ~~{debtor or lessee}~~ consumer, if the default or breach of the contract is the first such instance of a default or breach of the contract by the consumer; or

~~—(d)~~ Less than 5 days have lapsed since the default or breach of the contract by the consumer, if the default or breach of the contract is not the first such instance of a default or breach of the contract by the consumer.

4. ~~{A debtor or lessee, as applicable, may not waive any of the provisions of this section.}~~

~~—5.—~~ The failure by a ~~{financier}~~ creditor to comply with any provision of this section constitutes a deceptive trade practice in violation of NRS 598.0923, and a ~~{debtor or lessee, as applicable}~~ consumer may file a claim for relief. In addition to any other remedy available pursuant to NRS 41.600, ~~{chapter 598 of}~~ NRS 598.0903 to 598.0999, inclusive, and section 1 of this act or any other provision of law, a ~~{debtor or lessee, as applicable}~~ consumer who prevails in an action pursuant to this subsection must be awarded a ~~{minimum}~~ maximum of \$1,000 as statutory damages. ~~{or damages pursuant to subsection 3 of NRS 104.9625, if applicable, whichever is greater.}~~

~~—6.—~~ The Commissioner of Financial Institutions shall prescribe, by regulation, forms for contracts for the use of electronic repossession technology.

~~—7.—~~ 5. The provisions of this section do not apply to a transaction between a creditor and a business entity that purchases or leases motor vehicles for use within the scope of the business.

6. As used in this section, unless the context otherwise requires:

(a) ~~{“Electronic repossession technology” means a device that has electrical, digital, magnetic or wireless optical electromagnetic properties or similar capabilities, including, without limitation, electronic tracking technology and starter interrupt technology.}~~ “Consumer” means a borrower, retail buyer or lessee who purchases or leases a motor vehicle primarily for personal, family or household use.

(b) “Creditor” means a lender, dealer or long-term lessor or any assignee of a lender, dealer or long-term lessor of a motor vehicle.

(c) “Dealer” has the meaning ascribed to it in NRS 482.020.

(d) “Electronic tracking technology” means global positioning satellite or similar technology used to obtain or record the location of a motor vehicle.

~~**(e) “Financier” means a secured party who finances the sale of a motor vehicle, a lessor who leases a motor vehicle to a lessee or any successor in interest to such a secured party or lessor.**~~

~~**(d) “Financing contract” means a retail installment contract or lease agreement between a financier and a debtor or lessee, as applicable, for financing the purchase or lease of a motor vehicle.**~~

(e) “Lease” has the meaning ascribed to it in NRS 482.053.

(f) “Long-term lessor” has the meaning ascribed to it in NRS 482.053.

(g) “Retail installment contract” has the meaning ascribed to it in NRS 97.105.

~~**(f) “Secured party” has the meaning ascribed to it in NRS 104.0102.**~~

~~**(g)**~~ **(h) “Starter interrupt technology” means technology used to remotely disable the starter of a motor vehicle.**

(i) “Transaction” means a retail installment sale, loan or lease between a creditor and a consumer, as applicable, for the purchase, refinance or lease of a motor vehicle, or the reinstatement of a purchase, refinance or lease of a motor vehicle.

Sec. 1.1. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, **and section 1 of this act,** unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.2. NRS 598.0923 is hereby amended to read as follows:

598.0923 A person engages in a “deceptive trade practice” when in the course of his or her business or occupation he or she knowingly:

1. Conducts the business or occupation without all required state, county or city licenses.

2. Fails to disclose a material fact in connection with the sale or lease of goods or services.

3. Violates a state or federal statute or regulation relating to the sale or lease of goods or services.

4. Uses coercion, duress or intimidation in a transaction.

5. As the seller in a land sale installment contract, fails to:

(a) Disclose in writing to the buyer:

(1) Any encumbrance or other legal interest in the real property subject to such contract; or

(2) Any condition known to the seller that would affect the buyer’s use of such property.

(b) Disclose the nature and extent of legal access to the real property subject to such agreement.

(c) Record the land sale installment contract pursuant to NRS 111.315 within 30 calendar days after the date upon which the seller accepts the first payment from the buyer under such a contract.

(d) Pay the tax imposed on the land sale installment contract pursuant to chapter 375 of NRS.

(e) Include terms in the land sale installment contract providing rights and protections to the buyer that are substantially the same as those under a foreclosure pursuant to chapter 40 of NRS.

➔ As used in this subsection, “land sale installment contract” has the meaning ascribed to it in paragraph (d) of subsection 1 of NRS 375.010.

6. Violates the provisions of section 1 of this act.

Sec. 1.4. NRS 598.0955 is hereby amended to read as follows:

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, **and section 1 of this act** do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, **and section 1 of this act** do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~and~~, **and section 1 of this act.**

Sec. 1.5. NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~and~~, **and section 1 of this act.** The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any

documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 1.6. NRS 598.0967 is hereby amended to read as follows:

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, **and section 1 of this act**, may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~1.6~~, **and section 1 of this act**. Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, **and section 1 of this act** to particular persons or circumstances.

2. Service of any notice or subpoena must be made as provided in N.R.C.P. 45(c).

Sec. 1.8. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, **and section 1 of this act** upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~1.8~~, **and section 1 of this act**.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, **and section 1 of this act**, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

- (a) For the first offense, is guilty of a misdemeanor.
- (b) For the second offense, is guilty of a gross misdemeanor.
- (c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

↪ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, **and section 1 of this act**, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

↪ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

↪ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 1.9. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, and section 1 of this act, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 2. NRS 97.165 is hereby amended to read as follows:

97.165 1. Every retail installment contract must be contained in a single document which must contain the entire agreement of the parties, including any promissory notes or other evidences of indebtedness between the parties relating to the transaction, except as otherwise provided in NRS 97.205, ~~and~~ 97.235, **97.299 and section 1 of this act**, but:

(a) If the buyer's obligation to pay the total of payments is represented by a promissory note secured by a chattel mortgage or other security agreement, the promissory note may be a separate instrument if the mortgage or security agreement recites the amount and terms of payment of that note and the promissory note recites that it is secured by a mortgage or security agreement.

(b) In a transaction involving the repair, alteration or improvement upon or in connection with real property, the contract may be secured by a mortgage or deed of trust on the real property contained in a separate document. Retail sales transactions for home improvements which are financed or insured by the Federal Housing Administration are not subject to the provisions of this chapter.

~~[(c) In a transaction involving the purchase of a motor vehicle, the parties may enter into an agreement contained in a separate document authorizing the use of electronic repossession technology in accordance with the provisions of section 1 of this act.]~~

2. The contract must be dated, signed by the retail buyer and completed as to all essential provisions, except as otherwise provided in NRS 97.205, 97.215 and 97.235. The printed or typed portion of the contract, other than instructions for completion, must be in a size equal to at least 8-point type.

3. Any fee charged to the retail buyer for his or her cancellation of a retail installment contract within 72 hours after its execution is prohibited unless notice of the fee is clearly set forth in the printed or typed portion of the contract.

~~[4. As used in this section, "electronic repossession technology" has the meaning ascribed to it in paragraph (a) of subsection 7 of section 1 of this act.]~~

Sec. 2.5. NRS 97.299 is hereby amended to read as follows:

97.299 1. The Commissioner of Financial Institutions shall prescribe, by regulation, forms for the application for credit and **retail installment** contracts to be used in the sale of vehicles if:

- (a) The sale involves the taking of a security interest to secure all or a part of the purchase price of the vehicle;
- (b) The application for credit is made to or through the seller of the vehicle;
- (c) The seller is a dealer; and
- (d) The sale is not a commercial transaction.

2. The ~~[forms]~~ **application for credit and retail installment contracts** prescribed pursuant to subsection 1 ~~[must meet the requirements of NRS 97.165.]~~ **are not required to be contained in a single document in accordance with the requirements prescribed in NRS 97.165. The application for credit and retail installment contracts** must be accepted and acted upon by any lender to whom the application for credit is made and, in addition to the information required in NRS 97.185 and required to be disclosed in such a transaction by federal law, must:

- (a) Identify and itemize the items embodied in the cash sale price, including the amount charged for a contract to service the vehicle after it is purchased.
- (b) In specifying the amount of the buyer's down payment, identify the amounts paid in money and allowed for property given in trade and the amount of any manufacturer's rebate applied to the down payment.
- (c) Contain a description of any property given in trade as part of the down payment.
- (d) Contain a description of the method for calculating the unearned portion of the finance charge upon prepayment in full of the unpaid total of payments as prescribed in NRS 97.225.
- (e) Contain a provision that default on the part of the buyer is only enforceable to the extent that:
 - (1) The buyer fails to make a payment as required by the agreement; or
 - (2) The prospect of payment, performance or realization of collateral is significantly impaired. The burden of establishing the prospect of significant impairment is on the seller.
- (f) Include the following notice in at least 10-point bold type:

NOTICE TO BUYER

Do not sign this agreement before you read it or if it contains any blank spaces. You are entitled to a completed copy of this agreement. If

you pay the amount due before the scheduled date of maturity of the indebtedness and you are not in default in the terms of the contract for more than 2 months, you are entitled to a refund of the unearned portion of the finance charge. If you fail to perform your obligations under this agreement, the vehicle may be repossessed and you may be liable for the unpaid indebtedness evidenced by this agreement.

3. The Commissioner shall arrange for or otherwise cause the translation into Spanish of the forms prescribe^{2d} pursuant to subsection 1.

4. If a change in state or federal law requires the Commissioner to amend the forms prescribed pursuant to subsection 1, the Commissioner need not comply with the provisions of chapter 233B of NRS when making those amendments.

5. As used in this section:

(a) “Commercial transaction” means any sale of a vehicle to a buyer who purchases the vehicle solely or primarily for commercial use or resale.

(b) “Dealer” has the meaning ascribed to it in NRS 482.020.

Sec. 3. This act becomes effective upon passage and approval for the purposes of adopting any regulations or performing any preparatory administrative tasks that are necessary to carry out the provisions of this act, and on October 1, 2015, for all other purposes.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 578 to Assembly Bill 228 makes it a deceptive trade practice for a creditor to install or use electronic tracking technology in a motor vehicle unless the creditor provides certain disclosures. A consumer must be allowed to cancel the tracking technology without affecting the vehicle financing, and the agreement to use the tracking technology must be optional and not a condition of financing.

The amendment also makes a creditor’s installation or use of starter interrupt technology to disable a motor vehicle a deceptive trade practice unless the consumer is provided with certain disclosures. Under the proposal, starter interrupt technology is prohibited if: (1) a motor vehicle can be disabled while the engine is running; (2) the technology causes an audible warning that lasts longer than 20 seconds; and (3) the consumer’s payment is unpaid for less than ten days for the first instance of late payment or less than five days for any subsequent payment or default under the contract. The amendment would cap statutory damages at \$1,000 for violations. Finally, the amendment specifies that the provisions of this bill do not apply in business-to-business transactions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 233.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 539.

SUMMARY—~~Repeals~~ **Revises** provisions ~~governing~~ **relating to** common-interest communities. (BDR ~~10-1025~~) **18-1025**)

AN ACT relating to common-interest communities; ~~providing in skeleton form for the repeal of provisions governing common-interest communities;~~ **transferring the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels from the Real Estate Division of the Department of Business and Industry to the Office of the Attorney General;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~governing common-interest communities is based on the Uniform Common Interest Ownership Act, which was proposed by the Uniform Law Commission. (Chapter 116 of NRS) Existing law also provides that certain civil actions relating to residential property within a common-interest community cannot be commenced in any court in this State unless the action has been submitted to mediation or, if the parties agree, to a program established by the Real Estate Division of the Department of Business and Industry under which a person such as a referee or hearing officer renders decisions on certain claims. (NRS 38.310) This bill provides in skeleton form for the repeal of existing law governing common-interest communities, which in turn provides for the enforcement of matters relating to common-interest communities through private civil action.~~ **creates the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels within the Real Estate Division of the Department of Business and Industry to investigate and resolve disputes between certain parties in common-interest communities and condominium hotels. (NRS 116.625, 116.765) Sections 2 and 6 of this bill transfer the Office of the Ombudsman from the Real Estate Division to the Office of the Attorney General. Sections 3, 4, 11 and 12 of this bill make conforming changes to certain required forms. Section 7 of this bill provides that any costs or expenses of the Office of the Ombudsman may be paid from the Account for Common-Interest Communities and Condominium Hotels. Sections 8, 9, 15 and 16 of this bill provide for the continuing jurisdiction and protection from liability of the transferred Office of the Ombudsman. Finally, section 17 of this bill provides that all pending claims or complaints will transfer to the new Office of the Ombudsman on July 1, 2015.**

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

Section 1. ~~{NRS 38.300, 38.310, 38.320, 38.325, 38.330, 38.340, 38.350, 38.360, 116.001, 116.003, 116.005, 116.007, 116.009, 116.011, 116.013, 116.015, 116.017, 116.019, 116.021, 116.023, 116.025, 116.027, 116.029, 116.031, 116.033, 116.035, 116.037, 116.039, 116.041, 116.043, 116.045, 116.047, 116.049, 116.051, 116.053, 116.055, 116.057, 116.059, 116.0605, 116.061, 116.063, 116.064, 116.065, 116.067, 116.069, 116.073, 116.075, 116.077, 116.079, 116.081, 116.083, 116.085, 116.087, 116.089, 116.091, 116.093, 116.095, 116.1104, 116.11045, 116.1105, 116.1106, 116.1107,~~

~~116.1108, 116.11085, 116.1109, 116.1112, 116.1113, 116.1114, 116.1118,
 116.1201, 116.1203, 116.1206, 116.12065, 116.12075, 116.1209, 116.2101,
 116.2102, 116.2103, 116.2104, 116.2105, 116.2106, 116.2107, 116.2108,
 116.2109, 116.211, 116.2111, 116.2112, 116.2113, 116.2114, 116.2115,
 116.2116, 116.2117, 116.21175, 116.2118, 116.21183, 116.21185,
 116.21188, 116.2119, 116.212, 116.21205, 116.2121, 116.2122, 116.2124,
 116.3101, 116.3102, 116.3103, 116.310305, 116.31031, 116.310312,
 116.310313, 116.310315, 116.31032, 116.31034, 116.31035, 116.31036,
 116.31037, 116.31038, 116.31039, 116.310395, 116.3104, 116.31043,
 116.31046, 116.3105, 116.3106, 116.31065, 116.31068, 116.3107,
 116.31073, 116.31075, 116.3108, 116.31083, 116.31084, 116.31085,
 116.31086, 116.31087, 116.31088, 116.3109, 116.311, 116.31105,
 116.31107, 116.3111, 116.3112, 116.3113, 116.31133, 116.31135,
 116.31138, 116.311395, 116.3114, 116.31142, 116.31144, 116.3115,
 116.31151, 116.31152, 116.31153, 116.31155, 116.31158, 116.3116,
 116.31162, 116.31163, 116.311635, 116.31164, 116.31166, 116.31168,
 116.3117, 116.31175, 116.3118, 116.31183, 116.31184, 116.31185,
 116.31187, 116.31189, 116.3119, 116.320, 116.325, 116.330, 116.332,
 116.335, 116.340, 116.345, 116.350, 116.4101, 116.4102, 116.4103,
 116.41035, 116.4104, 116.4105, 116.4106, 116.4107, 116.4108, 116.4109,
 116.41095, 116.411, 116.4111, 116.4112, 116.4113, 116.4114, 116.4115,
 116.4116, 116.4117, 116.4118, 116.4119, 116.412, 116.600, 116.605,
 116.610, 116.615, 116.620, 116.623, 116.625, 116.630, 116.635, 116.640,
 116.643, 116.645, 116.660, 116.662, 116.665, 116.670, 116.675, 116.680,
 116.745, 116.750, 116.755, 116.757, 116.760, 116.765, 116.770, 116.775,
 116.780, 116.785, 116.790 and 116.795 are hereby repealed.] (Deleted by
 amendment.)~~

Sec. 2. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Attorney General shall:

(a) Administer the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels; and

(b) Appoint the Ombudsman in accordance with the provisions of NRS 116.625.

2. The Attorney General may submit claims to the Real Estate Administrator for the costs and expenses of the Office of the Ombudsman. To the extent that money is available for that purpose, those costs and expenses must be reimbursed from the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630.

3. The Attorney General may recommend such regulations as are necessary to carry out the provisions of this section for adoption by the Commission for Common-Interest Communities and Condominium Hotels pursuant to NRS 116.625.

Sec. 3. NRS 116.311635 is hereby amended to read as follows:

116.311635 1. The association or other person conducting the sale shall also, after the expiration of the 90 days and before selling the unit:

(a) Give notice of the time and place of the sale in the manner and for a time not less than that required by law for the sale of real property upon execution, except that in lieu of following the procedure for service on a judgment debtor pursuant to NRS 21.130, service must be made on the unit's owner as follows:

(1) A copy of the notice of sale must be mailed, on or before the date of first publication or posting, by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and to the address of the unit; and

(2) A copy of the notice of sale must be served, on or before the date of first publication or posting, in the manner set forth in subsection 2; and

(b) Mail, on or before the date of first publication or posting, a copy of the notice by certified or registered mail, return receipt requested, to:

(1) Each person entitled to receive a copy of the notice of default and election to sell notice under NRS 116.31163;

(2) The holder of a recorded security interest or the purchaser of the unit, if either of them has notified the association, before the mailing of the notice of sale, of the existence of the security interest, lease or contract of sale, as applicable; and

(3) The Ombudsman.

2. In addition to the requirements set forth in subsection 1, a copy of the notice of sale must be served:

(a) By a person who is 18 years of age or older and who is not a party to or interested in the sale by personally delivering a copy of the notice of sale to an occupant of the unit who is of suitable age; or

(b) By posting a copy of the notice of sale in a conspicuous place on the unit.

3. Any copy of the notice of sale required to be served pursuant to this section must include:

(a) The amount necessary to satisfy the lien as of the date of the proposed sale; and

(b) The following warning in 14-point bold type:

WARNING! A SALE OF YOUR PROPERTY IS IMMINENT! UNLESS YOU PAY THE AMOUNT SPECIFIED IN THIS NOTICE BEFORE THE SALE DATE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE. YOU MUST ACT BEFORE THE SALE DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL (name and telephone number of the contact person for the association). IF YOU NEED ASSISTANCE, PLEASE CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN'S OFFICE, ~~NEVADA REAL ESTATE DIVISION,~~ **OFFICE OF THE ATTORNEY GENERAL, AT (toll-free telephone number designated by the ~~Division~~) **Office of the Ombudsman**) IMMEDIATELY.**

4. Proof of service of any copy of the notice of sale required to be served pursuant to this section must consist of:

(a) A certificate of mailing which evidences that the notice was mailed through the United States Postal Service; or

(b) An affidavit of service signed by the person who served the notice stating:

(1) The time of service, manner of service and location of service; and

(2) The name of the person served or, if the notice was not served on a person, a description of the location where the notice was posted on the unit.

Sec. 4. NRS 116.41095 is hereby amended to read as follows:

116.41095 The information statement required by NRS 116.4103 and 116.4109 must be in substantially the following form:

BEFORE YOU PURCHASE PROPERTY IN A
COMMON-INTEREST COMMUNITY
DID YOU KNOW . . .

1. YOU GENERALLY HAVE 5 DAYS TO CANCEL THE
PURCHASE AGREEMENT?

When you enter into a purchase agreement to buy a home or unit in a common-interest community, in most cases you should receive either a public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. For more information regarding your right to cancel, see Nevada Revised Statutes 116.4108, if you received a public offering statement, or Nevada Revised Statutes 116.4109, if you received a resale package.

2. YOU ARE AGREEING TO RESTRICTIONS ON HOW YOU
CAN USE YOUR PROPERTY?

These restrictions are contained in a document known as the Declaration of Covenants, Conditions and Restrictions. The CC&Rs become a part of the title to your property. They bind you and every future owner of the property whether or not you have read them or had them explained to you. The CC&Rs, together with other “governing documents” (such as association bylaws and rules and regulations), are intended to preserve the character and value of properties in the community, but may also restrict what you can do to improve or change your property and limit how you use and enjoy your property. By purchasing a property encumbered by

CC&Rs, you are agreeing to limitations that could affect your lifestyle and freedom of choice. You should review the CC&Rs, and other governing documents before purchasing to make sure that these limitations and controls are acceptable to you. Certain provisions in the CC&Rs and other governing documents may be superseded by contrary provisions of chapter 116 of the Nevada Revised Statutes. The Nevada Revised Statutes are available at the Internet address <http://www.leg.state.nv.us/nrs/>.

3. YOU WILL HAVE TO PAY OWNERS' ASSESSMENTS FOR AS LONG AS YOU OWN YOUR PROPERTY?

As an owner in a common-interest community, you are responsible for paying your share of expenses relating to the common elements, such as landscaping, shared amenities and the operation of any homeowners' association. The obligation to pay these assessments binds you and every future owner of the property. Owners' fees are usually assessed by the homeowners' association and due monthly. You have to pay dues whether or not you agree with the way the association is managing the property or spending the assessments. The executive board of the association may have the power to change and increase the amount of the assessment and to levy special assessments against your property to meet extraordinary expenses. In some communities, major components of the common elements of the community such as roofs and private roads must be maintained and replaced by the association. If the association is not well managed or fails to provide adequate funding for reserves to repair, replace and restore common elements, you may be required to pay large, special assessments to accomplish these tasks.

4. IF YOU FAIL TO PAY OWNERS' ASSESSMENTS, YOU COULD LOSE YOUR HOME?

If you do not pay these assessments when due, the association usually has the power to collect them by selling your property in a nonjudicial foreclosure sale. If fees become delinquent, you may also be required to pay penalties and the association's costs and attorney's fees to become current. If you dispute the obligation or its amount, your only remedy to avoid the loss of your home may be to file a lawsuit and ask a court to intervene in the dispute.

5. YOU MAY BECOME A MEMBER OF A HOMEOWNERS' ASSOCIATION THAT HAS THE POWER TO AFFECT HOW YOU USE AND ENJOY YOUR PROPERTY?

Many common-interest communities have a homeowners' association. In a new development, the association will usually be controlled by the developer until a certain number of units have been sold. After the period of developer control, the association may be controlled by property owners like yourself who are elected by homeowners to sit on an executive board and other boards and committees formed by the association. The association, and its executive board, are responsible for

assessing homeowners for the cost of operating the association and the common or shared elements of the community and for the day to day operation and management of the community. Because homeowners sitting on the executive board and other boards and committees of the association may not have the experience or professional background required to understand and carry out the responsibilities of the association properly, the association may hire professional community managers to carry out these responsibilities.

Homeowners' associations operate on democratic principles. Some decisions require all homeowners to vote, some decisions are made by the executive board or other boards or committees established by the association or governing documents. Although the actions of the association and its executive board are governed by state laws, the CC&Rs and other documents that govern the common-interest community, decisions made by these persons will affect your use and enjoyment of your property, your lifestyle and freedom of choice, and your cost of living in the community. You may not agree with decisions made by the association or its governing bodies even though the decisions are ones which the association is authorized to make. Decisions may be made by a few persons on the executive board or governing bodies that do not necessarily reflect the view of the majority of homeowners in the community. If you do not agree with decisions made by the association, its executive board or other governing bodies, your remedy is typically to attempt to use the democratic processes of the association to seek the election of members of the executive board or other governing bodies that are more responsive to your needs. If you have a dispute with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, the Nevada Real Estate Division and the Commission for Common-Interest Communities and Condominium Hotels. However, to resolve some disputes, you may have to mediate or arbitrate the dispute and, if mediation or arbitration is unsuccessful, you may have to file a lawsuit and ask a court to resolve the dispute. In addition to your personal cost in mediation or arbitration, or to prosecute a lawsuit, you may be responsible for paying your share of the association's cost in defending against your claim.

6. YOU ARE REQUIRED TO PROVIDE PROSPECTIVE PURCHASERS OF YOUR PROPERTY WITH INFORMATION ABOUT LIVING IN YOUR COMMON-INTEREST COMMUNITY?

The law requires you to provide a prospective purchaser of your property with a copy of the community's governing documents, including the CC&Rs, association bylaws, and rules and regulations, as well as a copy of this document. You are also required to provide a copy of the

association's current year-to-date financial statement, including, without limitation, the most recent audited or reviewed financial statement, a copy of the association's operating budget and information regarding the amount of the monthly assessment for common expenses, including the amount set aside as reserves for the repair, replacement and restoration of common elements. You are also required to inform prospective purchasers of any outstanding judgments or lawsuits pending against the association of which you are aware. For more information regarding these requirements, see Nevada Revised Statutes 116.4109.

7. YOU HAVE CERTAIN RIGHTS REGARDING OWNERSHIP IN A COMMON-INTEREST COMMUNITY THAT ARE GUARANTEED YOU BY THE STATE?

Pursuant to provisions of chapter 116 of Nevada Revised Statutes, you have the right:

(a) To be notified of all meetings of the association and its executive board, except in cases of emergency.

(b) To attend and speak at all meetings of the association and its executive board, except in some cases where the executive board is authorized to meet in closed, executive session.

(c) To request a special meeting of the association upon petition of at least 10 percent of the homeowners.

(d) To inspect, examine, photocopy and audit financial and other records of the association.

(e) To be notified of all changes in the community's rules and regulations and other actions by the association or board that affect you.

8. QUESTIONS?

Although they may be voluminous, you should take the time to read and understand the documents that will control your ownership of a property in a common-interest community. You may wish to ask your real estate professional, lawyer or other person with experience to explain anything you do not understand. You may also request assistance from the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, ~~[Nevada Real Estate Division,]~~ **Office of the Attorney General**, at (telephone number ~~739-739-7397~~) **designated by the Office of the Ombudsman**).

Buyer or prospective buyer's initials: _____

Date: _____

Sec. 5. NRS 116.615 is hereby amended to read as follows:

116.615 1. ~~[The]~~ **Except as otherwise provided in section 2 of this act,** ~~the~~ provisions of this chapter must be administered by the Division, subject to the administrative supervision of the Director of the Department of Business and Industry.

2. The Commission and the Division may do all things necessary and convenient to carry out the provisions of this chapter, including, without

limitation, prescribing such forms and adopting such procedures as are necessary to carry out the provisions of this chapter.

3. The Commission, or the Administrator with the approval of the Commission, may adopt such regulations as are necessary to carry out the provisions of this chapter.

4. The Commission may by regulation delegate any authority conferred upon it by the provisions of this chapter to the Administrator to be exercised pursuant to the regulations adopted by the Commission.

5. When regulations are proposed by the Administrator, in addition to other notices required by law, the Administrator shall provide copies of the proposed regulations to the Commission not later than 30 days before the next meeting of the Commission. The Commission shall approve, amend or disapprove any proposed regulations at that meeting.

6. All regulations adopted by the Commission, or adopted by the Administrator with the approval of the Commission, must be published by the Division, posted on its website and offered for sale at a reasonable fee.

Sec. 6. NRS 116.625 is hereby amended to read as follows:

116.625 1. The Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels is hereby created within the ~~Division~~ **Office of the Attorney General**.

2. The ~~Administrator~~ **Attorney General** shall appoint the Ombudsman. The Ombudsman is in the unclassified service of the State.

3. The Ombudsman must be qualified by training and experience to perform the duties and functions of office.

4. In addition to any other duties set forth in this chapter, the Ombudsman shall:

(a) Assist in processing claims submitted to mediation or arbitration or referred to a program pursuant to NRS 38.300 to 38.360, inclusive;

(b) Assist owners in common-interest communities and condominium hotels to understand their rights and responsibilities as set forth in this chapter and chapter 116B of NRS and the governing documents of their associations, including, without limitation, publishing materials related to those rights and responsibilities;

(c) Assist members of executive boards and officers of associations to carry out their duties;

(d) When appropriate, investigate disputes involving the provisions of this chapter or chapter 116B of NRS or the governing documents of an association and assist in resolving such disputes; and

(e) Compile and maintain a registration of each association organized within the State which includes, without limitation, the following information:

(1) The name, address and telephone number of the association;

(2) The name of each community manager for the common-interest community or the association of a condominium hotel and the name of any other person who is authorized to manage the property at the site of the common-interest community or condominium hotel;

(3) The names, mailing addresses and telephone numbers of the members of the executive board of the association;

(4) The name of the declarant;

(5) The number of units in the common-interest community or condominium hotel;

(6) The total annual assessment made by the association;

(7) The number of foreclosures which were completed on units within the common-interest community or condominium hotel and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner; and

(8) Whether the study of the reserves of the association has been conducted pursuant to NRS 116.31152 or 116B.605 and, if so, the date on which it was completed.

Sec. 7. NRS 116.630 is hereby amended to read as follows:

116.630 1. There is hereby created the Account for Common-Interest Communities and Condominium Hotels in the State General Fund. The Account must be administered by the Administrator.

2. Except as otherwise provided in subsection 3, all money received by the Commission, a hearing panel or the Division pursuant to this chapter or chapter 116B of NRS, including, without limitation, the fees collected pursuant to NRS 116.31155 and 116B.620, must be deposited into the Account.

3. If the Commission imposes a fine or penalty, the Commission shall deposit the money collected from the imposition of the fine or penalty with the State Treasurer for credit to the State General Fund. If the money is so deposited, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. The money in the Account must be used solely to defray:

(a) The costs and expenses of the Commission and the Office of the Ombudsman;

(b) If authorized by the Commission or any regulations adopted by the Commission, the costs and expenses of subsidizing proceedings for mediation, arbitration and a program conducted pursuant to NRS 38.300 to 38.360, inclusive; and

(c) If authorized by the Legislature or by the Interim Finance Committee if the Legislature is not in session, the costs and expenses of administering the Division.

6. To the extent that money in the Account is available for that purpose, the Administrator shall pay any claims submitted by the Office of the Attorney General pursuant to section 2 of this act to reimburse the costs and expenses of the Office of the Ombudsman.

Sec. 8. NRS 116.635 is hereby amended to read as follows:

116.635 The Commission and its members, each hearing panel and its members, the Administrator, the Office of the Ombudsman, the Division, and the experts, attorneys, investigators, consultants and other personnel of the Commission, the Office of the Ombudsman and the Division are immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this chapter.

Sec. 9. NRS 116.750 is hereby amended to read as follows:

116.750 1. In carrying out the provisions of NRS 116.745 to 116.795, inclusive, the Division and the Office of the Ombudsman have jurisdiction to investigate and the Commission and each hearing panel has jurisdiction to take appropriate action against any person who commits a violation, including, without limitation:

- (a) Any association and any officer, employee or agent of an association.
- (b) Any member of an executive board.
- (c) Any community manager who holds a certificate and any other community manager.
- (d) Any person who is registered as a reserve study specialist, or who conducts a study of reserves, pursuant to chapter 116A of NRS.
- (e) Any declarant or affiliate of a declarant.
- (f) Any unit's owner.
- (g) Any tenant of a unit's owner if the tenant has entered into an agreement with the unit's owner to abide by the governing documents of the association and the provisions of this chapter and any regulations adopted pursuant thereto.

2. The jurisdiction set forth in subsection 1 applies to any officer, employee or agent of an association or any member of an executive board who commits a violation and who:

- (a) Currently holds his or her office, employment, agency or position or who held the office, employment, agency or position at the commencement of proceedings against him or her.
- (b) Resigns his or her office, employment, agency or position:
 - (1) After the commencement of proceedings against him or her; or
 - (2) Within 1 year after the violation is discovered or reasonably should have been discovered.

Sec. 10. NRS 116.757 is hereby amended to read as follows:

116.757 1. Except as otherwise provided in this section and NRS 239.0115, a written affidavit filed with the Division pursuant to NRS 116.760, all documents and other information filed with the written affidavit and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint with the Commission and the Office of the Ombudsman are confidential. The Division shall not disclose any information that is confidential pursuant to this subsection, in whole or in part, to any person, including, without limitation, a person who is the subject of an investigation or complaint, unless and until a formal complaint is filed pursuant to subsection 2 and the disclosure is required pursuant to subsection 2.

2. A formal complaint filed by the Administrator with the Commission and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline or take other administrative action pursuant to NRS 116.745 to 116.795, inclusive, are public records.

Sec. 11. NRS 116B.645 is hereby amended to read as follows:

116B.645 1. The association or hotel unit owner, as applicable, shall also, after the expiration of the 90 days and before selling the unit:

(a) Give notice of the time and place of the sale in the manner and for a time not less than that required by law for the sale of real property upon execution, except that in lieu of following the procedure for service on a judgment debtor pursuant to NRS 21.130, service must be made on the residential unit owner as follows:

(1) A copy of the notice of sale must be mailed, on or before the date of first publication or posting, by certified or registered mail, return receipt requested, to the residential unit owner or his or her successor in interest at the residential unit owner's address, if known, and to the address of the residential unit; and

(2) A copy of the notice of sale must be served, on or before the date of first publication or posting, in the manner set forth in subsection 2; and

(b) Mail, on or before the date of first publication or posting, a copy of the notice by first-class mail to:

(1) Each person entitled to receive a copy of the notice of default and election to sell notice under NRS 116B.640;

(2) The holder of a recorded security interest or the purchaser of the residential unit, if either of them has notified the association, before the mailing of the notice of sale, of the existence of the security interest, lease or contract of sale, as applicable; and

(3) The Ombudsman.

2. In addition to the requirements set forth in subsection 1, a copy of the notice of sale must be served:

(a) By a person who is 18 years of age or older and who is not a party to or interested in the sale by personally delivering a copy of the notice of sale to an occupant of the residential unit who is of suitable age; or

(b) By posting a copy of the notice of sale in a conspicuous place on the residential unit.

3. Any copy of the notice of sale required to be served pursuant to this section must include:

(a) The amount necessary to satisfy the lien as of the date of the proposed sale; and

(b) The following warning in 14-point bold type:

WARNING! A SALE OF YOUR PROPERTY IS IMMINENT! UNLESS YOU PAY THE AMOUNT SPECIFIED IN THIS NOTICE BEFORE THE SALE DATE, YOU COULD LOSE YOUR HOME, EVEN IF THE

AMOUNT IS IN DISPUTE. YOU MUST ACT BEFORE THE SALE DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL (name and telephone number of the contact person for the association or hotel unit owner). IF YOU NEED ASSISTANCE, PLEASE CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN'S OFFICE, ~~[NEVADA REAL ESTATE DIVISION,]~~ **OFFICE OF THE ATTORNEY GENERAL** AT (toll-free telephone number designated by the ~~[Division])~~ **Office of the Ombudsman** IMMEDIATELY.

4. Proof of service of any copy of the notice of sale required to be served pursuant to this section must consist of:

(a) A certificate of mailing which evidences that the notice was mailed through the United States Postal Service; or

(b) An affidavit of service signed by the person who served the notice stating:

(1) The time of service, manner of service and location of service; and

(2) The name of the person served or, if the notice was not served on a person, a description of the location where the notice was posted on the residential unit.

Sec. 12. NRS 116B.765 is hereby amended to read as follows:

116B.765 The information statement required by NRS 116B.735 and 116B.760 must be in substantially the following form:

BEFORE YOU PURCHASE PROPERTY IN A
CONDOMINIUM HOTEL
DID YOU KNOW...

1. YOU GENERALLY HAVE 5 DAYS TO CANCEL THE PURCHASE AGREEMENT?

When you enter into a purchase agreement to buy a home or unit in a condominium hotel, in most cases you should receive either a public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. For more information regarding your right to cancel, see NRS 116B.755, if you received a public offering statement, or NRS 116B.760, if you received a resale package.

2. YOU ARE AGREEING TO RESTRICTIONS ON HOW YOU CAN USE YOUR PROPERTY?

These restrictions are contained in a document known as the Declaration of Covenants, Conditions and Restrictions. The CC&Rs become a part of the title to your property. They bind you and every future owner of the property whether or not you have read them or had them explained to you. The CC&Rs, together with other “governing documents” (such as association bylaws and rules and regulations), are intended to preserve the character and value of properties in the condominium hotel, but may also restrict what you can do to improve or change your property and limit how you use and enjoy your property. By purchasing a property encumbered by CC&Rs, you are agreeing to limitations that could affect your lifestyle and freedom of choice. You should review the CC&Rs, and other governing documents before purchasing to make sure that these limitations and controls are acceptable to you.

3. YOU WILL HAVE TO PAY OWNERS’ ASSESSMENTS AND CHARGES FOR AS LONG AS YOU OWN YOUR PROPERTY?

As an owner in a condominium hotel, you are responsible for paying your share of expenses relating to the common elements and shared components. The obligation to pay these expenses binds you and every future owner of the property. Owners’ fees are usually assessed for these expenses monthly. You have to pay dues whether or not you agree with the way the association or the hotel unit owner is managing the property or spending the assessments or charges. The hotel unit owner executive board of the association may have the power to change and increase the amount of the assessment or charges and to levy special assessments or special charges against your property to meet extraordinary expenses.

4. IF YOU FAIL TO PAY OWNERS’ ASSESSMENTS OR CHARGES, YOU COULD LOSE YOUR HOME?

If you do not pay these assessments or charges when due, the hotel unit owner or the association usually has the power to collect them by selling your property in a nonjudicial foreclosure sale. If fees become delinquent, you may also be required to pay penalties and the association’s or hotel unit owner’s costs, as applicable, and attorney’s fees to become current. If you dispute the obligation or its amount, your only remedy to avoid the loss of your home may be to file a lawsuit and ask a court to intervene in the dispute.

5. YOU MAY BECOME A MEMBER OF A HOMEOWNERS’ ASSOCIATION THAT HAS THE POWER TO AFFECT HOW YOU USE AND ENJOY YOUR PROPERTY?

Many condominium hotels have a homeowners’ association. In a new development, the association will usually be controlled by the developer until a certain number of units have been sold. After the period of developer control, the association may be controlled by property owners like yourself who are elected by homeowners to sit on an executive board and other boards and committees formed by the association. The association, and its executive board, are responsible for assessing

homeowners for the cost of operating the association and the common elements of the condominium hotel. Because homeowners sitting on the executive board and other boards and committees of the association may not have the experience or professional background required to understand and carry out the responsibilities of the association properly, the association may hire professional condominium association managers to carry out these responsibilities.

Homeowners' associations operate on democratic principles. Some decisions require all homeowners to vote, some decisions are made by the executive board or other boards or committees established by the association or governing documents. Although the actions of the association and its executive board are governed by state laws, the CC&Rs and other documents that govern the condominium hotel, decisions made by these persons will affect your use and enjoyment of your property, your lifestyle and freedom of choice, and your cost of living in the condominium hotel. You may not agree with decisions made by the association or its governing bodies even though the decisions are ones which the association is authorized to make. Decisions may be made by a few persons on the executive board or governing bodies that do not necessarily reflect the view of the majority of residential unit in the condominium hotel. If you do not agree with decisions made by the association, its executive board or other governing bodies, your remedy is typically to attempt to use the democratic processes of the association to seek the election of members of the executive board or other governing bodies that are more responsive to your needs. If you have a dispute with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, the Nevada Real Estate Division and the Commission for Common-Interest Communities and Condominium Hotels. However, to resolve some disputes, you may have to mediate or arbitrate the dispute and, if mediation or arbitration is unsuccessful, you may have to file a lawsuit and ask a court to resolve the dispute. In addition to your personal cost in mediation or arbitration, or to prosecute a lawsuit, you may be responsible for paying your share of the association's cost in defending against your claim.

6. YOU ARE REQUIRED TO PROVIDE PROSPECTIVE PURCHASERS OF YOUR PROPERTY WITH INFORMATION ABOUT LIVING IN YOUR CONDOMINIUM HOTEL?

The law requires you to provide a prospective purchaser of your property with a copy of the condominium hotel's governing documents, including the CC&Rs, association bylaws, and rules and regulations, as well as a copy of this document. You are also required to provide a copy of the association's current year-to-date financial statement, including, without

limitation, the most recent audited or reviewed financial statement, a copy of the association's operating budget and information regarding the amount of the monthly assessment for common expenses, including the amount set aside as reserves for the repair, replacement and restoration of common elements. You are also required to provide a copy of the current year-to-date statement of the shared expenses charged to your unit by the declarant or hotel unit owner, as applicable. You are also required to inform prospective purchasers of any outstanding judgments or lawsuits pending against the association of which you are aware. For more information regarding these requirements, see NRS 116B.725 to 116B.795, inclusive.

7. YOU HAVE CERTAIN RIGHTS REGARDING OWNERSHIP IN A CONDOMINIUM HOTEL THAT ARE GUARANTEED YOU BY THE STATE?

Pursuant to provisions of this chapter, you have the right:

- (a) To be notified of all meetings of the association and its executive board, except in cases of emergency.
- (b) To attend and speak at all meetings of the association and its executive board, except in some cases where the executive board is authorized to meet in closed, executive session.
- (c) To request a special meeting of the association.
- (d) To inspect, examine, photocopy and audit financial and other records of the association.
- (e) To be notified of all changes in the condominium hotel's rules and regulations and other actions by the association or board that affect you.

8. QUESTIONS?

Although they may be voluminous, you should take the time to read and understand the documents that will control your ownership of a property in a condominium hotel. You may wish to ask your real estate professional, lawyer or other person with experience to explain anything you do not understand. You may also request assistance from the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, ~~[Nevada Real Estate Division,]~~ **Office of the Attorney General** at (telephone number ~~D-1~~) **designated by the Office of the Ombudsman**).

Buyer or prospective buyer's initials: _____

Date: _____

Sec. 13. NRS 116B.800 is hereby amended to read as follows:

116B.800 ~~[The]~~ **Except as otherwise provided in section 2 of this act, the** Commission for Common-Interest Communities and Condominium Hotels created by NRS 116.600, the Division and the Director of the Department of Business and Industry have jurisdiction over the enforcement of this chapter as set forth herein.

Sec. 14. NRS 116B.805 is hereby amended to read as follows:

116B.805 1. ~~[The]~~ **Except as otherwise provided in section 2 of this act,** ~~the~~ provisions of this chapter must be administered by the Division, subject to the administrative supervision of the Director of the Department of Business and Industry.

2. The Commission and the Division may do all things necessary and convenient to carry out the provisions of this chapter, including, without limitation, prescribing such forms and adopting such procedures as are necessary to carry out the provisions of this chapter.

3. The Commission, or the Administrator with the approval of the Commission, may adopt such regulations as are necessary to carry out the provisions of this chapter.

4. The Commission may by regulation delegate any authority conferred upon it by the provisions of this chapter to the Administrator to be exercised pursuant to the regulations adopted by the Commission.

5. When regulations are proposed by the Administrator, in addition to other notices required by law, the Administrator shall provide copies of the proposed regulations to the Commission not later than 30 days before the next meeting of the Commission. The Commission shall approve, amend or disapprove any proposed regulations at that meeting.

6. All regulations adopted by the Commission, or adopted by the Administrator with the approval of the Commission, must be published by the Division, posted on its website and offered for sale at a reasonable fee.

Sec. 15. NRS 116B.820 is hereby amended to read as follows:

116B.820 The Commission and its members, each hearing panel and its members, the Administrator, the **Office of the** Ombudsman, the Division, and the experts, attorneys, investigators, consultants and other personnel of the Commission, **, the Office of the Ombudsman** and the Division are immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this chapter.

Sec. 16. NRS 116B.870 is hereby amended to read as follows:

116B.870 1. In carrying out the provisions of NRS 116B.870 to 116B.920, inclusive, the Division and the **Office of the** Ombudsman have jurisdiction to investigate and the Commission and each hearing panel has jurisdiction to take appropriate action against any person who commits a violation, including, without limitation:

- (a) Any association and any officer, employee or agent of an association.
 - (b) Any member of an executive board.
 - (c) Any declarant, affiliate of a declarant or hotel unit owner.
 - (d) Any unit's owner.
 - (e) Any tenant of a unit's owner if the tenant has entered into an agreement with the unit's owner to abide by the governing documents of the association and the provisions of this chapter and any regulations adopted pursuant thereto.
2. The jurisdiction set forth in subsection 1 applies to any officer, employee or agent of an association or any member of an executive board who commits a violation and who:

(a) Currently holds his or her office, employment, agency or position or who held his or her office, employment, agency or position at the commencement of proceedings against him or her.

(b) Resigns his or her office, employment, agency or position:

(1) After the commencement of proceedings against him or her; or

(2) Within 1 year after the violation is discovered or reasonably should have been discovered.

Sec. 17. 1. Any claim or complaint submitted to or being processed by the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels within the Real Estate Division of the Department of Business and Industry before July 1, 2015, shall be deemed to be the responsibility of the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels within the Office of the Attorney General.

2. Any person who, on July 1, 2015, is serving as the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels may, if he or she is otherwise qualified on that date, continue to serve in that capacity until his or her successor is appointed pursuant to NRS 116.625, as amended by section 6 of this act.

~~{Sec. 2.}~~ **Sec. 18.** This act becomes effective ~~{on}~~ **:**

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

2. On July 1, 2015, ~~{,}~~, for all other purposes.

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LEADLINES OF REPEALED SECTIONS

~~**38.300 Definitions.**~~

~~**38.310 Limitations on commencement of certain civil actions.**~~

~~**38.320 Submission of claim for mediation or referral to program of dispute resolution; contents of claim; fees; service of claim; written answer.**~~

~~**38.325 Program of dispute resolution: Authority of Division to establish; procedure for claim referred to program.**~~

~~**38.330 Procedure for mediation or arbitration of claim; payment of costs and fees upon failure to obtain a more favorable award or judgment in court.**~~

~~**38.340 Duties of Division: Maintenance of list of mediators and arbitrators; establishment of explanatory document.**~~

~~**38.350 Statute of limitations tolled.**~~

~~**38.360 Administration of provisions by Division; regulations; fees.**~~

~~**116.001 Short title.**~~

~~**116.003 Definitions.**~~

~~**116.005 "Administrator" defined.**~~

~~**116.007 "Affiliate of a declarant" defined.**~~

~~116.009 “Allocated interests” defined.~~
~~116.011 “Association” and “unit owners’ association” defined.~~
~~116.013 “Certificate” defined.~~
~~116.015 “Commission” defined.~~
~~116.017 “Common elements” defined.~~
~~116.019 “Common expenses” defined.~~
~~116.021 “Common interest community” defined.~~
~~116.023 “Community manager” defined.~~
~~116.025 “Complaint” defined.~~
~~116.027 “Condominium” defined.~~
~~116.029 “Converted building” defined.~~
~~116.031 “Cooperative” defined.~~
~~116.033 “Dealer” defined.~~
~~116.035 “Declarant” defined.~~
~~116.037 “Declaration” defined.~~
~~116.039 “Developmental rights” defined.~~
~~116.041 “Dispose” and “disposition” defined.~~
~~116.043 “Division” defined.~~
~~116.045 “Executive board” defined.~~
~~116.047 “Financial statement” defined.~~
~~116.049 “Governing documents” defined.~~
~~116.051 “Hearing panel” defined.~~
~~116.053 “Identifying number” defined.~~
~~116.055 “Leasehold common interest community” defined.~~
~~116.057 “Liability for common expenses” defined.~~
~~116.059 “Limited common element” defined.~~
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~~116.061 “Management of a common interest community” defined.~~
~~116.063 “Master association” defined.~~
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~~116.325 Right of units' owners to exhibit political signs in certain areas; conditions and limitations on exercise of right.~~

~~116.330 Right of units' owners to install or maintain drought tolerant landscaping; conditions and limitations on exercise of right; installation of drought tolerant landscaping within common elements.~~

~~116.332 Right of units' owners to store containers for collection of solid waste or recyclable materials; adoption of rules by association.~~
~~116.335 Association prohibited from requiring unit's owner to obtain approval to rent or lease unit; exceptions.~~
~~116.340 Transient commercial use of units within certain planned communities.~~
~~116.345 Association of planned community prohibited from taking certain actions regarding property, buildings and structures within planned community; validity of existing restrictions.~~
~~116.350 Limitations regarding regulation of certain roads, streets, alleys or other thoroughfares; permissible regulation of parking or storage of certain vehicles.~~
~~116.4101 Applicability; exceptions.~~
~~116.4102 Liability for preparation and delivery of public offering statement.~~
~~116.4103 Public offering statement: General provisions.~~
~~116.41035 Public offering statement: Limitations for certain small offerings.~~
~~116.4104 Public offering statement: Common interest communities subject to developmental rights.~~
~~116.4105 Public offering statement: Time shares.~~
~~116.4106 Public offering statement: Common interest community containing converted building.~~
~~116.4107 Public offering statement: Common interest community registered with Securities and Exchange Commission or State of Nevada.~~
~~116.4108 Purchaser's right to cancel.~~
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~~116.411 Escrow of deposits; furnishing of bond in lieu of deposit.~~
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~~116.4113 Express warranties of quality.~~
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~~116.4115 Exclusion or modification of warranties of quality.~~
~~116.4116 Statute of limitations for warranties.~~
~~116.4117 Effect of violations on rights of action; civil action for damages for failure or refusal to comply with provisions of chapter or governing documents; members of executive board not personally liable to victims of crimes; circumstances under which punitive damages may be awarded; attorney's fees.~~
~~116.4118 Labeling of promotional material.~~
~~116.4119 Declarant's obligation to complete and restore.~~
~~116.412 Substantial completion of units.~~

~~116.600 Commission for Common Interest Communities and Condominium Hotels: Creation; appointment and qualifications of members; terms of office; compensation.~~

~~116.605 Commission for Common Interest Communities and Condominium Hotels: Courses of instruction for members.~~

~~116.610 Commission for Common Interest Communities and Condominium Hotels: Election of officers; meetings; quorum.~~

~~116.615 Administration of chapter; regulations of Commission and Real Estate Administrator; delegation of authority; publications.~~

~~116.620 Employment of personnel by Real Estate Division; duties of Attorney General; legal opinions by Attorney General.~~

~~116.623 Petitions for declaratory orders or advisory opinions; Regulations; scope; contents of petition; filing; period for response.~~

~~116.625 Ombudsman for Owners in Common Interest Communities and Condominium Hotels: Creation of office; appointment; qualifications; powers and duties.~~

~~116.630 Account for Common Interest Communities and Condominium Hotels: Creation; administration; sources; uses.~~

~~116.635 Immunity.~~

~~116.640 Service of notice and other information upon Commission.~~

~~116.643 Authority for Commission or Real Estate Administrator to adopt regulations requiring additional disclosures for sale of unit.~~

~~116.645 Authority for Real Estate Division to conduct business electronically; regulations; fees; use of unsworn declaration; exclusions.~~

~~116.660 Issuance and enforcement of subpoenas.~~

~~116.662 Witnesses: Payment of fees and mileage.~~

~~116.665 Conducting hearings and other proceedings; collection of information; development and promotion of educational guidelines; accreditation of programs of education and research.~~

~~116.670 Establishment of standards for subsidizing arbitration, mediation and educational programs; acceptance of gifts, grants and donations; agreements and cooperation with other entities.~~

~~116.675 Appointment of hearing panels; delegation of powers and duties; appeals to Commission.~~

~~116.680 Use of audio or video teleconference for hearings.~~

~~116.745 "Violation" defined.~~

~~116.750 Jurisdiction of Real Estate Division, Ombudsman, Commission and hearing panels.~~

~~116.755 Rights, remedies and penalties are cumulative and not exclusive; limitations on power of Commission and hearing panels regarding internal activities of association.~~

~~116.757 Confidentiality of records: Certain records relating to complaint or investigation deemed confidential; certain records relating to disciplinary action deemed public records.~~

~~116.760 Right of person aggrieved by alleged violation to file affidavit with Real Estate Division; procedure for filing affidavit; administrative fine for filing false or fraudulent affidavit.~~

~~116.765 Referral of affidavit to Ombudsman for assistance in resolving alleged violation; report by Ombudsman; investigation by Real Estate Division; determination of whether to file complaint with Commission.~~

~~116.770 Procedure for hearing complaints; Time for holding hearings; continuances; notices; evidence; answers; defaults.~~

~~116.775 Representation by attorney.~~

~~116.780 Decisions on complaints.~~

~~116.785 Remedial and disciplinary action: Orders to cease and desist and to correct violations; administrative fines; removal from office or position; payment of costs; exemptions from liability.~~

~~116.790 Remedial and disciplinary action: Audit of association; requiring association to hire community manager who holds certificate; appointment of receiver.~~

~~116.795 Injunctions.~~

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment deletes the bill in its entirety and replaces it with language that transfers the Office of the Ombudsman from the Real Estate Division to the Office of the Attorney General.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 238.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 540.

AN ACT relating to common-interest communities; revising provisions governing eligibility to be a member of the executive board or an officer of a homeowners' association; revising provisions relating to the solicitation of bids for a homeowners' association project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Uniform Common-Interest Ownership Act, which governs common-interest communities. (Chapter 116 of NRS) Under existing law, unless a person is appointed by the declarant, a person may not be a member of the executive board or an officer of a homeowners' association if the person or certain other persons perform the duties of a community manager for that association. (NRS 116.31034) **Section 1** of this bill additionally excludes a person, other than a person appointed by the declarant, from being a member of the executive board or an officer of a homeowners'

association if: (1) the person resides with, is married to or is related within the third degree of consanguinity to a member of the board or an officer of the association; (2) the person stands to gain any personal profit or compensation from a matter before the board; or (3) the person ~~owns more than one unit in the~~ **is a business associate of, or a co-owner of a business co-owned by, a person who is a member of the executive board or is an officer of the association or who performs the duties of a community manager for that** association.

Existing law also requires a homeowners' association to open and consider bids for an association project at a meeting of its executive board. (NRS 116.31086) **Section 2** of this bill requires an association to solicit, whenever reasonably possible, at least three bids if the association project is expected to cost ~~[\$ 500]~~ **:(1) in a common-interest community that consists of less than 1,000 units, \$2,500 or more; or (2) in a common-interest community that consists of 1,000 or more units, \$5,000** or more. **Section 2** further **:(1)** specifies that **the contents of** bids which are opened at a meeting of the executive board must ~~also~~ be read aloud **in summary form; (2) requires such contents to be posted on the Internet website of the association, if one exists; (3) authorizes the inclusion of such contents in an official newsletter or other similar publication that is circulated to each unit's owner;** and **(4)** requires the members of the executive board to vote on the acceptance of a bid in accordance with *Robert's Rules of Order Newly Revised*.

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

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

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

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

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

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if ~~the~~ :

(1) The person resides with another person in a unit, is married to that other person or is related by blood or adoption within the third degree of consanguinity or affinity, and if the other person is also a member of the executive board or is an officer of the association;

(2) The person stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association;

(3) The person ~~owns more than one unit in the~~ is a business associate of, or a co-owner of a business co-owned by, a person who is a member of the executive board or is an officer of the association or who performs the duties of a community manager for that association; or

(4) **The** person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

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

(1) That master association; or

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

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

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

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

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

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

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

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

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

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

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

those secret written ballots have been opened and counted at a meeting of the association.

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

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

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

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

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

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

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

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

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

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

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

➡ The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses

to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not use the information for any other purpose, the association or its agent may refuse the request.

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

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

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

116.31086 1. If an association solicits bids for an association project ~~to~~ **the** :

(a) The association must, whenever reasonably possible, solicit at least three bids if the association project is expected to cost ~~(\$500)~~ :

(1) In a common-interest community that consists of less than 1,000 units, \$2,500 or more; or

(2) In a common-interest community that consists of 1,000 or more units, \$5,000 or more;

(b) The bids must be opened and the contents of each bid, including, without limitation, the titles of the project, the scope of each work and the bid amounts, must be read aloud in summary form during a meeting of the executive board ~~to~~ ; ~~and~~

(c) The contents of each bid must be posted in summary form on the Internet website of the association, if one exists, and may be included in an official newsletter or other similar publication that is circulated to each unit's owner; and

(d) The members of the executive board must vote on the acceptance of a bid in accordance with the most recent edition of Robert's Rules of Order Newly Revised.

2. As used in this section, "association project" includes, without limitation, a project that involves the maintenance, repair, replacement or restoration of any part of the common elements or which involves the provision of **professional** services to the association ~~to~~ , **including, without limitation, accounting, engineering and legal services.**

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment deletes language making persons who own two or more units ineligible to serve as a board member or an officer; adds business associates or co-owners of a current board member, officer, or community manager to the list of persons ineligible to serve as a board member or an officer; depending on the size of the homeowners association, creates two different monetary thresholds for requiring bids on association projects; and clarifies what portion of a bid must be read aloud and the publication of bids for homeowners.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Assembly in recess at 3:43 p.m.

ASSEMBLY IN SESSION

At 3:45 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 295 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 316.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 360.

SUMMARY—Revises provisions governing the taxation of ~~occasional sales~~ **certain deliveries and transfers** of firearms. (BDR 32-918)

AN ACT relating to taxation; ~~exempting from~~ **revising provisions governing** the sales and use taxes ~~the occasional sale~~ **imposed on the delivery or transfer** of a firearm ~~from outside this State under certain circumstances~~; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing **federal** law ~~provides for the administration by the Department of Taxation of sales and use taxes in this State. (Chapters 372 and 374 of NRS)~~ Existing law ~~exempts from such taxes the occasional sales of tangible personal property. (NRS 372.320, 374.325)~~ **prohibits a person from transporting into or receiving in the state of his or her residence a firearm purchased or otherwise obtained by that person from outside that state, unless the**

person is licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice. Thus, for a person in this State to purchase a firearm from another state, the firearm must be transferred or delivered to a person in this State who is a federally licensed firearms dealer who then transfers or delivers the firearm to the purchaser after conducting the background check required by federal law. (18 U.S.C. § 922(a)(3), (b)(3) and (t))

Existing law imposes a sales tax on the gross receipts of a retailer from the sale of tangible personal property sold at retail in this State. (NRS 372.105, 374.110) Existing law also imposes a use tax on the storage, use or other consumption in this State of tangible personal property purchased from a retailer for storage, use or other consumption in this State. (NRS 372.185, 374.190) Under existing law, if an agent of an owner or former owner of tangible personal property delivers the property to a final consumer in this State pursuant to a retail sale made by an out-of-state retailer, the delivery is a retail sale in this State by the agent making the delivery. (NRS 372.050) Because, under these circumstances, the delivery of the property by the agent is considered a retail sale by the agent, the agent is required to impose, collect and remit the sales tax to the Department of Taxation. (NRS 372.110, 374.115)

This bill ~~requires~~ provides that, in administering the sales and use taxes, the Department ~~to consider the sale~~ must not consider the delivery or transfer of a firearm, ~~including facilitating the transfer of a firearm~~ from out of state, ~~to be an occasional sale and exempted from the sales and use taxes, unless~~ by a person in this State who is a federally licensed firearms dealer to be a sale made by that federally licensed firearms dealer if: (1) the delivery or transfer is made to facilitate the transfer of the firearm from out of state in compliance with federal law; and (2) the sale involves the payment of the sales price for the firearm to a ~~retailer or other~~ person ~~in this State who is a~~ other than the federally licensed firearms dealer. **Because this bill provides that the delivery or transfer must not be considered a sale by the federally licensed firearms dealer, the federally licensed firearms dealer is not required to impose, collect and remit the sales tax or collect and remit the use tax on the delivery or transfer of the firearm. However, under this bill, the purchaser of the firearm is required to remit the use tax if the purchase of the firearm constitutes a retail sale by a retailer in another state.**

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

Section 1. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

In administering the provisions of this chapter, the Department shall not consider the ~~sale~~ delivery or transfer of a firearm, ~~including, without limitation, facilitating the transfer of a firearm~~ from out of state, ~~by a~~

person in this State who is licensed as a firearms dealer by the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice to be ~~an occasional~~ a sale ~~by~~, unless the sale is one in which the made by that licensed firearms dealer if:

1. The delivery or transfer of the firearm is made to facilitate the transfer of the firearm from out of state in compliance with 18 U.S.C. § 922; and

2. The sales price for the firearm is paid to a ~~retailer or~~ person other ~~person in this State who is~~ than the licensed ~~as a~~ firearms dealer ~~by the United States Department of the Treasury~~, delivering or transferring the firearm.

Sec. 2. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

In administering the provisions of this chapter, the Department shall not consider the ~~sale~~ delivery or transfer of a firearm ~~including, without limitation, facilitating the transfer of a firearm~~ from out of state ~~by~~ by a person in this State who is licensed as a firearms dealer by the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice to be ~~an occasional~~ a sale ~~by~~, unless the sale is one in which the made by that licensed firearms dealer if:

1. The delivery or transfer of the firearm is made to facilitate the transfer of the firearm from out of state in compliance with 18 U.S.C. § 922; and

2. The sales price for the firearm is paid to a ~~retailer or~~ person other ~~person in this State who is~~ than the licensed ~~as a~~ firearms dealer ~~by the United States Department of the Treasury~~, delivering or transferring the firearm.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Amendment 360 to Assembly Bill 316 specifies that for the purposes of the sales and use tax, the delivery or transfer of a firearm from out of state to a licensed firearms dealer in Nevada is not considered to be a retail sale made by that firearms dealer if the delivery or transfer of the firearm is made to facilitate the transfer from out of state in compliance with federal law and the sales price for the firearm is paid to a person other than the dealer who is delivering or transferring the firearm.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 362.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 553.

AN ACT relating to domestic relations; authorizing a party in certain domestic relations actions to file a postjudgment motion to obtain adjudication

of certain property and liabilities that were omitted from the final decree or judgment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in granting a divorce, a court must, to the extent practicable, make an equal disposition of the community property of the parties, unless the action is contrary to a valid premarital agreement between the parties or the court makes written findings setting forth a compelling reason for making an unequal disposition of the community property. (NRS 125.150) The Nevada Supreme Court has held that under Rule 60(b) of the Nevada Rules of Civil Procedure, relief from a divorce decree dividing community property between the parties may be obtained by: (1) filing within 6 months after the final decree a motion for relief or modification from the decree because of mistake, newly discovered evidence or fraud; or (2) showing exceptional circumstances justifying equitable relief in an independent civil action. (*Kramer v. Kramer*, 96 Nev. 759, 762 (1980); *Amie v. Amie*, 106 Nev. 541, 542 (1990)) In *Doan v. Wilkerson*, 130 Nev. Adv. Op. 48, 328 P.3d 498 (2014), the Nevada Supreme Court held that exceptional circumstances justifying equitable relief do not exist when a particular item of community property was disclosed and considered in a divorce action but omitted from the divorce decree.

This bill ~~provides that, at any time,~~ **authorizes** a party in an action for divorce, separate maintenance or annulment ~~may~~ **to** file a postjudgment motion to obtain an adjudication of any community property or liability that was omitted from the final decree or judgment. This bill further provides that the court has continuing jurisdiction to hear such a motion and must make an equal disposition of the omitted community property or liability unless the court finds that certain exceptions apply.

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

Section 1. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set

forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

- (a) The intention of the parties in placing the property in joint tenancy;
- (b) The length of the marriage; and
- (c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➡ As used in this subsection, “contribution” includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. *A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment. There is no limitation on the time in which a motion pursuant to this subsection may be filed ~~for~~, except that if the motion is based on fraud or mistake, the motion must be filed within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:*

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

➡ *If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.*

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

~~{4.}~~ 5. In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

~~{5.}~~ 6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

~~{6.}~~ 7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

~~{7.}~~ 8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

~~{8.}~~ 9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

- (a) The financial condition of each spouse;
- (b) The nature and value of the respective property of each spouse;
- (c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;
- (d) The duration of the marriage;
- (e) The income, earning capacity, age and health of each spouse;
- (f) The standard of living during the marriage;
- (g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

~~§9-1~~ **10.** In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

~~§10-1~~ **11.** If the court determines that alimony should be awarded pursuant to the provisions of subsection ~~§9-1~~ **10**:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

~~§11-1~~ **12.** For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment clarifies that the court has continuing jurisdiction to hear a postjudgment motion in any action for divorce, annulment, or separate maintenance to obtain adjudication of any community asset or liability omitted from the decree or judgment. Such a motion, if based on fraud or mistake, must be made within three years of the discovery by the aggrieved party of the facts constituting the fraud or mistake. In partition of benefits from a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than six years after the installment payment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 363.

Bill read second time.

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

Amendment No. 380.

SUMMARY—Provides an optional benefit to the surviving spouse or survivor beneficiary of ~~the~~ certain deceased ~~police officer or firefighter~~ members of the Public Employees' Retirement System. (BDR 23-1056)

AN ACT relating to public employees; providing an optional benefit to the surviving spouse or survivor beneficiary of a ~~police officer or firefighter~~ member of the Public Employees' Retirement System who was killed in the ~~line~~ performance of his or her duty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth several benefit options for the surviving spouse of a deceased member of the Public Employees' Retirement System. (NRS 286.674-286.6766) This bill provides an additional benefit option for the surviving spouse or survivor beneficiary of a member who was ~~a police officer or firefighter~~ killed in the ~~line~~ performance of his or her duty. This additional option authorizes the surviving spouse or survivor beneficiary to elect to receive a benefit that is the equivalent to the greater of: (1) fifty percent of the salary of the member on the date of the member's death; or (2) ~~fifty percent of~~ the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

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

Section 1. Chapter 286 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The spouse or survivor beneficiary of a member who was ~~a police officer or firefighter~~ killed in the ~~line~~ performance of his or her duty is entitled to receive a monthly allowance equivalent to the greater of:*

(a) Fifty percent of the salary of the member on the date of the member's death; or

(b) ~~[Fifty percent of the]~~ The retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

2. The benefits provided by this section must be paid , as applicable, to the :

(a) ~~The spouse for the remainder of the spouse's life,~~ until the death or remarriage of the spouse; or

(b) The survivor beneficiary until the death of the survivor beneficiary.

3. The spouse or survivor beneficiary may elect to receive the benefits provided by any one of the following only:

(a) This section;

(b) NRS 286.674 ~~or~~ or 286.67675;

(c) NRS 286.676 ~~or~~ or 286.6768;

(d) NRS 286.6765 ~~or~~ or 286.67685; or

(e) NRS 286.6766 ~~or~~ or 286.6769.

4. For the purposes of this section, the Board shall define by regulation "killed in the line of performance of his or her duty."

Sec. 2. NRS 286.671 is hereby amended to read as follows:

286.671 As used in NRS 286.671 to 286.679, inclusive ~~or~~, and section 1 of this act:

1. "Child" means an unmarried person under 18 years of age who is the issue or legally adopted child of a deceased member. As used in this subsection, "issue" means the progeny or biological offspring of the deceased member.

2. "Dependent parent" means the surviving parent of a deceased member who was dependent upon the deceased member for at least 50 percent of the surviving parent's support for at least 6 months immediately preceding the death of the deceased member.

3. "Spouse" means the surviving husband or wife of a deceased member.

Sec. 3. NRS 286.672 is hereby amended to read as follows:

286.672 1. Except as otherwise provided in subsection 3 ~~or~~ and section 1 of this act, if a deceased member had 2 years of accredited contributing service in the 2 1/2 years immediately preceding the member's death or was a regular, part-time employee who had 2 or more years of creditable contributing service before and at least 1 day of contributing service within 6 months immediately preceding the member's death, or if the employee had 10 or more years of accredited contributing service, certain of the deceased member's dependents are eligible for payments as provided in NRS 286.671 to 286.679, inclusive ~~or~~, and section 1 of this act. If the death of the member resulted from a mental or physical condition which required the member to leave the employ of a participating public employer or go on leave without pay, eligibility pursuant to the provisions of this section extends for 18 months after the member's termination or commencement of leave without pay.

2. If the death of a member occurs while the member is on leave of absence granted by the member's employer for further training and if the member met the requirements of subsection 1 at the time the member's leave began, certain of the deceased member's dependents are eligible for payments as provided in subsection 1.

3. If the death of a member is caused by an occupational disease or an accident arising out of and in the course of the member's employment, no prior contributing service is required to make the deceased member's dependents eligible for payments pursuant to NRS 286.671 to 286.679, inclusive, **and section 1 of this act**, except that this subsection does not apply to an accident occurring while the member is traveling between the member's home and the member's principal place of employment or to an accident or occupational disease arising out of employment for which no contribution is made.

4. As used in this section, "dependent" includes a survivor beneficiary designated pursuant to NRS 286.6767.

Sec. 4. NRS 286.679 is hereby amended to read as follows:

286.679 1. If payments to a beneficiary pursuant to NRS 286.671 to 286.679, inclusive, **and section 1 of this act** cease before the total contributions of a deceased member have been paid in benefits, and there is no person entitled to receive such benefits pursuant to any provision of this chapter, the surplus of such contributions over the benefits actually received may be paid in a lump sum to:

(a) The beneficiary whom the deceased member designated for this purpose in writing on a form approved by the System.

(b) If no such designation was made or the person designated is deceased, the beneficiary who previously received the payments.

(c) If no payment may be made pursuant to paragraphs (a) and (b), the persons entitled as heirs or residuary legatees to the estate of the deceased member.

2. A lump-sum payment made pursuant to this section fully discharges the obligations of the System.

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

This amendment extends the additional benefit option proposed in the bill to all members of the Public Employees' Retirement System; allows payment of the benefit option to survivor beneficiaries; and changes the term from "killed in the line of duty" to "killed in the performance of his or her duty." Finally, the amendment includes a "remarry" provision for the spouse of a member whereby the benefit will be discontinued upon remarriage of a surviving spouse.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 372.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:
Amendment No. 430.

AN ACT relating to insurance; establishing a tax credit for an insurer who meets certain criteria related to economic development in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a 3.5 percent tax on the net direct premiums and net direct considerations of an insurer transacting business in this State. (NRS 680B.027) Existing law also provides for a tax credit of up to 80 percent against this tax for an insurer who meets certain criteria related to economic development in this State. (NRS 680B.050) Beginning January 1, 2016, the aggregate amount of the credits may not exceed \$5,000,000, allocated on a pro rata basis among all insurers eligible for the credit, and the credit is scheduled to expire on January 1, 2021. (NRS 680B.050; Chapter 1, Statutes of Nevada 2014, 28th Special Session, p. 3)

Section 2 of this bill establishes a tax credit of up to 80 percent against the tax imposed by NRS 680B.027 for an insurer who meets certain criteria related to economic development. In addition, **section 2** provides that an insurer who has received 10 years of credits under NRS 680B.050 is ineligible to receive the new credit and that, for all other insurers, the amount of the new credit in any given year must be reduced by the amount of any credit taken pursuant to NRS 680B.050. ~~Further, section 2 specifies that an insurer is only eligible for the tax credit if certain tax collections have exceeded projections.~~

Section 3 of this bill establishes the criteria an insurer must meet to qualify for the tax credit in **section 2**. Specifically, an insurer must execute an agreement with the Office of Economic Development providing that the insurer will: (1) have 250 or more full-time employees in this State; (2) maintain and own a principal or regional office in this State in which they have made an investment of \$10,000,000 or more; (3) pay an hourly wage that is equal to or greater than the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation; and (4) provide health insurance for all of its employees in this State and their dependents. In addition, **section 3** provides that an insurer who fails to meet the requirements in the agreement or who ceases operations before the time specified in the agreement is required to repay the Department of Taxation the amount of any credit taken before the failure of the insurer to comply with the provisions of the agreement, plus interest. **Sections 7 and 8** of this bill provide for the tax credit in **section 2** to be treated like economic development tax abatements for the purposes of reporting and analysis. **Sections 9-11** of this bill account for the January 1, 2021, expiration of the tax credit authorized by NRS 680B.050 while retaining statutory language necessary for the operation of the new tax credit in **section 2**. In particular, **section 10** of this bill provides that the tax credit authorized by NRS 680B.050 will no longer be available on or after January 1, 2021.

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

Section 1. Chapter 680B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *Except as otherwise provided in this section, a domestic or foreign insurer, including, without limitation, an insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29), that qualifies pursuant to the provisions of section 3 of this act, is entitled to a credit against the tax otherwise imposed by NRS 680B.027 in an amount determined pursuant to subsections 2 and 3.*

2. *To determine the amount of the credit to which an insurer is entitled, the insurer must first calculate:*

(a) An amount equal to 50 percent of the aggregate amount of the tax as determined under NRS 680B.025 to 680B.039, inclusive; and

(b) An amount equal to the full amount of ad valorem taxes paid by the insurer during the calendar year next preceding the filing of the report required by NRS 680B.030, upon the home office or regional home office together with the land, as reasonably required for the convenient use of the office, upon which the home office or regional home office is situated.

3. *The total amount of the credit calculated pursuant to subsection 2 must not exceed 80 percent of the tax otherwise payable by the insurer pursuant to NRS 680B.027.*

4. *The credit provided for in subsection 1 must be effective for a period of 10 years, or for such longer period as may be approved by the Office of Economic Development.*

5. *For any given year, the credit provided for in subsection 1 must be reduced by the amount of any credits taken by the insurer pursuant to NRS 680B.050.*

6. *No domestic or foreign insurer, including, without limitation, an insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29), is eligible for the credit provided for in subsection 1 if the insurer has taken the credit provided for in NRS 680B.050 against taxes due in a total of any 10 years or more, regardless of whether those years are consecutive, at any time before January 1, 2016.*

7. *If the credit provided for in subsection 1 is approved by the Office of Economic Development pursuant to section 3 of this act, the credit must be administered and carried out in the manner set forth in that section.*

~~**8.** *The cumulative credits provided for in this section for all insurers in any given year must not exceed the total amount of taxes payable pursuant to NRS 680B.027 actually collected in any given year less the total amount of taxes payable pursuant to that section which are included in the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228 for that year.*~~

~~9. If the total amount of taxes payable pursuant to NRS 680B.027 actually collected in a given year is less than the total amount of taxes payable pursuant to that section which are included in the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228 for that year, no credits shall be allowed pursuant to this section.~~

~~10. If the total amount of taxes payable pursuant to NRS 680B.027 actually collected in a given year is greater than the total amount of taxes payable pursuant to that section which are included in the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228 for that year, and the difference between the actual taxes collected and the taxes forecasted is less than the cumulative credits to which all insurers may be entitled pursuant to this section for that year, the credits to which each insurer may be entitled pursuant to this section must be reduced on a pro rata basis so that the cumulative credits provided by this section for all insurers in that year does not exceed the difference between the actual taxes collected and the taxes forecasted for that year.~~

Sec. 3. 1. A domestic or foreign insurer may apply to the Office of Economic Development pursuant to this section for the tax credit provided for in section 2 of this act.

2. The Office of Economic Development must approve an application for a tax credit pursuant to this section if the Office makes the following determinations:

(a) The business license of the insurer is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office of Economic Development to implement the State Plan for Economic Development;

(b) The applicant has executed an agreement with the Office of Economic Development which must:

(1) Comply with the requirements of this section;

(2) State that the insurer will, after the date on which the tax credit becomes effective, continue in operation in this State for a period specified by the Office of Economic Development, which must be at least 10 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the insurer for the specified period;

(c) The insurer holds a certificate of authority issued by the Commissioner; and

(d) The insurer meets the following requirements:

(1) The insurer will have 250 or more full-time employees in this State on the payroll of the insurer by the fourth calendar quarter following the calendar quarter in which the tax credit becomes effective and thereafter

maintain a full-time workforce in this State of at least that size during the entirety of the period for which the insurer receives the tax credit;

(2) The insurer owns the real property upon which its principal regional office is situated and has, within the period beginning 5 years before the date on which the tax credit becomes effective and ending not later than 2 years after the date on which the tax credit becomes effective, made an investment of at least \$10,000,000 in this State for improvements upon the principal regional office or other capital assets that will be retained in this State until at least the end of the period during which the tax credits are effective; and

(3) The average hourly wage that will be paid by the insurer to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The insurer will, by the fourth calendar quarter following the calendar quarter in which the credit becomes effective, provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the insurer for the health care benefits the insurer provides to its employees in this State will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection 8 of NRS 360.750 and, if applicable, pursuant to subsection 7.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall consider the level of health care benefits provided by the insurer to its employees, the projected economic impact of the insurer and the projected tax revenue of the insurer after deducting projected revenue from the abated taxes; and

(b) May, if the Office of Economic Development determines such action is necessary:

(1) Approve an application for a tax credit pursuant to this section by an insurer that does not meet the requirements set forth in paragraph (b) or (d) of subsection 2;

(2) Make the requirements set forth in paragraph (b) or (d) of subsection 2 more stringent; or

(3) Add additional requirements that an insurer must meet to qualify for a tax credit pursuant to this section.

4. If the Office of Economic Development approves an application for a tax credit pursuant to this section, the Office shall immediately forward a certificate of eligibility for the tax credit to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. *An applicant for a tax credit pursuant to this section or an existing insurer whose tax credit is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.*

6. *If an insurer whose credit has been approved pursuant to this section and is in effect ceases to meet the requirements set forth in subsection 2, or ceases operation before the time specified in the agreement described in paragraph (b) of subsection 2, the insurer shall repay to the Department of Taxation the amount of the tax credit that was allowed pursuant to this section before the failure of the insurer to comply unless the Nevada Tax Commission determines that the insurer has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the insurer shall, in addition to the amount of the tax credit required to be paid pursuant to this subsection, pay interest on the portion thereof, from the last day of the month following the period for which the payment would have been made had the tax credit not been approved until the date of payment of the tax.*

7. *The Office of Economic Development:*

(a) *Shall, if any regulations are necessary in addition to those adopted pursuant to subsection 8 of NRS 360.750, adopt regulations relating to the minimum level of health care benefits that an insurer must provide to its employees; and*

(b) *May adopt such other regulations as the Office determines to be necessary to carry out the provisions of this section.*

8. *The Nevada Tax Commission:*

(a) *Shall, if any regulations are necessary in addition to those adopted pursuant to subsection 9 of NRS 360.750, adopt regulations regarding:*

(1) *The capital investment that a new insurer must make to meet the requirements set forth in paragraph (d) of subsection 2; and*

(2) *Any security that an insurer is required to post to qualify for a tax credit pursuant to this section; and*

(b) *May adopt such other regulations as the Commission determines to be necessary to carry out the provisions of this section.*

9. *An applicant for a tax credit pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.*

10. *Where two or more insurers who are affiliates within the meaning of NRS 692C.030 jointly conduct operations in this State, the term "insurer" in this section refers to such insurers collectively as a group.*

Sec. 4. NRS 680B.027 is hereby amended to read as follows:

680B.027 1. Except as otherwise provided in NRS 680B.033, 680B.0353, 680B.050 and 690C.110, **and section 2 of this act**, for the privilege of transacting business in this State, each insurer shall pay to the

Department of Taxation a tax upon his or her net direct premiums and net direct considerations written at the rate of 3.5 percent.

2. The tax must be paid in the manner required by NRS 680B.030 and 680B.032.

3. The Commissioner or the Executive Director of the Department of Taxation may require at any time verified supplemental statements with reference to any matter pertinent to the proper assessment of the tax.

Sec. 5. NRS 680B.055 is hereby amended to read as follows:

680B.055 1. For the purposes of eligibility for the credit provided by NRS 680B.050, **or section 2 of this act**, if an insurer is a partner, general or limited, in a limited partnership which owns a building used by the insurer as its home office or a regional home office, the insurer shall be deemed to own the building so used if:

(a) The insurer's proportionate interest in the partnership is equal to or greater than the proportion which the floor area of the building or portion thereof so used bears to the total floor area of the buildings on the contiguous real property owned by the partnership at the location of the building so used; or

(b) The insurer's interest in the partnership is 50 percent or more.

2. The ad valorem tax paid by the insurer shall be deemed to be that proportion of the total ad valorem tax paid by the partnership upon its contiguous real property at the location of the building which the floor area of the building so used bears to the total floor area of the buildings on the contiguous real property.

Sec. 6. NRS 695C.055 is hereby amended to read as follows:

695C.055 1. The provisions of NRS 449.465, 679A.200, 679B.700, subsections 2, 4, 18, 19 and 32 of NRS 680B.010, NRS 680B.020 to 680B.060, inclusive, **and sections 2 and 3 of this act**, chapter 686A of NRS, NRS 687B.500 and chapter 695G of NRS apply to a health maintenance organization.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by "health maintenance organization."

Sec. 7. NRS 231.0685 is hereby amended to read as follows:

231.0685 The Office shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Office approved pursuant to NRS 274.310, 274.320, 274.330, 360.750 or 360.752 ~~+~~, **and concerning any tax credits that the Office approved pursuant to section 3 of this act**. The report must set forth, for each abatement from taxation **and tax credit** that the Office approved during the fiscal years which are 3 fiscal years and 6 fiscal years immediately preceding the submission of the report:

1. The dollar amount of the abatement ~~+~~ **or credit**;

2. The location of the business for which the abatement *or credit* was approved;

3. ~~{The}~~ **If applicable, the** value of infrastructure included as an incentive for the business;

4. If applicable, the number of employees that the business for which the abatement *or credit* was approved employs or will employ;

5. Whether the business for which the abatement *or credit* was approved is a new business or an existing business;

6. The economic sector in which the business operates, the number of primary jobs related to the business, the average wage paid to employees of the business and the assessed values of personal property and real property of the business; and

7. Any other information that the Office determines to be useful.

Sec. 8. NRS 353.207 is hereby amended to read as follows:

353.207 1. The Chief shall:

(a) Require the Office of Economic Development and the Office of Energy each periodically to conduct an analysis of the relative costs and benefits of each incentive for economic development previously approved by the respective office and in effect during the immediately preceding 2 fiscal years, including, without limitation, any abatement of taxes approved by the Office of Economic Development pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.950, 361.0687, 374.357 or 701A.210, **and any tax credits approved by the Office pursuant to section 3 of this act**, to assist the Governor and the Legislature in determining whether the economic benefits of the incentive have accomplished the purposes of the statute pursuant to which the incentive was approved and warrant additional incentives of that kind;

(b) Require each office to report in writing to the Chief the results of the analysis conducted by the office pursuant to paragraph (a); and

(c) Establish a schedule for performing and reporting the results of the analysis required by paragraph (a) which ensures that the results of the analysis reported by each office are included in the proposed budget prepared pursuant to NRS 353.205, as required by that section.

2. Each report prepared for the Chief pursuant to this section is a public record and is open to inspection pursuant to the provisions of NRS 239.010.

Sec. 9. Section 2 of this act is hereby amended to read as follows:

1. Except as otherwise provided in this section, a domestic or foreign insurer, including, without limitation, an insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29), that qualifies pursuant to the provisions of section 3 of this act, is entitled to a credit against the tax otherwise imposed by NRS 680B.027 in an amount determined pursuant to subsections 2 and 3.

2. To determine the amount of the credit to which an insurer is entitled, the insurer must first calculate:

(a) An amount equal to 50 percent of the aggregate amount of the tax as determined under NRS 680B.025 to 680B.039, inclusive; and

(b) An amount equal to the full amount of ad valorem taxes paid by the insurer during the calendar year next preceding the filing of the report required by NRS 680B.030, upon the home office or regional home office together with the land, as reasonably required for the convenient use of the office, upon which the home office or regional home office is situated.

3. The total amount of the credit calculated pursuant to subsection 2 must not exceed 80 percent of the tax otherwise payable by the insurer pursuant to NRS 680B.027.

4. The credit provided for in subsection 1 must be effective for a period of 10 years, or for such longer period as may be approved by the Office of Economic Development.

5. ~~{For any given year, the credit provided for in subsection 1 must be reduced by the amount of any credits taken by the insurer pursuant to NRS 680B.050.~~

~~—6.}~~ No domestic or foreign insurer, including, without limitation, an insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29), is eligible for the credit provided for in subsection 1 if the insurer has taken the credit provided for in NRS 680B.050 against taxes due in a total of any 10 years or more, regardless of whether those years are consecutive, at any time before January 1, 2016.

~~{7.}~~ 6. If the credit provided for in subsection 1 is approved by the Office of Economic Development pursuant to section 3 of this act, the credit must be administered and carried out in the manner set forth in that section.

Sec. 10. Section 2 of chapter 1, Statutes of Nevada 2014, 28th Special Session, at page 2, is hereby amended to read as follows:

Sec. 2. NRS 680B.050 is hereby amended to read as follows:

680B.050 1. Except as otherwise provided in this section, a domestic or foreign insurer, including, without limitation, an insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29), which owns and substantially occupies and uses any building in this state as its home office or as a regional home office is entitled to a credit against the tax otherwise imposed by NRS 680B.027 in an amount determined pursuant to subsections 2 and 3.

2. To determine the amount of the credit to which an insurer is entitled, the insurer must first calculate:

(a) An amount equal to 50 percent of the aggregate amount of the tax as determined under NRS 680B.025 to 680B.039, inclusive; and

(b) An amount equal to the full amount of ad valorem taxes paid by the insurer during the calendar year next preceding the filing of the report required by NRS 680B.030, upon the home office or regional home office together with the land, as reasonably required for the convenient use of the office, upon which the home office or regional home office is situated.

3. The total aggregate amount of credits that may be applied by all insurers pursuant to subsection 1 must not exceed \$5,000,000 and must be allocated to each insurer on a pro rata basis by determining the percentage of the total

amount calculated for all insurers pursuant to subsection 2 that is allocable to each insurer.

4. As used in this section, a “regional home office” means an office of the insurer performing for an area covering two or more states, with a minimum of 25 employees on its office staff, the supervision, underwriting, issuing and servicing of the insurance business of the insurer.

5. The insurer shall, on or before March 15 of each year, furnish proof to the satisfaction of the Executive Director of the Department of Taxation, on forms furnished by or acceptable to the Executive Director, as to its entitlement to the tax reduction provided for in this section. A determination of the Executive Director of the Department of Taxation pursuant to this section is not binding upon the Commissioner for the purposes of NRS 682A.240.

6. An insurer is not entitled to the credits provided in this section unless:

(a) The insurer owned the property upon which the reduction is based for the entire year for which the reduction is claimed; and

(b) The insurer occupied at least 70 percent of the usable space in the building to transact insurance or the insurer is a general or limited partner and occupies 100 percent of its ownership interest in the building.

7. If two or more insurers under common ownership or management and control jointly own in equal interest, and jointly occupy and use such a home office or regional home office in this state for the conduct and administration of their respective insurance businesses as provided in this section, each of the insurers is entitled to the credits provided for by this section if otherwise qualified therefor under this section.

8. For the purposes of subsection 1, any insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29) and is restricted or prohibited from purchasing or owning real property pursuant to a contract with the Federal Government, including any entity thereof, shall be deemed to own any portion of any real property that the insurer occupies. The provisions of this subsection expire upon the expiration, cancellation, repayment or any other termination of the contract restricting or prohibiting such purchase or ownership.

9. *An insurer that is described in subsection 1 is not entitled to a tax credit pursuant to this section on or after January 1, 2021.*

Sec. 11. Section 3 of chapter 1, Statutes of Nevada 2014, 28th Special Session, at page 3, is hereby amended to read as follows:

Sec. 3. ~~[NRS 680B.050 and 680B.055 are hereby repealed.]~~

Sec. 12. Section 4 of chapter 1, Statutes of Nevada 2014, 28th Special Session, at page 3, is hereby amended to read as follows:

Sec. 4. 1. This section and section 2 of this act become effective on January 1, 2016.

2. ~~[Sections]~~ **Section 1** ~~[and 3]~~ of this act ~~[become]~~ **becomes** effective on January 1, 2021.

Sec. 13. 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. 14. 1. This section and sections 1 to 8, inclusive, and 10 to 13, inclusive, of this act become effective on January 1, 2016.

2. Section 9 of this act becomes effective on January 1, 2021.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Amendment 430 to Assembly Bill 372 removes provisions that limit the amount of credits that may be issued to the amount by which certain interest premium tax revenues exceeded the amount of the Economic Forum's forecast for a given year.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 379.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 552.

AN ACT relating to commercial tenancies; ~~establishing requirements for accounting for, charges against and refund of security deposits relating to commercial premises; prohibiting a landlord of commercial premises from assessing charges against a tenant except under certain circumstances;~~ revising provisions relating to prohibitions on a landlord's interference with a tenant's use of commercial premises under certain circumstances; ~~revising procedures for a tenant to recover possession of commercial premises following a lockout; revising provisions relating to the disposal of personal property abandoned by a tenant on commercial premises; repealing provisions relating to the jurisdiction of courts over certain actions relating to commercial premises and the applicability of certain judicial doctrines in such actions;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 3-9 of this bill set forth requirements for the accounting for, refund of and charges against security deposits that are advanced under a lease of commercial premises.~~

~~—Section 10 of this bill prohibits a landlord from charging a tenant for rent or physical damages to commercial premises except under certain circumstances.]~~

Existing law prohibits a landlord from interfering in certain matters with a tenant's use of commercial premises. Existing law also requires a landlord or a landlord's agent who has changed the door locks of a commercial tenant who is delinquent in paying rent to place a written notice for a period of not less than 5 business days on the front door of the premises ~~and~~ which states information regarding how a tenant may obtain a new key. (NRS 118C.200) **Section 13** of this bill eliminates this minimum posting period ~~and~~ **Additionally, section 13 requires a landlord to provide a tenant with written notice of delinquency in paying rent and of the**

landlord's intent to change the door locks by certified mail at least 3 days before changing the door locks of the tenant. Further, section 13 authorizes a tenant to terminate the lease if the landlord or the landlord's agent violates the provisions of **section 13**.

~~{ Existing law sets forth a process for a tenant to recover possession of commercial premises from which a landlord has locked the tenant out. (NRS 118C.210) Section 14 of this bill revises these provisions to authorize a tenant to file a verified complaint for reentry in district court. Section 14 eliminates a requirement that a court issue an order requiring a tenant who is reasonably believed to have been unlawfully locked out to post a bond in an amount equal to 1 month of rent. Section 14 also extends the period after the filing of a tenant's verified complaint for reentry in which a court must hold a hearing when so requested by a landlord and provides for the rendering of a judgment for court costs against a landlord who fails to timely request such a hearing. Section 14 further provides for the punishment of a party for contempt of court. Finally, section 14 establishes the amount of the fee for filing a verified complaint for reentry and provides for the deferment and waiver of certain fees and costs under certain circumstances.~~

~~Existing law sets forth provisions that authorize a landlord to dispose of abandoned property left on commercial premises by a tenant under certain circumstances. (NRS 118C.230) Section 15 of this bill requires a landlord to take reasonable steps to determine whether the abandoned personal property is subject to a perfected lien or security interest and, if so, to notify the holder of the lien or interest of the abandonment.~~

~~Section 17 of this bill repeals provisions governing the jurisdiction of courts over certain actions relating to commercial premises and the applicability of certain judicial doctrines in such actions.~~

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

Section 1. ~~{Chapter 118C of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.}~~ **(Deleted by amendment.)**

Sec. 2. ~~{“Security deposit” means any advance of money, other than a deposit for a rental application or a payment in advance of rent, that is intended primarily to secure performance under a lease of commercial premises.}~~ **(Deleted by amendment.)**

Sec. 3. ~~{1. A landlord shall refund a security deposit to a tenant not later than 60 days after the date on which the tenant surrenders the commercial premises and provides notice to the landlord or the landlord's agent of the mailing address of the tenant pursuant to section 7 of this act.
2. A claim of a tenant to a security deposit to which the tenant is entitled takes priority over the claim of any creditor of the landlord, including a trustee in bankruptcy.}~~ **(Deleted by amendment.)**

Sec. 4. ~~{1. Before returning a security deposit, a landlord may deduct from the deposit damages and charges for which the tenant is legally liable under the lease or damages and charges that result from a breach of the lease.~~

~~2. A landlord may not retain any portion of a security deposit to cover normal wear and tear. For the purposes of this subsection, "normal wear and tear" means deterioration that results from the intended use of the commercial premises, including, without limitation, breakage or malfunction because of age or deteriorated condition, but the term does not include deterioration that results from negligence, carelessness, accident or abuse of the commercial premises, equipment, or chattels by the tenant or by a guest or invitee of the tenant.~~

~~3. If a landlord retains all or part of a security deposit under this section, the landlord shall give to the tenant the balance of the security deposit, if any, together with a written description and itemized list of all deductions. The landlord is not required to give the tenant a description and itemized list of deductions if:~~

~~(a) The tenant owes rent when the tenant surrenders possession of the commercial premises; and~~

~~(b) No controversy exists concerning the amount of rent owed.} (Deleted by amendment.)~~

Sec. 5. ~~{1. Except as otherwise provided in subsection 4, if an owner's interest in commercial premises is terminated by sale, assignment, death, appointment of a receiver, bankruptcy or otherwise, the new owner is liable with respect to the security deposit pursuant to this chapter from the date title to the premises is acquired, regardless of whether an acknowledgment is given to the tenant under subsection 2.~~

~~2. Except as otherwise provided in subsection 1, a person who no longer owns an interest in the commercial premises remains liable for a security deposit received while the person was the owner until the new owner delivers to the tenant a signed statement acknowledging that the new owner has received and is responsible for the tenant's security deposit and specifying the exact dollar amount of the deposit.~~

~~3. The amount of a security deposit for which a new owner is liable pursuant to this section is the greater of:~~

~~(a) The amount provided in the tenant's lease; or~~

~~(b) The amount provided in an estoppel certificate prepared by the owner at the time the lease was executed or prepared by the new owner at the time the commercial premises is transferred.~~

~~4. Subsection 1 does not apply to a person who acquires title to the premises by foreclosure.} (Deleted by amendment.)~~

Sec. 6. ~~{A landlord shall keep accurate records of all security deposits.} (Deleted by amendment.)~~

Sec. 7. ~~{1. A landlord is not obligated to return a security deposit to a tenant or give the tenant a written description of damages and charges until~~

~~the tenant provides to the landlord in writing a mailing address to which the security deposit or written description is to be sent.~~

~~—2.— A tenant does not forfeit the right to a refund of a security deposit or the right to receive a description of damages and charges for failing to give a mailing address to the landlord.} (Deleted by amendment.)~~

Sec. 8. ~~{1.— A tenant may not withhold payment of any portion of the last month's rent on grounds that a security deposit is security for unpaid rent.~~

~~—2.— A tenant who violates this section is presumed to have acted in bad faith. A tenant who in bad faith violates this section is liable to the landlord for an amount equal to three times the rent wrongfully withheld and the landlord's reasonable attorney's fees in an action to recover the rent.} (Deleted by amendment.)~~

Sec. 9. ~~{1.— A landlord who in bad faith retains a security deposit in violation of this chapter is liable for an amount equal to the sum of \$100, three times the portion of the deposit wrongfully withheld, and the tenant's reasonable attorney's fees incurred in an action to recover the deposit after the period prescribed for returning the deposit expires.~~

~~—2.— A landlord who in bad faith does not provide a written description and itemized list of damages and charges in violation of this chapter:~~

~~—(a) Forfeits the right to withhold any portion of the security deposit or to bring suit against the tenant for damages to the commercial premises; and~~

~~—(b) Is liable for the tenant's reasonable attorney's fees in an action to recover the deposit.~~

~~—3.— In an action brought by a tenant under this chapter, the landlord has the burden of proving that the retention of any portion of a security deposit was reasonable.~~

~~—4.— Except as otherwise provided in subsection 1 of section 7 of this act, a landlord who fails to return a security deposit or to provide a written description and itemized list of deductions within 60 days after the date the tenant surrenders possession of the commercial premises is presumed to have acted in bad faith.} (Deleted by amendment.)~~

Sec. 10. ~~{1.— A landlord may not assess a charge, excluding a charge for rent or physical damage to the commercial premises, to a tenant unless the amount of the charge or the method by which the charge is to be computed is stated in the lease, an exhibit or attachment that is part of the lease or an amendment to the lease.~~

~~—2.— This section does not affect the right of a landlord to assess a charge or obtain a remedy allowed under a statute or common law.} (Deleted by amendment.)~~

Sec. 11. ~~{NRS 118C.010 is hereby amended to read as follows:~~

~~—118C.010— As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 118C.020 to 118C.110, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.} (Deleted by amendment.)~~

Sec. 12. ~~[NRS 118C.020 is hereby amended to read as follows:~~

~~118C.020 “Abandoned personal property” means any personal property which is left unattended on commercial premises after the termination of the tenancy and which is not removed by the tenant or a person who has [an ownership] a perfected lien on, or perfected security interest in, the personal property within 14 days after the later of the date on which the landlord [mailed,]~~

~~1. Mailed, by certified mail, return receipt requested, notice of the landlord’s intention to dispose of the personal property, as required by subparagraph (1) of paragraph (a) of subsection 1 of NRS 118C.230 [,]; or~~

~~2. Provided notice to a person who has a perfected lien on, or a perfected security interest in, the personal property that the personal property has been left on the commercial premises, as required by subparagraph (2) of paragraph (a) of subsection 1 of NRS 118C.230.] (Deleted by amendment.)~~

Sec. 13. NRS 118C.200 is hereby amended to read as follows:

118C.200 1. A landlord or a landlord’s agent may not interrupt or cause the interruption of utility service paid for directly to the utility company by a tenant unless the interruption results from construction, bona fide repairs or an emergency.

2. A landlord may not remove:

(a) A door, window or attic hatchway cover;

(b) A lock, latch, hinge, hinge pin, doorknob or other mechanism connected to a door, window or attic hatchway cover; or

(c) Furniture, fixtures or appliances furnished by the landlord,

↪ from commercial premises unless the landlord removes the item for a bona fide repair or replacement. If a landlord removes any of the items listed in this subsection for a bona fide repair or replacement, the repair or replacement must be promptly performed.

3. A landlord may not intentionally prevent a tenant from entering the commercial premises except by judicial process unless the exclusion results from:

(a) Construction, bona fide repairs or an emergency;

(b) Removing the contents of commercial premises abandoned by a tenant;

or

(c) Changing the door locks of a tenant who is delinquent in paying at least part of the rent ~~[,]~~ if landlord has provided the tenant with written notice of the delinquency and of the landlord’s intent to change the door locks by certified mail, return receipt requested, at least 3 days before changing the door locks.

4. If a landlord or a landlord’s agent changes the door lock of commercial premises leased to a tenant who is delinquent in paying rent, the landlord or agent must ~~[, for a period of not less than 5 business days,]~~ place a written notice on the front door of the commercial premises stating the name and the address or telephone number of the person or company from which the new key may be obtained. The new key is required to be provided only during the

regular business hours of the tenant and only if the tenant pays the delinquent rent.

5. If a landlord or a landlord's agent violates this section, the tenant may:

(a) Recover possession of the commercial premises ~~[-];~~ **or terminate the lease;** and

(b) Recover from the landlord an amount equal to the sum of the tenant's actual damages, 1 month's rent or \$500, whichever is greater, reasonable attorney's fees and court costs, less any delinquent rents or other sums for which the tenant is liable to the landlord.

6. A ~~rental agreement~~ **lease** supersedes this section to the extent of any conflict.

Sec. 14. ~~[NRS 118C.210 is hereby amended to read as follows:~~

~~118C.210 1. If a landlord locks a tenant out of leased commercial premises [that are subject to a rental agreement] in violation of NRS 118C.200, the tenant may recover possession of the commercial premises as provided by this section.~~

~~2. A tenant must file with the justice court of the township in which the commercial premises are located or with the district court of the county in which the commercial premises are located, whichever has jurisdiction over the matter, a verified complaint for reentry, specifying the facts of the alleged unlawful lockout by the landlord or the landlord's agent. The tenant must also state orally under oath to the court the facts of the alleged unlawful lockout.~~

~~3. If a tenant has complied with subsection 2 and if the court reasonably believes an unlawful lockout may have occurred, the court [-]~~

~~(a) Shall issue an order requiring the tenant to post a bond in an amount equal to 1 month of rent; and~~

~~(b) Upon the posting of the bond,] may issue, ex parte, a temporary writ of restitution that entitles the tenant to immediate and temporary possession of the commercial premises, pending a final hearing on the tenant's verified complaint for reentry.~~

~~4. A temporary writ of restitution must be served on the landlord or the landlord's agent in the same manner as a writ of restitution in a forcible detainer action. A sheriff or constable may use reasonable force in executing a temporary writ of restitution under this subsection.~~

~~5. [The court shall hold] A landlord is entitled to a hearing on a tenant's verified complaint for reentry. A temporary writ of restitution must notify the landlord of the [pendency of the matter and the date of the] right to a hearing. The hearing must be held not earlier than the first [judicial] day and not later than the [fifth judicial] seventh day after the date [on which the court issues] the landlord requests a hearing.~~

~~6. If a landlord fails to request a hearing on a tenant's verified complaint for reentry before the eighth day after the date of service of the temporary writ of restitution [-]~~

~~6.] on the landlord under subsection 4, a judgment for court costs may be rendered against the landlord.~~

~~7. A party may appeal from the court's judgment at the hearing on the verified complaint for reentry in the same manner as a party may appeal a judgment in an action for forcible detainer.~~

~~[7.] 8. If a writ of restitution is issued, the writ supersedes a temporary writ of restitution.~~

~~[8.] 9. If the landlord or the person on whom a writ of restitution is served fails to immediately comply with the writ or later disobeys the writ, the failure is grounds for contempt of court against the landlord or the person on whom the writ was served, under chapter 22 of NRS.~~

~~[9.] If the writ is disobeyed, the tenant or the tenant's attorney may file in the court in which the reentry action is pending an affidavit stating the name of the person who has disobeyed the writ and describing the acts or omissions constituting the disobedience. On receipt of an affidavit, the court shall issue an order to show cause, directing the person to appear on a designated date and show cause why the person should not be adjudged in contempt of court. If the court finds, after considering the evidence at the hearing, that the person has directly or indirectly disobeyed the writ, the court may commit the person to jail without bail until the person purges himself or herself of the contempt in a manner and form as the court may direct. If the person disobeyed the writ before receiving the order to show cause but has complied with the writ after receiving the order, the court may find the person in contempt and punish the person under chapter 22 of NRS.~~

~~10. This section does not affect a tenant's right to pursue a separate cause of action under NRS 118C.200.~~

~~[10.] 11. If a tenant in bad faith files a sworn complaint for reentry resulting in a writ of restitution being served on the landlord or landlord's agent, the landlord may in a separate cause of action recover from the tenant an amount equal to actual damages, 1 month's rent or \$500, whichever is greater, reasonable attorney's fees, and costs of court, less any sums for which the landlord is liable to the tenant.~~

~~[11.] 12. The fee for filing a verified complaint for reentry is the same as that for filing a civil action in the court in which the verified complaint is filed. The court may defer payment of the tenant's filing fees and service costs for the verified complaint for reentry and writ of restitution. Court costs may be waived only if the tenant files an affidavit under NRS 12.015.~~

~~13. This section does not affect the rights of a landlord or tenant in a forcible detainer, unlawful detainer or forcible entry and detainer action.]~~

(Deleted by amendment.)

Sec. 15. ~~[NRS 118C.230 is hereby amended to read as follows:~~

~~118C.230 1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a [rental] lease agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:~~

~~—(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the conditions set forth in subparagraphs (1) and (2) are satisfied:~~

~~—(1) The landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.~~

~~—(2) The landlord has taken reasonable steps to:~~

~~—(I) Determine whether the tenant has subjected the abandoned personal property to a perfected lien or security interest; and~~

~~—(II) If the landlord determines that the tenant has subjected the abandoned personal property to a perfected lien or security interest, notify the holder of the perfected lien or the security interest that the abandoned personal property has been left on the commercial premises.~~

~~→ The landlord shall be deemed to have taken the reasonable steps required by subparagraph (2) if the landlord has reviewed the results of a current search of the records in which a financing statement must be filed in order to perfect a lien or security interest pursuant to chapter 104 of NRS for a financing statement naming the tenant as the debtor of a debt secured by the abandoned personal property and, if such a financing statement is found, mailed to any secured party named on the financing statement at the address indicated on the financing statement, by certified mail, return receipt requested, a written notice stating that the abandoned personal property has been left on the premises.~~

~~—(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).~~

~~—(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.~~

~~—2. A tenant of commercial premises is presumed to have abandoned the premises if:~~

~~—(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and~~

~~—(b) The removal is not within the normal course of business of the tenant.~~

~~—3. If a written agreement between a landlord and a [person] secured party who has [an ownership] a perfected lien on, or a perfected security interest in, any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the~~

landlord and the ~~[person]~~ **secured party** with respect to the removal and disposal of the abandoned personal property.

~~4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of NRS 40.253.~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 40.430 is hereby amended to read as follows:~~

~~40.430 1. Except in cases where a person proceeds under subsection 2 of NRS 40.495 or subsection 1 of NRS 40.512, [and except as otherwise provided in NRS 118C.220,] there may be but one action for the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate. That action must be in accordance with the provisions of NRS 40.430 to 40.459, inclusive. In that action, the judgment must be rendered for the amount found due the plaintiff, and the court, by its decree or judgment, may direct a sale of the encumbered property, or such part thereof as is necessary, and apply the proceeds of the sale as provided in NRS 40.462.~~

~~2. This section must be construed to permit a secured creditor to realize upon the collateral for a debt or other obligation agreed upon by the debtor and creditor when the debt or other obligation was incurred.~~

~~3. At any time not later than 5 business days before the date of sale directed by the court, if the deficiency resulting in the action for the recovery of the debt has arisen by failure to make a payment required by the mortgage or other lien, the deficiency may be made good by payment of the deficient sum and by payment of any costs, fees and expenses incident to making the deficiency good. If a deficiency is made good pursuant to this subsection, the sale may not occur.~~

~~4. A sale directed by the court pursuant to subsection 1 must be conducted in the same manner as the sale of real property upon execution, by the sheriff of the county in which the encumbered land is situated, and if the encumbered land is situated in two or more counties, the court shall direct the sheriff of one of the counties to conduct the sale with like proceedings and effect as if the whole of the encumbered land were situated in that county.~~

~~5. Within 30 days after a sale of property is conducted pursuant to this section, the sheriff who conducted the sale shall record the sale of the property in the office of the county recorder of the county in which the property is located.~~

~~6. As used in this section, an "action" does not include any act or proceeding:~~

~~(a) To appoint a receiver for, or obtain possession of, any real or personal collateral for the debt or as provided in NRS 32.015.~~

~~(b) To enforce a security interest in, or the assignment of, any rents, issues, profits or other income of any real or personal property.~~

~~(c) To enforce a mortgage or other lien upon any real or personal collateral located outside of the State which does not, except as required under the laws of that jurisdiction, result in a personal judgment against the debtor.~~

- ~~—(d) For the recovery of damages arising from the commission of a tort, including a recovery under NRS 40.750, or the recovery of any declaratory or equitable relief.~~
- ~~—(e) For the exercise of a power of sale pursuant to NRS 107.080.~~
- ~~—(f) For the exercise of any right or remedy authorized by chapter 104 of NRS or by the Uniform Commercial Code as enacted in any other state.~~
- ~~—(g) For the exercise of any right to set off, or to enforce a pledge in, a deposit account pursuant to a written agreement or pledge.~~
- ~~—(h) To draw under a letter of credit.~~
- ~~—(i) To enforce an agreement with a surety or guarantor if enforcement of the mortgage or other lien has been automatically stayed pursuant to 11 U.S.C. § 362 or pursuant to an order of a federal bankruptcy court under any other provision of the United States Bankruptcy Code for not less than 120 days following the mailing of notice to the surety or guarantor pursuant to subsection 1 of NRS 107.095.~~
- ~~—(j) To collect any debt, or enforce any right, secured by a mortgage or other lien on real property if the property has been sold to a person other than the creditor to satisfy, in whole or in part, a debt or other right secured by a senior mortgage or other senior lien on the property.~~
- ~~—(k) Relating to any proceeding in bankruptcy, including the filing of a proof of claim, seeking relief from an automatic stay and any other action to determine the amount or validity of a debt.~~
- ~~—(l) For filing a claim pursuant to chapter 147 of NRS or to enforce such a claim which has been disallowed.~~
- ~~—(m) Which does not include the collection of the debt or realization of the collateral securing the debt.~~
- ~~—(n) Pursuant to NRS 40.507 or 40.508.~~
- ~~—(o) Pursuant to an agreement entered into pursuant to NRS 361.7311 between an owner of the property and the assignee of a tax lien against the property, or an action which is authorized by NRS 361.733.~~
- ~~—(p) Which is exempted from the provisions of this section by specific statute.~~
- ~~—(q) To recover costs of suit, costs and expenses of sale, attorneys' fees and other incidental relief in connection with any action authorized by this subsection.~~ **(Deleted by amendment.)**

Sec. 17. ~~[NRS 118C.040 and 118C.220 are hereby repealed.]~~ **(Deleted by amendment.)**

‡

~~TEXT OF REPEALED SECTION~~

- ~~—118C.040 “Commercial premises” defined. “Commercial premises” means any real property other than premises as defined in NRS 118A.140.~~
- ~~—118C.220 Jurisdiction of courts; applicability of judicial doctrines.~~
- ~~—1. Except as otherwise provided in subsection 2, the justice court has jurisdiction over any civil action or proceeding concerning the exclusion of a~~

~~tenant from commercial premises or the summary eviction of a tenant from commercial premises in which no party is seeking damages.~~

~~2. If a landlord combines an action for summary eviction of a tenant from commercial premises with a claim to recover contractual damages, jurisdiction over the claims rests with the court which has jurisdiction over the amount in controversy.~~

~~3. The provisions of NRS 40.430 and the doctrines of res judicata and collateral estoppel do not apply to:~~

~~(a) A claim by a landlord for contractual damages which is brought subsequent to an action by the landlord for the summary eviction of a tenant from commercial premises; or~~

~~(b) An action by a landlord for the summary eviction of a tenant from commercial premises which is brought subsequent to a claim by the landlord for contractual damages.~~

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment deletes all sections of the bill except for section 13. Section 13 is amended by adding the requirement that the landlord must provide the tenant with written notice of delinquency and intent to change door locks by certified mail, return receipt requested, at least three days prior to changing of the locks.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 462.

Bill read second time.

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

Amendment No. 519.

AN ACT relating to elections; revising the definitions of certain terms relating to elections; increasing the maximum number of registered voters that may be included in an election precinct; providing that election board officers are appointed for polling places; eliminating the requirements for county clerks to publish the full text of a statewide measure or county referendum three times; revising the requirements for certain information on ballots; revising requirements related to voter signatures at polling places; revising requirements relating to the publication of names of registered voters at polling places; revising certain information required for documents prepared during early voting; authorizing ~~for a county or city clerk to distribute a~~ **election officials to establish a system for registered voters to elect to receive sample ~~ballot~~ ballots** by electronic means; **allowing registered voters who participate in such systems to elect to have their electronic mail addresses withheld from the public**; making various other changes relating to elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines rosters, sample ballots and tally lists that are used in elections. (NRS 293.095, 293.097, 293.113) **Sections 2-4** of this bill clarify that such items may be electronic.

The terms "election board register" and "roster" are defined terms that are used interchangeably throughout the provisions of law relating to elections. (NRS 293.040, 293.053, 293.095, 293.250, 293.273, 293.275, 293.277, 293.283, 293.285, 293.287, 293.303, 293.3082, 293.333, 293.3585, 293.3604, 293.363, 293.373, 293.391, 293.510, 293.511, 293.524, 293.525, 293.533, 293.541, 293.547, 293.548, 293.563, 293C.267, 293C.270, 293C.272, 293C.275, 293C.277, 293C.292, 293C.332, 293C.3585, 293C.3604, 293C.362, 293C.375, 293C.525, 293C.535) **Section 75** of this bill repeals the term "election board register," and **sections 13-16, 18, 29, 31-39, 46-48, 50, 61, 62 and 64** of this bill replace the term "election board register" with "roster."

Existing law requires an election precinct to have a maximum of 1,500 registered voters. (NRS 293.207) **Section 6** of this bill increases the maximum number to 3,000 registered voters.

Existing law provides that the county clerk of each county shall appoint election board officers for the various precincts and districts in the county. (NRS 293.217, 293C.220) **Section 7** of this bill clarifies that election board officers are appointed for the polling places in the county. **Sections 1, 8, 9, 12, 13, 19-23, 27, 30, 39, 43-45, 51-55, 59 and 66** of this bill make corresponding changes.

Existing law requires a county clerk to publish a copy of the full text of any proposed constitution, constitutional amendment, statewide measure, including a state referendum, and county referendum along with its condensation, explanation, arguments, rebuttals and fiscal note three times in a newspaper of general circulation in the county. (NRS 293.253, 295.045, 295.160) **Sections 10, 67 and 68** of this bill eliminate the requirements to publish the full text of a statewide measure three times, including a statewide referendum, and a county referendum.

Existing law provides for the ballots for a general election to include the name of an independent candidate for a partisan office followed by the word "independent" or the abbreviation "IND." (NRS 293.267) **Section 11** of this bill provides for the use of the words "no political party" or the abbreviation "NPP" to follow the name of an independent candidate instead.

Existing law requires an election board officer in charge of the roster to announce the name of a voter applying to vote and take the voter's signature to verify that it matches the signature or facsimile thereof in the original application. (NRS 293.285, 293.3585, 293C.275, 293C.3585) **Section 15, 24, 47 and 57** of this bill provide that if the voter's signature does not match, the voter must provide certain proof of identification and update his or her signature.

Existing law requires an alphabetical listing of all registered voters for each precinct to be posted in a public area of each polling place in a county and city and for an election board officer to identify at certain times the names of each voter who has voted. (NRS 293.301, 293C.290) **Sections 17 and 49** of this bill authorize the county or city clerk of each county or city to: (1) require an election board officer to post the alphabetical listing at each precinct; or (2) publish on the Internet website of the county or city clerk, as applicable, the alphabetical listing of all registered voters for each precinct in the county or city, respectively. Regardless of which option is selected by the county or city clerk, **sections 17 and 49** require the alphabetical listings to be updated during the election.

Existing law provides that a voter's precinct or voting district number must be included in certain documents used during early voting. (NRS 293.3585, 293.3604, 293C.3585, 293C.3604) **Sections 24-26 and 56-58** of this bill clarify that during early voting, the precinct or voting district number must be included on the roster and the voting receipt if that information is available. The statements prepared by the election board and the ballots do not require the precinct or voting district number and are not required to be sorted by precinct or voting district at the close of early voting.

Existing law requires each county and city clerk to mail a sample ballot to each registered voter in the applicable county or city. (NRS 293.565, 293C.530) **Sections 40 and 63** of this bill ~~provide that~~ **authorize** each county and city clerk ~~may provide an option for~~ **to establish a system to distribute a sample ballot by electronic means to each** registered ~~voters to elect~~ **voter who elects** to receive sample ballots ~~by electronic means. If the county or city clerk provides such an option, a registered voter may elect to receive sample ballots by electronic means.~~ **in that manner. Such a system must be approved by the Secretary of State and may include, without limitation, electronic mail or electronic access through an Internet website.** **Sections 3, 41, 63 and 69-74** of this bill make conforming changes.

Existing law provides that a registered voter may submit a written request to the county clerk to have his or her address and telephone number withheld from the public. (NRS 293.558) Section 38.5 of this bill allows a registered voter who participates in a system to distribute sample ballots by electronic means to elect to have his or her electronic mail address withheld from the public. Sections 17, 29.5, 41 and 49 make conforming changes.

Existing law provides for the chair and at least one other member of the election board to deliver the ballots and election materials to a receiving center or central counting place. (NRS 293B.335, 293C.635) **Sections 42 and 65** of this bill revise this provision to require at least two board members to deliver the ballots and election materials.

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

Section 1. NRS 293.040 is hereby amended to read as follows:

293.040 "Clerk" means the election board officer designated or assigned to make the record of the election in the roster, tally list and challenge list in the precinct, ~~for~~ district **or polling place** in which such officer is appointed.

Sec. 2. NRS 293.095 is hereby amended to read as follows:

293.095 "Roster" means the **record in printed or electronic** form ~~for file~~ furnished to election board officers **which contains a list of eligible voters and is** to be used for obtaining the signature of each person applying for a ballot. ~~{The term includes a paper form and an electronic file that may be signed electronically.}~~

Sec. 3. NRS 293.097 is hereby amended to read as follows:

293.097 **1.** "Sample ballot" means a document distributed by a county or city clerk upon which is ~~printed~~ **included** a list of the offices, candidates and ballot questions that will appear on a ballot.

2. The term includes **, without limitation,** any such document which is ~~printed~~ **prepared by on** a computer ~~{}~~ **and distributed by mail or by electronic means pursuant to NRS 293.565 or 293C.530.**

Sec. 4. NRS 293.113 is hereby amended to read as follows:

293.113 "Tally list" means ~~the~~ :

1. The paper form furnished to election board officers to be used in recording the number of votes cast for each candidate and question on the ballot ~~{}~~ ; **or**

2. An electronically generated report of the number of votes cast for each candidate and question on the ballot.

Sec. 5. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates from the Secretary of State, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The names of the candidates.
5. A list of the offices to which the candidates seek nomination or election.

↪ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution ~~{}~~ **or** constitutional amendment ~~for statewide measure~~ pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 6. NRS 293.207 is hereby amended to read as follows:

293.207 **1.** Election precincts must be established on the basis of the number of registered voters therein, with a maximum of ~~{1,500}~~ **3,000**

registered voters who are not designated inactive pursuant to NRS 293.530 per precinct in those precincts in which a mechanical voting system is used.

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

Sec. 7. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various ***polling places*** ~~(and precincts and districts)~~ in the county as provided in NRS 293.220 to 293.243, inclusive, and 293.384. The registered voters appointed as election board officers for any ***polling place*** ~~for precinct or district~~ must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the absent ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the absent ballot central counting board. The deputized officer shall receive no additional compensation for services rendered as a deputy sheriff during the election for which the officer is deputized.

➤ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 8. NRS 293.2175 is hereby amended to read as follows:

293.2175 1. The county clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the county in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The county clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The county clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the pupil's assigned school counselor receives the county clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the county clerk may assign a trainee such duties as the county clerk deems appropriate. The county clerk shall not:

(a) Require the trainee to perform those duties later than 10 p.m. or any applicable curfew, whichever is earlier; or

(b) Assign more than one trainee to serve as an election board officer in any one ~~precinct~~ **polling place**.

4. The county clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 9. NRS 293.227 is hereby amended to read as follows:

293.227 1. Each election board must have one member designated as the chair by the county or city clerk. The election boards shall make the records of election required by this chapter.

2. The appointment of a trainee as set forth in NRS 293.2175 and 293C.222 may be used to determine the number of members on the election board, but under no circumstances may:

(a) The election board of any ~~precinct~~ **polling place** include more than one trainee; or

(b) A trainee serve as chair of the election board.

3. The county or city clerk shall conduct or cause to be conducted a school to acquaint the members of an election board with the election laws, duties of election boards, regulations of the Secretary of State and with the procedure for making the records of election and using the register for election boards.

4. The board of county commissioners of any county or the city council of any city may reimburse the members of an election board who attend the school for their travel expenses at a rate not exceeding 10 cents per mile.

Sec. 10. NRS 293.253 is hereby amended to read as follows:

293.253 1. The Secretary of State shall provide each county clerk with copies of any proposed constitution, constitutional amendment or statewide measure which will appear on the general election ballot, together with the

copies of the condensations, explanations, arguments, rebuttals and fiscal notes prepared pursuant to NRS 218D.810, 293.250 and 293.252.

2. Whenever feasible, the Secretary of State shall provide those copies on or before the first Monday in August of the year in which the proposals will appear on the ballot. Copies of any additional proposals must be provided as soon after their filing as feasible.

3. Each county clerk shall cause a copy of the full text of any such constitution ~~or~~ **or** amendment ~~for measure~~ and its condensation, explanation, arguments, rebuttals and fiscal note to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general circulation in the county three times at intervals of not less than 7 days, the first publication to be on or before the first Monday in October. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.

4. If a copy **of any such constitution or amendment** is furnished by the Secretary of State too late to be published at 7-day intervals, it must be published three times at the longest intervals feasible in each county.

5. ***Each county clerk shall cause a copy of the condensation of any statewide measure and its explanation, arguments, rebuttals and fiscal note to be published on or before the first Monday in October in a newspaper of general circulation in the county. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.***

6. The portion of the cost of publication which is attributable to publishing the questions, explanations, arguments, rebuttals and fiscal notes of proposed constitutions, constitutional amendments or statewide measures is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 11. NRS 293.267 is hereby amended to read as follows:

293.267 1. Ballots for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.

2. Except as otherwise provided in NRS 293.2565, names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

3. Except as otherwise provided in subsection 4:

(a) Immediately following the name of each candidate for a partisan office must appear the name or abbreviation of his or her political party, the ~~word~~ **words “no political party”** or the abbreviation ~~“IND.”~~ **“NPP,”** as the case may be.

(b) Immediately following the name of each candidate for a nonpartisan office must appear the word “nonpartisan” or the abbreviation “NP.”

4. Where a system of voting other than by paper ballot is used, the Secretary of State may provide for any placement of the name or abbreviation

of the political party, the ~~word “independent”~~ **words “no political party”** or “nonpartisan” or the abbreviation ~~“IND”~~ **“NPP”** or “NP,” as appropriate, which clearly relates the designation to the name of the candidate to whom it applies.

5. If the Legislature rejects a statewide measure proposed by initiative and proposes a different measure on the same subject which the Governor approves, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:

The following questions are alternative approaches to the same issue, and only one approach may be enacted into law. Please vote for only one.

Sec. 12. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the ~~precinct or district,~~ **polling place**, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed.

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.

Sec. 13. NRS 293.275 is hereby amended to read as follows:

293.275 No election board may perform its duty in serving registered voters at any ~~precinct or district,~~ polling place in any election provided for in this title, unless it has before it the ~~election board register,~~ **roster** for ~~its precinct or district,~~ **the polling place.**

Sec. 14. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.541, if a person's name appears in the ~~election board register,~~ **roster** or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the ~~election board register,~~ **roster** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's original application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote;

- (b) A driver's license;
- (c) An identification card issued by the Department of Motor Vehicles;
- (d) A military identification card; or
- (e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

Sec. 15. NRS 293.285 is hereby amended to read as follows:

293.285 A registered voter applying to vote shall state his or her name to the election board officer in charge of the ~~{election board register,}~~ **roster**, and the officer shall immediately announce the name ~~{and take the registered voter's signature,}~~ **, instruct the voter to sign the roster and verify the signature of the voter. If the signature does not match, the voter must:**

1. **Provide proof of identification as described in NRS 293.277; and**
2. **Update his or her signature on a form prescribed by the Secretary of State.**

Sec. 16. NRS 293.287 is hereby amended to read as follows:

293.287 1. A registered voter applying to vote at any primary election shall give his or her name and political affiliation, if any, to the election board officer in charge of the ~~{election board register,}~~ **roster**, and the officer shall immediately announce the name and political affiliation.

2. Any person's right to vote may be challenged by any registered voter upon:

- (a) Any of the grounds allowed for a challenge in NRS 293.303;
- (b) The ground that the person applying does not belong to the political party designated upon the ~~{register,}~~ **roster**; or
- (c) The ground that the ~~{register,}~~ **roster** does not show that the person designated the political party to which he or she claims to belong.

3. Any such challenge must be disposed of in the manner provided by NRS 293.303.

4. A registered voter who has designated on his or her application to register to vote an affiliation with a minor political party may vote a nonpartisan ballot at the primary election.

Sec. 17. NRS 293.301 is hereby amended to read as follows:

293.301 1. The county clerk of each county shall ~~{require}~~ **:**

(a) Require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the county ~~{;}~~ **; or**

(b) Publish on the Internet website of the county clerk an alphabetical listing of all registered voters for each precinct in the county.

2. Except as otherwise provided in NRS 293.5002 and 293.558, the alphabetical listing **required pursuant to subsection 1** must include the name, ~~{address}~~ **precinct** and political affiliation of each voter ~~{Not less than four times during the hours in which the polling place is open, and}~~ **and the electronic mail address of the voter if provided by the voter pursuant to NRS 293.565 or 293C.530.**

3. **If the county clerk:**

(a) Requires an alphabetical listing to be posted in each polling place pursuant to paragraph (a) of subsection 1:

(1) An election board officer at the polling place shall, not less than four times during the hours in which the polling place is open, identify the name of each voter that voted ~~{since the last identification.~~
~~—2.1~~ **at the polling place; and**

(2) Each page of the alphabetical listing that is posted in a polling place must contain a notice which reads substantially as follows:

It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to ~~{subsection 1 of}~~ NRS 293.301.

~~{3.1}~~ **(b) Publishes an alphabetical listing pursuant to paragraph (b) of subsection 1, the county clerk shall, not less than four times during the hours in which polling places in the county are open, identify on the Internet website of the county clerk the name of every voter who has voted at each polling place.**

4. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name, address, electronic mail address or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.

Sec. 18. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election. A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not belong to the political party designated upon the ~~{register,}~~ **roster**, “I swear or affirm under penalty of perjury that I belong to the political party designated upon the ~~{register,}~~ **roster**”;

(b) If the challenge is on the ground that the ~~{register,}~~ **roster** does not show that the challenged person designated the political party to which he or she claims to belong, “I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong”;

(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the ~~{election board}~~

~~register,] roster,~~ “I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the ~~{election board register;} roster”;~~

(d) If the challenge is on the ground that the challenged person previously voted a ballot for the election, “I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election”; or

(e) If the challenge is on the ground that the challenged person is not the person he or she claims to be, “I swear or affirm under penalty of perjury that I am the person whose name is in this ~~{election board register;} roster.”~~

➡ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, he or she must not be issued a ballot, and the officer in charge of the ~~{election board register;} roster~~ shall write the words “Challenged” opposite his or her name in the ~~{election board register;} roster.~~

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue the person a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue the person a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification which contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver’s license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of that person, such as a driver’s license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 19. NRS 293.310 is hereby amended to read as follows:

293.310 1. Except as otherwise provided in NRS 293.330 and chapter 293D of NRS, a registered voter who requests and receives an absent voter's ballot may vote only by absent ballot at the election for which the absent ballot was issued.

2. If a registered voter has requested an absent ballot and the ballot has been mailed or issued, the county clerk shall notify the ~~precinct or district~~ **appropriate** election board that the registered voter has requested an absent ballot.

Sec. 20. NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in subsection 2 and NRS 293D.200, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the ~~precinct or district~~ **appropriate** election board.

2. Except as otherwise provided in NRS 293D.200, if an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast a ballot, the county clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.

Sec. 21. NRS 293.333 is hereby amended to read as follows:

293.333 Except as otherwise provided in NRS 293D.200, on the day of an election, the ~~precinct or district~~ election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope or facsimile, must be called and checked as if the voter were voting in person;
2. The signature on the back of the return envelope or on the facsimile must be compared with that on the original application to register to vote;
3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and
4. The election board officers shall mark in the roster opposite the name of the voter the word "Voted."

Sec. 22. NRS 293.335 is hereby amended to read as follows:

293.335 When all absent ballots delivered to ~~precinct or district~~ **the** election boards have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes containing rejected ballots must be returned to the county clerk. On all envelopes containing rejected ballots the cause of rejection must be noted and the envelope signed by a majority of the election board officers.

Sec. 23. NRS 293.3576 is hereby amended to read as follows:

293.3576 1. The county clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:

- (a) The location of each permanent and temporary polling place for early voting . ~~[and the election precincts served by each location.]~~
- (b) The dates and hours that early voting will be conducted at each location.

2. The county clerk shall post a copy of the schedule on the bulletin board used for posting notice of meetings of the board of county commissioners. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The county clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

Sec. 24. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Upon the appearance of a person to cast a ballot for early voting, ~~[the deputy clerk for early voting]~~ **an election board officer** shall:

- (a) Determine that the person is a registered voter in the county . ~~[.]~~
- (b) Instruct the voter to sign the roster for early voting . ~~[.] and [.]~~

(c) Verify the signature of the voter against that contained on the original application to register to vote or a facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification. ***If the signature of the voter does not match, the voter must:***

(1) Provide proof of identification as described in NRS 293.277; and

(2) Update his or her signature on a form prescribed by the Secretary of State.

(d) Verify that the voter has not voted in this election.

2. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number ~~{}}, if that information is available;~~ and

(c) The date of voting early in person.

4. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the ~~{deputy clerk for early voting,}~~ ***election board officer,*** the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

5. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the ~~{deputy clerk for early voting,}~~ ***election board officer*** shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, ***, if that information is available,*** and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

6. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 25. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) ~~{The number of the precinct or voting district;~~

~~—(3)}~~ The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

~~{(4)}~~ **(3)** The number of ballots voted on the mechanical recording device for that day; and

~~[(5)]~~ (4) The number of signatures in the roster for early voting for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

(d) Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) ~~Sort the items by precinct or voting district;~~

~~(b) Count the number of ballots voted by precinct or voting district;~~

~~(c) Account for all~~ **Indicate the number of** ballots on an official statement of ballots; and

~~[(d)]~~ (b) Place the ~~items~~ **storage devices** in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the ~~items~~ **storage devices** to the central counting place.

Sec. 26. NRS 293.3608 is hereby amended to read as follows:

293.3608 On election day the county clerk shall:

1. Ensure that each mechanical recording device used during the period for early voting provides a record of the total number of votes recorded on the device for each candidate and for or against each measure; and

2. Deliver to the central counting place:

(a) ~~The items sorted and counted—storage devices required pursuant to subsection 3 of NRS 293.3604;~~

~~(b)]~~ The records provided pursuant to subsection 1; and

~~[(c)]~~ (b) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting.

Sec. 27. NRS 293.365 is hereby amended to read as follows:

293.365 No counting board in any precinct, ~~for~~ district **or polling place** in which paper ballots are used may commence to count the votes until all ballots used or unused are accounted for.

Sec. 28. NRS 293.370 is hereby amended to read as follows:

293.370 ~~[(1)]~~ When all the votes have been counted, the counting board officers shall ~~enter on the~~ **produce a** tally ~~lists~~ **list organized by precinct and ballot type indicating** ~~the name of each candidate~~ the number of votes ~~the~~ **that each** candidate received. The ~~vote~~ **votes** for and against any question submitted to the electors must be entered in the same manner.

~~{2. The tally lists must show the number of votes, other than absentee votes and votes in a mailing precinct, which each candidate received in each precinct at:~~

- ~~— (a) A primary election held in an even numbered year; or~~
- ~~— (b) A general election.~~

Sec. 29. NRS 293.373 is hereby amended to read as follows:

293.373 If paper ballots are used:

1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.

2. The ~~for other~~ rosters and tally lists ~~{and the election board register}~~ must be returned to the county clerk.

Sec. 29.5. **NRS 293.440 is hereby amended to read as follows:**

293.440 1. Any person who desires a copy of any list of the persons who are registered to vote in any precinct, district or county may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to 1 cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be provided both to the state central committee of any major political party and to the county central committee of any major political party, and to the executive committee of any minor political party upon request, without charge.

2. Except as otherwise provided in NRS 293.5002 and 293.558, the copy of the list provided pursuant to this section must indicate the address, date of birth, telephone number and the serial number on each application to register to vote ~~for~~ **and the electronic mail address of the voter if provided by the voter pursuant to NRS 293.565 or 293C.530.** If the county maintains this information in a computer database, the date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the database and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year.

3. A county may not pay more than 10 cents per folio or more than \$6 per thousand copies for printed lists for a precinct or district.

4. A county which has a system of computers capable of recording information on magnetic tape or diskette shall, upon request of the state central committee or county central committee of any major political party or the executive committee of any minor political party which has filed a certificate of existence with the Secretary of State, record for both the state central committee and the county central committee of the major political party, if requested, and for the executive committee of the minor political party, if requested, on magnetic tape or diskette supplied by it:

(a) The list of persons who are registered to vote and the information required in subsection 2; and

(b) Not more than four times per year, as requested by the state or county central committee or the executive committee:

(1) A complete list of the persons who are registered to vote with a notation for the most recent entry of the date on which the entry or the latest change in the information was made; or

(2) A list that includes additions and revisions made to the list of persons who are registered to vote after a date specified by the state or county central committee or the executive committee.

5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a fee to cover the actual cost of providing the tape, diskette or list.

6. Any state or county central committee of a major political party, any executive committee of a minor political party or any member or representative of such a central committee or executive committee who receives without charge a list of the persons who are registered to vote in any precinct, district or county pursuant to this section shall not:

(a) Use the list for any purpose that is not related to an election; or

(b) Sell the list for compensation or other valuable consideration.

Sec. 30. NRS 293.465 is hereby amended to read as follows:

293.465 If an election is prevented in any precinct or district by reason of the loss or destruction of the ballots intended for that precinct, or any other cause, the **appropriate** election officers ~~for~~ **in** that precinct or district shall make an affidavit setting forth that fact and transmit it to the appropriate board of county commissioners. Upon receipt of the affidavit and upon the application of any candidate for any office to be voted for by the registered voters of that precinct or district, the board of county commissioners shall order a new election in that precinct or district.

Sec. 31. NRS 293.510 is hereby amended to read as follows:

293.510 1. In counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept ~~in a separate binder which is marked with the number of the~~ **separately for each** precinct or district. ~~[This binder constitutes the election board register.]~~ **These applications must be used to prepare the rosters.**

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. In any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be ~~placed in separate binders which are marked with the number of the precinct or district. These binders constitute the election board registers.~~ **used to prepare the rosters.**

Sec. 32. NRS 293.511 is hereby amended to read as follows:

293.511 If a registrar of voters' register or ~~an election board register~~ **roster** is kept by computer, the register **or roster, as applicable**, must include ~~all the information contained in the original applications to register to vote.~~ **the name, address, precinct, political affiliation and signature or facsimile thereof of each voter and any additional information required by the county clerk.**

Sec. 33. NRS 293.524 is hereby amended to read as follows:

293.524 1. The Department of Motor Vehicles shall provide an application to register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. An application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. The county clerk shall accept any application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the

applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

5. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to register to vote.

6. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

7. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of registration from the Department to the appropriate county clerk for inclusion in the ~~election board registers~~ **rosters** and registrar of voters' register.

Sec. 34. NRS 293.525 is hereby amended to read as follows:

293.525 1. Any elector who is presently registered and has changed residence after the last preceding general election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:

(a) From one precinct to another or from one congressional district to another within the same county must be allowed to vote in the precinct where the elector previously resided after providing an oral or written affirmation before an election board officer attesting to his or her new address.

(b) Within the same precinct must be allowed to vote after providing an oral or written affirmation before an election board officer attesting to his or her new address.

2. If an elector alleges that the records in the registrar of voters' register or the ~~{election board register.}~~ **roster** incorrectly indicate that the elector has changed residence, the elector must be permitted to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the county in the manner set forth in NRS 293.304.

4. The county clerk shall use any information regarding the current address of an elector obtained pursuant to this section to correct information in the registrar of voters' register and the ~~{election board register.}~~ **roster**.

Sec. 35. NRS 293.533 is hereby amended to read as follows:

293.533 Any elector may bring and any number of electors may join in an action or proceeding in a district court to compel the county clerk to enter the name of such elector or electors in the registrar of voters' register and the ~~{election board register.}~~ **roster**.

Sec. 36. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the registration concerning the identity or residence of the voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the voter's registration.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the ~~{election board register.}~~ **roster**.

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the ~~{election board register.}~~ **roster**.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

- (a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and
- (b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the ~~{election board register.}~~ **roster.**

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:

- (a) Address at which a person actually resides; or
- (b) Residence or identity of a person.

Sec. 37. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

- (a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and
- (b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

- (a) File the challenge in the registrar of voters' register and:

(1) In counties where records of registration are not kept by computer, he or she shall attach a copy of the challenge to the challenged registration in the ~~{election board register.}~~ **roster.**

(2) In counties where records of registration are kept by computer, he or she shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the ~~{election board register.}~~ **roster.**

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk

shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.

(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.

6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

Sec. 38. NRS 293.548 is hereby amended to read as follows:

293.548 1. A person who files a written challenge pursuant to NRS 293.547 or an affidavit pursuant to NRS 293.535 may withdraw the challenge or affidavit not later than the 25th day before the date of the election, by submitting a written request to the county clerk. Upon receipt of the request, the county clerk shall:

(a) Remove the challenge or affidavit from the registrar of voters' register, any ~~election board register~~ **roster** and any other record in which the challenge or affidavit has been filed or entered;

(b) If a notice of the challenge or affidavit has been mailed to the person who is the subject of the challenge or affidavit, mail a notice and a copy of the request to withdraw to that person; and

(c) If a notice of the challenge has been mailed to the district attorney, mail a notice and a copy of the request to withdraw to the district attorney.

2. If the county clerk receives a request to withdraw pursuant to subsection 1, the county clerk shall withdraw the person's challenge or affidavit.

Sec. 38.5. NRS 293.558 is hereby amended to read as follows:

293.558 1. The county clerk shall disclose the identification number of a registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county clerk; or

(b) By inclusion of the identification number of the registered voter on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

2. The county clerk shall not disclose the social security number or the driver's license or identification card number of a registered voter.

3. A registered voter may submit a written request to the county clerk to have ~~his or her address and~~ **withheld from the public the registered voter's address, telephone number ~~(withheld from the public)~~ or electronic mail address if provided by the registered voter pursuant to NRS 293.565 or 293C.530.** Upon receipt of such a request, the county clerk shall not disclose the address, ~~for~~ telephone number **or electronic mail address** of the registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county clerk; or

(b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

4. No information other than the address, telephone number, ***electronic mail address***, social security number and driver's license or identification card number of a registered voter may be withheld from the public.

Sec. 39. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall ~~1:~~

~~—(a) In counties where records of registration are not kept by computer, prepare for each [precinct or district] **polling place** a [binder] **roster** containing [in alphabetical order the original applications to register to vote of the electors] **the registered voters** in the precinct or district [1. The binder constitutes the election board register.~~

~~—(b) In counties where records of registration are kept by computer, have printed and placed in a binder for each precinct or district a computer listing in alphabetical order of the applications to register to vote of the electors in the precinct or district. The binder constitutes the election board register.]~~
assigned to vote at the polling place.

2. ~~[Each election board register.]~~ **The roster** must be delivered or caused to be delivered by the county or city clerk to an election officer of the proper ~~[precinct or district]~~ **polling place** before the opening of the polls.

Sec. 40. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may ~~provide an option for~~ establish a system for distributing sample ballots to each registered voter who elects to receive a sample ~~ballot~~ ballot by electronic means. Such a system must be approved by the Secretary of State and may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk ~~provides that option~~ establishes such a system and a registered voter ~~elects to receive a sample ballot by such electronic means, the county clerk shall:~~

(a) ~~Elects to receive a sample ballot by electronic means, the county clerk must deliver.~~ Distribute the sample ballot to the registered voter ~~in that manner.~~ by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State; and

(b) ~~Does.~~ If the system requires the registered voter to provide an electronic mail address to the county clerk, inform the registered voter that his or her electronic mail address will be available to the public unless the registered voter submits a written request to have his or her electronic mail address withheld from the public pursuant to NRS 293.558.

5. If a registered voter does not elect to receive a sample ballot by electronic means ~~or~~ pursuant to subsection 4, the county clerk ~~must deliver~~ shall distribute the sample ballot to the registered voter by mail.

~~5. 6.~~ Before the period for early voting for any election begins, the county clerk shall ~~cause to be mailed distributed by mail or electronic means, as applicable,~~ distribute to each registered voter in the county ~~or~~ by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before ~~mailing~~ **distributing** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~5-6. 7.~~ Except as otherwise provided in subsection ~~6-7. 8,~~ a sample ballot required to be ~~mailed~~ **distributed** pursuant to this section must:

- (a) Be ~~printed~~ **prepared** in at least 12-point type; and
- (b) Include on the front page, in a separate box created by bold lines, a notice ~~printed~~ **prepared** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~16-7-1~~ **8.** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~17-8-1~~ **9.** The sample ballot ~~mailed~~ **distributed** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~printed~~ **prepared** in at least 14-point type, or larger when practicable.

~~18-9-1~~ **10.** If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~mailed~~ **distributed** to that person from the county are in large type.

~~19-10-1~~ **11.** The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~110-11-1~~ **12.** The cost of ~~mailing~~ **distributing** sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 41. NRS 293.780 is hereby amended to read as follows:

293.780 1. A person who is entitled to vote shall not vote or attempt to vote more than once at the same election. Any person who votes or attempts to vote twice at the same election is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Notice of the provisions of subsection 1 must be given by the county or city clerk as follows:

- (a) ~~Printed~~ **Stated** on all sample ballots ~~mailed~~ **distributed by mail or electronic means;**

- (b) Posted in boldface type at each polling place; and
- (c) Posted in boldface type at the office of the county or city clerk.

Sec. 42. NRS 293B.335 is hereby amended to read as follows:

293B.335 1. ~~{The chair and at least {one other member} two~~ **members** of the election board shall deliver the sealed container to a receiving center or to the central counting place, as directed by the county clerk. If practicable, the ~~{other board member}~~ **members** must be of ~~{a}~~ different political ~~{party than the chair.}~~ **parties.**

2. ~~{The chair}~~ **At least two members of the election board {described in subsection 1}** shall provide for the transportation or other disposition of all other supplies and election materials as directed by the county clerk.

3. Any member of the general public may observe the delivery of a sealed container to a receiving center or to the central counting place if he or she does not interfere with the delivery of the sealed container.

Sec. 43. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various **polling places and** precincts ~~{and districts}~~ in the city as provided in NRS 293.225, 293.227, 293C.227 to 293C.245, inclusive, and 293C.382. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board or the absent ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board or the absent ballot central counting board. The deputized officer may not receive any additional compensation for the services he or she provides as an officer during the election for which the officer is deputized.

➡ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 44. NRS 293C.222 is hereby amended to read as follows:

293C.222 1. The city clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the city in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The city clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The city clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the assigned school counselor of the pupil receives the city clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the city clerk may assign a trainee such duties as the city clerk deems appropriate. The city clerk shall not:

(a) Require the trainee to perform those duties later than 10 p.m., or any applicable curfew, whichever is earlier; or

(b) Assign more than one trainee to serve as an election board officer in any one ~~precinct~~ **polling place**.

4. The city clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 45. NRS 293C.267 is hereby amended to read as follows:

293C.267 1. Except as otherwise provided in subsection 2 and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the ~~precinct or district~~ **polling place**, as shown on the roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay until the count is completed.

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.

Sec. 46. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. If a person's name appears in the ~~election board register~~ **roster** or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the ~~election board register~~ **roster** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's original application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote;

- (b) A driver's license;
- (c) An identification card issued by the Department of Motor Vehicles;
- (d) A military identification card; or
- (e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

Sec. 47. NRS 293C.275 is hereby amended to read as follows:

293C.275 A registered voter who applies to vote must state his or her name to the election board officer in charge of the ~~{election board register,}~~ **roster**, and the officer shall immediately announce the name ~~{and take the registered voter's signature.}~~ **, instruct the voter to sign the roster and verify the signature of the voter. If the signature does not match, the voter must:**

1. **Provide proof of identification as described in NRS 293C.270; and**
2. **Update his or her signature on a form prescribed by the Secretary of State.**

Sec. 48. NRS 293C.277 is hereby amended to read as follows:

293C.277 1. A registered voter who applies to vote at an election must give his or her name to the election board officer in charge of the ~~{election board register,}~~ **roster**, and the officer shall immediately announce the name of the voter.

2. Any person's right to vote may be challenged by a registered voter upon any of the grounds allowed for a challenge in NRS 293C.292. Any such challenge must be disposed of in the manner provided in NRS 293C.292.

Sec. 49. NRS 293C.290 is hereby amended to read as follows:

293C.290 1. The city clerk shall ~~{require}~~ :

(a) Require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the city ~~{;}~~ **; or**

(b) Publish on the Internet website of the city clerk an alphabetical listing of all registered voters for each precinct in the city.

2. Except as otherwise provided in NRS 293.5002 and 293.558, the alphabetical listing must include the name , **precinct** and address of each voter ~~{Not less than four times during the hours in which the polling place is open, and}~~ **and the electronic mail address of the voter if provided by the voter pursuant to NRS 293C.530.**

3. **If the city clerk:**

(a) Requires an alphabetical listing to be posted in each polling place pursuant to paragraph (a) of subsection 1:

(1) An election board officer at the polling place shall , not less than four times during the hours in which the polling place is open, identify the name of each voter who voted ~~{since the last identification.~~

~~{2.}~~ **at the polling place; and**

(2) Each page of the alphabetical listing that is posted in a polling place must contain a notice which reads substantially as follows:

It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to NRS 293C.290.

~~{3-}~~ ***(b) Publishes an alphabetical listing pursuant to paragraph (b) of subsection 1, the city clerk shall, not less than four times during the hours in which polling places in the city are open, identify on the Internet website of the city clerk the name of every voter who has voted at each polling place.***

4. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name, ~~or~~ address or electronic mail address of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.

Sec. 50. NRS 293C.292 is hereby amended to read as follows:

293C.292 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct or district upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the ~~{election board register,} roster,~~ “I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the ~~{election board register,} roster”;~~

(b) If the challenge is on the ground that the challenged person previously voted a ballot for the election, “I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election”; or

(c) If the challenge is on the ground that the challenged person is not the person he or she claims to be, “I swear or affirm under penalty of perjury that I am the person whose name is in this ~~{election board register,} roster.”~~

➤ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. If the challenged person refuses to execute the oath or affirmation so tendered, he or she must not be issued a ballot, and the officer in charge of the ~~{election board register,} roster~~ shall write the words “Challenged” opposite his or her name in the ~~{election board register,} roster.~~

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293C.295.

5. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue him or her a ballot.

6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification that contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

8. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 51. NRS 293C.307 is hereby amended to read as follows:

293C.307 1. Except as otherwise provided in NRS 293C.330, a registered voter who requests and receives an absent voter's ballot may vote only by absent ballot at the election for which the absent ballot was issued.

2. If a registered voter has requested an absent ballot and the ballot has been mailed or issued, the city clerk shall notify the ~~the precinct or district~~ **appropriate** election board that the registered voter has requested an absent ballot.

Sec. 52. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in subsection 2 and NRS 293D.200, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the ~~the precinct or district~~ **appropriate** election board.

2. Except as otherwise provided in NRS 293D.200, if an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county clerk's register. If the city clerk determines that the absent voter is entitled to cast a ballot, the city clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.

Sec. 53. NRS 293C.332 is hereby amended to read as follows:

293C.332 Except as otherwise provided in NRS 293D.200, on the day of an election, the ~~{precinct or district}~~ election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope or facsimile, must be called and checked as if the voter were voting in person;
2. The signature on the back of the return envelope or on the facsimile must be compared with that on the original application to register to vote;
3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and
4. The election board officers shall mark in the roster opposite the name of the voter the word "Voted."

Sec. 54. NRS 293C.335 is hereby amended to read as follows:

293C.335 When all absent ballots delivered to ~~{precinct or district}~~ the election boards have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes containing rejected ballots must be returned to the city clerk. On all envelopes containing the rejected ballots the cause of rejection must be noted and the envelope signed by a majority of the election board officers.

Sec. 55. NRS 293C.3576 is hereby amended to read as follows:

293C.3576 1. The city clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:

(a) The location of each permanent and temporary polling place for early voting . ~~{and the election precincts served by each location.}~~

(b) The dates and hours that early voting will be conducted at each location.

2. The city clerk shall post a copy of the schedule on the bulletin board used for posting notice of the meetings of the city council. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The city clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

Sec. 56. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Upon the appearance of a person to cast a ballot for early voting, ~~{the deputy clerk for early voting.}~~ **an election board officer** shall:

(a) Determine that the person is a registered voter in the county . ~~{.}~~

(b) Instruct the voter to sign the roster for early voting . ~~{. and}~~

(c) Verify the signature of the voter against that contained on the original application to register to vote or a facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification. ***If the signature does not match, the voter must:***

(1) Provide proof of identification as described in NRS 293C.270; and

(2) Update his or her signature on a form prescribed by the Secretary of State.

(d) Verify that the voter has not voted in this election.

2. The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number ~~{.}~~ , ***if that information is available;*** and

(c) The date of voting early in person.

4. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the ~~{deputy clerk for early voting.}~~ **election board officer**, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

5. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the ~~{deputy clerk for early voting.}~~ **election board officer** shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district , ***if that information is available,*** and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

6. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 57. NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) ~~[(1)] The number of the precinct or voting district;~~

~~—(3)—~~ (3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

~~[(4)]~~ (3) The number of ballots voted on the mechanical recording device for that day; and

~~[(5)]~~ (4) The number of signatures in the roster for early voting for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

(d) Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) ~~[(a)] Sort the items by precinct or voting district;~~

~~—(b)—~~ (b) Count the number of ballots voted by precinct or voting district;

~~—(c)—~~ (c) Account for all **Indicate the number of** ballots on an official statement of ballots; and

~~[(d)]~~ (b) Place the ~~[(items)]~~ **storage devices** in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the ~~[(items)]~~ **storage devices** to the central counting place.

Sec. 58. NRS 293C.3608 is hereby amended to read as follows:

293C.3608 On election day, the city clerk shall:

1. Ensure that each mechanical recording device used during the period for early voting provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

2. Deliver to the central counting place:

(a) The ~~items sorted and counted~~ **storage devices required** pursuant to subsection 3 of NRS 293C.3604;

(b) The records printed on paper provided pursuant to subsection 1; and

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting.

Sec. 59. NRS 293C.365 is hereby amended to read as follows:

293C.365 A counting board in any precinct, ~~for~~ district **or polling place** in which paper ballots are used may not begin to count the votes until all ballots used or unused are accounted for.

Sec. 60. NRS 293C.372 is hereby amended to read as follows:

293C.372 When all the votes have been counted, the counting board officers shall ~~enter on the~~ **produce a** tally ~~lists~~ **list organized by precinct and ballot type indicating** ~~the name of each candidate~~ the number of votes ~~the~~ **each** candidate received. The ~~vote~~ **votes** for and against any question submitted to the electors must be entered in the same manner.

Sec. 61. NRS 293C.375 is hereby amended to read as follows:

293C.375 If paper ballots are used:

1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the city clerk.

2. The ~~other~~ rosters and tally lists ~~and the election board register~~ must be returned to the city clerk.

Sec. 62. NRS 293C.525 is hereby amended to read as follows:

293C.525 1. Any elector who is registered to vote and has changed residence after the last preceding general city election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:

(a) From one precinct to another within the same city must be allowed to vote in the precinct where the elector previously resided after providing an oral or written affirmation before an election board officer attesting to his or her new address.

(b) Within the same precinct must be allowed to vote after providing an oral or written affirmation before an election board officer attesting to his or her new address.

2. If an elector alleges that the records in the registrar of voters' register or the ~~election board register~~ **roster** incorrectly indicate that the elector has changed residence, the elector must be allowed to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the city in the manner set forth in NRS 293C.295.

Sec. 63. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may ~~provide an option for registered voters to elect to receive~~ establish a system for distributing sample ballots by electronic means ~~to each registered voter who elects to receive a sample ballot by electronic means.~~ Such a system must be approved by the Secretary of State and may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk ~~provides that option~~ establishes such a system and a registered voter ~~elects to receive a sample ballot by electronic means,~~ the city clerk shall:

(a) ~~Elects to receive a sample ballot by electronic means, the city clerk must deliver~~ Distribute the sample ballot to the registered voter ~~in that manner~~ by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State; and

(b) ~~Does~~ If the system requires the registered voter to provide an electronic mail address to the city clerk, inform the registered voter that his or her electronic mail address will be available to the public unless the registered voter submits a written request to have his or her electronic mail address withheld from the public pursuant to NRS 293.558.

2. If a registered voter does not elect to receive a sample ballot by electronic means ~~to each registered voter who elects to receive a sample ballot by electronic means.~~ Such a system must be approved by the Secretary of State and may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk ~~provides that option~~ establishes such a system and a registered voter ~~elects to receive a sample ballot by electronic means,~~ the city clerk shall:

~~2.3.~~ 3. Before the period for early voting for any election begins, the city clerk shall ~~cause to be mailed distributed by mail or electronic means, as applicable,~~ distribute to each registered voter in the city ~~by mail or electronic means, as applicable,~~ the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before ~~mailing~~ **distributing** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~2.3.4.~~ 4. Except as otherwise provided in subsection ~~4.5.6.~~ 6, a sample ballot required to be ~~mailed~~ **distributed** pursuant to this section must:

(a) Be ~~printed~~ **prepared** in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice ~~printed~~ **prepared** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~{3.-4.}~~ 5. The word “Incumbent” must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

~~{4.-5.}~~ 6. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~{5.-6.}~~ 7. The sample ballot ~~{mailed}~~ **distributed** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~{printed}~~ **prepared** in at least 14-point type, or larger when practicable.

~~{6.-7.}~~ 8. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots ~~{mailed}~~ **distributed** to that person from the city are in large type.

~~{7.-8.}~~ 9. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter’s regularly designated polling place.

~~{8.-9.}~~ 10. The cost of ~~{mailing}~~ **distributing** sample ballots for a city election must be borne by the city holding the election.

Sec. 64. NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. The county clerk shall use the statewide voter registration list to prepare for the city clerk of each incorporated city within the county the ~~{election board register}~~ **roster** of all electors eligible to vote at a regular or special city election.

3. The ~~{official register}~~ **rosters** must be prepared, ~~{in suitable books,}~~ one for each ward or other voting district within each incorporated city. The entries

in the ~~{election board register}~~ **roster** must be arranged alphabetically with the surnames first.

4. The county clerk shall keep duplicate originals or copies of the applications to register to vote ~~{contained in the official register}~~ in the county clerk's office.

Sec. 65. NRS 293C.635 is hereby amended to read as follows:

293C.635 1. ~~{The chair and at}~~ At least ~~{one other member}~~ **two members** of the election board shall deliver the sealed container to a receiving center or to the central counting place, as directed by the city clerk.

2. The ~~{chair}~~ **members of the election board described in subsection 1** shall provide for the transportation or other disposition of all other supplies and election materials as directed by the city clerk.

3. Any member of the general public may observe the delivery of a sealed container to a receiving center or to the central counting place if he or she does not interfere with the delivery of the sealed container.

Sec. 66. NRS 293C.710 is hereby amended to read as follows:

293C.710 If a city election is prevented in any precinct or district by reason of the loss or destruction of the ballots intended for that precinct or district, or any other cause, the **appropriate** election officers ~~{for}~~ **in** that precinct or district shall make an affidavit setting forth that fact and transmit it to the governing body of the appropriate city. Upon receipt of the affidavit and upon the application of any candidate for any city office to be voted for by the registered voters of that precinct or district, the governing body of the city shall order a new election in that precinct or district.

Sec. 67. NRS 295.045 is hereby amended to read as follows:

295.045 1. A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

2. The Secretary of State shall certify the questions to the county clerks, and they shall publish them in accordance with the provisions of law requiring county clerks to publish ~~{questions and proposed constitutional amendments which are to be submitted for popular vote.}~~ **statewide measures pursuant to NRS 293.253.**

3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

4. Where a mechanical voting system is used, the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.

Sec. 68. NRS 295.160 is hereby amended to read as follows:

295.160 1. If the petition is determined to be sufficient, the county clerk shall, at the next general election, submit the act or resolution, by appropriate

questions on the ballot, for the approval or disapproval of the people of that county.

2. The county clerk shall publish those questions in accordance with the provisions of law requiring county clerks to publish ~~questions and proposed constitutional amendments which are to be submitted for popular vote.~~ **statewide measures pursuant to NRS 293.253.**

Sec. 69. NRS 244A.785 is hereby amended to read as follows:

244A.785 1. The board of county commissioners of a county whose population is 700,000 or more may, by ordinance, create one or more districts within the unincorporated area of the county for the support of public parks. Such a district may include territory within the boundary of an incorporated city if so provided by interlocal agreement between the county and the city.

2. The ordinance creating a district must specify its boundaries. The area included within the district may be contiguous or noncontiguous. The boundaries set by the ordinance are not affected by later annexations to or incorporation of a city.

3. The alteration of the boundaries of such a district may be initiated by:

(a) A petition proposed unanimously by the owners of the property which is located in the proposed area which was not previously included in the district; or

(b) A resolution adopted by the board of county commissioners on its own motion.

➡ If the board of county commissioners proposes on its own motion to alter the boundaries of a district for the support of public parks, it shall, at the next primary or general election, submit to the registered voters who reside in the proposed area which was not previously included in the district, the question of whether the boundaries of the district shall be altered. If a majority of the voters approve the question, the board shall, by ordinance, alter the boundaries of the district as approved by the voters.

4. The sample ballot required to be ~~mailed~~ **distributed** pursuant to NRS 293.565 must include for the question described in subsection 3, a disclosure of any future increase or decrease in costs which may be reasonably anticipated in relation to the purposes of the district for the support of public parks and its probable effect on the district's tax rate.

Sec. 70. NRS 266.0325 is hereby amended to read as follows:

266.0325 1. At least 10 days before an election held pursuant to NRS 266.029, the county clerk or registrar of voters shall ~~cause to be mailed distributed by mail or electronic means, as applicable,~~ **distribute** to each qualified elector **by mail or electronic means, as applicable,** a sample ballot for the elector's precinct with a notice informing the elector of the location of the polling place for that precinct. **A sample ballot may be distributed by electronic means to an elector only if the county clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 and the elector elects to receive a sample ballot by electronic means.**

2. The sample ballot must:

(a) Be in the form required by NRS 266.032.

(b) Include the information required by NRS 266.032.

(c) Except as otherwise provided in subsection 3, be ~~printed~~ **prepared** in at least 12-point type.

(d) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the State, a county, a city, a township, a section or any combination thereof.

(e) Contain a copy of the map or plat that was submitted with the petition pursuant to NRS 266.019 and depicts the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.

(f) Include on the front page, in a separate box created by bold lines, a notice ~~printed~~ **prepared** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

4. The sample ballot ~~mailed~~ **distributed** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~printed~~ **prepared** in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~mailed~~ **distributed** to that person from the county are in large type.

Sec. 71. NRS 266.034 is hereby amended to read as follows:

266.034 1. The costs incurred by the board of county commissioners in carrying out the provisions relating to the incorporation, including the costs incurred in certifying the petition, publishing the notices, requesting the report pursuant to NRS 266.0261, conducting the public hearing and election, including the cost of ~~mailing~~ **distributing** the sample ballots, and any appeal pursuant to NRS 266.0265 are a charge against the county if the proposed incorporation is not submitted to the voters or the incorporation is disapproved by the voters, and a charge against the incorporated city if the incorporation is approved by the voters.

2. The costs incurred by the incorporators in carrying out the provisions relating to the incorporation, including the costs incurred in preparation of the petition for incorporation, preparation of the descriptions and map of the area proposed to be incorporated and circulation of the petition are chargeable to the incorporated city if the incorporation is approved by the voters.

Sec. 72. NRS 349.015 is hereby amended to read as follows:

349.015 1. Except as otherwise provided in subsection 3, the sample ballot required to be ~~mailed~~ **distributed** pursuant to NRS 293.565 or 293C.530, and the notice of election must contain:

- (a) The time and places of holding the election.
- (b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.
- (c) The purposes for which the bonds are to be issued.
- (d) A disclosure of any:
 - (1) Future increase or decrease in costs which can reasonably be anticipated in relation to the purposes for which the obligations are to be issued and its probable effect on the tax rate; and
 - (2) Requirement relating to the bond question which is imposed pursuant to a court order or state or federal statute and the probable consequences which will result if the bond question is not approved by the voters.
- (e) An estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds.
- (f) The maximum amount of the bonds.
- (g) The maximum rate of interest.
- (h) The maximum number of years which the bonds are to run.

2. Any election called pursuant to NRS 349.010 to 349.070, inclusive, may be consolidated with a primary or general election.

3. If the election is consolidated with a general election, the notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the general election.

Sec. 73. NRS 350.024 is hereby amended to read as follows:

350.024 1. The ballot question for a proposal submitted to the electors of a municipality pursuant to subsection 1 of NRS 350.020 must contain the principal amount of the general obligations to be issued or incurred, the purpose of the issuance or incurrence of the general obligations and an estimate established by the governing body of:

- (a) The duration of the levy of property tax that will be used to pay the general obligations; and
- (b) The average annual increase, if any, in the amount of property taxes that an owner of a new home with a fair market value of \$100,000 will pay for debt service on the general obligations to be issued or incurred.

2. Except as otherwise provided in subsection 4, the sample ballot required to be ~~mailed~~ **distributed** pursuant to NRS 293.565 or 293C.530 and the notice of election must contain:

- (a) The time and places of holding the election.
- (b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.
- (c) The ballot question.

(d) The maximum amount of the obligations, including the anticipated interest, separately stating the total principal, the total anticipated interest and the anticipated interest rate.

(e) An estimate of the range of property tax rates stated in dollars and cents per \$100 of assessed value necessary to provide for debt service upon the obligations for the dates when they are to be redeemed. The municipality shall, for each such date, furnish an estimate of the assessed value of the property against which the obligations are to be issued or incurred, and the governing body shall estimate the tax rate based upon the assessed value of the property as given in the assessor's estimates.

3. If an operating or maintenance rate is proposed in conjunction with the question to issue obligations, the questions may be combined, but the sample ballot and notice of election must each state the tax rate required for the obligations separately from the rate proposed for operation and maintenance.

4. Any election called pursuant to NRS 350.020 to 350.070, inclusive, may be consolidated with a primary or general municipal election or a primary or general state election. The notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the election with which it is consolidated.

5. If the election is a special election, the clerk shall cause notice of the close of registration to be published in a newspaper printed in and having a general circulation in the municipality once in each calendar week for 2 successive calendar weeks next preceding the close of registration for the election.

Sec. 74. NRS 350.027 is hereby amended to read as follows:

350.027 1. In addition to any requirements imposed pursuant to NRS 350.024, any sample ballot required to be ~~mailed~~ **distributed** pursuant to NRS 293.565 or 293C.530 and any notice of election, for an election that includes a proposal for the issuance by any municipality of any bonds or other securities, including an election that is not called pursuant to NRS 350.020 to 350.070, inclusive, must contain an estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds or other securities.

2. For the purposes of this section, "municipality" has the meaning ascribed to it in NRS 350.538.

Sec. 75. NRS 293.053 is hereby repealed.

Sec. 76. 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

293.053 “Election board register” defined. “Election board register” means the record of registered voters provided to election boards.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

The amendment revises certain definitions relating to electronic voting centers and polling places that serve as voting centers and makes numerous conforming changes to align with these various revisions. It further authorizes election officials to establish a system for voters who choose to receive sample ballots by electronic means and to provide for confidentiality of electronic addresses.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 10.

Resolution read second time.

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

Amendment No. 356.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide a citizens’ commission to establish the salaries of certain elected officers.

Legislative Counsel’s Digest:

Existing law establishes the salaries of the various constitutional officers of this State, members of the Senate and Assembly, justices of the Supreme Court, judges of the Court of Appeals and district judges. (NRS 2.050, 2A.080, 3.030, 218A.630, 218A.635, 223.050, 224.050, 225.050, 226.090, 227.060, 228.070) Existing law also creates an advisory Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers which is empowered to review and make recommendations to the Legislature concerning the salary of the various offices within its purview. (NRS 281.157-281.1575) This resolution proposes to revise the Nevada Constitution to reserve to a Citizens’ Commission on Salaries for Certain Elected Officers the power to establish salaries for various offices within this State, including members of the Senate and Assembly, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Court. This resolution also authorizes the Commission to fix the compensation of the members of the Legislature for each calendar day of service during any regular or special session of the Legislature.

WHEREAS, The Nevada Legislature established the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court

Justices, Judges of the Court of Appeals, District Judges and Elected County Officers in 1993; and

WHEREAS, While the Commission is empowered by law to review compensation, hold public hearings and make recommendations for revisions to compensation for the various offices within its purview, it serves a purely advisory function and its recommendations have no effect unless enacted by the Legislature; and

WHEREAS, A constitutional amendment is required to fully empower such a commission to engage in a comprehensive review of the compensation given to various officers within this State and put into effect its findings; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 33A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 33A. 1. *The Legislature shall provide by law for a Citizens' Commission on Salaries for Certain Elected Officers.*

2. *The Commission must consist of seven members who have diverse personal and professional interests and reside in various geographical areas of this State of which:*

(a) ~~Two members are~~ One member is appointed by the Speaker of the Assembly;

(b) ~~Two members are~~ One member is appointed by the Minority Leader of the Assembly;

(c) One member is appointed by the Majority Leader of the Senate;

~~(e)~~ (d) One member is appointed by the Minority Leader of the Senate;

~~(e)~~ Two members are appointed by the Governor; and

~~(d)~~ (f) One member is appointed by the Chief Justice of the Supreme Court.

3. *Each member of the Commission must be a resident of this State and must not be a state officer, public employee or lobbyist, or a parent, spouse, sibling, child or dependent relative of a state officer, public employee or lobbyist.*

4. *Except as otherwise provided in this subsection, the term of office of each member of the Commission is 4 years. The member first appointed by the Speaker of the Assembly and the member first appointed by the Majority Leader of the Senate shall each ~~appoint one of the members first appointed for~~ serve an initial term of 2 years. The Governor shall appoint one of the members first appointed by him or her for an initial term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term in the same manner as the original appointment, within 30 days after the vacancy occurs. A member of the Commission may not serve more than two terms.*

5. An appointing authority may remove a member of the Commission only for cause of incapacity, incompetence, neglect of duty, malfeasance in office or failure to meet a qualification set forth in subsection 3.

6. The Commission shall elect a Chair from among its members. Except as otherwise provided in this section, the Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties. The affirmative vote of a majority of all the members appointed to the Commission is required to take action.

7. Members of the Commission are entitled to:

(a) The compensation provided by law for members of the Commission on Judicial Discipline who are not judicial officers; and

(b) The per diem allowance and travel expenses provided by law for state officers and employees generally.

8. The Commission shall:

(a) Study the relationship of salaries to the duties of the members of the Legislature, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Courts;

(b) Compare the salaries of the elected officers set forth in paragraph (a) to the salaries of persons who are employed by a public or private employer and who have similar qualifications as those elected officers;

(c) Fix the salaries of the elected officers set forth in paragraph (a); and

(d) Carry out any duties provided by the Legislature.

9. The Commission may increase, but not diminish, the salary of an elected officer set forth in paragraph (a) of subsection 8 during his or her term of office. Except for the initial schedule of salaries for elected officers filed pursuant to subsection 10, the Commission may not increase or decrease the salary of any elected officer by more than 15 percent of the salary of that elected officer provided in the immediately preceding schedule of salaries for elected officers. The Commission may exercise any powers conferred by the Legislature.

10. The Commission shall file its initial schedule of salaries for elected officers with the Secretary of State not later than January 1, 2019, and shall file a schedule of salaries not later than January 1 of each odd-numbered year thereafter. Each schedule of salaries is effective for the period from July 1 immediately following the January 1 that the schedule is due through June 30 of the next odd-numbered year. The Legislature shall provide by law for setting apart from each year's revenues a sufficient amount of money to pay such salaries.

11. Before the Commission may file a schedule of salaries with the Secretary of State, the Commission shall hold at least four meetings to

receive public testimony on the schedule. At the last public hearing before the schedule is filed with the Secretary of State, the Commission shall adopt the schedule as originally proposed or as amended. All meetings of the Commission are subject to the provisions of any open meeting laws made applicable generally to other public bodies.

12. The Legislative Counsel Bureau shall include in the Nevada Revised Statutes a copy of the most recent schedule of salaries established by the Commission and filed with the Secretary of State.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 33. The members of the Legislature shall receive for their services a compensation to be fixed by ~~law~~ **the Citizens' Commission on Salaries for Certain Elected Officers pursuant to Section 33A of this Article** and paid out of the public treasury, for ~~not to exceed 60 days~~ **each calendar day of service** during any regular session of the Legislature and ~~not to exceed 20 days~~ during any special session. ~~but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected; Provided, that an~~ **An** appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court, the judges of the court of appeals and the district judges are each entitled to receive for their services a compensation to be fixed by ~~law~~ **the Citizens' Commission on Salaries for Certain Elected Officers pursuant to Section 33A of Article 4** and paid in the manner provided by law. ~~which must not be increased or diminished during the term for which they have been elected, unless~~ **If a vacancy occurs, in which case** the successor of the former incumbent is entitled to receive ~~only such salary as may be~~ **the salary provided for that office by law** ~~the Citizens' Commission on Salaries for Certain Elected Officers pursuant to Section 33A of Article 4~~ **at the time of his or her election or appointment.** ~~A provision must be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation.~~

And be it further

RESOLVED, That Section 9 of Article 15 of the Nevada Constitution be repealed.

TEXT OF REPEALED SECTION

Sec: 9. Increase or decrease of compensation of officers whose compensation fixed by constitution. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution; Provided, no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

The amendment revises the appointing authority so that each legislative caucus leader will appoint one member to the Commission. It also designates certain appointees to have initial two-year terms and certain others to have four-year terms so that all members will not be terminated at the same time.

Amendment adopted.

The following amendment was proposed by Assemblyman Gardner:

Amendment No. 614.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide a citizens' commission to establish the salaries of certain elected officers.

Legislative Counsel's Digest:

Existing law establishes the salaries of the various constitutional officers of this State, members of the Senate and Assembly, justices of the Supreme Court, judges of the Court of Appeals and district judges. (NRS 2.050, 2A.080, 3.030, 218A.630, 218A.635, 223.050, 224.050, 225.050, 226.090, 227.060, 228.070) Existing law also creates an advisory Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers which is empowered to review and make recommendations to the Legislature concerning the salary of the various offices within its purview. (NRS 281.157-281.1575) This resolution proposes to revise the Nevada Constitution to reserve to a Citizens' Commission on Salaries for Certain Elected Officers the power to establish salaries for various offices within this State, including members of the Senate and Assembly, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Court. This resolution also authorizes the Commission to : (1) fix the compensation of the members of the Legislature for each calendar day of service during any regular or special session of the Legislature ~~It~~; and (2) provide compensation to members of the Legislature for the performance of duties as a member of the Legislatu re outside of a regular or special session.

WHEREAS, The Nevada Legislature established the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers in 1993; and

WHEREAS, While the Commission is empowered by law to review compensation, hold public hearings and make recommendations for revisions to compensation for the various offices within its purview, it serves a purely advisory function and its recommendations have no effect unless enacted by the Legislature; and

WHEREAS, A constitutional amendment is required to fully empower such a commission to engage in a comprehensive review of the compensation given to various officers within this State and put into effect its findings; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 33A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 33A. 1. The Legislature shall provide by law for a Citizens' Commission on Salaries for Certain Elected Officers.

2. The Commission must consist of seven members who have diverse personal and professional interests and reside in various geographical areas of this State of which:

(a) Two members are appointed by the Speaker of the Assembly;

(b) Two members are appointed by the Majority Leader of the Senate;

(c) Two members are appointed by the Governor; and

(d) One member is appointed by the Chief Justice of the Supreme Court.

3. Each member of the Commission must be a resident of this State and must not be a state officer, public employee or lobbyist, or a parent, spouse, sibling, child or dependent relative of a state officer, public employee or lobbyist.

4. Except as otherwise provided in this subsection, the term of office of each member of the Commission is 4 years. The Speaker of the Assembly and the Majority Leader of the Senate shall each appoint one of the members first appointed for an initial term of 2 years. The Governor shall appoint one of the members first appointed for an initial term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term in the same manner as the original appointment, within 30 days after the vacancy occurs. A member of the Commission may not serve more than two terms.

5. An appointing authority may remove a member of the Commission only for cause of incapacity, incompetence, neglect of duty, malfeasance in office or failure to meet a qualification set forth in subsection 3.

6. The Commission shall elect a Chair from among its members. Except as otherwise provided in this section, the Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties. The affirmative vote of a majority of all the members appointed to the Commission is required to take action.

7. Members of the Commission are entitled to:

(a) The compensation provided by law for members of the Commission on Judicial Discipline who are not judicial officers; and

(b) The per diem allowance and travel expenses provided by law for state officers and employees generally.

8. The Commission shall:

(a) Study the relationship of salaries to the duties of the members of the Legislature, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Courts;

(b) Compare the salaries of the elected officers set forth in paragraph (a) to the salaries of persons who are employed by a public or private employer and who have similar qualifications as those elected officers;

(c) Fix the salaries of the elected officers set forth in paragraph (a); and

(d) Carry out any duties provided by the Legislature.

9. The Commission may increase, but not diminish, the salary of an elected officer set forth in paragraph (a) of subsection 8 during his or her term of office. Except for the initial schedule of salaries for elected officers filed pursuant to subsection 10, the Commission may not increase or decrease the salary of any elected officer by more than 15 percent of the salary of that elected officer provided in the immediately preceding schedule of salaries for elected officers. The Commission may exercise any powers conferred by the Legislature.

10. The Commission shall file its initial schedule of salaries for elected officers with the Secretary of State not later than January 1, 2019, and shall file a schedule of salaries not later than January 1 of each odd-numbered year thereafter. Each schedule of salaries is effective ~~for~~ from:

(a) For members of the Legislature, for the period from the first Monday of February immediately following the January 1 that the schedule is due through the day before the first Monday of February of the next odd-numbered year; and

(b) For all other elected officers set forth in paragraph (a) of subsection 8, for the period from July 1 immediately following the January 1 that the schedule is due through June 30 of the next odd-numbered year.

The Legislature shall provide by law for setting apart from each year's revenues a sufficient amount of money to pay such salaries.

11. *Before the Commission may file a schedule of salaries with the Secretary of State, the Commission shall hold at least four meetings to receive public testimony on the schedule. At the last public hearing before the schedule is filed with the Secretary of State, the Commission shall adopt the schedule as originally proposed or as amended. All meetings of the Commission are subject to the provisions of any open meeting laws made applicable generally to other public bodies.*

12. *The Legislative Counsel Bureau shall include in the Nevada Revised Statutes a copy of the most recent schedule of salaries established by the Commission and filed with the Secretary of State.*

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 33. The members of the Legislature shall receive for their services a compensation to be fixed by ~~law~~ ***the Citizens' Commission on Salaries for Certain Elected Officers pursuant to Section 33A of this Article*** and paid out of the public treasury, for ~~not to exceed 60 days~~ ***each calendar day of service*** during any regular session of the Legislature and ~~not to exceed 20 days~~ during any special session. ~~but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected; Provided, that an~~ ***The Citizens' Commission on Salaries for Certain Elected Officers may provide for the compensation of members of the Legislature for the performance of duties as a member of the Legislature outside of a regular or special session. An*** appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court, the judges of the court of appeals and the district judges are each entitled to receive for their services a compensation to be fixed by ~~law~~ ***the Citizens' Commission on Salaries for Certain Elected Officers pursuant to Section 33A of Article 4*** and paid in the manner provided by law. ~~which must not be increased or diminished during the term for which they have been elected, unless~~ ***If a vacancy occurs, in which case the successor of the former incumbent is entitled to receive*** ~~only such salary as may be~~ ***the salary***

provided *for that office* by ~~law~~ *the Citizens' Commission on Salaries for Certain Elected Officers pursuant to Section 33A of Article 4* at the time of his *or her* election or appointment. ~~[A provision must be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation.]~~

And be it further

RESOLVED, That Section 9 of Article 15 of the Nevada Constitution be repealed.

TEXT OF REPEALED SECTION

Sec: 9. Increase or decrease of compensation of officers whose compensation fixed by constitution. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution; Provided, no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.

Assemblyman Gardner moved the adoption of the amendment.

Remarks by Assemblymen Gardner and Carlton.

ASSEMBLYMAN GARDNER:

This amendment clarifies the intent of the bill, the intent of the Commission, and the timing of the initial schedules.

ASSEMBLYWOMAN CARLTON:

I have a question to the sponsor of the amendment. On page 4 it says, “. . . the Citizens' Commission on Salaries for Certain Elected Officers may provide for compensation of members of the Legislature for the performance of their duties.” I see no definition of “performance of duties.” I'd like to understand what that actually means because it is outside of a regular or special session. Is that for meeting days? Is that for conference days? Is that for constituent days? How does that actually work?

ASSEMBLYMAN GARDNER:

To my colleague from the south, it would include any of those. This is supposed to be allowing this Commission the flexibility to look at those things.

ASSEMBLYWOMAN CARLTON:

I want to make sure I have this correct, Mr. Speaker. To the sponsor of the amendment, we currently get paid for the first 60 days of session and then any official meeting day. This would allow the Commission to look at other days outside of the 60 days and any official meeting days and would set up the regulations and rules on what days actually can be paid for. So they are just going to study that, if I understand you.

ASSEMBLYMAN GARDNER:

No, this Commission will have the ability, as in 24 other states, to amend salaries and benefits, and they will be able to do not just the study, but to actually be able to change that. That is why it is a constitutional change—so they will be able to determine, as in other states like Arizona, about how they would like that compensation to be set.

ASSEMBLYWOMAN CARLTON:

I'm still confused, but I will work on it.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Bill No. 295.

Bill read second time.

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

Amendment No. 618.

SUMMARY—Revises provisions relating to the provision of certain ~~health care~~ **wellness** services. (BDR 54-698)

AN ACT relating to healing arts; limiting the scope of services which may be performed by providers of ~~complementary and alternative health care;~~ **wellness services**; requiring certain disclosures by such providers; **defining “wellness services”**; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law regulates the licensing, certification and registration of various providers of health care, including, without limitation, physicians, homeopathic physicians, osteopathic physicians, chiropractic physicians, doctors of Oriental medicine and podiatric physicians. (Chapters 630, 630A, 633, 634, 643A and 635 of NRS) ~~However, section 2 of this bill finds that there are numerous practitioners of healing arts, commonly referred to as alternative medicine, complementary medicine or natural healing, doing business in this State who are not regulated by the State.~~ **Section 3 of this bill limits the scope of ~~these practitioners~~ services which may be performed by a provider of wellness services, which are not regulated by this State, by prohibiting ~~such practitioners~~ **those providers of wellness services** from providing certain services which may only be provided by a licensed provider of health care. **The term “wellness services” is defined in section 3 to mean certain therapies and practices and the provision of certain products based on certain complementary health treatment approaches. Section 3 also requires ~~these practitioners~~ providers of wellness services to make certain disclosures to their clients, ~~and~~ and retain copies of signed disclosures for a period of not less than 5 years.****

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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~The Legislature hereby finds and declares that:~~

~~1. A July 2009 report from the National Institutes of Health, which was based on 2007 survey data, 38 percent of adults in the United States used complementary and alternative medicine. The report also stated that almost \$34 billion was spent out of pocket for these services. Although many complementary and alternative medicine practitioners are not licensed, registered or certified by this State, it is evident from this data, that thousands of persons are presently receiving a substantial amount of health care from such practitioners.~~

~~2. Reports, studies and research data also show that persons from a wide variety of age, ethnic, socioeconomic and other demographic categories utilize these health services, often referred to as complementary and alternative health care practices or natural healing therapies and modalities.~~

~~3. Notwithstanding the widespread utilization of these health care services by residents of this State, the provision of such services may be in violation of the professional practice laws governing licensed providers of health care in this State.~~

~~4. As a result, a practitioner of the healing arts who is not licensed by this State as a provider of health care could be subject to fines, penalties and the restriction of his or her practice, although his or her practice may not cross the threshold of State regulatory concern for the public. (Deleted by amendment.)~~

Sec. 3. 1. ~~{Notwithstanding any other provision of law, a}~~ A person who provides ~~{health care}~~ wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:

(a) Performs surgery or any other procedure which punctures the skin of any person;

(b) Sets a fracture of any bone of any person;

(c) Prescribes or administers X-ray radiation to any person;

(d) Prescribes or administers a prescription drug or device or a controlled substance to any person;

(e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;

(f) Makes a diagnosis of a medical disease of any person;

(g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;

(h) ~~{Diagnoses or treats}~~ Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of ~~{significant and discernable}~~ serious or permanent physical or mental harm; ~~{or}~~

(i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care ~~{licensed, certified or registered in this State.}~~;

(j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, unless otherwise expressly authorized by this section;

(k) Performs massage therapy as that term is defined in NRS 640C.060;
or

(l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS.

2. Any person providing ~~health care~~ wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for ~~health care~~ wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:

- (a) The person's name, business address and telephone number;
- (b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;
- (c) The nature of the ~~health care~~ wellness services to be provided;
- (d) The degrees, training, experience, credentials and other qualifications of the person regarding the ~~health care~~ wellness services to be provided; and
- (e) A statement recommending that the client notify his or her ~~other~~ providers of health care of the ~~health care~~ wellness services he or she is to receive.

↪ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing ~~the health care~~ wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

- (a) Are unable to read;
- (b) Are blind or visually impaired;
- (c) Have communication impairments; or
- (d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for ~~health care~~ wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:

(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.

(d) A medical assistant as that term is defined in NRS 630.0129 and 633.075.

7. As used in this section, ~~“health care”~~ “wellness services” means ~~health care and~~ healing arts therapies and practices, and ~~methods~~ the provision of products, that are based on the following complementary and alternative medicine health treatment approaches and which are not prohibited by subsection 1 ~~+~~:

(a) Anthrosposophy.

(b) Aromatherapy.

(c) Traditional cultural healing practices.

(d) Detoxification practices and therapies.

(e) Energetic healing.

(f) Folk practices.

(g) Gerson therapy and colostrum therapy.

(h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.

(i) Herbology and herbalism.

(j) Reflexology and Reiki.

(k) Mind-body healing practices.

(l) Nondiagnostic iridology.

(m) Noninvasive instrumentalities.

(n) Holistic kinesiology.

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

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 618 to Assembly Bill 295 removes the bill's preamble and substitutes “wellness services” for all references to “health care services” in the bill. The amendment also includes several new practices in the list of prohibited acts and provides a list of various therapies, practices, and products which are considered wellness services for the purposes of this bill. Additionally, the amendment ensures the activities of the medical assistant as defined in Chapters 630 and 633 of Nevada Revised Statutes are not included in the scope of this measure.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that upon return from the printer, Assembly Bills Nos. 182, 233, 316, and 372 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 283 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. 283.

Bill read third time.

The following amendment was proposed by Assemblyman Hansen:

Amendment No. 621.

AN ACT relating to 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 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 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 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.}~~ (Deleted by amendment.)

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:

This deletes section 12 of the bill.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 51.

Bill read third time.

The following amendment was proposed by Assemblymen Gardner and Jones:

Amendment No. 606.

AN ACT relating to securities; ~~requiring certain persons to complete training concerning identification of the suspected exploitation of an older person or vulnerable person; requiring broker-dealers and investment advisers to designate a person to whom a report of the suspected or known exploitation of an older person or vulnerable person may be made;~~ authorizing the Administrator of the Securities Division of the Office of the Secretary of State to adopt regulations relating to the federal Jumpstart Our Business Startups Act; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law establishes the Uniform Securities Act which sets forth provisions governing the sale and purchase of securities in this State in a manner consistent with federal laws and regulations. (Chapter 90 of NRS) Sections 2-9 of this bill require certain persons employed by broker-dealers and investment advisers to complete training concerning the identification and reporting of suspected exploitation of older persons and vulnerable persons. "Older persons" are defined in existing law as persons who are 60 years of age or older. "Vulnerable persons" are defined in existing law as persons who are 18 years of age or older who: (1) suffer from a condition of physical or mental incapacitation because of a development disability, organic brain damage or mental illness; or (2) have one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living. (NRS 200.5092) Section 8 specifies which sales representatives, representatives of an investment adviser and officers and employees of broker-dealers or investment advisers must complete the training, when the training must be completed and the content of the training. Section 9 requires each broker-dealer and investment adviser to designate a person to whom reports of suspected exploitation of an older person or vulnerable person may be made. The person so designated is then responsible for determining when a formal report must be reported to the appropriate agency.]~~

Existing law authorizes the imposition or granting of certain actions and penalties against a person who has violated any provision of state law or a regulation or order of the Administrator of the Securities Division of the Office

of the Secretary of State relating to securities, including civil penalties, restitution and costs of investigation and prosecution of such a violation. (NRS 90.630, 90.640, 90.650) **Sections 11-13** of this bill revise those provisions to include, if the violation was committed against an older person or vulnerable person, the imposition or granting of civil penalties, restitution and costs of investigation and prosecution in amounts equal to twice the amounts that would otherwise have been imposed or granted. **Section 10** of this bill authorizes the Administrator to adopt regulations consistent with the federal Jumpstart Our Business Startups Act (Pub. L. No. 112-106), including regulations relating to the creation and oversight of funding portals for the purchase of securities.

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

Section 1. Chapter 90 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ~~As used in sections 2 to 9, 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.~~
(Deleted by amendment.)

Sec. 3. ~~“Designated reporter” means a person designated by a broker-dealer or investment adviser to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 9 of this act.~~
(Deleted by amendment.)

Sec. 4. ~~“Exploitation” has the meaning ascribed to it in subsection 2 of NRS 200.5092.~~
(Deleted by amendment.)

Sec. 5. ~~“Older person” has the meaning ascribed to it in subsection 5 of NRS 200.5092.~~
(Deleted by amendment.)

Sec. 6. ~~“Reasonable cause to believe” has the meaning ascribed to it in NRS 200.50925.~~
(Deleted by amendment.)

Sec. 7. ~~“Vulnerable person” has the meaning ascribed to it in subsection 7 of NRS 200.5092.~~
(Deleted by amendment.)

Sec. 8. ~~1. Each broker-dealer, investment adviser, sales representative, representative of an investment adviser and officer or employee of a broker-dealer or investment adviser shall complete training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person if he or she:~~
~~—(a) As part of his or her regular duties for a broker-dealer or investment adviser, comes into direct contact with an older person or vulnerable person;~~
~~—(b) Reviews or approves the financial documents, records or transactions of an older person or vulnerable person in connection with the offer, sale or purchase of securities; or~~
~~—(c) Offers advice as to the value or advisability of investing in, purchasing or selling securities to an older person or vulnerable person.~~

~~2. The training required pursuant to subsection 1 must be completed not later than 6 months after the sales representative, representative of the investment adviser or officer or employee is employed by a broker-dealer or investment adviser and every 2 years thereafter.~~

~~3. The training required pursuant to subsection 1 must include, without limitation:~~

~~(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;~~

~~(b) The manner in which exploitation of an older person or vulnerable person may be recognized;~~

~~(c) Information concerning the manner in which reports of exploitation of an older person or vulnerable person are investigated; and~~

~~(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.~~

~~4. A sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his or her scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person may report the known or suspected exploitation to a designated reporter pursuant to section 9 of this act. (Deleted by amendment.)~~

Sec. 9. ~~{1. Each broker-dealer and investment adviser shall designate a person or persons to whom a sales representative, representative of the investment adviser or officer or employee of the broker-dealer or investment adviser may report known or suspected exploitation of an older person or vulnerable person.~~

~~2. If a sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser reports known or suspected exploitation of an older person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person has been exploited, the designated reporter shall:~~

~~(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person to:~~

~~(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;~~

~~(2) A police department or sheriff's office;~~

~~(3) The county's office for protective services, if one exists in the county where the suspected exploitation occurred; or~~

~~(4) A toll-free telephone service designated by the Aging and Disability Services Division; and~~

~~(b) Make such a report as soon as reasonably practicable.~~

~~3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department~~

~~of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the agency alleged to have committed the act or omission.~~

~~4. If a sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:~~

~~(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and~~

~~(b) Make such a report as soon as reasonably practicable.~~

~~5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the agency alleged to have committed the act or omission.~~

~~6. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:~~

~~(a) Disclose any fact or information that forms the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and~~

~~(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.~~

~~7. A sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith. (Deleted by amendment.)~~

Sec. 10. 1. The Administrator may adopt, by regulation or order, any filing requirements, registration exemptions and licensing requirements which are consistent with the Jumpstart Our Business Startups Act, Public Law 112-106, and any regulation adopted pursuant thereto by the United States Securities and Exchange Commission, including, without limitation, regulations relating to the creation and oversight of funding portals.

2. As used in this section, "funding portal" has the meaning ascribed to it in section 3(a)(80) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. §§ 78a et seq.

Sec. 11. NRS 90.630 is hereby amended to read as follows:

90.630 1. If the Administrator reasonably believes, whether or not based upon an investigation conducted under NRS 90.620, that:

(a) The sale of a security is subject to registration under this chapter and the security is being offered or has been offered or sold by the issuer or another person in violation of NRS 90.460; or

(b) A person is acting as a broker-dealer or investment adviser in violation of NRS 90.310 or 90.330,

➡ the Administrator, in addition to any specific power granted under this chapter and subject to compliance with the requirements of NRS 90.820, may issue, without a prior hearing, a summary order against the person engaged in the prohibited activities, directing the person to desist and refrain from further activity until the security is registered or the person is licensed under this chapter. The summary order to cease and desist must state the section of this chapter or regulation or order of the Administrator under this chapter which the Administrator reasonably believes has been or is being violated.

2. If the Administrator reasonably believes, whether or not based upon an investigation conducted under NRS 90.620, that a person has violated this chapter or a regulation or order of the Administrator under this chapter, the Administrator, in addition to any specific power granted under this chapter, after giving notice by registered or certified mail and conducting a hearing in an administrative proceeding, unless the right to notice and hearing is waived by the person against whom the sanction is imposed, may:

(a) Issue an order against the person to cease and desist;

(b) Censure the person if he or she is a licensed broker-dealer, sales representative, investment adviser or representative of an investment adviser;

(c) Bar or suspend the person from association with a licensed broker-dealer or investment adviser in this State;

(d) Issue an order against an applicant, licensed person or other person who willfully violates this chapter, imposing a civil penalty of not more than \$25,000 for each violation ~~to~~ or , ***if the violation was committed against an older person or vulnerable person, a civil penalty equal to twice the amount of the civil penalty that would otherwise have been imposed pursuant to this paragraph, not to exceed \$50,000 for each violation; or***

(e) Initiate one or more of the actions specified in NRS 90.640.

3. If the person to whom the notice is addressed pursuant to subsection 2 does not request a hearing within 45 days after receipt of the notice, the person waives the right to a hearing and the Administrator shall issue a permanent order. If a hearing is requested, the Administrator shall set the matter for hearing not less than 15 days nor more than 60 days after the Administrator receives the request for a hearing. The Administrator shall promptly notify the parties by registered or certified mail of the time and place set for the hearing.

4. Imposition of the sanctions under this section is limited as follows:

(a) If the Administrator revokes the license of a broker-dealer, sales representative, investment adviser or representative of an investment adviser or bars a person from association with a licensed broker-dealer or investment adviser under this section or NRS 90.420, the imposition of that sanction precludes imposition of a civil penalty under subsection 2; and

(b) The imposition by the Administrator of one or more sanctions under subsection 2 with respect to a specific violation precludes the Administrator from later imposing any other sanctions under paragraphs (a) to (d), inclusive, of subsection 2 with respect to the violation.

5. For the purposes of determining any sanction to be imposed pursuant to paragraphs (a) to (d), inclusive, of subsection 2, the Administrator shall consider, among other factors, the frequency and persistence of the conduct constituting a violation of this chapter, or a regulation or order of the Administrator under this chapter, the number of persons adversely affected by the conduct and the resources of the person committing the violation.

6. If a sanction is imposed pursuant to this section, reimbursement for the costs of the proceeding, including investigative costs and attorney's fees incurred, may be ordered and recovered by the Administrator. Money recovered for reimbursement of the investigative costs and attorney's fees must be deposited in the State General Fund for credit to the Secretary of State's Operating General Fund Budget Account.

7. As used in this section:

(a) *"Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.*

(b) *"Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.*

(c) *"Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.*

Sec. 12. NRS 90.640 is hereby amended to read as follows:

90.640 1. Upon a showing by the Administrator that a person has violated or is about to violate this chapter, or a regulation or order of the Administrator under this chapter, the appropriate district court may grant or impose one or more of the following appropriate legal or equitable remedies:

(a) Upon a showing that a person has violated this chapter, or a regulation or order of the Administrator under this chapter, the court may singly or in combination:

(1) Issue a temporary restraining order, permanent or temporary prohibitory or mandatory injunction or a writ of prohibition or mandamus;

(2) Impose a civil penalty of not more than \$25,000 for each violation ~~or~~ **or, if the violation was committed against an older person or vulnerable person, a civil penalty equal to twice the amount of the civil penalty that would otherwise have been imposed pursuant to this subparagraph, not to exceed \$50,000 for each violation;**

(3) Issue a declaratory judgment;

(4) Order restitution to investors ~~or~~ **which, if the violation was committed against an older person or vulnerable person, must be in an amount equal to twice the amount of restitution that would otherwise have been ordered pursuant to this subparagraph;**

(5) Provide for the appointment of a receiver or conservator for the defendant or the defendant's assets;

(6) Order payment of the Division's investigative costs ~~[- or -]~~ **which, if the violation was committed against an older person or vulnerable person, must be in an amount equal to twice the amount of the Division's investigative costs that would otherwise have been ordered for payment pursuant to this subparagraph; or**

(7) Order such other relief as the court deems just.

(b) Upon a showing that a person is about to violate this chapter, or a regulation or order of the Administrator under this chapter, a court may issue:

- (1) A temporary restraining order;
- (2) A temporary or permanent injunction; or
- (3) A writ of prohibition or mandamus.

2. In determining the appropriate relief to grant, the court shall consider enforcement actions taken and sanctions imposed by the Administrator under NRS 90.630 in connection with the transactions constituting violations of this chapter or a regulation or order of the Administrator under this chapter. If a remedial action is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Administrator.

3. The court shall not require the Administrator to post a bond in an action under this section.

4. Upon a showing by the administrator or securities agency of another state that a person has violated the securities act of that state or a regulation or order of the administrator or securities agency of that state, the appropriate district court may grant, in addition to any other legal or equitable remedies, one or more of the following remedies:

- (a) Appointment of a receiver, conservator or ancillary receiver or conservator for the defendant or the defendant's assets located in this State; or
- (b) Other relief as the court deems just.

5. As used in this section:

(a) **"Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.**

(b) **"Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.**

(c) **"Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.**

Sec. 13. NRS 90.650 is hereby amended to read as follows:

90.650 1. A person who willfully violates:

(a) A provision of this chapter, except NRS 90.600 ~~, and sections 2 to 9, inclusive, of this act~~ or who violates NRS 90.600 knowing that the statement made is false or misleading in any material respect;

(b) A regulation adopted pursuant to this chapter; or

(c) An order denying, suspending or revoking the effectiveness of registration or an order to cease and desist issued by the Administrator pursuant to this chapter,

↪ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, or by a fine of not more than \$500,000, or by both fine and imprisonment, for each violation. In addition to any other penalty, the court shall order the person to pay restitution and may order the person to repay the costs of investigation and prosecution incurred by the Division and the Office of the Attorney General. ***If the violation was committed against an older person or vulnerable person, any restitution and costs of investigation and prosecution imposed by the court must be in an amount equal to twice the amount that would otherwise have been imposed by the court.*** Money recovered for reimbursement of the costs of investigation and prosecution must be deposited in the State General Fund for credit to the Secretary of State's Operating General Fund Budget Account.

2. A person convicted of violating a regulation or order under this chapter may be fined, but must not be imprisoned, if the person proves lack of knowledge of the regulation or order.

3. This chapter does not limit the power of the State to punish a person for conduct which constitutes a crime under other law.

Sec. 14. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment deletes sections 2 through 9 of the bill.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 297.

Bill read third time.

The following amendment was proposed by Assemblyman Hansen:

Amendment No. 609.

AN ACT relating to controlled substances; revising provisions governing the crime of trafficking in controlled substances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person is guilty of trafficking in a controlled substance if the person sells, manufactures, delivers or brings into this State or knowingly or intentionally possesses certain amounts of controlled substances which are listed in schedule II. (NRS 453.3395) ~~(This bill adds certain controlled substances which are listed in schedule III to the crime of trafficking in controlled substances.)~~ This bill ~~also~~ lowers the threshold aggregate amounts by which a person may be found guilty of trafficking in those controlled substances.

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

Section 1. NRS 453.3383 is hereby amended to read as follows:

453.3383 For the purposes of NRS 453.3385, 453.339 and 453.3395, the weight **or number of dosage units** of the controlled substance, **as applicable**, as represented by the person selling or delivering it is determinative if the weight **or number of dosage units** as represented is greater than the actual weight **or number of dosage units** of the controlled substance.

Sec. 2. NRS 453.3395 is hereby amended to read as follows:

453.3395 **1.** Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State, **within a 90-day period**, or who is knowingly or intentionally in actual or constructive possession of any controlled substance ~~[which is] listed in schedule II~~ ~~for schedule III as described in subsection 3]~~ or any mixture which contains any such controlled substance shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, ~~if the quantity involved:~~

~~1. Is 28 grams or more, but less than 200 grams, for] as follows:~~

~~(a) For a category C felony as provided in NRS 193.130 and by a fine of not more than \$50,000~~ ~~;~~

~~2. Is 200 grams or more, but less than 400 grams, for] if the:~~

~~(1) Total aggregate weight of the controlled substance is 20 grams or more but less than 40 grams; or~~

~~(2) Total aggregate number of dosage units is 100 or more but less than 200.~~

~~(b) For a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than \$100,000~~ ~~;~~

~~3. Is 400 grams or more, for] if the:~~

~~(1) Total aggregate weight of the controlled substance is 40 grams or more but less than 80 grams; or~~

~~(2) Total aggregate number of dosage units is 200 or more but less than 400.~~

~~(c) For a category A felony by a fine of not more than \$250,000 and by imprisonment in the state prison~~ ~~;~~

~~(a) For] for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served~~ ~~;~~ or

~~(b) For] for a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,~~

~~and by a fine of not more than \$250,000.] if the:~~

~~(1) Total aggregate weight of the controlled substance is 80 grams or more; or~~

~~(2) Total aggregate number of dosage units is 400 or more.~~

2. If the total aggregate weight of a controlled substance and its corresponding total aggregate number of dosage units would result in different penalties pursuant to this section, the greater penalty must be imposed.

3. ~~{This section applies to the following schedule III controlled substances:~~

~~—(a) Nalorphine.~~

~~—(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs or their salts, calculated as the free anhydrous base or alkaloid, in quantities:~~

~~—(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;~~

~~—(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;~~

~~—(3) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;~~

~~—(4) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;~~

~~—(5) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; or~~

~~—(6) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.~~

~~—(c) Any material, compound, mixture or preparation containing buprenorphine, including its salts.~~

~~4.~~ As used in this section:

(a) "Aggregate number" means the total number of dosage units in violation of this section, regardless of the number of dosage units of each controlled substance as described in this section that are present in the total number of dosage units.

(b) "Aggregate weight" means the weight of the entire mixture in violation of this section, regardless of the weight of each controlled substance as described in this section that are present in the mixture.

(c) "Dosage unit" means a tablet, pill, capsule, vial, ampule or other identifiable or separated unit designed or packaged to be used, taken or ingested at one time.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment removes all schedule III controlled substances from the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 195.

Bill read third time.

The following amendment was proposed by Assemblyman Nelson:

Amendment No. 616.

AN ACT relating to real property; revising provisions governing the amount of a deficiency judgment awarded by a court after the foreclosure of a mortgage or a deed of trust; revising provisions governing the amount which a person holding a junior lien on real property may recover in a civil action under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides that a judgment creditor or a beneficiary of a deed of trust may obtain a deficiency judgment after a foreclosure sale or trustee's sale of real property if there is a deficiency of the proceeds of the sale and a balance remaining due to the judgment creditor or beneficiary. (NRS 40.455) Existing law further provides that if a person acquired the right to obtain a deficiency judgment from another person, the amount of the deficiency judgment must not exceed the amount of the consideration paid for that right. (NRS 40.459) **Sections 1, 3 and 4** of this bill provide that this provision applies only to deficiency judgments awarded on or after the passage and approval of this bill in a deficiency judgment proceeding to enforce: (1) any debt secured by property upon which the debtor or a guarantor or surety of the debt maintains his or her principal residence, there is not more than one residential structure and not more than four families reside; and (2) any debt secured by any other property if the ~~{documents}~~ **promissory note or guaranty** evidencing the debt ~~{were}~~ **was** fully executed ~~{on or}~~ before July 1, 2011.

Existing law provides that, under certain circumstances, a money judgment obtained by a creditor with a junior mortgage or lien on real property may not exceed the amount of the consideration paid by the creditor for the right to enforce the obligation secured by the junior mortgage or lien. (NRS 40.4636) **Sections 2-4** of this bill provide that this limitation applies only to a money judgment awarded on or after the passage and approval of this bill in a civil action to enforce: (1) any obligation secured by a junior mortgage or lien on real property upon which the debtor or a guarantor or surety of the debt maintains his or her principal residence, there is not more than one residential structure and not more than four families reside; and (2) any obligation secured by a junior mortgage or lien on any other real property if the ~~{documents}~~ **promissory note or guaranty** evidencing the obligation ~~{were}~~ **was** fully executed ~~{on or}~~ before July 1, 2011.

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

Section 1. NRS 40.459 is hereby amended to read as follows:

40.459 1. After the hearing, the court shall award a money judgment against the debtor, guarantor or surety who is personally liable for the debt. ~~{The}~~

2. *Except as otherwise provided in subsection 3, the court shall not render judgment for more than:*

(a) *The amount by which the amount of the indebtedness which was secured exceeds the fair market value of the property sold at the time of the sale, with interest from the date of the sale; or*

(b) *The amount which is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured, with interest from the date of sale,*

↪ whichever is the lesser amount.

3. *If the debt was secured by property upon which the debtor, guarantor or surety maintains his or her principal residence, there is not more than one residential structure and not more than four families reside, the court shall not render judgment for more than:*

(a) *The amount by which the amount of the indebtedness which was secured exceeds the fair market value of the property sold at the time of the sale, with interest from the date of the sale;*

(b) *The amount which is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured, with interest from the date of sale; or*

(c) *If the person seeking the judgment acquired the right to obtain the judgment from a person who previously held that right, the amount by which the amount of the consideration paid for that right exceeds the fair market value of the property sold at the time of sale or the amount for which the property was actually sold, whichever is greater, with interest from the date of sale and reasonable costs,*

↪ whichever is the lesser amount.

~~{2-}~~ 4. For the purposes of this section, the “amount of the indebtedness” does not include any amount received by, or payable to, the judgment creditor or beneficiary of the deed of trust pursuant to an insurance policy to compensate the judgment creditor or beneficiary for any losses incurred with respect to the property or the default on the debt.

Sec. 2. NRS 40.4636 is hereby amended to read as follows:

40.4636 1. If a person to whom an obligation secured by a junior mortgage or lien on real property is owed:

(a) Files a civil action to obtain a money judgment against the debtor under that obligation after a foreclosure sale or a sale in lieu of a foreclosure sale; and

(b) Such action is not barred by NRS 40.430,

↪ in determining the amount owed by the debtor, the court shall not include the amount of any proceeds received by, or payable to, the person pursuant to an insurance policy to compensate the person for losses incurred with respect to the property or the default on the obligation.

2. If:

(a) A person acquired the right to enforce an obligation secured by a junior mortgage or lien on real property from a person who previously held that right;

(b) The person files a civil action to obtain a money judgment against the debtor after a foreclosure sale or a sale in lieu of a foreclosure sale;

(c) The obligation was secured by a junior mortgage or lien on real property upon which the debtor maintains his or her principal residence, there is not more than one residential structure and not more than four families reside; and

~~[(c)]~~ ***(d)*** Such action is not barred by NRS 40.430,

↪ the court shall not render judgment for more than the amount of the consideration paid for that right, plus interest from the date on which the person acquired the right and reasonable costs.

3. As used in this section, “obligation secured by a junior mortgage or lien on real property” includes, without limitation, an obligation which is not currently secured by a mortgage or lien on real property if the obligation:

(a) Is incurred by the debtor under an obligation which was secured by a mortgage or lien on real property; and

(b) Has the effect of reaffirming the obligation which was secured by a mortgage or lien on real property.

Sec. 3. The amendatory provisions of:

1. Section 1 of this act apply to a judgment awarded pursuant to NRS 40.459, as amended by section 1 of this act, on or after the effective date of this act, if the ~~documents~~ **promissory note or guaranty** evidencing the debt ~~are~~ **is** fully executed on or after July 1, 2011.

2. Section 2 of this act apply to a judgment awarded pursuant to subsection 2 of NRS 40.4636, as amended by section 2 of this act, on or after the effective date of this act, if the ~~documents~~ **promissory note or guaranty** evidencing the obligation ~~are~~ **is** fully executed on or after July 1, 2011.

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

Assemblyman Nelson moved the adoption of the amendment.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

The intent of this bill is to maintain existing deficiency provisions for all residential loans and for all commercial loans entered into prior to July 1, 2011. We are removing the provisions only for commercial loans entered into after that date. This specific amendment removes the word “documents,” which appears twice, and substitutes the words “promissory note or guarantee” in its place.

I would like to thank the chairman of Judiciary Committee who brokered a settlement among all of the stakeholders, and my colleague from the south who will soon graduate from the Boyd School of Law with honors. He helped quite a bit on some of the technical issues and knows as much about this bill as most of the lawyers I am dealing with.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 405.

Bill read third time.

Remarks by Assemblymen Hansen, Diaz, Swank, Dickman, Spiegel, and Gardner.

ASSEMBLYMAN HANSEN:

Assembly Bill 405 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. The bill does not require a parent or guardian to consent to the abortion before it is performed and does not prohibit a physician from performing the abortion if written notification has been provided to at least one parent or guardian of the pregnant minor or ward and a 48-hour waiting period has expired. An expedited procedure is established for petitioning a court for judicial authorization to proceed without parental notification.

This bill is effective upon passage and approval for the purpose of adopting regulations, and on October 1, 2015, for all other purposes.

ASSEMBLYWOMAN DIAZ:

I respectfully rise in opposition to Assembly Bill 405. In 1998, Rebecca Bell, a young lady from the Midwest, was afraid to talk to her parents about her pregnancy. She obtained an illegal, alternative, back-alley abortion, became sick for a week, and died. Her parents stated that they would have rathered their daughter obtained a legal abortion without their consent if it meant saving her life. Spring Adams, a 13-year-old from another Mountain West state, was raped by her own father. Her father shot her when he found out she terminated a pregnancy that occurred as a result of incest. I think about the young woman who told her parents that she was pregnant. They forced her to give birth and put the child up for adoption. The young lady subsequently tried to commit suicide and was institutionalized for depression. This position is also for that young woman who was so scared that her parents would find out about her unintended pregnancy, she tried to overdose on over-the-counter medication.

A.B. 405 is a bill that endangers vulnerable young girls in our state. It requires and forces them, against their will, to make deeply personal and private decisions with other people. This bill goes against their will and their privacy to coerce them into involving parents in decisions when those parents may not be there for many other decisions in their lives. The majority of teenage women will evaluate whether they can confide in family members, and if they feel they safely can, they will. You cannot legislate good relationships. I strongly urge this body to vote no.

ASSEMBLYWOMAN SWANK:

I rise in opposition to Assembly Bill 405. My vote is to let professionals do what they do best. A doctor is a trained expert in the area of physical health. They counsel a patient about the risks of any health condition and any potential treatment so that when a decision is made, it is well informed and in the best interests of the patient.

Assembly Bill 405 is legislation that creates more questions and uncertainty than helps anyone. Assembly Bill 405 would slow down the process for women when making personal reproductive health choices. Based on an increased time and notification of parents or petitioning of the courts, it postpones medical procedures that are much safer when performed earlier. Performed later, they can become more complicated and have added risk.

Additionally, the way "medical emergency" is defined in this bill could put people at risk and is different than other parental consent statutes. This bill puts up far too many road blocks on a very personal and private choice and I urge this body to vote no.

ASSEMBLYWOMAN DICKMAN:

I rise in support of Assembly Bill 405. It is common sense that a daughter would need to notify her parent before any major procedure. This puts us in line with rulings from the U.S. Supreme Court and statutes from many other states.

I have gotten several emails from physicians who have urged me to support this bill because they have had to deal with this on many occasions. I urge your support of all the daughters in Nevada and urge your support of A.B. 405.

ASSEMBLYWOMAN SPIEGEL:

I rise in opposition to Assembly Bill 405. This puts impediments into people's lives on a personal and private health choice. In other states, it has been documented that pregnancy rates do not change in response to parental notification requirements. Assembly Bill 405 will not reduce teen pregnancy. It will not reduce abortion rates. It will not result in girls talking to their parents in cases where the parent-child relationship has deteriorated to the point where the girl feels she cannot talk to her parents. What it will do, at least in some cases, is force already terrified young girls into a choice of being forced to discuss their pregnancy with a parent they, for whatever reason, do not trust. Some of these girls will be so desperate to avoid that conversation and its ramifications that they will do desperate things, like seek to go out of state for an abortion or end their pregnancy without a doctor. This choice will result in grave harm for some of these girls. I urge this body to vote no.

ASSEMBLYMAN GARDNER:

I rise in support of Assembly Bill 405. This is a parental rights bill. We are simply asking that the parents be notified before their daughter has an abortion. They do not have to consent to the abortion. They just need to be notified. This is the right thing to do, and this speaks to the common yearning of all parents to be involved.

Also, in recent polling, this is about an 80 percent issue. It is not a Republican or Democratic issue. Majorities of Republicans, Democrats, and Independents all think this needs to be passed. That is why the majority of states have consent laws, and I urge your support of this commonsense bill.

Assemblymen Wheeler, Kirner, and Hickey moved the previous question.
The question being the passage of Assembly Bill No. 405.

Roll call on Assembly Bill No. 405:

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. 405 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 414.

Bill read third time.

Remarks by Assemblymen Gardner, Elliot Anderson, Wheeler, Kirkpatrick,
and Dickman.

ASSEMBLYMAN GARDNER:

Assembly Bill 414 revises provisions authorizing the Governor to only enter into interactive gaming agreements that enable patrons in the signatory states to participate in Internet poker. The bill also defines "Internet poker" and clarifies that interactive gaming does not include any gambling game other than Internet poker.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Assembly Bill 414. To put it lightly, this bill is unnecessary. Interactive gaming is already restricted by regulation of the Gaming Commission. I think what this does is close off any future avenues that might develop when we are out of session. Let us say that a market develops. If we do this, we would have to be called into special session or have to come back and rush things to change it. There is no harm right now because it is already restricted by regulation.

The Gaming Commission is the gold standard of regulatory bodies, and we should allow them discretion under the statute. This issue can be litigated there if it is necessary, but right now there is no harm. I urge this body to reject Assembly Bill 414.

ASSEMBLYMAN WHEELER:

I rise in support of Assembly Bill 414. During the last session, the Governor signed into law A.B. 114 allowing for interactive gaming that was meant to be poker only. Along with many others in this room, I was here at that time. A review of all the testimony and articles from last session shows that it was meant to be poker only. Assembly Bill 414 clarifies the intent of the 2013 law. I will be voting in favor of this bill, and I urge this body to do the same.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in opposition to Assembly Bill 414. Like many of my colleagues, I was here last session. Nevada is the gold standard around the world on gaming. One of the things that we talked about in the 2013 legislation was the ability for the Gaming Control Board to establish regulations so that we could be on the cutting edge at all times when it came to gaming. Currently poker is the only online game that is allowed, but we are taking away the ability for the Gaming Control Board and the Gaming Commission to adopt regulations to keep us on the cutting edge.

Over 80 percent of our budget comes from gaming and the day that we cannot be the gold standard, we put ourselves in a huge situation across the state. This is not a partisan issue. This is more about ensuring that we keep our golden goose available for the long term.

It really was a competition last session on which state was going to adopt online gaming first. The Governor gave us a challenge to see if we could beat New Jersey, because he was headed to the Western Governors Association. That is the truth of the story. The Governor said I am leaving on Friday. I need to get this done in three days. Can you guys do it? We as a southern Nevada delegation came together in a room, and we did it in four hours, even before lobbyists were signing new contracts. We passed the bill, and it was on the way to the Governor's office. There were many of us at the signing. Everybody was invited because it was an historic day around the world, for Nevada to be the first to sign on to online gaming.

I want to talk a little bit about the history and the importance of gaming in this building. I believe it was in 2007, Mr. [Bernie] Anderson was here, and we went round and round about a bill allowing a governmental agency to have gaming. I was one of six people who voted against it with many of my Republican colleagues, including Mr. Carpenter, because I felt that we were not living up to the gold standard. It has always been about being the gold standard. It has always been about being on the cutting edge. That is why we have places in Macau. That is why we are looking at Japan today. Without all the additional revenue, which is our number one source of income, we could really be at risk. I do not think it behooves this body to lock something in for two years, because a lot can change in two years. I would urge people to think about this and to not vote for it.

ASSEMBLYWOMAN DICKMAN:

I rise to support Assembly Bill 414. This bill simply clarifies in statutes the intent of A.B. 360 from the 2013 Session. Currently in Nevada we have online poker, and this will do nothing to change that. It is just a simple, important bill to ensure online games in Nevada remain poker only. I urge your support of Assembly Bill 414.

Roll call on Assembly Bill No. 414:

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—Jones, Woodbury—2.

Assembly Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 25.

Bill read third time.

Remarks Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 25 authorizes the use of money collected through the residential construction tax for the improvement of park facilities and specifies that improvement includes the expansion, modification, redesign, redevelopment, or enhancement of existing facilities. The bill also 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 specifies that the money collected through the tax must be expended within the park district from which it was collected and must not be expended for maintenance or operational expenses.

Roll call on Assembly Bill No. 25:

YEAS—40.

NAYS—None.

EXCUSED—Jones, Woodbury—2.

Assembly Bill No. 25 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 50.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 50 repeals and reenacts provisions governing the solicitation of charitable and other contributions by all charitable organizations and nonprofit organizations in this state. A charitable organization is prohibited from soliciting charitable contributions or having charitable contributions solicited on its behalf in this state, unless the organization is registered with the Secretary of State. Certain organizations may be exempted from registration requirements. The information and financial report filed by each charitable organization will be made public and posted on the Secretary of State's website.

If a charitable organization fails to file the information and financial report required for registration, the Secretary of State will provide written notice of the alleged violation. In addition, if a violation has occurred, the organization may not be allowed to transact business in the state or the matter may be referred to the Attorney General. The Attorney General may seek an injunction or other equitable relief and may recover a civil penalty.

Roll call on Assembly Bill No. 50:

YEAS—40.

NAYS—None.

EXCUSED—Jones, Woodbury—2.

Assembly Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 62.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Assembly Bill 62 designates the third Wednesday of March during each regular session of the Legislature as “Veterans Day at the Legislature.” This bill also makes several changes which the Chief Clerk has just alliterated. I urge your support.

Roll call on Assembly Bill No. 62:

YEAS—40.

NAYS—None.

EXCUSED—Jones, Woodbury—2.

Assembly Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 66.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 66 requires that all of the justices of the peace in the large urban townships, specifically Las Vegas, North Las Vegas, Henderson, Reno, and Sparks, be licensed attorneys. The measure also increases the monetary limit on civil jurisdiction of justice courts from \$10,000 to \$15,000, and increases the monetary limit on small claims actions from \$7,500 to \$10,000. Fees for the preparation and filing of an affidavit and order for these civil actions are added.

Roll call on Assembly Bill No. 66:

YEAS—30.

NAYS—Dickman, Dooling, Ellison, Fiore, Moore, Oscarson, Seaman, Shelton, Titus, Wheeler—10.

EXCUSED—Jones, Woodbury—2.

Assembly Bill No. 66 having received a two-thirds 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 4:35 p.m.

ASSEMBLY IN SESSION

At 4:42 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 67.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 562.

AN ACT relating to public safety; revising provisions governing the admission into evidence of certain affidavits and declarations in certain criminal proceedings; revising provisions governing the administration of certain tests for the presence of alcohol, controlled substances and prohibited substances; ~~[providing for]~~ **revising provisions concerning** the revocation of ~~[the]~~ **a** license, permit or privilege to drive ; ~~[of a person who fails to submit to certain tests for the presence of alcohol, controlled substances and prohibited substances under certain circumstances; revising provisions concerning operating or being in actual physical control of a vessel;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a person to drive, operate or be in actual physical control of a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance, or both. (NRS 484C.110, 484C.120, 488.410) **Sections 9 and 20** of this bill define the term “under the influence” for the purposes of existing law relating to driving, operating or being in actual physical control of a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance, or both.

Existing law allows the affidavits and declarations of certain persons to be admitted as evidence during a criminal proceeding to prove certain facts relating to the testing of the blood, breath or urine of a defendant to determine the presence or concentration of alcohol or certain other substances. In a felony trial, if the defendant objects in writing to the admission of such affidavits or declarations, the court must not admit the affidavit or declaration into evidence and the prosecution may cause the witness to testify at trial concerning the information contained in the affidavit or declaration. A defendant in a misdemeanor trial, however, must also establish that: (1) there is a substantial and bona fide dispute between the prosecution and the defense regarding the facts in the declaration; and (2) it is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined. (NRS 50.315) The Nevada Supreme Court has held that the additional requirements imposed on a misdemeanor defendant under existing law violate a defendant's constitutional right to confront the witnesses against him or her and are therefore unconstitutional. (*City of Reno v. Howard*, 130 Nev. Adv. Op. 12, 318 P.3d 1063 (2014))

Section 1 of this bill eliminates the constitutional defect identified by the Nevada Supreme Court and provides instead that an affidavit or declaration must not be admitted as evidence during a misdemeanor trial to prove certain facts relating to the testing of the blood, breath or urine of a defendant to

determine the presence or concentration of alcohol or certain other substances if, not later than 10 days before the date set for trial or such shorter time before the date set for trial as authorized by the court, the defendant objects in writing to the admission of the affidavit or declaration ~~and requests an opportunity to cross-examine the witness at trial.~~ Under **section 1**, if the affidavit or declaration is not admitted into evidence, the prosecution may produce the witness to provide testimony at trial concerning the information contained in the affidavit or declaration at trial.

Under existing law, a person who drives a vehicle in this State is deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present. If a person who has thus given his or her “implied consent” to an evidentiary test refuses to submit to the test when directed to do so by a police officer who has reason to believe that the person was driving a vehicle or operating a vessel while under the influence of alcohol or a controlled substance, existing law authorizes the police officer to direct that reasonable force be used to obtain a sample of blood from the person to be tested. (NRS 484C.160) The Nevada Supreme Court has held that the consent implied by a person’s decision to drive in this State is not voluntary consent to an evidentiary blood test and, thus, existing laws that allow a police officer to obtain a blood sample from a person without a warrant and without voluntary consent are unconstitutional. (*Byars v. State*, 130 Nev. Adv. Op. No. 85, 336 P.3d 939 (2014))

Sections 12 and 14 of this bill eliminate the constitutional defect identified by the Nevada Supreme Court and provide instead that if a person refuses to submit to an evidentiary blood test at the request of a police officer: (1) the officer may apply for a warrant or other court order directing the use of reasonable force to obtain the blood sample; and (2) the person’s driver’s license must be revoked for a certain period. **Section 14 further authorizes the revocation of a person’s license, permit or privilege to drive if an evidentiary test reveals the presence of a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription or hold a valid registry identification card.** **Sections 15 and 16** of this bill make corresponding revisions to provisions of existing law which establish the procedure for effecting such a revocation and provide for an administrative hearing to challenge such a revocation. **Section 25** of this bill makes comparable changes to existing law concerning the evidentiary tests of persons who operate or exercise actual physical control over vessels on the waters of this State. **Section 5** of this bill makes comparable changes to existing law concerning evidentiary tests of persons who have actual physical possession of a firearm. ~~[Existing law makes it unlawful for a person to operate or be in actual physical control of a vessel on the waters of this State while under the influence of intoxicating liquor or a controlled substance or while engaging in certain~~

~~other prohibited conduct if the vessel is “under power or sail.” (NRS 488.410) Section 21 of this bill makes the operation or actual physical control of a vessel by such a person unlawful if the vessel is “under way,” that is, if the vessel is adrift, making way or being propelled, and is not aground, made fast to the shore or tied or made fast to a dock or mooring. Sections 2, 4, 6, 8, 19, 21, 25 and 27-30 of this bill make conforming changes.]~~

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

Section 1. NRS 50.315 is hereby amended to read as follows:

50.315 1. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person is admissible in evidence in any criminal or administrative proceeding to prove:

(a) That the affiant or declarant has been certified by the Director of the Department of Public Safety as being competent to operate devices of a type certified by the Committee on Testing for Intoxication as accurate and reliable for testing a person’s breath to determine the concentration of alcohol in his or her breath;

(b) The identity of a person from whom the affiant or declarant obtained a sample of breath; and

(c) That the affiant or declarant tested the sample using a device of a type so certified and that the device was functioning properly.

2. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who has examined a prepared chemical solution or gas that has been used in calibrating, or verifying the calibration of, a device for testing another’s breath to determine the concentration of alcohol in his or her breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant; and

(b) That the solution or gas has the chemical composition necessary for use in accurately calibrating, or verifying the calibration of, the device.

3. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who calibrates a device for testing another’s breath to determine the concentration of alcohol in his or her breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) That on a specified date the affiant or declarant calibrated the device at a named law enforcement agency by using the procedures and equipment prescribed in the regulations of the Committee on Testing for Intoxication;

(c) That the calibration was performed within the period required by the Committee’s regulations; and

(d) Upon completing the calibration of the device, it was operating properly.

4. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration made under the penalty of perjury of a person who withdraws a

sample of blood from another for analysis by an expert as set forth in NRS 50.320 is admissible in any criminal or administrative proceeding to prove:

- (a) The occupation of the affiant or declarant;
- (b) The identity of the person from whom the affiant or declarant withdrew the sample;
- (c) The fact that the affiant or declarant kept the sample in his or her sole custody or control and in substantially the same condition as when he or she first obtained it until delivering it to another; and
- (d) The identity of the person to whom the affiant or declarant delivered it.

5. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who receives from another a sample of blood or urine or other tangible evidence that is alleged to contain alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance may be admitted in any criminal or civil or administrative proceeding to prove:

- (a) The occupation of the affiant or declarant;
- (b) The fact that the affiant or declarant received a sample or other evidence from another person and kept it in his or her sole custody or control in substantially the same condition as when he or she first received it until delivering it to another; and
- (c) The identity of the person to whom the affiant or declarant delivered it.

6. If, ~~at or before the time of trial,~~ **not later than 10 days before the date set for trial or such shorter time before the date set for trial as authorized by the court,** the defendant ~~establishes that:~~

- ~~(a) There is a substantial and bona fide dispute regarding the facts in the affidavit or declaration; and~~
- ~~(b) It is in the best interests of justice that the witness who signed the affidavit or declaration be cross examined.~~ **Objects, objects in writing to admitting into evidence the affidavit or declaration, and**
- ~~(b) Requests an opportunity to cross examine at trial the witness who signed the affidavit or declaration,~~

the court shall not admit the affidavit or declaration into evidence and may order the prosecution to produce the witness and may continue the trial for any time the court deems reasonably necessary to receive such testimony. The time within which a trial is required is extended by the time of the continuance.

7. During any trial in which the defendant has been accused of committing a felony, the defendant may object in writing to admitting into evidence an affidavit or declaration described in this section. If the defendant makes such an objection, the court shall not admit the affidavit or declaration into evidence and the prosecution may cause the person to testify to any information contained in the affidavit or declaration.

8. The Committee on Testing for Intoxication shall adopt regulations prescribing the form of the affidavits and declarations described in this section.

Sec. 2. ~~NRS 50.325 is hereby amended to read as follows:~~

~~50.325 1. If a person is charged with an offense listed in subsection 4, and it is necessary to prove:~~

~~(a) The existence of any alcohol;~~

~~(b) The quantity of a controlled substance; or~~

~~(c) The existence or identity of a controlled substance, chemical, poison, organic solvent or another prohibited substance;~~

~~the prosecuting attorney may request that the affidavit or declaration of an expert or other person described in NRS 50.315 and 50.320 be admitted into evidence at the preliminary hearing, hearing before a grand jury or trial concerning the offense. Except as otherwise provided in NRS 50.315 and 50.320, the affidavit or declaration must be admitted into evidence at the trial.~~

~~2. If the request is to have the affidavit or declaration admitted into evidence at a preliminary hearing or hearing before a grand jury, the affidavit or declaration must be admitted into evidence upon submission. If the request is to have the affidavit or declaration admitted into evidence at trial, the request must be:~~

~~(a) Made at least 10 days before the date set for the trial;~~

~~(b) Sent to the defendant's counsel and to the defendant, by registered or certified mail, or personally served on the defendant's counsel or the defendant; and~~

~~(c) Accompanied by a copy of the affidavit or declaration and the name, address and telephone number of the affiant or declarant.~~

~~3. The provisions of this section do not prohibit either party from producing any witness to offer testimony at trial.~~

~~4. The provisions of this section apply to any of the following offenses:~~

~~(a) An offense punishable pursuant to NRS 202.257, 455A.170, 455B.080, 493.130 or 639.283.~~

~~(b) An offense punishable pursuant to chapter 453, 484A to 484E, inclusive, or 488 of NRS.~~

~~(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under [power or sail] way while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425.~~

~~(d) Any other offense for which it is necessary to prove, as an element of the offense:~~

~~(1) The existence of any alcohol;~~

~~(2) The quantity of a controlled substance; or~~

~~(3) The existence or identity of a controlled substance, chemical, poison, organic solvent or another prohibited substance.] (Deleted by amendment.)~~

~~Sec. 3. [NRS 62E.620 is hereby amended to read as follows:~~

~~62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:~~

~~—(a) An unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;~~

~~—(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or~~

~~—(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.~~

~~—2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:~~

~~—(a) A clinical alcohol and drug abuse counselor who is licensed, an alcohol and drug abuse counselor who is licensed or certified, or an alcohol and drug abuse counselor intern or a clinical alcohol and drug abuse counselor intern who is certified, pursuant to chapter 641C of NRS, to make that classification; or~~

~~—(b) A physician who is certified to make that classification by the Board of Medical Examiners.~~

~~—3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:~~

~~—(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;~~

~~—(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and~~

~~—(c) Is in good standing with the regulatory agency in the other state.~~

~~—4. The evaluation of the child may be conducted at an evaluation center.~~

~~—5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.~~

~~—6. The juvenile court shall:~~

~~—(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.~~

~~—(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.~~

~~—(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:~~

~~—(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and~~

~~—(2) The juvenile court may order the child, in lieu of paying the charges relating to the child's evaluation and treatment, to perform community service.~~

~~7. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child who:~~

~~— (a) Drives, operates or is in actual physical control of a vehicle or a vessel under [power or sail] way while under the influence of intoxicating liquor or a controlled substance; or~~

~~— (b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~8. The provisions of this section do not prohibit the juvenile court from:~~

~~— (a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Division of Public and Behavioral Health of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.~~

~~— (b) Ordering the child to attend a program of treatment which is administered by a private company.~~

~~9. Except as otherwise provided in section 6 of chapter 435, Statutes of Nevada 2007, all information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:~~

~~— (a) The juvenile court;~~

~~— (b) The child;~~

~~— (c) The attorney for the child, if any;~~

~~— (d) The parents or guardian of the child;~~

~~— (e) The district attorney; and~~

~~— (f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.~~

~~10. A record of any finding that a child has violated the provisions of NRS 484C.110, 484C.120, 484C.130 or 484C.430 must be included in the driver's record of that child for 7 years after the date of the offense.} (Deleted by amendment.)~~

Sec. 4. ~~{NRS 178.484 is hereby amended to read as follows:~~

~~178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.~~

~~2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:~~

~~— (a) A court issues an order directing that the person be admitted to bail;~~

~~— (b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or~~

~~— (c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.~~

~~3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:~~

~~— (a) A court issues an order directing that the person be admitted to bail; or~~

~~— (b) A department of alternative sentencing directs the detention facility to admit the person to bail.~~

~~4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.~~

~~5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.~~

~~6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under [power or sail] way must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.~~

~~7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

~~— (a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;~~

~~— (b) Five thousand dollars, if the person has:~~

~~— (1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~— (2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for~~

~~which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~— (c) Fifteen thousand dollars, if the person has:~~

~~— (1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~— (2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.~~

~~↗ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~— 8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:~~

~~— (a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;~~

~~— (b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or~~

~~— (c) At the time of the violation or within 2 hours after the violation, the person has:~~

~~— (1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or~~

~~— (2) An amount of a prohibited substance in the person's blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110.~~

~~— 9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

~~— (a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a~~

~~restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;~~

~~—(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;~~
~~or~~

~~—(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.~~

~~—The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~—10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.~~

~~—11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the~~

~~health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:~~

~~— (a) Requiring the person to remain in this State or a certain county within this State;~~

~~— (b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;~~

~~— (c) Prohibiting the person from entering a certain geographic area; or~~

~~— (d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.~~

~~✱ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.~~

~~— 12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:~~

~~— (a) Deem such conduct a contempt pursuant to NRS 22.010; or~~

~~— (b) Increase the amount of bail pursuant to NRS 178.499.~~

~~— 13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.~~

~~— 14. Before a person may be admitted to bail, the person must sign a document stating that:~~

~~— (a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;~~

~~— (b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and~~

~~— (c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.~~

~~✱ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.~~

~~— 15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.~~

~~— 16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.~~

~~17. As used in this section, “strangulation” has the meaning ascribed to it in NRS 200.481.1 (Deleted by amendment.)~~

Sec. 5. NRS 202.257 is hereby amended to read as follows:

202.257 1. It is unlawful for a person who:

(a) Has a concentration of alcohol of 0.10 or more in his or her blood or breath; or

(b) Is under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him or her incapable of safely exercising actual physical control of a firearm,

↪ to have in his or her actual physical possession any firearm. This prohibition does not apply to the actual physical possession of a firearm by a person who was within the person’s personal residence and had the firearm in his or her possession solely for self-defense.

2. Any evidentiary test to determine whether a person has violated the provisions of subsection 1 must be administered in the same manner as an evidentiary test that is administered pursuant to NRS 484C.160 to 484C.250, inclusive, except that submission to the evidentiary test is required of any person who is ~~directed~~ **requested** by a police officer to submit to the test. If a person to be tested fails to submit to a required test as ~~directed~~ **requested** by a police officer, the officer may ~~direct~~ **apply for a warrant or court order directing** that reasonable force be used to the extent necessary to obtain the samples of blood from the person to be tested, if the officer has reasonable cause to believe that the person to be tested was in violation of this section.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

4. A firearm is subject to forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, only if, during the violation of subsection 1, the firearm is brandished, aimed or otherwise handled by the person in a manner which endangered others.

5. As used in this section, the phrase “concentration of alcohol of 0.10 or more in his or her blood or breath” means 0.10 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Sec. 6. ~~NRS 453A.300 is hereby amended to read as follows:~~

~~453A.300 1. A person who holds a registry identification card issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:~~

~~(a) Driving, operating or being in actual physical control of a vehicle or a vessel under [power or sail] way while under the influence of marijuana.~~

~~(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.~~

~~— (c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257;~~

~~— (d) Possessing marijuana in violation of NRS 453.236 or possessing paraphernalia in violation of NRS 453.560 or 453.566, if the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:~~

~~— (1) Any public place or in any place open to the public or exposed to public view; or~~

~~— (2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders;~~

~~— (e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250;~~

~~— (f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250;~~

~~— 2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card for a period of up to 6 months. } (Deleted by amendment.)~~

~~Sec. 7. [NRS 458.260 is hereby amended to read as follows:~~

~~— 458.260 1. Except as otherwise provided in subsection 2, the use of alcohol, the status of drunkard and the fact of being found in an intoxicated condition are not:~~

~~— (a) Public offenses and shall not be so treated in any ordinance or resolution of a county, city or town;~~

~~— (b) Elements of an offense giving rise to a criminal penalty or civil sanction;~~

~~— 2. The provisions of subsection 1 do not apply to:~~

~~— (a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;~~

~~— (b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;~~

~~— (c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under [power or sail] way while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and~~

~~— (d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town;~~

~~— 3. This section does not make intoxication an excuse or defense for any criminal act. } (Deleted by amendment.)~~

Sec. 8. ~~[NRS 458.270 is hereby amended to read as follows:~~

~~458.270 1. Except as otherwise provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that the person is unable to exercise care for his or her health or safety or the health or safety of other persons, must be placed under civil protective custody by a peace officer.~~

~~2. A peace officer may use upon such a person the kind and degree of force which would be lawful if the peace officer were effecting an arrest for a misdemeanor with a warrant.~~

~~3. If a licensed facility for the treatment of persons who abuse alcohol exists in the community where the person is found, the person must be delivered to the facility for observation and care. If no such facility exists in the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his or her health and safety until he or she is no longer under the influence of alcohol. The person may not be required against his or her will to remain in a licensed facility, jail or detention facility longer than 48 hours.~~

~~4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or other appropriate medical facility if the condition of the person appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.~~

~~5. The placement of a person found under the influence of alcohol in civil protective custody must be:~~

~~(a) Recorded at the facility, jail or detention facility to which the person is delivered; and~~

~~(b) Communicated at the earliest practical time to the person's family or next of kin if they can be located.~~

~~6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.~~

~~7. The provisions of this section do not apply to a person who is apprehended or arrested for:~~

~~(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;~~

~~(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;~~

~~(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under [power or sail] way while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and~~

~~(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.~~ **(Deleted by amendment.)**

Sec. 9. Chapter 484C of NRS is hereby amended by adding thereto a new section to read as follows:

“Under the influence” means impaired to a degree that renders a person incapable of safely driving or exercising actual physical control of a vehicle.

Sec. 10. NRS 484C.010 is hereby amended to read as follows:

484C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484C.020 to 484C.100, inclusive, **and section 9 of this act** have the meanings ascribed to them in those sections.

Sec. 11. NRS 484C.150 is hereby amended to read as follows:

484C.150 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the ~~direction~~ **request** of a police officer at the scene of a vehicle accident or collision or where the police officer stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. If the person fails to submit to the test, the officer shall ~~seize~~ :

(a) **Seize** the license or permit of the person to drive as provided in NRS 484C.220 ; and

(b) **If reasonable grounds otherwise exist**, arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 484C.160.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 12. NRS 484C.160 is hereby amended to read as follows:

484C.160 1. Except as otherwise provided in subsections ~~{3 and 4,}~~ **4 and 5**, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the ~~direction~~ **request** of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~or~~ **or with a prohibited substance in his or her blood or urine; or**

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. ***A police officer who requests that a person submit to a test pursuant to subsection 1 shall inform the person that his or her license, permit or privilege to drive will be revoked if he or she fails to submit to the test.***

3. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

~~3.1~~ 4. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

~~4.1~~ 5. If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses ***whose testimony in court*** ~~1.1~~ ***or an administrative hearing is necessary because of the use of the blood test. The expenses of such a witness must be assessed at an hourly rate of not less than:***

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

~~(c) A police officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:~~

~~—— (1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or~~

~~—— (2) Has been convicted within the previous 7 years of:~~

~~—— (I) A violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of another jurisdiction that prohibits the same or similar conduct; or~~

~~—— (II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).~~

~~5.1~~ ***Except as otherwise provided in NRS 484C.200, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.***

6. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may ~~direct~~ **request that** the person ~~to~~ submit to a blood or urine test, or both. ~~1. In addition to the breath test.~~

~~6.1~~ 7. Except as otherwise provided in subsections ~~3 and 5,~~ **4 and 6**, a police officer shall not ~~direct~~ **request that** a person ~~to~~ submit to a urine test.

~~7.1~~ 8. If a person to be tested fails to submit to a required test as ~~directed~~ **requested** by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~to~~ or **with a prohibited substance in his or her blood or urine; or**

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430,

↪ the officer may ~~direct~~ **apply for a warrant or court order directing** that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. ~~Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the concentration of alcohol or presence of a controlled substance or another prohibited substance in his or her blood.~~

~~8.1~~ 9. If a person who is less than 18 years of age is ~~directed~~ **requested** to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 13. NRS 484C.200 is hereby amended to read as follows:

484C.200 1. Except as otherwise provided in subsection 2, an evidentiary test of breath to determine the concentration of alcohol in a person's breath may be used to establish that concentration only if two consecutive samples of the person's breath are taken and:

(a) The difference between the concentration of alcohol in the person's breath indicated by the two samples is less than or equal to 0.02;

(b) If the provisions of paragraph (a) do not apply, a third evidentiary test of breath is administered and the difference between the concentration of alcohol in the person's breath indicated by the third sample and one of the first two samples is less than or equal to 0.02; or

(c) If the provisions of paragraphs (a) and (b) do not apply, a fourth evidentiary test is administered. Except as otherwise provided in NRS 484C.160, the fourth evidentiary test must be a blood test.

2. If the person fails to provide the second or third consecutive sample, or to submit to the fourth evidentiary test, the results of the first test may be used alone as evidence of the concentration of alcohol in the person's breath. If for some other reason a second, third or fourth sample is not obtained, the results of the first test may be used with all other evidence presented to establish the concentration.

3. If a person refuses or otherwise fails to provide a second or third consecutive sample or submit to a fourth evidentiary test, ~~if a police officer may direct that reasonable force be used to obtain a sample or conduct a test pursuant to~~ **such refusal or failure constitutes a failure to submit to a required test as provided in NRS 484C.160.**

Sec. 14. NRS 484C.210 is hereby amended to read as follows:

484C.210 1. ***If a person fails to submit to an evidentiary test as requested by a police officer pursuant to NRS 484C.160, the license, permit or privilege to drive of the person must be revoked as provided in NRS 484C.220, and the person is not eligible for a license, permit or privilege to drive for a period of:***

(a) One year; or

(b) Three years, if the license, permit or privilege to drive of the person has been revoked during the immediately preceding 7 years for failure to submit to an evidentiary test.

2. If the result of a test given under NRS 484C.150 or 484C.160 shows that a person had a concentration of alcohol of 0.08 or more in his or her blood or breath ***or a detectable amount of a controlled substance or ~~for~~ prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140,*** at the time of the test, the license, permit or privilege of the person to drive must be revoked as provided in NRS 484C.220 and the person is not eligible for a license, permit or privilege for a period of 90 days.

~~{2.}~~ 3. If a revocation of a person's license, permit or privilege to drive under NRS 62E.640 or 483.460 follows a revocation under subsection ~~{1}~~ 2 which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the Department shall cancel the revocation under that subsection and give the person credit for any period during which the person was not eligible for a license, permit or privilege.

~~{3.}~~ 4. Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

Sec. 15. NRS 484C.220 is hereby amended to read as follows:

484C.220 1. As agent for the Department, the officer who ***requested that a test be given pursuant to NRS 484C.150 or 484C.160 or who*** obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who ***failed to submit to a test requested by the police officer pursuant to NRS 484C.150 or 484C.160 or who*** has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a ***controlled substance or*** prohibited substance in his or her blood or urine ~~for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140,~~ if that person is present, and shall seize the license or permit to drive of the person. The officer shall then , ***unless the information is***

expressly set forth in the order of revocation, advise the person of his or her right to administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a detectable amount of a ***controlled substance or ~~for~~*** prohibited substance in his or her blood or urine ~~for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140,~~ the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, ***if any***, a written certificate that the officer had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle ~~with~~ :

(a) ***With*** a concentration of alcohol of 0.08 or more in his or her blood or breath or with a detectable amount of a ***controlled substance or ~~for~~*** prohibited substance in his or her blood or urine ~~for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140,~~ as determined by a chemical test ~~for~~ ; or

(b) ***While under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine and the person refused to submit to a required evidentiary test.***

↪ The certificate must also indicate whether the officer served an order of revocation on the person and whether the officer issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at the person's last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that

the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484C.230 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 16. NRS 484C.230 is hereby amended to read as follows:

484C.230 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484C.220, the person may request in writing a hearing by the Department to review the order of revocation, but the person is only entitled to one hearing. The hearing must be conducted ~~[within 15 days after receipt of the request, or]~~ as soon ~~[thereafter]~~ as is practicable ~~[, in the county where the requester resides unless the parties agree otherwise.]~~ **at any location, if the hearing officer permits each party and witness to attend the hearing by telephone, videoconference or other electronic means.** The Director or agent of the Director may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. Unless the person is ineligible for a temporary license pursuant to NRS 484C.220, the Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person ~~[, at]~~:

(a) Failed to submit to a required test provided for in NRS 484C.150 or 484C.160; or

(b) At the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a **controlled substance or** ~~for~~ prohibited substance in his or her blood or urine ~~[,]~~ **for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140.**

↪ Upon an affirmative finding on ~~[this]~~ ***either*** issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.

Sec. 17. NRS 484C.240 is hereby amended to read as follows:

484C.240 1. If a person refuses to submit to a required chemical test provided for in NRS 484C.150 or 484C.160, evidence of that refusal is admissible in any criminal or administrative action arising out of acts alleged to have been committed while the person was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~or~~ **or with a prohibited substance in his or her blood or urine; or**

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. Except as otherwise provided in subsection 3 of NRS 484C.150, a court or hearing officer may not exclude evidence of a required test or failure to submit to such a test if the police officer or other person substantially complied with the provisions of NRS 484C.150 to 484C.250, inclusive, and 484C.600 to 484C.640, inclusive.

3. If a person submits to a chemical test provided for in NRS 484C.150 or 484C.160, full information concerning that test must be made available, upon request of the person, to the person or his or her attorney.

4. Evidence of a required test is not admissible in a criminal or administrative proceeding unless it is shown by documentary or other evidence that the law enforcement agency calibrated the breath-testing device and otherwise maintained it as required by the regulations of the Committee on Testing for Intoxication.

Sec. 18. NRS 484C.250 is hereby amended to read as follows:

484C.250 1. The results of any blood test administered under the provisions of NRS 484C.160 or 484C.180 are not admissible in any hearing or criminal action arising out of acts alleged to have been committed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance **or with a prohibited substance in his or her blood or urine** or who was engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without

limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a police officer or the person to be tested to administer the test.

Sec. 19. ~~NRS 484C.360 is hereby amended to read as follows:~~

~~484C.360 1. When a program of treatment is ordered pursuant to NRS 484C.340 or paragraph (a) or (b) of subsection 1 of NRS 484C.400, the court shall place the offender under the clinical supervision of a treatment facility for treatment in accordance with the report submitted to the court pursuant to NRS 484C.340 or subsection 3, 4, 5 or 6 of NRS 484C.350, as appropriate. The court shall:~~

~~—(a) Order the offender confined in a treatment facility, then release the offender for supervised aftercare in the community; or~~

~~—(b) Release the offender for treatment in the community, for the period of supervision ordered by the court.~~

~~2. The court shall:~~

~~—(a) Require the treatment facility to submit monthly progress reports on the treatment of an offender pursuant to this section; and~~

~~—(b) Order the offender, to the extent of his or her financial resources, to pay any charges for treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain the treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the charges.~~

~~3. A treatment facility is not liable for any damages to person or property caused by a person who:~~

~~—(a) Drives, operates or is in actual physical control of a vehicle or a vessel under [power or sail] way while under the influence of intoxicating liquor or a controlled substance; or~~

~~—(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct,~~

~~after the treatment facility has certified that the offender has successfully completed a program of treatment ordered pursuant to NRS 484C.340 or~~

~~paragraph (a) or (b) of subsection 1 of NRS 484C.400.] (Deleted by amendment.)~~

Sec. 20. NRS 488.035 is hereby amended to read as follows:

488.035 As used in this chapter, unless the context otherwise requires:

1. “Aquatic invasive species” means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

2. “Aquatic plant material” means aquatic plants or parts of plants that are dependent on an aquatic environment to survive.

3. “Commission” means the Board of Wildlife Commissioners.

4. “Conveyance” means a motor vehicle, trailer or any other equipment used to transport a vessel or containers or devices used to haul water on a vessel that may contain or carry an aquatic invasive species or aquatic plant material.

5. “Decontaminate” means eliminate any aquatic invasive species on a vessel or conveyance in a manner specified by the Commission which may include, without limitation, washing the vessel or conveyance, draining the water in the vessel or conveyance, drying the vessel or conveyance or chemically, thermally or otherwise treating the vessel or conveyance.

6. “Department” means the Department of Wildlife.

7. “Flat wake” means the condition of the water close astern a moving vessel that results in a flat wave disturbance.

8. “Interstate waters of this State” means waters forming the boundary between the State of Nevada and an adjoining state.

9. “Legal owner” means a secured party under a security agreement relating to a vessel or a renter or lessor of a vessel to the State or any political subdivision of the State under a lease or an agreement to lease and sell or to rent and purchase which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

10. “Motorboat” means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

11. “Operate” means to navigate or otherwise use a motorboat or a vessel.

12. “Owner” means:

(a) A person having all the incidents of ownership, including the legal title of a vessel, whether or not he or she lends, rents or pledges the vessel; and

(b) A debtor under a security agreement relating to a vessel.

↪ “Owner” does not include a person defined as a “legal owner” under subsection 9.

13. “Prohibited substance” has the meaning ascribed to it in NRS 484C.080.

14. “Registered owner” means the person registered by the Commission as the owner of a vessel.

15. *“Under the influence” means impaired to a degree that renders a person incapable of safely operating or exercising actual physical control of a vessel.*

16. A vessel is “under way” if it is adrift, making way or being propelled, and is not aground, made fast to the shore, or tied or made fast to a dock or mooring.

~~{16.}~~ 17. “Vessel” means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

~~{17.}~~ 18. “Waters of this State” means any waters within the territorial limits of this State.

Sec. 21. ~~[NRS 488.410 is hereby amended to read as follows:]~~

~~488.410 1. It is unlawful for any person who:~~

~~(a) Is under the influence of intoxicating liquor;~~

~~(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or~~

~~(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have a concentration of alcohol of 0.08 or more in his or her blood or breath,~~

~~to operate or be in actual physical control of a vessel under [power or sail] way on the waters of this State.~~

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

~~(a) Is under the influence of a controlled substance;~~

~~(b) Is under the combined influence of intoxicating liquor and a controlled substance; or~~

~~(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under [power or sail] way;~~

~~to operate or be in actual physical control of a vessel under [power or sail] way on the waters of this State.~~

~~3. It is unlawful for any person to operate or be in actual physical control of a vessel under [power or sail] way on the waters of this State with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:~~

	Urine.....	Blood
	Nanograms per	Nanograms per
Prohibited substance	milliliter.....	milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2

~~(h) Marijuana metabolite~~	~~15~~	~~5~~
~~(i) Methamphetamine~~	~~500~~	~~100~~
~~(j) Phencyclidine~~	~~25~~	~~10~~

~~4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~5. Except as otherwise provided in NRS 488.427, a person who violates the provisions of this section is guilty of a misdemeanor.~~ **(Deleted by amendment.)**

Sec. 22. [NRS 488.420 is hereby amended to read as follows:

~~488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:~~

~~(a) Is under the influence of intoxicating liquor;~~

~~(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under [power or sail] way to have a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;~~

~~(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or being in actual physical control of a vessel under [power or sail] way; or~~

~~(f) Has a prohibited substance in his or her blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410, and does any act or neglects any duty imposed by law while operating or being in actual physical control of any vessel under [power or sail] way, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.~~

~~2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally~~

~~ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.~~

~~3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under [power or sail,] way, and before his or her blood was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.~~ **(Deleted by amendment.)**

Sec. 23. ~~[NRS 488.425 is hereby amended to read as follows:~~

~~488.425 1. A person commits homicide by vessel if the person:~~

~~(a) Operates or is in actual physical control of a vessel under [power or sail] way on the waters of this State and:~~

~~(1) Is under the influence of intoxicating liquor;~~

~~(2) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~(3) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under [power or sail] way to have a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;~~

~~(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under [power or sail,] way; or~~

~~(6) Has a prohibited substance in his or her blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410;~~

~~(b) Proximately causes the death of another person while operating or in actual physical control of a vessel under [power or sail,] way; and~~

~~(c) Has previously been convicted of at least three offenses.~~

~~2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:~~

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

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

~~3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.~~

~~4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.~~

~~5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~6. If the defendant was transporting a person who is less than 15 years of age in the vessel at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.~~

~~7. As used in this section, "offense" means:~~

~~(a) A violation of NRS 488.410 or 488.420;~~

~~(b) A homicide resulting from operating or being in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or~~

~~(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).] (Deleted by amendment.)~~

Sec. 24. NRS 488.450 is hereby amended to read as follows:

488.450 1. Any person who operates or is in actual physical control of a vessel under power or sail ~~way~~ on the waters of this State shall be deemed to have given consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the ~~direction~~ **request** of a peace officer after a vessel accident or collision or where an officer stops a vessel, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail ~~way~~ while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person fails to submit to the test, the officer shall **, if reasonable grounds otherwise exist,** arrest the person and take him or her to a convenient

place for the administration of a reasonably available evidentiary test under NRS 488.460.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 25. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under power or sail ~~way~~ on the waters of this State shall be deemed to have given consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the ~~direction~~ **request** of a peace officer having reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail ~~way~~ while under the influence of intoxicating liquor or a controlled substance ~~is~~ **or with a prohibited substance in his or her blood or urine; or**

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses **whose testimony in court is necessary because of the use of the blood test. The expenses of such a witness must** ~~may be assessed at an hourly rate of not less than:~~

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) ~~A peace officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:~~

~~— (1) Caused death or substantial bodily harm to another person as a result of operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or as~~

a result of engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425; or

— (2) Has been convicted within the previous 7 years of:

— (I) A violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of another jurisdiction that prohibits the same or similar conduct; or

— (II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).] ***Except as otherwise provided in NRS 488.470, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.***

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may ~~{direct}~~ **request that** the person ~~{to}~~ submit to a blood or urine test, or both . ~~{, in addition to the breath test.}~~

6. Except as otherwise provided in subsections 3 and 5, a peace officer shall not ~~{direct}~~ **request that** a person ~~{to}~~ submit to a urine test.

7. If a person to be tested fails to submit to a required test as ~~{directed}~~ **requested** by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail ~~{way}~~ while under the influence of intoxicating liquor or a controlled substance ~~{,}~~ or **with a prohibited substance in his or her blood or urine; or**

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425,

↪ the officer may ~~{direct}~~ **apply for a warrant or court order directing** that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. ~~{Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the alcoholic content or presence of a controlled substance or another prohibited substance in the person's blood.}~~

8. If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 26. NRS 488.470 is hereby amended to read as follows:

488.470 1. Except as otherwise provided in subsection 2, an evidentiary test of breath to determine the concentration of alcohol in a person's breath may be used to establish that concentration only if two consecutive samples of the person's breath are taken and:

(a) The difference between the concentration of alcohol in the person's breath indicated by the two samples is less than or equal to 0.02;

(b) If the provisions of paragraph (a) do not apply, a third evidentiary test of breath is administered and the difference between the concentration of alcohol in the person's breath indicated by the third sample and one of the first two samples is less than or equal to 0.02; or

(c) If the provisions of paragraphs (a) and (b) do not apply, a fourth evidentiary test is administered. Except as otherwise provided in NRS 488.460, the fourth evidentiary test must be a blood test.

2. If the person fails to provide the second or third consecutive sample, or to submit to the fourth evidentiary test, the results of the first test may be used alone as evidence of the concentration of alcohol in the person's breath. If for some other reason a second, third or fourth sample is not obtained, the results of the first test may be used with all other evidence presented to establish the concentration.

3. If a person refuses or otherwise fails to provide a second or third consecutive sample or submit to a fourth evidentiary test, ~~if a peace officer may direct that reasonable force be used to obtain a sample or conduct a test pursuant to~~ ***such refusal or failure constitutes a failure to submit to a required evidentiary test as provided in*** NRS 488.460.

Sec. 27. ~~NRS 488.480 is hereby amended to read as follows:~~

~~488.480 1. If a person refuses to submit to a required chemical test provided for in NRS 488.450 or 488.460, evidence of that refusal is admissible in any criminal action arising out of acts alleged to have been committed while the person was:~~

~~(a) Operating or in actual physical control of a vessel under [power or sail] way while under the influence of intoxicating liquor or a controlled substance;~~
~~or~~

~~(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.~~

~~2. Except as otherwise provided in subsection 3 of NRS 488.450, a court may not exclude evidence of a required test or failure to submit to such a test if the peace officer or other person substantially complied with the provisions of NRS 488.450 to 488.500, inclusive.~~

~~3. If a person submits to a chemical test provided for in NRS 488.450 or 488.460, full information concerning that test must be made available, upon request, to the person or the person's attorney.~~

~~4. Evidence of a required test is not admissible in a criminal proceeding unless it is shown by documentary or other evidence that the device for testing breath was certified pursuant to NRS 484C.610 and was calibrated, maintained and operated as provided by the regulations of the Committee on Testing for Intoxication adopted pursuant to NRS 484C.620, 484C.630 or 484C.640.~~

~~5. If the device for testing breath has been certified by the Committee on Testing for Intoxication to be accurate and reliable pursuant to NRS 484C.610, it is presumed that, as designed and manufactured, the device is accurate and reliable for the purpose of testing a person's breath to determine the concentration of alcohol in the person's breath.~~

~~6. A court shall take judicial notice of the certification by the Director of a person to operate testing devices of one of the certified types. If a test to determine the amount of alcohol in a person's breath has been performed with a certified type of device by a person who is certified pursuant to NRS 484C.630 or 484C.640, it is presumed that the person operated the device properly.~~

~~7. This section does not preclude the admission of evidence of a test of a person's breath where the:~~

~~(a) Information is obtained through the use of a device other than one of a type certified by the Committee on Testing for Intoxication;~~

~~(b) Test has been performed by a person other than one who is certified by the Director.~~

~~8. As used in this section, "Director" means the Director of the Department of Public Safety.] (Deleted by amendment.)~~

Sec. 28. ~~[NRS 488.490 is hereby amended to read as follows:~~

~~488.490 1. A person who is arrested for operating or being in actual physical control of a vessel under [power or sail] way while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 must be permitted, upon the person's request and at his or her expense, reasonable opportunity to have a qualified person of his or her own choosing administer a chemical test to determine:~~

~~(a) The concentration of alcohol in his or her blood or breath; or~~

~~(b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his or her blood or urine.~~

~~2. The failure or inability to obtain such a test does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a peace officer.~~

~~3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 488.460.] (Deleted by amendment.)~~

Sec. 29. NRS 488.500 is hereby amended to read as follows:

488.500 1. The results of any blood test administered under the provisions of NRS 488.460 or 488.490 are not admissible in any criminal action arising out of acts alleged to have been committed by a person who was operating or in actual physical control of a vessel under power or sail ~~(way)~~ while under the influence of intoxicating liquor or a controlled substance or **with a prohibited substance in his or her blood or urine or** who was engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a peace officer or the person to be tested to administer the test.

Sec. 30. ~~[NRS 488.520 is hereby amended to read as follows:~~

~~488.520 1. Any coroner, or other public officer performing like duties, shall in all cases in which a death has occurred as a result of an accident involving a vessel under [power or sail] way on the waters of this state, whether the person killed is the operator of the vessel or a passenger or other person, cause to be drawn from each decedent, within 8 hours after the accident, a blood sample to be analyzed for the presence and concentration of alcohol.~~

~~2. The findings of the examinations are a matter of public record and must be reported to the Commission by the coroner or other public officer within 30 days after the death.~~

~~3. Analyses of blood alcohol are acceptable only if made by laboratories licensed to perform this function.] (Deleted by amendment.)~~

Sec. 31. ~~[This act becomes]~~

1. This section and sections 2 to 30, inclusive, of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

The comments on Amendment 562 deal with the issue that I brought forth regarding a valid registry or identification card for the marijuana registry. Doctors do not actually write a prescription for marijuana. This addresses that issue, and I thank the Chair of Judiciary for addressing my concerns.

Amendment adopted.

The following amendment was proposed by Assemblyman Wheeler:

Amendment No. 563.

AN ACT relating to public safety; revising provisions governing the admission into evidence of certain affidavits and declarations in certain criminal proceedings; **specifying certain conditions under which a person**

is deemed not to be in actual physical control of a vehicle; revising provisions governing the administration of certain tests for the presence of alcohol, controlled substances and prohibited substances; providing for the revocation of the license, permit or privilege to drive of a person who fails to submit to certain tests for the presence of alcohol, controlled substances and prohibited substances under certain circumstances; revising provisions concerning operating or being in actual physical control of a vessel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a person to drive, operate or be in actual physical control of a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance, or both. (NRS 484C.110, 484C.120, 488.410) **Sections ~~9.1~~ 9.3 and 20** of this bill define the term “under the influence” for the purposes of existing law relating to driving, operating or being in actual physical control of a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance, or both. **Section 9.5 of this bill provides that a person shall be deemed not to be in actual physical control of a vehicle if: (1) the person is asleep inside the vehicle; and (2) the vehicle is lawfully parked.**

Existing law allows the affidavits and declarations of certain persons to be admitted as evidence during a criminal proceeding to prove certain facts relating to the testing of the blood, breath or urine of a defendant to determine the presence or concentration of alcohol or certain other substances. In a felony trial, if the defendant objects in writing to the admission of such affidavits or declarations, the court must not admit the affidavit or declaration into evidence and the prosecution may cause the witness to testify at trial concerning the information contained in the affidavit or declaration. A defendant in a misdemeanor trial, however, must also establish that: (1) there is a substantial and bona fide dispute between the prosecution and the defense regarding the facts in the declaration; and (2) it is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined. (NRS 50.315) The Nevada Supreme Court has held that the additional requirements imposed on a misdemeanor defendant under existing law violate a defendant's constitutional right to confront the witnesses against him or her and are therefore unconstitutional. (*City of Reno v. Howard*, 130 Nev. Adv. Op. 12, 318 P.3d 1063 (2014))

Section 1 of this bill eliminates the constitutional defect identified by the Nevada Supreme Court and provides instead that an affidavit or declaration must not be admitted as evidence during a misdemeanor trial to prove certain facts relating to the testing of the blood, breath or urine of a defendant to determine the presence or concentration of alcohol or certain other substances if, not later than 10 days before the date set for trial or such shorter time before the date set for trial as authorized by the court, the defendant objects in writing to the admission of the affidavit or declaration and requests an opportunity to cross-examine the witness at trial. Under **section 1**, if the affidavit or

declaration is not admitted into evidence, the prosecution may produce the witness to provide testimony at trial concerning the information contained in the affidavit or declaration at trial.

Under existing law, a person who drives a vehicle in this State is deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present. If a person who has thus given his or her “implied consent” to an evidentiary test refuses to submit to the test when directed to do so by a police officer who has reason to believe that the person was driving a vehicle or operating a vessel while under the influence of alcohol or a controlled substance, existing law authorizes the police officer to direct that reasonable force be used to obtain a sample of blood from the person to be tested. (NRS 484C.160) The Nevada Supreme Court has held that the consent implied by a person’s decision to drive in this State is not voluntary consent to an evidentiary blood test and, thus, existing laws that allow a police officer to obtain a blood sample from a person without a warrant and without voluntary consent are unconstitutional. (*Byars v. State*, 130 Nev. Adv. Op. No. 85, 336 P.3d 939 (2014))

Sections 12 and 14 of this bill eliminate the constitutional defect identified by the Nevada Supreme Court and provide instead that if a person refuses to submit to an evidentiary blood test at the request of a police officer: (1) the officer may apply for a warrant or other court order directing the use of reasonable force to obtain the blood sample; and (2) the person’s driver’s license must be revoked for a certain period. **Sections 15 and 16** of this bill make corresponding revisions to provisions of existing law which establish the procedure for effecting such a revocation and provide for an administrative hearing to challenge such a revocation. **Section 25** of this bill makes comparable changes to existing law concerning the evidentiary tests of persons who operate or exercise actual physical control over vessels on the waters of this State. **Section 5** of this bill makes comparable changes to existing law concerning evidentiary tests of persons who have actual physical possession of a firearm.

Existing law makes it unlawful for a person to operate or be in actual physical control of a vessel on the waters of this State while under the influence of intoxicating liquor or a controlled substance or while engaging in certain other prohibited conduct if the vessel is “under power or sail.” (NRS 488.410) **Section 21** of this bill makes the operation or actual physical control of a vessel by such a person unlawful if the vessel is “under way,” that is, if the vessel is adrift, making way or being propelled, and is not aground, made fast to the shore or tied or made fast to a dock or mooring. **Sections 2-4, 6-8, 19, 21-25 and 27-30** of this bill make conforming changes.

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

Section 1. NRS 50.315 is hereby amended to read as follows:

50.315 1. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person is admissible in evidence in any criminal or administrative proceeding to prove:

(a) That the affiant or declarant has been certified by the Director of the Department of Public Safety as being competent to operate devices of a type certified by the Committee on Testing for Intoxication as accurate and reliable for testing a person's breath to determine the concentration of alcohol in his or her breath;

(b) The identity of a person from whom the affiant or declarant obtained a sample of breath; and

(c) That the affiant or declarant tested the sample using a device of a type so certified and that the device was functioning properly.

2. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who has examined a prepared chemical solution or gas that has been used in calibrating, or verifying the calibration of, a device for testing another's breath to determine the concentration of alcohol in his or her breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant; and

(b) That the solution or gas has the chemical composition necessary for use in accurately calibrating, or verifying the calibration of, the device.

3. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who calibrates a device for testing another's breath to determine the concentration of alcohol in his or her breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) That on a specified date the affiant or declarant calibrated the device at a named law enforcement agency by using the procedures and equipment prescribed in the regulations of the Committee on Testing for Intoxication;

(c) That the calibration was performed within the period required by the Committee's regulations; and

(d) Upon completing the calibration of the device, it was operating properly.

4. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration made under the penalty of perjury of a person who withdraws a sample of blood from another for analysis by an expert as set forth in NRS 50.320 is admissible in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) The identity of the person from whom the affiant or declarant withdrew the sample;

(c) The fact that the affiant or declarant kept the sample in his or her sole custody or control and in substantially the same condition as when he or she first obtained it until delivering it to another; and

(d) The identity of the person to whom the affiant or declarant delivered it.

5. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who receives from another a sample of blood or urine or other tangible evidence that is alleged to contain alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance may be admitted in any criminal or civil or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) The fact that the affiant or declarant received a sample or other evidence from another person and kept it in his or her sole custody or control in substantially the same condition as when he or she first received it until delivering it to another; and

(c) The identity of the person to whom the affiant or declarant delivered it.

6. If, ~~at or before the time of trial,~~ **not later than 10 days before the date set for trial or such shorter time before the date set for trial as authorized by the court,** the defendant : ~~establishes that;~~

(a) ~~There is a substantial and bona fide dispute regarding the facts in the affidavit or declaration; and~~

~~—(b) It is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined;~~ **Objects in writing to admitting**

into evidence the affidavit or declaration; and

(b) Requests an opportunity to cross-examine at trial the witness who signed the affidavit or declaration,

→ the court **shall not admit the affidavit or declaration into evidence and** may order the prosecution to produce the witness and may continue the trial for any time the court deems reasonably necessary to receive such testimony. The time within which a trial is required is extended by the time of the continuance.

7. During any trial in which the defendant has been accused of committing a felony, the defendant may object in writing to admitting into evidence an affidavit or declaration described in this section. If the defendant makes such an objection, the court shall not admit the affidavit or declaration into evidence and the prosecution may cause the person to testify to any information contained in the affidavit or declaration.

8. The Committee on Testing for Intoxication shall adopt regulations prescribing the form of the affidavits and declarations described in this section.

Sec. 2. NRS 50.325 is hereby amended to read as follows:

50.325 1. If a person is charged with an offense listed in subsection 4, and it is necessary to prove:

(a) The existence of any alcohol;

(b) The quantity of a controlled substance; or

(c) The existence or identity of a controlled substance, chemical, poison, organic solvent or another prohibited substance,

→ the prosecuting attorney may request that the affidavit or declaration of an expert or other person described in NRS 50.315 and 50.320 be admitted into evidence at the preliminary hearing, hearing before a grand jury or trial

concerning the offense. Except as otherwise provided in NRS 50.315 and 50.320, the affidavit or declaration must be admitted into evidence at the trial.

2. If the request is to have the affidavit or declaration admitted into evidence at a preliminary hearing or hearing before a grand jury, the affidavit or declaration must be admitted into evidence upon submission. If the request is to have the affidavit or declaration admitted into evidence at trial, the request must be:

- (a) Made at least 10 days before the date set for the trial;
- (b) Sent to the defendant's counsel and to the defendant, by registered or certified mail, or personally served on the defendant's counsel or the defendant; and
- (c) Accompanied by a copy of the affidavit or declaration and the name, address and telephone number of the affiant or declarant.

3. The provisions of this section do not prohibit either party from producing any witness to offer testimony at trial.

4. The provisions of this section apply to any of the following offenses:

(a) An offense punishable pursuant to NRS 202.257, 455A.170, 455B.080, 493.130 or 639.283.

(b) An offense punishable pursuant to chapter 453, 484A to 484E, inclusive, or 488 of NRS.

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under ~~power or sail~~ way while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425.

(d) Any other offense for which it is necessary to prove, as an element of the offense:

- (1) The existence of any alcohol;
- (2) The quantity of a controlled substance; or
- (3) The existence or identity of a controlled substance, chemical, poison, organic solvent or another prohibited substance.

Sec. 3. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

(a) An unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:

(a) A clinical alcohol and drug abuse counselor who is licensed, an alcohol and drug abuse counselor who is licensed or certified, or an alcohol and drug

abuse counselor intern or a clinical alcohol and drug abuse counselor intern who is certified, pursuant to chapter 641C of NRS, to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:

(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;

(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and

(c) Is in good standing with the regulatory agency in the other state.

4. The evaluation of the child may be conducted at an evaluation center.

5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

6. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:

(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The juvenile court may order the child, in lieu of paying the charges relating to the child's evaluation and treatment, to perform community service.

7. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under ~~power or sail~~ **way** while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.

8. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Division of Public and Behavioral Health of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

9. Except as otherwise provided in section 6 of chapter 435, Statutes of Nevada 2007, all information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

(a) The juvenile court;

(b) The child;

(c) The attorney for the child, if any;

(d) The parents or guardian of the child;

(e) The district attorney; and

(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

10. A record of any finding that a child has violated the provisions of NRS 484C.110, 484C.120, 484C.130 or 484C.430 must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 4. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail;

(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or

(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail; or

(b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under ~~power or~~ ~~sail~~ **way** must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

➡ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been

contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110.

9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or

extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

➡ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.

↪ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

- (a) Deem such conduct a contempt pursuant to NRS 22.010; or
- (b) Increase the amount of bail pursuant to NRS 178.499.

13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.

14. Before a person may be admitted to bail, the person must sign a document stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.

↪ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

17. As used in this section, “strangulation” has the meaning ascribed to it in NRS 200.481.

Sec. 5. NRS 202.257 is hereby amended to read as follows:

202.257 1. It is unlawful for a person who:

(a) Has a concentration of alcohol of 0.10 or more in his or her blood or breath; or

(b) Is under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him or her incapable of safely exercising actual physical control of a firearm,

↪ to have in his or her actual physical possession any firearm. This prohibition does not apply to the actual physical possession of a firearm by a person who was within the person's personal residence and had the firearm in his or her possession solely for self-defense.

2. Any evidentiary test to determine whether a person has violated the provisions of subsection 1 must be administered in the same manner as an evidentiary test that is administered pursuant to NRS 484C.160 to 484C.250, inclusive, except that submission to the evidentiary test is required of any person who is ~~directed~~ **requested** by a police officer to submit to the test. If a person to be tested fails to submit to a required test as ~~directed~~ **requested** by a police officer, the officer may ~~direct~~ **apply for a warrant or court order directing** that reasonable force be used to the extent necessary to obtain the samples of blood from the person to be tested, if the officer has reasonable cause to believe that the person to be tested was in violation of this section.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

4. A firearm is subject to forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, only if, during the violation of subsection 1, the firearm is brandished, aimed or otherwise handled by the person in a manner which endangered others.

5. As used in this section, the phrase "concentration of alcohol of 0.10 or more in his or her blood or breath" means 0.10 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Sec. 6. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who holds a registry identification card issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under ~~power or sail~~ **way** while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566, if the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

(1) Any public place or in any place open to the public or exposed to public view; or

(2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders.

(e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card for a period of up to 6 months.

Sec. 7. NRS 458.260 is hereby amended to read as follows:

458.260 1. Except as otherwise provided in subsection 2, the use of alcohol, the status of drunkard and the fact of being found in an intoxicated condition are not:

(a) Public offenses and shall not be so treated in any ordinance or resolution of a county, city or town.

(b) Elements of an offense giving rise to a criminal penalty or civil sanction.

2. The provisions of subsection 1 do not apply to:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under ~~power or sail~~ **way** while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

3. This section does not make intoxication an excuse or defense for any criminal act.

Sec. 8. NRS 458.270 is hereby amended to read as follows:

458.270 1. Except as otherwise provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that the person is unable to exercise care for his or her health or safety or the health or safety of other persons, must be placed under civil protective custody by a peace officer.

2. A peace officer may use upon such a person the kind and degree of force which would be lawful if the peace officer were effecting an arrest for a misdemeanor with a warrant.

3. If a licensed facility for the treatment of persons who abuse alcohol exists in the community where the person is found, the person must be

delivered to the facility for observation and care. If no such facility exists in the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his or her health and safety until he or she is no longer under the influence of alcohol. The person may not be required against his or her will to remain in a licensed facility, jail or detention facility longer than 48 hours.

4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or other appropriate medical facility if the condition of the person appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.

5. The placement of a person found under the influence of alcohol in civil protective custody must be:

(a) Recorded at the facility, jail or detention facility to which the person is delivered; and

(b) Communicated at the earliest practical time to the person's family or next of kin if they can be located.

6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.

7. The provisions of this section do not apply to a person who is apprehended or arrested for:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under ~~power or sail~~ way while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

Sec. 9. Chapter 484C of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ **the provisions set forth as sections 9.3 and 9.5 of this act.**

Sec. 9.3. *"Under the influence" means impaired to a degree that renders a person incapable of safely driving or exercising actual physical control of a vehicle.*

Sec. 9.5. **For the purposes of this chapter, a person shall be deemed not to be in actual physical control of a vehicle if:**

- 1. The person is asleep inside the vehicle; and**
- 2. The vehicle is lawfully parked.**

Sec. 10. NRS 484C.010 is hereby amended to read as follows:

484C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484C.020 to 484C.100, inclusive, **and section ~~10~~ 9.3 of this act** have the meanings ascribed to them in those sections.

Sec. 11. NRS 484C.150 is hereby amended to read as follows:

484C.150 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the ~~direction~~ **request** of a police officer at the scene of a vehicle accident or collision or where the police officer stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. If the person fails to submit to the test, the officer shall ~~seize~~ :

(a) **Seize** the license or permit of the person to drive as provided in NRS 484C.220 ; and

(b) **If reasonable grounds otherwise exist**, arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 484C.160.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 12. NRS 484C.160 is hereby amended to read as follows:

484C.160 1. Except as otherwise provided in subsections ~~3 and 4,~~ **4 and 5**, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the ~~direction~~ **request** of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~;~~ or **with a prohibited substance in his or her blood or urine; or**

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. **A police officer who requests that a person submit to a test pursuant to subsection 1 shall inform the person that his or her license, permit or privilege to drive will be revoked if he or she fails to submit to the test.**

3. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

~~{3.}~~ 4. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

~~{4.}~~ 5. If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses *whose testimony in court ~~{.}~~ or an administrative hearing is necessary because of the use of the blood test. The expenses of such a witness must be assessed at an hourly rate of not less than:*

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One-hundred dollars for giving or waiting to give testimony.

(c) ~~{A police officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:~~

~~—— (1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or~~

~~—— (2) Has been convicted within the previous 7 years of:~~

~~—— (I) A violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of another jurisdiction that prohibits the same or similar conduct; or~~

~~—— (II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).~~

~~{5.}~~ *Except as otherwise provided in NRS 484C.200, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.*

6. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may ~~{direct}~~ **request that** the person ~~{to}~~ submit to a blood or urine test, or both. ~~{. In addition to the breath test.~~

~~{6.}~~ 7. Except as otherwise provided in subsections ~~{3 and 5,}~~ **4 and 6**, a police officer shall not ~~{direct}~~ **request that** a person ~~{to}~~ submit to a urine test.

~~{7.}~~ 8. If a person to be tested fails to submit to a required test as ~~{directed}~~ **requested** by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~to~~ or **with a prohibited substance in his or her blood or urine; or**

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430,

→ the officer may ~~direct~~ **apply for a warrant or court order directing** that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. ~~[Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the concentration of alcohol or presence of a controlled substance or another prohibited substance in his or her blood.]~~

~~—8.]~~ 9. If a person who is less than 18 years of age is ~~directed~~ **requested** to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 13. NRS 484C.200 is hereby amended to read as follows:

484C.200 1. Except as otherwise provided in subsection 2, an evidentiary test of breath to determine the concentration of alcohol in a person's breath may be used to establish that concentration only if two consecutive samples of the person's breath are taken and:

(a) The difference between the concentration of alcohol in the person's breath indicated by the two samples is less than or equal to 0.02;

(b) If the provisions of paragraph (a) do not apply, a third evidentiary test of breath is administered and the difference between the concentration of alcohol in the person's breath indicated by the third sample and one of the first two samples is less than or equal to 0.02; or

(c) If the provisions of paragraphs (a) and (b) do not apply, a fourth evidentiary test is administered. Except as otherwise provided in NRS 484C.160, the fourth evidentiary test must be a blood test.

2. If the person fails to provide the second or third consecutive sample, or to submit to the fourth evidentiary test, the results of the first test may be used alone as evidence of the concentration of alcohol in the person's breath. If for some other reason a second, third or fourth sample is not obtained, the results of the first test may be used with all other evidence presented to establish the concentration.

3. If a person refuses or otherwise fails to provide a second or third consecutive sample or submit to a fourth evidentiary test, ~~[a police officer may direct that reasonable force be used to obtain a sample or conduct a test pursuant to]~~ **such refusal or failure constitutes a failure to submit to a required test as provided in** NRS 484C.160.

Sec. 14. NRS 484C.210 is hereby amended to read as follows:

484C.210 1. **If a person fails to submit to an evidentiary test as requested by a police officer pursuant to NRS 484C.160, the license, permit or privilege to drive of the person must be revoked as provided in**

NRS 484C.220, and the person is not eligible for a license, permit or privilege to drive for a period of:

(a) One year; or

(b) Three years, if the license, permit or privilege to drive of the person has been revoked during the immediately preceding 7 years for failure to submit to an evidentiary test.

2. If the result of a test given under NRS 484C.150 or 484C.160 shows that a person had a concentration of alcohol of 0.08 or more in his or her blood or breath **or a detectable amount of a controlled substance or a prohibited substance in his or her blood or urine** at the time of the test, the license, permit or privilege of the person to drive must be revoked as provided in NRS 484C.220 and the person is not eligible for a license, permit or privilege for a period of 90 days.

~~{2-}~~ 3. If a revocation of a person's license, permit or privilege to drive under NRS 62E.640 or 483.460 follows a revocation under subsection ~~{4}~~ 2 which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the Department shall cancel the revocation under that subsection and give the person credit for any period during which the person was not eligible for a license, permit or privilege.

~~{3-}~~ 4. Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

Sec. 15. NRS 484C.220 is hereby amended to read as follows:

484C.220 1. As agent for the Department, the officer who **requested that a test be given pursuant to NRS 484C.150 or 484C.160 or who** obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who **failed to submit to a test requested by the police officer pursuant to NRS 484C.150 or 484C.160 or who** has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a **controlled substance or** prohibited substance in his or her blood or urine, if that person is present, and shall seize the license or permit to drive of the person. The officer shall then , **unless the information is expressly set forth in the order of revocation**, advise the person of his or her right to administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or

permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a detectable amount of a **controlled substance or a** prohibited substance in his or her blood or urine, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, **if any**, a written certificate that the officer had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle ~~with~~ :

(a) **With** a concentration of alcohol of 0.08 or more in his or her blood or breath or with a detectable amount of a **controlled substance or a** prohibited substance in his or her blood or urine, as determined by a chemical test ~~+~~ ; **or**

(b) **While under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine and the person refused to submit to a required evidentiary test.**

➡ The certificate must also indicate whether the officer served an order of revocation on the person and whether the officer issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at the person's last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484C.230 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 16. NRS 484C.230 is hereby amended to read as follows:

484C.230 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484C.220, the person may request in writing a hearing by the Department to review the order of revocation, but the person is only entitled to one hearing. The hearing must be conducted within 15 days after receipt of

the request, or as soon thereafter as is practicable, in the county where the requester resides unless the parties agree otherwise. The Director or agent of the Director may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. Unless the person is ineligible for a temporary license pursuant to NRS 484C.220, the Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person ~~is at~~:

(a) ***Failed to submit to a required test provided for in NRS 484C.150 or 484C.160; or***

(b) ***At the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a **controlled substance** or **a** prohibited substance in his or her blood or urine.***

➡ Upon an affirmative finding on ~~this~~ ***either*** issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.

Sec. 17. NRS 484C.240 is hereby amended to read as follows:

484C.240 1. If a person refuses to submit to a required chemical test provided for in NRS 484C.150 or 484C.160, evidence of that refusal is admissible in any criminal or administrative action arising out of acts alleged to have been committed while the person was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~is~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. Except as otherwise provided in subsection 3 of NRS 484C.150, a court or hearing officer may not exclude evidence of a required test or failure to submit to such a test if the police officer or other person substantially complied with the provisions of NRS 484C.150 to 484C.250, inclusive, and 484C.600 to 484C.640, inclusive.

3. If a person submits to a chemical test provided for in NRS 484C.150 or 484C.160, full information concerning that test must be made available, upon request of the person, to the person or his or her attorney.

4. Evidence of a required test is not admissible in a criminal or administrative proceeding unless it is shown by documentary or other evidence that the law enforcement agency calibrated the breath-testing device and otherwise maintained it as required by the regulations of the Committee on Testing for Intoxication.

Sec. 18. NRS 484C.250 is hereby amended to read as follows:

484C.250 1. The results of any blood test administered under the provisions of NRS 484C.160 or 484C.180 are not admissible in any hearing or criminal action arising out of acts alleged to have been committed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ***or with a prohibited substance in his or her blood or urine*** or who was engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a police officer or the person to be tested to administer the test.

Sec. 19. NRS 484C.360 is hereby amended to read as follows:

484C.360 1. When a program of treatment is ordered pursuant to NRS 484C.340 or paragraph (a) or (b) of subsection 1 of NRS 484C.400, the court shall place the offender under the clinical supervision of a treatment facility for treatment in accordance with the report submitted to the court pursuant to NRS 484C.340 or subsection 3, 4, 5 or 6 of NRS 484C.350, as appropriate. The court shall:

(a) Order the offender confined in a treatment facility, then release the offender for supervised aftercare in the community; or

(b) Release the offender for treatment in the community,

➔ for the period of supervision ordered by the court.

2. The court shall:

(a) Require the treatment facility to submit monthly progress reports on the treatment of an offender pursuant to this section; and

(b) Order the offender, to the extent of his or her financial resources, to pay any charges for treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain the treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the charges.

3. A treatment facility is not liable for any damages to person or property caused by a person who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under ~~power or sail~~ way while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct,

➔ after the treatment facility has certified that the offender has successfully completed a program of treatment ordered pursuant to NRS 484C.340 or paragraph (a) or (b) of subsection 1 of NRS 484C.400.

Sec. 20. NRS 488.035 is hereby amended to read as follows:

488.035 As used in this chapter, unless the context otherwise requires:

1. “Aquatic invasive species” means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

2. “Aquatic plant material” means aquatic plants or parts of plants that are dependent on an aquatic environment to survive.

3. “Commission” means the Board of Wildlife Commissioners.

4. “Conveyance” means a motor vehicle, trailer or any other equipment used to transport a vessel or containers or devices used to haul water on a vessel that may contain or carry an aquatic invasive species or aquatic plant material.

5. “Decontaminate” means eliminate any aquatic invasive species on a vessel or conveyance in a manner specified by the Commission which may include, without limitation, washing the vessel or conveyance, draining the water in the vessel or conveyance, drying the vessel or conveyance or chemically, thermally or otherwise treating the vessel or conveyance.

6. “Department” means the Department of Wildlife.

7. “Flat wake” means the condition of the water close astern a moving vessel that results in a flat wave disturbance.

8. “Interstate waters of this State” means waters forming the boundary between the State of Nevada and an adjoining state.

9. “Legal owner” means a secured party under a security agreement relating to a vessel or a renter or lessor of a vessel to the State or any political subdivision of the State under a lease or an agreement to lease and sell or to rent and purchase which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

10. “Motorboat” means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

11. “Operate” means to navigate or otherwise use a motorboat or a vessel.

12. “Owner” means:

(a) A person having all the incidents of ownership, including the legal title of a vessel, whether or not he or she lends, rents or pledges the vessel; and

(b) A debtor under a security agreement relating to a vessel.

↪ “Owner” does not include a person defined as a “legal owner” under subsection 9.

13. “Prohibited substance” has the meaning ascribed to it in NRS 484C.080.

14. “Registered owner” means the person registered by the Commission as the owner of a vessel.

15. ***“Under the influence” means impaired to a degree that renders a person incapable of safely operating or exercising actual physical control of a vessel.***

16. A vessel is “under way” if it is adrift, making way or being propelled, and is not aground, made fast to the shore, or tied or made fast to a dock or mooring.

~~{16.}~~ 17. “Vessel” means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

~~{17.}~~ 18. “Waters of this State” means any waters within the territorial limits of this State.

Sec. 21. NRS 488.410 is hereby amended to read as follows:

488.410 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

↪ to operate or be in actual physical control of a vessel under ~~{power or sail}~~ **way** on the waters of this State.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under ~~power or sail~~ way,

→ to operate or be in actual physical control of a vessel under ~~power or sail~~ way on the waters of this State.

3. It is unlawful for any person to operate or be in actual physical control of a vessel under ~~power or sail~~ way on the waters of this State with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. Except as otherwise provided in NRS 488.427, a person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 22. NRS 488.420 is hereby amended to read as follows:

488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under ~~power or sail~~ way to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or being in actual physical control of a vessel under ~~power or sail~~ way; or

(f) Has a prohibited substance in his or her blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410, and does any act or neglects any duty imposed by law while operating or being in actual physical control of any vessel under ~~power or sail~~ way, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under ~~power or sail~~ way, and before his or her blood was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 23. NRS 488.425 is hereby amended to read as follows:

488.425 1. A person commits homicide by vessel if the person:

(a) Operates or is in actual physical control of a vessel under ~~power or sail~~ way on the waters of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(3) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under ~~power or sail~~ way to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under ~~power or sail;~~ way; or

(6) Has a prohibited substance in his or her blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410;

(b) Proximately causes the death of another person while operating or in actual physical control of a vessel under ~~power or sail;~~ way; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:

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

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

3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. If the defendant was transporting a person who is less than 15 years of age in the vessel at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, “offense” means:

(a) A violation of NRS 488.410 or 488.420;

(b) A homicide resulting from operating or being in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 24. NRS 488.450 is hereby amended to read as follows:

488.450 1. Any person who operates or is in actual physical control of a vessel under ~~power or sail~~ **way** on the waters of this State shall be deemed to have given consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the ~~direction~~ **request** of a peace officer after a vessel accident or collision or where an officer stops a vessel, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under ~~power or sail~~ **way** while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person fails to submit to the test, the officer shall **, if reasonable grounds otherwise exist,** arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 488.460.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 25. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under ~~power or sail~~ **way** on the waters of this State shall be deemed to have given consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the ~~direction~~ **request** of a peace officer having reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under ~~power or sail~~ **way** while under the influence of intoxicating liquor or a controlled substance ~~or~~ **or with a prohibited substance in his or her blood or urine; or**

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses *whose testimony* in court ~~is necessary because of the use of the blood test. The expenses of such a witness must be assessed at an hourly rate of not less than:~~

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One-hundred dollars for giving or waiting to give testimony.

(c) ~~A peace officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:~~

~~—(1) Caused death or substantial bodily harm to another person as a result of operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425; or~~

~~—(2) Has been convicted within the previous 7 years of:~~

~~—(I) A violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of another jurisdiction that prohibits the same or similar conduct; or~~

~~—(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).}~~ ***Except as otherwise provided in NRS 488.470, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.***

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may ~~direct~~ ***request that*** the person ~~to~~ submit to a blood or urine test, or both. ~~It is in addition to the breath test.~~

6. Except as otherwise provided in subsections 3 and 5, a peace officer shall not ~~direct~~ ***request that*** a person ~~to~~ submit to a urine test.

7. If a person to be tested fails to submit to a required test as ~~directed~~ ***requested*** by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under ~~power or sail~~ **way** while under the influence of intoxicating liquor or a controlled substance ~~or~~ **or with a prohibited substance in his or her blood or urine; or**

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425,

↪ the officer may ~~direct~~ **apply for a warrant or court order directing** that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. ~~[Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the alcoholic content or presence of a controlled substance or another prohibited substance in the person's blood.]~~

8. If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 26. NRS 488.470 is hereby amended to read as follows:

488.470 1. Except as otherwise provided in subsection 2, an evidentiary test of breath to determine the concentration of alcohol in a person's breath may be used to establish that concentration only if two consecutive samples of the person's breath are taken and:

(a) The difference between the concentration of alcohol in the person's breath indicated by the two samples is less than or equal to 0.02;

(b) If the provisions of paragraph (a) do not apply, a third evidentiary test of breath is administered and the difference between the concentration of alcohol in the person's breath indicated by the third sample and one of the first two samples is less than or equal to 0.02; or

(c) If the provisions of paragraphs (a) and (b) do not apply, a fourth evidentiary test is administered. Except as otherwise provided in NRS 488.460, the fourth evidentiary test must be a blood test.

2. If the person fails to provide the second or third consecutive sample, or to submit to the fourth evidentiary test, the results of the first test may be used alone as evidence of the concentration of alcohol in the person's breath. If for some other reason a second, third or fourth sample is not obtained, the results of the first test may be used with all other evidence presented to establish the concentration.

3. If a person refuses or otherwise fails to provide a second or third consecutive sample or submit to a fourth evidentiary test, ~~if a peace officer may direct that reasonable force be used to obtain a sample or conduct a test pursuant to~~ **such refusal or failure constitutes a failure to submit to a required evidentiary test as provided in** NRS 488.460.

Sec. 27. NRS 488.480 is hereby amended to read as follows:

488.480 1. If a person refuses to submit to a required chemical test provided for in NRS 488.450 or 488.460, evidence of that refusal is admissible

in any criminal action arising out of acts alleged to have been committed while the person was:

(a) Operating or in actual physical control of a vessel under ~~power or sail~~ **way** while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. Except as otherwise provided in subsection 3 of NRS 488.450, a court may not exclude evidence of a required test or failure to submit to such a test if the peace officer or other person substantially complied with the provisions of NRS 488.450 to 488.500, inclusive.

3. If a person submits to a chemical test provided for in NRS 488.450 or 488.460, full information concerning that test must be made available, upon request, to the person or the person's attorney.

4. Evidence of a required test is not admissible in a criminal proceeding unless it is shown by documentary or other evidence that the device for testing breath was certified pursuant to NRS 484C.610 and was calibrated, maintained and operated as provided by the regulations of the Committee on Testing for Intoxication adopted pursuant to NRS 484C.620, 484C.630 or 484C.640.

5. If the device for testing breath has been certified by the Committee on Testing for Intoxication to be accurate and reliable pursuant to NRS 484C.610, it is presumed that, as designed and manufactured, the device is accurate and reliable for the purpose of testing a person's breath to determine the concentration of alcohol in the person's breath.

6. A court shall take judicial notice of the certification by the Director of a person to operate testing devices of one of the certified types. If a test to determine the amount of alcohol in a person's breath has been performed with a certified type of device by a person who is certified pursuant to NRS 484C.630 or 484C.640, it is presumed that the person operated the device properly.

7. This section does not preclude the admission of evidence of a test of a person's breath where the:

(a) Information is obtained through the use of a device other than one of a type certified by the Committee on Testing for Intoxication.

(b) Test has been performed by a person other than one who is certified by the Director.

8. As used in this section, "Director" means the Director of the Department of Public Safety.

Sec. 28. NRS 488.490 is hereby amended to read as follows:

488.490 1. A person who is arrested for operating or being in actual physical control of a vessel under ~~power or sail~~ **way** while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 must be permitted, upon the person's request and at his or her expense, reasonable opportunity to

have a qualified person of his or her own choosing administer a chemical test to determine:

- (a) The concentration of alcohol in his or her blood or breath; or
- (b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his or her blood or urine.

2. The failure or inability to obtain such a test does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a peace officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 488.460.

Sec. 29. NRS 488.500 is hereby amended to read as follows:

488.500 1. The results of any blood test administered under the provisions of NRS 488.460 or 488.490 are not admissible in any criminal action arising out of acts alleged to have been committed by a person who was operating or in actual physical control of a vessel under ~~power or sail~~ **way** while under the influence of intoxicating liquor or a controlled substance or **with a prohibited substance in his or her blood or urine or** who was engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a peace officer or the person to be tested to administer the test.

Sec. 30. NRS 488.520 is hereby amended to read as follows:

488.520 1. Any coroner, or other public officer performing like duties, shall in all cases in which a death has occurred as a result of an accident involving a vessel under ~~power or sail~~ **way** on the waters of this state, whether the person killed is the operator of the vessel or a passenger or other person, cause to be drawn from each decedent, within 8 hours after the accident, a blood sample to be analyzed for the presence and concentration of alcohol.

2. The findings of the examinations are a matter of public record and must be reported to the Commission by the coroner or other public officer within 30 days after the death.

3. Analyses of blood alcohol are acceptable only if made by laboratories licensed to perform this function.

Sec. 31. This act becomes effective upon passage and approval.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 563 changes the code to read that a person not in control of their car, but asleep in their car in a legal parking space, may not be arrested for drunk driving.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 115, 159, 162, 166, 170, 176, 178, 212, 225, 262, 263, 267, 270, 275, 278, 285, and 305 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 7.

REMARKS FROM THE FLOOR

Assemblywoman Bustamante Adams requested that the following remarks be entered in the journal.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

At the floor session held in the historic Assembly Chamber last month, our Democratic leader announced the donation of a series of historical panels to celebrate the 150th anniversary of Nevada's statehood. The panels will give visitors to our building a sense of how the Legislature has shaped the history of our state.

Today, it is my pleasure to donate the third panel in the series, this one highlighting the Taxation Committee. As you can see, the panel has a timeline that highlights tax policy in Nevada, beginning in 1864 with taxes on property and net proceeds of mines.

I would like to point out a few facts that are included in the panel. The Constitution proposed by the unauthorized 1863 Constitutional Convention included a provision that would have required the Legislature to assess and tax all real and personal property, including mines and mining property, at an equal rate. Voters rejected it, in part because of this provision.

Delegates to the 1864 Constitutional Convention, which Congress had authorized, considered several proposals to fund state government. Ultimately, they decided the Legislature would provide by law for the uniform and equal assessment and taxation of property "excepting mines and mining claims, the proceeds of which alone shall be taxed." It was left to the Legislature to decide whether the tax would be based on the net or gross proceeds of a mine.

When the Legislature passed the gasoline tax of 1923, the average price of gasoline was 21 cents per gallon. The tax was 2 cents per gallon, and 60 percent of the revenue from the state went to the State Highway Fund for building and maintenance of roads and highways.

A popular advertising campaign called One Sound State was used from the 1930s to the 1950s to attract entrepreneurs. The slogan “Nevada, one state without an income tax, a corporation tax, an inheritance tax, a gift tax, a sales tax, an intangibles tax. With cheap power, and liberal mining, corporation, taxation and other laws. Welcome to Nevada!” The first tax on retail sales—2 percent—was passed in 1955 to fund education.

In 1981 the Legislature passed three measures, collectively known as the Tax Shift, to provide tax relief to citizens and businesses. The bills reduced property taxes and increased the sales tax, making local government more reliant on sales taxes for revenue.

I hope you all enjoy learning about the contributions of legislators who served before us. Please enjoy the Taxation panel.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Isabella Ernaut.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Thelma Ferguson, Grant Hayes, Ellie Hayes, Mohammad Ahmad, Sharan Ahmad, and Sharab Ahmad.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Our Lady of the Snows: Benton Acosta, Cort Ballinger, Isabella Banales, Ian Bankhead, Ava Bell, Camryn Berg, Shea Bibee, Joshua Botello, Anthony Bruno, Benjamin Brust, Jackson Bryan, Juliana Bryan, Conner Capurro, Cody Chapman, Tara Chilton, Ethan Collinsworth, Olivia Daly, Joshua D’Andrea, Kyrie DeBord, Brayden deBruin, Gabrielle deJong, Jennifer Dietsch, Riley Dion, Abel Duke, Mikaela Echo, Jenna Eissmann, Peter Ernaut, Jeno Faretto, Lauren Faretto, Jessica Farley, Joseph Ferro, Matthew Festa, Sean Festa, Nicholas Flocchini, Kathleen Fralick, Riley Franklin, Kolton Frugoli, Alexandra Gorman, Mallory Hart, Jake Higgins, Jillian Hinxman, Kenna Holt, Benjamin Hummel, Cameron Hummel, Keri Joanis, Kendall Knuf, Owen Koch, Luke Larragueta, Lyndsey Leone, Grace Maher, Dominic Matteoni, Colin McCrorey, Joshua Menante, Landon Murray, Ellen Nutter, McKenna Owen, Garrett Pane, Olivia Pane, Ian Paterson, Maxmillian Porter, Tyler Rahimzadeh, Sarah Rawlins, Mateo Reviglio, Anne Marie Ring, Sage Schula, Shayna Schula, Hannah Schultz, Brynn Sedar, Sopie Shappell, Nicolas Shawa, James Shoen, Danielle Shumard, Samuel Stewart, Johanna Stone, Rachel Joanne Quiara Tabbada, Abbie Tate, Josephine Vaughn, Adam Vossen, Paul Vossen, Jacob Wenzel, Preston White, Jack Woodhead, Kylie Wornardt, Gianna Zaccheo, Jacob Zerby, and Luc Zwysig.

On request of Assemblyman O’Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Russell, Charles Brockway, and Colin Brockway.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Parsons, Marjorie Russell, Mark Russell, and Jennifer Mortensen.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Buck Hara and Kersti Espinoza.

Assemblyman Paul Anderson moved that the Assembly adjourn until Monday, April 20, 2015, at 1 p.m.

Motion carried.

Assembly adjourned at 4:50 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly