

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 20, 2015

Assembly called to order at 12:42 p.m.

Roll called.

All present.

Prayer by the Chaplain, Lieutenant Mark Cyr.

Our God in Heaven, Father we thank You for this great state of Nevada. We thank You for these leaders of our state who have worked so hard these last several months to determine the future and direction of our state. Lord, we ask Your blessing to be on our leaders and that You give them wisdom in these last couple of weeks to end well and find the proper path You have laid for our state. Lord help guide and direct them today and every day. Father, we pray these things in the precious name of Jesus.

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 Senate Bills Nos. 67, 137, 153, 193, 194, 224, 233, 250, 341, 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 330, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 6, 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 329, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 446, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Senate Bill No. 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JIM WHEELER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 16, 45, 46, 48, 60, 68, 164, 435, 442, 465; Senate Bill No. 507.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 23, Amendment No. 668; Assembly Bill No. 34, Amendment No. 719; Assembly Bill No. 50, Amendment No. 729; Assembly Bill No. 67, Amendment No. 728; Assembly Bill No. 69, Amendment No. 748; Assembly Bill No. 114, Amendment No. 711; Assembly Bill No. 126, Amendment No. 830; Assembly Bill No. 152, Amendment No. 771; Assembly Bill No. 169, Amendment No. 767; Assembly Bill No. 170, Amendment No. 762; Assembly Bill No. 239, Amendment No. 746; Assembly Bill No. 307,

Amendment No. 768; Assembly Bill No. 457, Amendment No. 793; Assembly Bill No. 461, Amendment No. 777, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 85, Amendment No. 752; Assembly Bill No. 166, Amendment No. 848; Assembly Bill No. 205, Amendment No. 803; Assembly Bill No. 206, Amendment No. 802; Assembly Bill No. 295, Amendment No. 831, 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. 24, 76, 185, 291, 332.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 60, 296, 324.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 675 to Senate Bill No. 13; Assembly Amendment No. 687 to Senate Bill No. 127; Assembly Amendment No. 688 to Senate Bill No. 156; Assembly Amendment No. 666 to Senate Bill No. 208.

SHERRY RODRIGUEZ
Assistant Secretary of 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 12:49 p.m.

ASSEMBLY IN SESSION

At 12:50 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 24.

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

Motion carried.

Senate Bill No. 60.

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

Motion carried.

Senate Bill No. 76.

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

Motion carried.

Senate Bill No. 185.

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

Motion carried.

Senate Bill No. 291.

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

Motion carried.

Senate Bill No. 296.

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

Motion carried.

Senate Bill No. 324.

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

Motion carried.

Senate Bill No. 332.

Assemblyman Paul Anderson moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 507.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 7.

Bill read second time.

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

Amendment No. 837.

SUMMARY—Revises provisions governing the admission of persons with certain mental conditions to and the release of such persons from certain facilities, ~~and programs.~~ (BDR 39-64)

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 complete certain certificates concerning the mental condition of another ~~to~~ under certain circumstances; 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 1.5 of this bill expands the list of persons who are authorized to file such an application to include a physician assistant.]~~

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 that mental illness, is likely to harm himself or herself or others if ~~[not admitted to certain facilities or programs.]~~ **allowed his or her liberty.** (NRS 433A.170 ~~[, 433A. 200])~~ **Section 1.7 of this bill also authorizes a physician to complete the certificate regardless of whether a psychiatrist or psychologist is available. If a person is in an emergency room of a hospital, section 1.7 also authorizes a physician assistant under the supervision of a psychiatrist, a clinical social worker with certain psychiatric training and experience and an advanced practice registered nurse with certain psychiatric training and experience to examine such a person and complete such a certificate after conducting the examination. Existing law further requires a psychiatrist, psychologist or physician to examine the person before the person is admitted to a mental health facility or hospital on an emergency basis and a psychiatrist to approve each such admission. (NRS 433A.160) These requirements remain.**

~~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, [3] and 3 [and 4]~~ of this bill **also authorize any physician, a psychiatrist,** a physician assistant under the supervision of a psychiatrist, a psychologist, a clinical social worker with certain psychiatric training and experience ~~[,] or an advanced practice registered nurse with certain psychiatric training and experience [or an accredited agent of the Department of Health and Human Services]~~ **to examine a person alleged to be a person with mental illness in a hospital emergency room and** 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 [.] **stating whether a person examined in a hospital emergency room has a mental illness that makes it likely that he or she would harm himself or herself or others if allowed his or her liberty.**~~

Existing law prohibits a person who is related by blood or marriage within the first degree of consanguinity or affinity to a person alleged to be a person with mental illness 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 and, because of that 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 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 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, [or] 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.] (Deleted by amendment.)~~

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. (Deleted by amendment.)~~

Sec. 1.7. NRS 433A.170 is hereby amended to read as follows:

433A.170 1. Except as otherwise provided in ~~[this section,]~~ subsection 2, 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] or 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.]~~

2. 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 any person authorized to conduct an examination and complete a certificate pursuant to subsection 1 may conduct the examination and complete the certificate required pursuant to subsection 1 for a person who is in the emergency room of a hospital.

3. The certificate required by this section may be obtained from a psychiatrist, licensed psychologist, [or] 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]~~

1. Except as otherwise provided in this section, 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 under the supervision of a psychiatrist, psychologist, 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 personally observed and examined the person and that he or she has concluded that the person is not a person with a mental illness.

2. A psychiatrist, a physician, 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 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 may conduct the examination and complete the certificate required pursuant to subsection 1 for a person who is in the emergency room of a hospital.

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, ~~for~~ physician, *physician assistant, clinical social worker* ~~[,] or advanced practice registered nurse for 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 ~~[,], physician assistant, psychologist, clinical social worker~~ ~~[,] or advanced practice registered nurse, for 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 ~~or~~ or advanced practice registered nurse ~~for an 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.~~ **(Deleted by amendment.)**

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 ~~and~~ 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 ~~[]~~ and 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 only allows for the expanded list of persons to complete a certificate in the ER [emergency room] as well as release from the ER.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 12.

Bill read second time and ordered to third reading.

Senate Bill No. 25.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 654.

SUMMARY—Revises provisions relating to ~~[public schools.]~~ **education.**
(BDR 34-316)

AN ACT relating to education; revising provisions governing the membership of the State Board of Education; revising certain duties of the Superintendent of Public Instruction, the Department of Education and the State Board; revising the membership of the Advisory Council on Parental Involvement and Family Engagement; revising provisions governing certain products used to clean in public schools; **authorizing unused allocations for special education program units to be reallocated to a hospital or facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that operates a licensed private school in certain circumstances;** revising provisions relating to certain programs of distance education; revising provisions governing standards of content and performance for foreign and world language and any other course of study requested by the Superintendent of Public Instruction; revising provisions relating to certain hearings concerning the suspension or revocation of a license to teach; revising provisions concerning minimum standards for the maintenance and operation of certain educational institutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits a person who is elected to serve as an officer of this State or any political subdivision thereof from also serving on the State Board of Education. **Section 1** also prohibits a person who is appointed to

serve for the unexpired term of such an office from continuing to serve on the State Board, with certain exceptions. **Section 3** of this bill removes certain requirements regarding the use of environmentally sensitive cleaning and maintenance products in public schools and authorizes the board of trustees of a school district to use a product that is not an environmentally sensitive cleaning and maintenance product after posting a notice of the product to be used on the Internet website maintained by the school district. **Sections 4, 10, 11-13, 15, 17 and 18** of this bill replace references to the terms “English” and “foreign language” with references to “English language arts” and “foreign or world language” for consistency with currently accepted terminology.

Existing law authorizes certain hospitals or other facilities that are licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services and that operate a licensed private school to request reimbursement, under certain circumstances, from the Department of Education for the cost of providing educational services to a child who attends the licensed private school. (NRS 277.0655, 387.1225) Existing law also: (1) provides for the establishment of a basic support guarantee for special education program units for the purpose of allocating money from the State Distributive School Account; and (2) authorizes the Superintendent to reallocate any unused allocations for special education program units to a school district, charter school or university school for profoundly gifted pupils. (NRS 387.122, 387.1221) Section 4.5 of this bill authorizes the Superintendent to reallocate any unused allocations to a hospital or facility which is licensed by the Division of Public and Behavioral Health that operates a licensed private school.

Existing law requires the Superintendent of Public Instruction to apportion the State Distributive School Account in the State General Fund among the school districts, charter schools and university schools for profoundly gifted pupils in certain amounts based on a formula. This formula bases the State’s financial obligation to programs of instruction partially on the number of pupils involved in such programs. (NRS 387.121-387.126) **Sections 5, 6, 8 and 9** of this bill provide that the apportionment for a pupil enrolled part-time in a program of distance education is paid to the school district in which the pupil resides, or the charter school in which the pupil is enrolled. The school district or charter school, as applicable, is required to allocate a percentage of that amount to the school district or charter school that provides the program of distance education in an amount which must be set out in an agreement between them.

Section 2.5 of this bill adds a member to the Advisory Council on Parental Involvement and Family Engagement to represent the Nevada Parent Teacher Association.

Because existing law gives the Governor authority over the budgets of the Department of Education, **section 7** of this bill: (1) requires the Superintendent to submit certain recommendations of the Department to the Governor instead of to the State Board; and (2) removes the requirement that the State Board

consider the biennial budgets of the Department. **Sections 8 and 9** remove the requirement that certain pupils obtain written permission from the board of trustees of a school district or the governing body of a charter school before enrolling in certain part-time programs of distance education.

Section 12 requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for foreign and world languages in addition to other subjects for which it is already required to do so. **Section 13** requires the State Board to prescribe examinations that measure the achievement and proficiency of pupils for grades 9, 10, 11 and 12 in certain subjects to comply with federal law. (20 U.S.C. § 6311(b)(3)) **Section 14** of this bill revises the manner in which the Department provides an informational pamphlet concerning end-of-course examinations and college and career readiness assessments so that the pamphlet is available electronically. **Section 14.5** of this bill removes an incorrect reference to an organization.

Section 16 of this bill allows the parties in a hearing concerning the suspension or revocation of a license to teach to agree to extend the date by which the hearing must be held. **Section 20** of this bill authorizes money in the Educational Trust Account to be expended as authorized by the Interim Finance Committee when the Legislature is not in session. **Section 21** of this bill repeals the requirements that: (1) the State Board adopt and use an official seal in authentication of its acts; and (2) the Department approve or disapprove lists of books for use in public school libraries.

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

Section 1. NRS 385.021 is hereby amended to read as follows:

385.021 1. The State Board of Education is hereby created. The State Board consists of the following voting members:

- (a) One member elected by the registered voters of each congressional district described in NRS 304.060 to 304.120, inclusive;
- (b) One member appointed by the Governor;
- (c) One member appointed by the Governor, nominated by the Majority Leader of the Senate; and
- (d) One member appointed by the Governor, nominated by the Speaker of the Assembly.

2. In addition to the voting members described in subsection 1, the State Board consists of the following four nonvoting members:

- (a) One member appointed by the Governor who is a member of a board of trustees of a school district, nominated by the Nevada Association of School Boards;
- (b) One member appointed by the Governor who is the superintendent of schools of a school district, nominated by the Nevada Association of School Superintendents;

(c) One member appointed by the Governor who represents the Nevada System of Higher Education, nominated by the Board of Regents of the University of Nevada; and

(d) One member appointed by the Governor who is a pupil enrolled in a public school in this State, nominated by the Nevada Association of Student Councils or its successor organization and in consultation with the Nevada Youth Legislature. After the initial term, the term of the member appointed pursuant to this paragraph commences on June 1 and expires on May 31 of the following year.

3. Each member of the State Board elected pursuant to paragraph (a) of subsection 1 must be a qualified elector of the district from which that member is elected.

4. Each member appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 and each member appointed pursuant to subsection 2 must be a resident of this State.

5. ***Except as otherwise provided in paragraphs (a) and (c) of subsection 2, a person who is elected to serve as an officer of this State or any political subdivision thereof or a person appointed to serve for the unexpired term of such an office may not serve or continue to serve on the State Board.***

6. The Governor shall ensure that the members appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 represent the geographic diversity of this State and that:

(a) One member is a teacher at a public school selected from a list of three candidates provided by the Nevada State Education Association.

(b) One member is the parent or legal guardian of a pupil enrolled in a public school.

(c) One member is a person active in a private business or industry of this State.

~~{6-}~~ 7. After the initial terms, each member:

(a) Elected pursuant to paragraph (a) of subsection 1 serves a term of 4 years. A member may be elected to serve not more than three terms but may be appointed to serve pursuant to paragraph (b), (c) or (d) of subsection 1 or subsection 2 after service as an elected member, notwithstanding the number of terms the member served as an elected member.

(b) Appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 serves a term of 2 years ~~{-}~~, ***except that each member continues to serve until a successor is appointed.*** A member may be reappointed for additional terms of 2 years in the same manner as the original appointment.

(c) Appointed pursuant to subsection 2 serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.

~~{7-}~~ 8. If a vacancy occurs during the term of:

(a) A member who was elected pursuant to paragraph (a) of subsection 1, the Governor shall appoint a member to fill the vacancy until the next general election, at which election a member must be chosen for the balance of the

unexpired term. The appointee must be a qualified elector of the district where the vacancy occurs.

(b) A voting member appointed pursuant to paragraph (b), (c) or (d) of subsection 1 or a nonvoting member appointed pursuant to subsection 2, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 385.610 is hereby amended to read as follows:

385.610 1. The Superintendent of Public Instruction shall establish an Advisory Council on Parental Involvement and Family Engagement. The Advisory Council is composed of ~~10~~ **11** members.

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

- (a) Two parents or legal guardians of pupils enrolled in public schools;
- (b) Two teachers in public schools;
- (c) One administrator of a public school;
- (d) One representative of a private business or industry;
- (e) One member of the board of trustees of a school district in a county whose population is 100,000 or more; ~~and~~
- (f) One member of the board of trustees of a school district in a county whose population is less than 100,000 ~~[-]~~ ; **and**
- (g) ***One member who is the President of the Board of Managers of the Nevada Parent Teacher Association or its successor organization, or a designee nominated by the President.***

↪ The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members the Superintendent appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.

3. The Speaker of the Assembly shall appoint one member of the Assembly to the Advisory Council.

4. The Majority Leader of the Senate shall appoint one member of the Senate to the Advisory Council.

5. The Advisory Council shall elect a Chair and Vice Chair from among its members. The Chair and Vice Chair serve a term of 1 year.

6. After the initial terms:

- (a) The term of each member of the Advisory Council who is appointed by the Superintendent of Public Instruction is 3 years.
- (b) The term of each member of the Advisory Council who is appointed by the Speaker of the Assembly and the Majority Leader of the Senate is 2 years.

7. The Department shall provide:

- (a) Administrative support to the Advisory Council; and
- (b) All information that is necessary for the Advisory Council to carry out its duties.

8. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a

regular or special session of the Legislature, the member is entitled to receive the:

- (a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;
- (b) Per diem allowance provided for state officers generally; and
- (c) Travel expenses provided pursuant to NRS 218A.655.

➔ The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

9. A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the members of the Advisory Council who are not Legislators must be paid by the Department.

Sec. 3. NRS 386.4195 is hereby amended to read as follows:

386.4195 1. ~~[The Department of Education shall, in consultation with each school district, the State Department of Conservation and Natural Resources, the Department of Health and Human Services and other interested parties, including, without limitation, representatives of the cleaning and maintenance product industry, nongovernmental agencies and organizations, and parents and legal guardians of pupils enrolled in the school district, adopt regulations setting forth the standards for environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces in the public schools.~~

~~— 2. The Department shall provide a sample list of approved environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces to each school district based upon the standards prescribed pursuant to subsection 1.~~

~~— 3. The Department shall, at least every 2 years, review and may amend the sample list developed pursuant to subsection 2 as necessary.~~

~~— 4.]~~ Except as otherwise provided in ~~[subsections 6 and 7,]~~ **subsection 2**, each school district shall ensure that the public schools within the school district use only environmentally sensitive cleaning and maintenance products in the cleaning of all floor surfaces in the public schools within the school district. ~~[in accordance with the regulations adopted pursuant to subsection 1.~~

~~— 5. The board of trustees of a school district may consult with persons who are knowledgeable and have experience in environmentally sensitive cleaning and maintenance products to determine if the board of trustees should:~~

~~— (a) Submit a written request to the Department pursuant to subsection 6 or 7.~~

~~— (b) Use any other environmentally sensitive cleaning and maintenance products in the public schools within the school district pursuant to subsection 9.~~

~~—6.] 2.~~ If the board of trustees of a school district determines that the costs associated with the purchase or use of environmentally sensitive cleaning and maintenance products for use in the cleaning of floor surfaces are unreasonable and would place an undue burden on the efficient operation of the school district or a particular school within the school district, the board of trustees may ~~{submit a written request to the Department for a waiver from purchasing and using environmentally sensitive}~~, ***after posting notice of the product to be used on the Internet website maintained by the school district, purchase and use a cleaning and maintenance [products for use] product that is not an environmentally sensitive cleaning and maintenance product*** in the cleaning of floor surfaces for the school district as a whole or for a particular school or schools within the school district.

~~{7. If the board of trustees of a school district determines that an environmentally sensitive cleaning and maintenance product for use in the cleaning of floor surfaces which is not included in the sample list developed pursuant to subsection 2 is more economically feasible or is a more effective environmentally sensitive cleaning and maintenance product, the board of trustees may submit a written request to the Department for a waiver to purchase and use such an environmentally sensitive cleaning and maintenance product that complies with the standards prescribed pursuant to subsection 1.~~

~~—8. If a waiver is granted by the Department pursuant to subsection 6 or 7, the waiver is effective for 1 year after the date of its approval and a renewal may be requested on an annual basis in the manner set forth in subsection 6 or 7, as applicable.~~

~~—9.] 3.~~ In addition to the environmentally sensitive cleaning and maintenance products for use in the cleaning of floor surfaces in the public schools within the school district required pursuant to subsection 1, the board of trustees of a school district may use environmentally sensitive cleaning products for use in the cleaning of any other surfaces.

~~{10. The regulations adopted by the Department must not prohibit the use of any disinfectant, sanitizer, antimicrobial product or other cleaning product when necessary to protect the health and welfare of the pupils enrolled in a school within the school district and the educational personnel of the school district.~~

~~—11.] 4.~~ As used in this section, “environmentally sensitive cleaning and maintenance products” means cleaning and maintenance products that reduce the chemicals, hazardous wastes and other environmental hazards to which pupils and school personnel may be exposed.

Sec. 4. NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be licensed teachers. If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event

may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.

2. A governing body of a charter school shall employ:

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those grades. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the subjects set forth in subsection 4. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(c) In addition to the requirements of paragraphs (a) and (b):

(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full-time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full-time.

3. A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not “initially hired” if the person has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

4. A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, possess the qualifications required by 20 U.S.C. § 6319(a) if the teacher teaches one or more of the following subjects:

- (a) English ~~[, reading or]~~ language arts;
- (b) Mathematics;
- (c) Science;
- (d) ~~Foreign~~ **A foreign or world** language;
- (e) Civics or government;
- (f) Economics;
- (g) Geography;
- (h) History; or
- (i) The arts.

5. Except as otherwise provided in NRS 386.588, a charter school may employ a person who is not licensed pursuant to the provisions of chapter 391

of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsections 2, 3 and 4 if the person has:

(a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

6. Except as otherwise provided in NRS 386.588, a charter school shall employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

(a) A valid teacher's license issued pursuant to chapter 391 of NRS with an administrative endorsement;

(b) A master's degree in school administration, public administration or business administration; or

(c) At least 5 years of experience in school administration, public administration or business administration and a baccalaureate degree.

7. Except as otherwise provided in subsection 8, the portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary or other compensation, as applicable, of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary or other compensation of the highest paid administrator in a comparable position in the school district, the salary or other compensation of the superintendent of schools of that school district must not be included in the determination.

8. If the salary or other compensation paid to an administrator employed by a charter school from public funds exceeds the maximum amount prescribed in subsection 7, the sponsor of the charter school shall conduct an audit of the salary or compensation. The audit must include, without limitation, a review of the reasons set forth by the governing body of the charter school for the salary or other compensation and the interests of the public in using public funds to pay that salary or compensation. If the sponsor determines that the payment of the salary or other compensation from public funds is justified, the sponsor shall provide written documentation of its determination to the governing body of the charter school and to the Department. If the sponsor determines that the payment of the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation paid to the administrator from public funds to an amount not to exceed the maximum amount prescribed in subsection 7.

9. A charter school shall not employ a person pursuant to this section if the person's license to teach or provide other educational services has been revoked or suspended in this State or another state.

10. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each person who is licensed pursuant to chapter 391 of NRS and who is employed by the governing body on October 1 of that year:

(a) The amount of salary or compensation of the licensed person, including, without limitation, verification of compliance with subsection 7, if applicable to that person; and

(b) The designated assignment, as that term is defined by the Department, of the licensed person.

Sec. 4.5. NRS 387.1221 is hereby amended to read as follows:

387.1221 1. The basic support guarantee for any special education program unit maintained and operated during a period of less than 9 school months is in the same proportion to the amount established by law for that school year as the period during which the program unit actually was maintained and operated is to 9 school months.

2. Any unused allocations for special education program units may be reallocated by the Superintendent of Public Instruction to other school districts, charter schools, ~~for~~ university schools for profoundly gifted pupils ~~[by the Superintendent of Public Instruction.]~~ or hospitals or facilities which are licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that provide residential treatment to children and which operate a private school licensed pursuant to chapter 394 of NRS. In such a reallocation, first priority must be given to special education programs with statewide implications, and second priority must be given to special education programs maintained and operated within counties whose allocation is less than or equal to the amount provided by law. If there are more unused allocations than necessary to cover programs of first and second priority but not enough to cover all remaining special education programs eligible for payment from reallocations, then payment for the remaining programs must be prorated. If there are more unused allocations than necessary to cover programs of first priority but not enough to cover all programs of second priority, then payment for programs of second priority must be prorated. If unused allocations are not enough to cover all programs of first priority, then payment for programs of first priority must be prorated.

3. Any unused allocation of a special education program unit that is reallocated to a hospital or facility which is licensed by the Division of Public and Behavioral Health pursuant to subsection 2 must be provided as a percentage of a unit as determined based upon the number of days that such a program is provided compared to the total number of school days for the year.

4. A school district, a charter school or a university school for profoundly gifted pupils may, after receiving the approval of the Superintendent of Public Instruction, contract with any person, state agency or legal entity to provide a special education program unit for pupils of the district pursuant to NRS 388.440 to 388.520, inclusive.

~~4.5.~~ 5. A school district in a county whose population is less than 700,000, a charter school or a university school for profoundly gifted pupils that receives an allocation for special education program units may use not more than 15 percent of its allocation to provide early intervening services.

6. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 5. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year . ~~[, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).]~~

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year . ~~[, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).]~~

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 5 of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2 or 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

6. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

7. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 6. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school, all the funds attributable to pupils who reside in the county and are enrolled full-time or part-time in a program of distance education provided by another school district or a charter school and all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils located in the county. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support.

2. Except as otherwise provided in subsection 3 and NRS 387.1244, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus the sponsorship fee prescribed by NRS 386.570 and minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

3. Except as otherwise provided in NRS 387.1244, the apportionment to a charter school that is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, computed on a yearly basis, is equal to the sum of the basic support per pupil

in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus the sponsorship fee prescribed by NRS 386.570 and minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.

4. Except as otherwise provided in NRS 387.1244, in addition to the apportionments made pursuant to this section, ***if a pupil is enrolled part-time in a program of distance education and part-time in a:***

(a) Public school other than a charter school, an apportionment must be made to ~~{a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for}~~ the school district in which the pupil resides. ***The school district in which the pupil resides shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.854.***

(b) Charter school, an apportionment must be made to the charter school in which the pupil is enrolled. ***The charter school in which the pupil is enrolled shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.858.***

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

6. Except as otherwise provided in NRS 387.1244, the apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the university school is located plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the university school is located. If the apportionment per pupil to a university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which the university school is located, the school district shall pay the difference directly to the university school. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to

receive, in the first year of operation of the university school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A university school for profoundly gifted pupils may receive all four apportionments in advance in its first year of operation.

7. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

8. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, the State Controller may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 7. NRS 387.3035 is hereby amended to read as follows:

387.3035 The Department shall:

1. Determine the apportionment of all state school money to schools of the State as prescribed by law.

2. Develop for public schools of the State a uniform system of budgeting and accounting. The system must provide for the separate reporting of expenditures for each:

- (a) School district; and
- (b) School within a school district.

➔ Upon approval of the State Board, the system is mandatory for all public schools in this State and must be enforced as provided in subsection 2 of NRS 387.3037.

3. Carry on a continuing study of school finance in the State, particularly the method by which schools are financed on the state level, and make such recommendations to the Superintendent of Public Instruction for submission to the ~~{State Board}~~ **Governor** as the Department deems advisable.

4. Recommend to the Superintendent of Public Instruction for submission to the ~~{State Board}~~ **Governor** such changes in budgetary and financial procedures as the studies may show to be advisable.

5. Perform such other statistical and financial duties pertaining to the administration and finances of the schools of the State as may be required by the Superintendent of Public Instruction.

6. Prepare for the Superintendent of Public Instruction the biennial budgets of the Department for ~~{consideration by the State Board and}~~ submission to the Governor.

Sec. 8. NRS 388.854 is hereby amended to read as follows:

388.854 1. Before a pupil may enroll full-time in a program of distance education that is provided by a school district other than the school district in which the pupil resides, ~~[the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Before a pupil who is enrolled in a public school of a school district may enroll part-time in a program of distance education that is provided by a charter school,]~~ the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Except as otherwise provided in NRS 388.850 or other specific statute, a board of trustees from whom permission is requested pursuant to this subsection shall grant the requested permission.

2. A pupil who enrolls part-time in a program of distance education that is provided by a school district other than the school district in which the pupil resides or ~~{enrolls full-time in a program of distance education}~~ that is provided by a charter school is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.

3. If the board of trustees of a school district grants permission *for a pupil to enroll full-time in a program of distance education* pursuant to subsection 1 ~~{ }~~ *or if a pupil enrolls part-time in a program of distance education pursuant to subsection 2*, the board of trustees *of the school district in which the pupil resides* shall enter into a written agreement with the board of trustees *of the school district or the governing body { }* *of the charter school*, as applicable, that provides the program of distance education. *If the pupil enrolls part-time in a program of distance education, the agreement must include, without limitation, the amount of the apportionment provided to the school district where the pupil resides that will be allocated pursuant to paragraph (a) of subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.*

4. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. If permission is granted pursuant to subsection 1, the written agreement required by this subsection is not a condition precedent to the pupil's enrollment in the program of distance education.

5. *If the school district in which the pupil resides and the board of trustees of the school district or governing body of the charter school, as applicable, that provides the program of distance education in which the pupil is enrolled part-time are unable to reach an agreement as required pursuant to subsection 3, the Superintendent of Public Instruction will determine the amount of the apportionment which the school district where the pupil resides will be required to allocate pursuant to paragraph (a) of*

subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.

Sec. 9. NRS 388.858 is hereby amended to read as follows:

388.858 1. If a pupil is enrolled in a charter school, the pupil may enroll full-time in a program of distance education only if the charter school in which the pupil is enrolled provides the program of distance education.

2. ~~Before a~~ A pupil who is enrolled in a charter school may enroll part-time in a program of distance education that is provided by a school district or another charter school ~~[the pupil must]~~ **and is not required to** obtain the ~~[written permission]~~ **approval** of the governing body of the charter school in which the pupil is enrolled.

3. If ~~[the governing body of]~~ a **pupil who is enrolled in a** charter school ~~[grants permission pursuant to subsection 2, the]~~ **enrolls in a part-time program of distance education that is provided by a school district or another charter school, the** governing body of the charter school in which the pupil is enrolled shall enter into a written agreement with the board of trustees of the school district or governing body ~~[of the charter school]~~, as applicable, that provides the program of distance education. **The agreement must include, without limitation, the amount of the apportionment provided to the charter school in which the pupil is enrolled that will be allocated pursuant to paragraph (b) of subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.**

4. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education.

5. **If the charter school in which the pupil is enrolled and the board of trustees of the school district or governing body of the charter school, as applicable, that provides the program of distance education are unable to reach an agreement as required pursuant to subsection 3, the Superintendent of Public Instruction will determine the amount of the apportionment which the charter school in which the pupil is enrolled is required to allocate pursuant to paragraph (b) of subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.**

Sec. 10. NRS 389.012 is hereby amended to read as follows:

389.012 1. The State Board shall:

(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

(b) Report the results of those examinations to the:

(1) Governor;

(2) Board of trustees of each school district of this State;
(3) Legislative Committee on Education created pursuant to NRS 218E.605; and

(4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

(1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and

(2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 389.550 and the examinations administered pursuant to NRS 389.805, the Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English *language arts* and mathematics established pursuant to NRS 389.520 with the standards for English *language arts* and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 389.550 and the examinations administered pursuant to NRS 389.805.

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

- (a) Governor;
- (b) Legislative Committee on Education;
- (c) Legislative Bureau of Educational Accountability and Program Evaluation; and
- (d) Council to Establish Academic Standards for Public Schools.

4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the Legislative Committee on Education and Legislative Bureau of Educational Accountability and Program Evaluation.

Sec. 11. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and

any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) English ~~[-including reading, composition and writing;-]~~ **language arts**;
- (b) Mathematics;
- (c) Science; and
- (d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

- (a) Four units of credit in English ~~[-]~~ **language arts**;
- (b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;
- (c) Three units of credit in science, including two laboratory courses; and
- (d) Three units of credit in social studies, including, without limitation:
 - (1) American government;
 - (2) American history; and
 - (3) World history or geography.

↪ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) The arts;
- (b) Computer education and technology;
- (c) Health; and
- (d) Physical education.

↪ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.0185, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 12. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

- (a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade

levels set forth in subsection 3, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English ~~[including reading, composition and writing];~~ **language arts;**

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology;

(7) Health; ~~and~~

(8) Physical education ~~[]~~; **and**

(9) A foreign or world language.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

- (2) The necessity for secure passwords or other unique identifiers;
- (3) The effects of a computer contaminant;
- (4) Methods to identify unsolicited commercial material; and
- (5) The dangers associated with social networking Internet sites; and
- (d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English *language arts* and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

4. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

5. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

↪ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

6. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

7. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 13. NRS 389.550 is hereby amended to read as follows:

389.550 1. The State Board shall, in consultation with the Council, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8, in the standards of content established by the Council for the subjects of English *language arts* and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

(c) *For grades 9, 10, 11 and 12, in the standards of content established by the Council for the subjects required to comply with 20 U.S.C. § 6311(b)(3).*

↪ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council, prescribe a writing examination for grades 5 and 8.

3. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board. The examinations must be:

(a) Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the State Board.

(b) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(c) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

Sec. 14. NRS 389.809 is hereby amended to read as follows:

389.809 1. The Department shall develop an informational pamphlet concerning the end-of-course examinations required pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807 for pupils who are enrolled in junior high, middle school and high school, and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of passing the end-of-course examinations and the importance of taking the college and career readiness assessment;

(b) Courses of study for which the end-of-course examinations are administered and the subject areas tested on the college and career readiness assessment;

(c) Format for the end-of-course examinations and the college and career readiness assessment, including, without limitation, the range of items that are contained on the examinations and the assessment; and

(d) Maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the end-of-course examinations and the college and career readiness assessment.

3. On or before September 1, the Department shall ~~provide a~~ :

(a) ***Provide an electronic*** copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level ~~1-3~~; ***and***

(b) ***Post a copy of the pamphlet or revised pamphlet on the Internet website maintained by the Department.***

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before October 1, the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in a junior high, middle school or high school of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled in the charter school at a junior high, middle school or high school grade level and to the parents or legal guardians of such a pupil.

Sec. 14.5. NRS 391.038 is hereby amended to read as follows:

391.038 1. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers, the board of trustees of each school district in this State and other educational personnel, shall review and evaluate a course of study and training offered by an educational institution which is designed to provide the education required for:

- (a) The licensure of teachers or other educational personnel;
- (b) The renewal of licenses of teachers or other educational personnel; or
- (c) An endorsement in a field of specialization.

➡ If the course of study and training meets the requirements established by the State Board, it must be approved by the State Board. The State Board shall not approve a course of study or training unless the course of study and training provides instruction, to the extent deemed necessary by the State Board, in the standards of content and performance prescribed by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

2. The State Board may review and evaluate such courses of study and training itself or may recognize a course of study and training approved by a national agency for accreditation acceptable to the Board.

3. The State Board shall adopt regulations establishing fees for the review by the Board of a course of study and training submitted to the Board by an educational institution.

4. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers and other educational personnel, ~~[and the Nevada Association of Colleges for Teacher Education and the Nevada Association of Teacher Educators,]~~ shall adopt regulations governing the approval by the State Board of courses of study and training . ~~[which are accredited by the National Council for Accreditation of Teacher Education, and those which are not so accredited.]~~

5. If the State Board denies or withdraws its approval of a course of study or training, the educational institution is entitled to a hearing and judicial review of the decision of the State Board.

Sec. 15. NRS 391.100 is hereby amended to read as follows:

391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.

2. A person who is initially hired by the board of trustees of a school district on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not “initially hired” if he or she has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by the person’s current employer.

3. A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. § 6319(a) if the person teaches:

- (a) English ~~[, reading or]~~ language arts;
- (b) Mathematics;
- (c) Science;
- (d) ~~[Foreign]~~ *A foreign or world* language;
- (e) Civics or government;
- (f) Economics;
- (g) Geography;
- (h) History; or
- (i) The arts.

4. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c). A person who is employed as a paraprofessional by a school district, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not “initially hired” if he or she has been employed as a paraprofessional by

another school district or charter school in this State without an interruption in employment before the date of hire by the person's current employer.

(b) Shall establish policies governing the duties and performance of teacher aides.

5. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of the applicant's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

6. Except as otherwise provided in subsection 7, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

- (a) Sick leave;
- (b) Sabbatical leave;
- (c) Personal leave;
- (d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;
- (e) Maternity leave; and
- (f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➡ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

7. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

8. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer. In addition, persons who provide police services pursuant to subsection 9 or 10 shall be deemed school police officers.

9. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district and on property owned by the school district, but outside the jurisdiction of the metropolitan police department.

10. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district and on property therein that is owned by the school district.

Sec. 16. NRS 391.323 is hereby amended to read as follows:

391.323 1. ~~Within~~ ***Unless the parties agree to a later date, within*** 30 days after the selection of a hearing officer pursuant to NRS 391.322, the hearing officer shall conduct a hearing. Within 15 days after the conclusion of the hearing, the hearing officer shall prepare and file with the Superintendent of Public Instruction a report containing:

(a) A recommendation as to whether the license of the licensee should be suspended or revoked; and

(b) Findings of fact and conclusions of law which support the recommendation.

2. The State Board may accept or reject the recommendation or refer the report back to the hearing officer for further evidence and recommendation, and shall notify the teacher, administrator or other licensed employee in writing of its decision. The decision of the State Board is a final decision in a contested case.

Sec. 17. NRS 392.033 is hereby amended to read as follows:

392.033 1. The State Board shall adopt regulations which prescribe the courses of study required for promotion to high school, including, without limitation, English ~~and~~ ***language arts***, mathematics, science and social studies. The regulations may include the credits to be earned in each course.

2. Except as otherwise provided in subsection 4, the board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. The board of trustees of the school district in which the pupil is enrolled may provide programs of remedial study to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

4. The board of trustees of each school district shall adopt a policy that allows a pupil who has not completed the courses of study or credits required for promotion to high school to be placed on academic probation and to enroll in high school. A pupil who is on academic probation pursuant to this subsection shall complete appropriate remediation in the subject areas that the pupil failed to pass. The policy must include the criteria for eligibility of a pupil to be placed on academic probation. A parent or guardian may elect not to place his or her child on academic probation but to remain in grade 8.

5. A homeschooled child who enrolls in a public high school shall, upon initial enrollment:

(a) Provide documentation sufficient to prove that the child has successfully completed the courses of study required for promotion to high school through an accredited program of homeschool study recognized by the board of trustees of the school district;

(b) Demonstrate proficiency in the courses of study required for promotion to high school through an examination prescribed by the board of trustees of the school district; or

(c) Provide other proof satisfactory to the board of trustees of the school district demonstrating competency in the courses of study required for promotion to high school.

Sec. 18. NRS 392.700 is hereby amended to read as follows:

392.700 1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the

change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

- (a) The full name, age and gender of the child;
- (b) The name and address of each parent filing the notice of intent to homeschool;
- (c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;
- (d) An educational plan for the child that is prepared pursuant to subsection 12;
- (e) If applicable, the name of the public school in this State which the child most recently attended; and
- (f) An optional statement that the parent may sign which provides:

I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

- (a) To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or
- (b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the school district in which the child

resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the calculation of basic support pursuant to NRS 387.1233. A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in all college entrance examinations offered in this State, including, without limitation, the SAT, the ACT, the Preliminary SAT and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to NRS 389.004.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English ~~including reading, composition and writing,~~ *language arts*, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his or her child based on religious preference unless it is:

- (a) Essential to further a compelling governmental interest; and
- (b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 19. NRS 394.241 is hereby amended to read as follows:

394.241 1. An elementary or secondary educational institution must be maintained and operated, or a new institution must demonstrate that it can be maintained and operated, in compliance with the following minimum standards:

- (a) The quality and content of each course of instruction, training or study reasonably and adequately achieve the stated objective for which the course or program is offered.

(b) The institution has adequate space, equipment, instructional materials and personnel to provide education of good quality.

(c) The education and experience qualifications of directors, administrators, supervisors and instructors reasonably ensure that the students will receive education consistent with the objectives of the course or program of study.

(d) The institution provides pupils and other interested persons with a catalog or brochure containing information describing the grades or programs offered, program objectives, length of school year or program, schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, cancellation and refund policies, and such other material facts concerning the institution as are reasonably likely to affect the decision of the parents or pupil to enroll in the institution, together with any other disclosures specified by the Superintendent or defined in the regulations of the Board, and the information is provided to parents or prospective pupils before enrollment.

(e) Upon satisfactory completion of training or instruction, the pupil is given appropriate educational credentials by the institution indicating that the course of instruction or study has been satisfactorily completed.

(f) Adequate records are maintained by the institution to show attendance, progress and performance.

(g) The institution is maintained and operated in compliance with all pertinent ordinances and laws, including regulations adopted relative to the safety and health of all persons upon the premises.

(h) The institution is financially sound and capable of fulfilling its commitments.

(i) Neither the institution nor its agents engage in advertising, sales, collection, credit or other practices of any type which are false, deceptive, misleading or unfair.

(j) The chief executive officer, trustees, directors, owners, administrators, supervisors, staff, instructors and agents are of good reputation and character.

(k) The pupil housing owned, maintained or approved by the institution, if any, is appropriate, safe and adequate.

(l) The institution has a fair and equitable cancellation and refund policy.

2. Accreditation by national or regional accrediting agencies recognized by the United States Department of Education, ***including, without limitation, the Middle States Commission on Higher Education, the New England Association of Schools and Colleges, the North Central Association of Colleges and Schools, the Southern Association of Colleges and Schools and the Accrediting Commission for Schools, Western Association of Schools and Colleges***, may be accepted as evidence of compliance with the minimum standards established pursuant to this section. Accreditation by a recognized, specialized accrediting agency may be accepted as evidence of such compliance only as to the portion or program of an institution accredited by the agency if the institution as a whole is not accredited.

Sec. 20. NRS 120A.610 is hereby amended to read as follows:

120A.610 1. Except as otherwise provided in subsections 4 to 8, inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords, in his or her judgment, the most favorable market for the property. The Administrator may decline the highest bid and reoffer the property for sale if the Administrator considers the bid to be insufficient.

2. Any sale held under this section must be preceded by a single publication of notice, at least 3 weeks before sale, in a newspaper of general circulation in the county in which the property is to be sold.

3. The purchaser of property at any sale conducted by the Administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of ownership.

4. Except as otherwise provided in subsection 5, the Administrator need not offer any property for sale if the Administrator considers that the probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society.

↪ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. The Administrator shall transfer property to the Department of Veterans Services, upon its written request, if the property has military value.

6. Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

7. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator

determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.

8. All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Account in the State General Fund. At the end of each fiscal year, before any other money in the Abandoned Property Trust Account is transferred pursuant to NRS 120A.620, the balance in the subaccount created pursuant to this subsection, less any costs, service charges or claims chargeable to the subaccount, must be transferred to the Educational Trust Account, which is hereby created in the State General Fund. The money in the Educational Trust Account may be expended only as authorized by the Legislature, *if it is in session, or by the Interim Finance Committee, if the Legislature is not in session*, for educational purposes.

Sec. 21. NRS 385.060 and 390.400 are hereby repealed.

Sec. 22. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

385.060 Seal. The Board shall adopt and use an official seal in authentication of its acts.

390.400 Approval for use in public schools; exception for charter schools; actions subject to review by State Board.

1. The Department shall approve or disapprove lists of books for use in public school libraries except for the libraries of charter schools. Such lists must not include books containing or including any story in prose or poetry the tendency of which would be to influence the minds of children in the formation of ideals not in harmony with truth and morality or the American way of life, or not in harmony with the Constitution and laws of the United States or of the State of Nevada.

2. Actions of the Department with respect to lists of books are subject to review and approval or disapproval by the State Board.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywomen Woodbury and Neal.

ASSEMBLYWOMAN WOODBURY:

Amendment 654 authorizes hospitals or other facilities licensed by the Division of Public and Behavioral Health for residential treatment of children which operate a licensed private school to receive unused allocations of special education program units in the same manner allowed for charter schools and the university school for profoundly gifted pupils. The units must be provided as a percentage of a unit based upon the number of days that a program is provided as compared to the total number of school days for the year.

ASSEMBLYWOMAN NEAL:

I want to ask my colleague a question about Amendment 654 to Senate Bill 25. What is the intent of the added language which is authorizing the unused allocations for the special education program units to be reallocated to the hospital?

ASSEMBLYWOMAN WOODBURY:

There is at least one hospital that operates a school because some of these kids are there long-term, and they get credit while they are there. A high number of them have IEPs [individualized education plans], so this would let the money follow them just for the time they are at the hospital. It would be prorated for their services just for the time they are there.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 29.

Bill read second time.

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

Amendment No. 740.

SUMMARY—Grants power to a board of county commissioners to ~~perform~~ **address matters of local concern within** certain ~~facts which are not prohibited or limited by statute~~ **parameters.** (BDR 20-465)

AN ACT relating to county government; authorizing a board of county commissioners to exercise ~~the~~ powers necessary **or proper to address matters of local concern** for the effective operation of county government; **providing that such powers do not apply to certain matters;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In ~~a case from 1868~~ **and in later treatises on the law governing local governments, former Chief Justice** John F. Dillon of the Iowa Supreme Court ~~established~~ **developed** a common-law rule ~~of statutory interpretation~~ **on local governmental power** known as Dillon's Rule, which **defines and** limits the powers of local governments. ~~(Merriam v. Moody's Ex'rs, 25 Iowa 463 (Iowa 1868))~~ Under Dillon's Rule, a local government is authorized to exercise only those powers which are: (1) expressly granted; (2) necessarily or fairly implied in or incident to the powers expressly granted; or (3) essential to the accomplishment of the declared **objects and** purposes of the local government ~~;~~

~~Under~~ **and not merely convenient but indispensable. Dillon's Rule also provides that if there is any fair or reasonable doubt concerning the existence of a power, that doubt is resolved against the local government and the power is denied. (Merriam v. Moody's Ex'rs, 25 Iowa 463, 170 (1868); 1 John F. Dillon, Commentaries on the Law of Municipal Corporations § 237 (5th ed. 1911))**

In Nevada's jurisprudence, the Nevada Supreme Court has adopted and applied Dillon's Rule to county, city and other local governments. (Ronnow v. City of Las Vegas, 57 Nev. 332, 341-43 (1937); Hard v. Depaoli, 56 Nev. 19, 30 (1935); Lyon County v. Ross, 24 Nev. 102, 111-12 (1897); State ex rel. Rosenstock v. Swift, 11 Nev. 128, 140 (1876)) Thus, as a general rule under existing law, **a board of** county commissioners ~~are~~ **is** authorized to exercise only those powers which are expressly granted **to the board** and **those** powers ~~that~~ **which** are necessarily implied to carry out **the** express

powers ~~of the board.~~ (NRS 244.195; *First Nat'l Bank v. Nye County*, 38 Nev. 123, 134-39 (1914); *Sadler v. Board of County Comm'rs*, 15 Nev. 39, 42 (1880)) ~~[This bill authorizes]~~

Sections 2-2.7, 7 and 7.5 of this bill authorize a board of county commissioners, with ~~limited~~ certain exceptions, to exercise all powers necessary or proper to address matters of local concern for the effective operation of county government, ~~even if such a power is neither express nor implied, so long as the power is~~ whether or not the powers are expressly ~~[prohibited or limited by]~~ granted to the board, but such powers remain subject to all federal and state constitutional, ~~for~~ statutory and regulatory provisions, ~~[granted to another entity.]~~

Section 2.7 defines the term “matter of local concern” as any matter that primarily affects or impacts areas located in the county, or persons who reside, work, visit or are otherwise present in areas located in the county, and that does not have a significant effect or impact on areas located in other counties. However, the term “matter of local concern” does not include any matter that is within the exclusive jurisdiction of another governmental entity or any matter that concerns: (1) a state interest that requires statewide uniformity of regulation; (2) the regulation of business activities that are subject to substantial regulation by a federal or state agency; or (3) any other federal or state interest that is committed by the Constitution, statutes or regulations of the United States or this State to federal or state regulation that preempts local regulation.

Sections 2 and 7 modify Dillon’s Rule as applied to the board of county commissioners so that if there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature. Section 2 also states that the provisions of this bill must not be interpreted to modify Dillon’s Rule with regard to: (1) any local governing body other than a board of county commissioners; or (2) any powers other than those powers necessary or proper to address matters of local concern for the effective operation of county government.

Section 7.7 of this bill provides that during the 2015-2017 interim between regular legislative sessions, the Nevada Association of Counties shall: (1) obtain information regarding the implementation of the provisions of this bill from each board of county commissioners; and (2) compile and report the information to the next regular session of the Legislature in 2017.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ~~(It is expressly declared as the intent of the)~~ The Legislature ~~(to grant a)~~ hereby finds and declares that:

1. Historically under Nevada law, the exercise of powers by a board of county commissioners has been governed by a common-law rule on local governmental power known as Dillon's Rule, which is named after former Chief Justice John F. Dillon of the Iowa Supreme Court who in a case from 1868 and in later treatises on the law governing local governments set forth the common-law rule defining and limiting the powers of local governments.

2. In Nevada's jurisprudence, the Nevada Supreme Court has adopted and applied Dillon's Rule to county, city and other local governments.

3. As applied to county government, Dillon's Rule provides that a board of county commissioners possesses and may exercise only the following powers and no others:

(a) Those powers granted in express terms by the Nevada Constitution or statute;

(b) Those powers necessarily or fairly implied in or incident to the powers expressly granted; and

(c) Those powers essential to the accomplishment of the declared objects and purposes of the county and not merely convenient but indispensable.

4. Dillon's Rule also provides that if there is any fair or reasonable doubt concerning the existence of a power, that doubt is resolved against the board of county commissioners and the power is denied.

5. As a general rule on local governmental power, Dillon's Rule serves an important function in defining the powers of county government and remains a vital component of Nevada law. However, with regard to matters of local concern, a strict interpretation and application of Dillon's Rule unnecessarily restricts a board of county commissioners from taking appropriate actions that are necessary or proper to address matters of local concern for the effective operation of county government and thereby impedes the board from responding to and serving the needs of local citizens diligently, decisively and effectively.

6. To provide a board of county commissioners with the appropriate authority to address matters of local concern for the effective operation of county government, the provisions of sections 2 to 7, inclusive, of this act:

(a) Expressly grant and delegate to the board of county commissioners ~~(the)~~ all powers necessary or proper to address matters of local concern so that the board may adopt county ordinances and implement and carry out county programs and functions for the effective operation of county government ~~for~~; and

(b) Modify Dillon's Rule as applied to the board of county commissioners so that if there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

7. The provisions of sections 2 to 7, inclusive, of this act must not be interpreted to modify Dillon's Rule with regard to:

(a) Any local governing body other than a board of county commissioners; or

(b) Any powers other than those powers necessary or proper to address matters of local concern for the effective operation of county government.

Sec. 2.1. As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.5 and 2.7 of this act have the meanings ascribed to them in those sections.

Sec. 2.5. "County government" means any public body, agency, bureau, board, commission, department, division, office or other unit of county government, or any officer or employee thereof, within the jurisdiction of the board of county commissioners.

Sec. 2.7. 1. "Matter of local concern" means any matter that:

(a) Primarily affects or impacts areas located in the county, or persons who reside, work, visit or are otherwise present in areas located in the county, and does not have a significant effect or impact on areas located in other counties;

(b) Is not within the exclusive jurisdiction of another governmental entity; and

(c) Does not concern:

(1) A state interest that requires statewide uniformity of regulation;

(2) The regulation of business activities that are subject to substantial regulation by a federal or state agency; or

(3) Any other federal or state interest that is committed by the Constitution, statutes or regulations of the United States or this State to federal or state regulation that preempts local regulation.

2. The term includes, without limitation, any of the following matters of local concern:

(a) Public health, safety and welfare in the county.

(b) Planning, zoning, development and redevelopment in the county.

(c) Nuisances and graffiti in the county.

(d) Outdoor assemblies in the county.

(e) Contracts and purchasing by county government.

(f) Operation, management and control of county jails and prisoners by county government.

(g) Any public property, buildings, lands, utilities and other public works owned, leased, operated, managed or controlled by county government, including, without limitation:

(1) Roads, highways and bridges.

(2) Parks, recreational centers, cultural centers, libraries and museums.

3. The provisions of subsection 2:

(a) Are intended to be illustrative;

(b) Are not intended to be exhaustive or exclusive; and

(c) Must not be interpreted as either limiting or expanding the meaning of the term “matter of local concern” as provided in subsection 1.

~~Sec. 3. 1. The rule of law that any doubt as to the existence of a power of a board of county commissioners must be resolved against its existence is abrogated.~~

~~2. Any doubt as to the existence of the power of a board of county commissioners must be resolved in favor of its existence. This rule applies even though a statute granting the power has been repealed.] (Deleted by amendment.)~~

~~Sec. 4. 1. The rule of law that a board of county commissioners can exercise only powers:~~

~~— (a) Expressly granted by statute;~~

~~— (b) Necessarily or fairly implied in or incident to powers expressly granted; and~~

~~— (c) Indispensable to the declared purposes of a board of county commissioners,~~
~~→ is abrogated.~~

~~2. A board of county commissioners has:~~

~~— (a) All powers granted it by statute; and~~

~~— (b) All other powers necessary or desirable in the conduct of county affairs even though not granted by statute.] (Deleted by amendment.)~~

~~Sec. 5. [A board of county commissioners may exercise any power to the extent that the power is not expressly:~~

~~1. Denied by the Constitution of the State of Nevada;~~

~~2. Denied by the Constitution of the United States;~~

~~3. Denied by the laws of the State of Nevada; or~~

~~4. Granted to another entity.] (Deleted by amendment.)~~

~~Sec. 6. 1. If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a board of county commissioners that wishes to exercise the power shall do so in that manner.~~

~~2. If there is no constitutional or statutory provision requiring a specific manner for exercising a power, a board of county commissioners that wishes to exercise the power shall adopt an ordinance prescribing a specific manner for exercising the power.] (Deleted by amendment.)~~

Sec. 7. 1. Except as prohibited, limited or preempted by the Constitution, statutes or regulations of the United States or this State and except as otherwise provided in this section, a board of county commissioners has:

(a) All powers expressly granted to the board;

(b) All powers necessarily or fairly implied in or incident to the powers expressly granted to the board; and

(c) All other powers necessary or proper to address matters of local concern for the effective operation of county government, whether or not the powers are expressly granted to the board. If there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter

of local concern pursuant to this paragraph, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

2. If there is a constitutional or statutory provision requiring a board of county commissioners to exercise a power set forth in subsection 1 in a specific manner, the board may exercise the power only in that specific manner, but if there is no constitutional or statutory provision requiring the board to exercise the power in a specific manner, the board may adopt an ordinance prescribing a specific manner for exercising the power.

3. Except as expressly authorized by statute, a board of county commissioners shall not:

(a) Condition or limit its civil liability unless such condition or limitation is part of a legally executed contract or agreement between the county and another governmental entity or a private person or ~~business~~ entity.

(b) Prescribe the law governing civil actions between private persons ~~and~~ or entities.

(c) Impose duties on another governmental entity unless the performance of the duties is part of a legally executed agreement between the county and another governmental entity.

(d) Impose a tax.

(e) Order or conduct an election.

~~2.4.~~ 4. Except as expressly authorized by statute or necessarily or fairly implied in or incident to powers expressly ~~granted~~ authorized by statute, a board of county commissioners shall not:

(a) Impose a service charge or user fee; or

(b) Regulate business activities that are subject to substantial regulation by a federal or state agency.

Sec. 7.5. NRS 244.195 is hereby amended to read as follows:

244.195 ~~The~~ Except as otherwise provided in sections 2 to 7, inclusive, of this act, the boards of county commissioners shall have power and jurisdiction in their respective counties to do and perform all such other acts and things as may be lawful and ~~strictly~~ necessary to the full discharge of the powers and jurisdiction conferred on the board.

Sec. 7.7. 1. During the 2015-2017 interim between the 78th and 79th Sessions of the Nevada Legislature, the Nevada Association of Counties shall obtain information regarding the implementation of the provisions of this act from each board of county commissioners in this State, and each such board shall cooperate and work collaboratively with the Nevada Association of Counties to provide that information.

2. On or before February 1, 2017, the Nevada Association of Counties shall compile and report the information obtained pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

Sec. 8. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblymen Ellison and Kirkpatrick.

ASSEMBLYMAN ELLISON:

The amendment replaces most of the bill and grants boards of county commissioners the powers necessary to address matters of local concern. The amendment defines the term “matter of local concern” as “any matter that primarily affects or impacts areas located in the county” The amendment requires the Nevada Association of Counties to compile and report on information regarding the implementation of the provisions of this bill to the next regular session of the Legislature in 2017.

ASSEMBLYWOMAN KIRKPATRICK:

To my colleague from Elko, for the record, I have always been opposed to any form of home rule, but I do appreciate the reports. For years, they have not been able to define what they are not able to do, so I look forward to getting that report. How often will we get that report? I would like to see it in the interim so we know as it comes along.

ASSEMBLYMAN ELLISON:

I think that is a great idea and I am sure that the Nevada Association of Counties would be happy to bring that forward.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 39.

Bill read second time and ordered to third reading.

Senate Bill No. 53.

Bill read second time and ordered to third reading.

Senate Bill No. 54.

Bill read second time and ordered to third reading.

Senate Bill No. 56.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 789.

AN ACT relating to graffiti; revising the definition of “graffiti”; expanding the list of items that are considered graffiti implements which are unlawful to carry in certain places; clarifying that a governmental entity may bring a civil action for damages to public property; authorizing the governing body of a city to adopt ordinances to address covering and removing certain graffiti on residential and nonresidential property; revising provisions governing money in a city’s graffiti reward and abatement fund; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law makes it a crime to place graffiti on or otherwise deface the public or private property, real or personal, of another, without the permission of the owner. (NRS 206.330) **Sections 5, 8.2 and 16** of this bill revise the definition of “graffiti” to: (1) clarify that estrays and livestock are included

within the scope of property to which the offense of graffiti applies; and (2) exclude certain items which are affixed to property.

Existing law makes it a misdemeanor for a person to carry on his or her person, in certain public places, a graffiti implement with the intent to vandalize, place graffiti on or deface property. (NRS 206.335) **Section 7** of this bill revises the definition of “graffiti implement” to include any item that may be used to etch or deface property.

Existing law requires a person who is ordered to pay restitution for placing graffiti on public property to pay the restitution to the governmental entity that has incurred expenses for abating the graffiti. (NRS 206.345) **Section 8** of this bill authorizes the payment of restitution to a governmental entity for future expenses to abate the graffiti. Existing law also authorizes the owner of public or private property that has been damaged by graffiti to bring a civil action against the person who placed the graffiti and recover damages in an amount up to three times the amount of any loss in value to property and up to three times the cost of restoring the property plus attorney’s fees and costs. (NRS 206.345) **Section 8** clarifies that a governmental entity may also bring a civil action to recover such damages from a person who placed graffiti on property if the governmental entity owns or is otherwise responsible for the damaged property.

Existing law authorizes a board of county commissioners to provide by ordinance for the covering or removal of certain graffiti on certain types of property. (NRS 244.36935) **Sections 8.4 and 8.6** of this bill revise provisions governing the covering or removal of certain graffiti that is placed on residential property. **Section 14** of this bill authorizes the governing body of a city to similarly provide by ordinance for the covering or removal of certain graffiti on residential property.

Existing law authorizes a board of county commissioners to provide by ordinance procedures pursuant to which the board may order an owner of nonresidential property to cover or remove certain graffiti on the owner’s property. (NRS 244.3694) **Section 8.8** of this bill revises provisions governing the covering or removal of graffiti that is placed on nonresidential property. **Section 15** of this bill similarly authorizes the governing body of a city to provide by ordinance procedures pursuant to which the governing body may order an owner of nonresidential property to cover or remove certain graffiti on the owner’s property.

Existing law requires the governing body of each city to create a fund to pay, upon approval by the governing body of the city, a reward to certain persons who provide information which results in the identification, apprehension and conviction of a person who violated a city ordinance prohibiting graffiti or other defacement of property. (NRS 268.4085) **Section 18** of this bill expands the authorized use of money in the fund: (1) to purchase supplies or pay for other graffiti abatement costs incurred by the city; (2) to be paid for information which results in the identification, apprehension or conviction of a person who is alleged to have violated a city ordinance that

prohibits graffiti or defacement of property; and (3) to be paid upon approval of the city manager, the authorized designee of the city manager or, if the city does not have a city manager, the governing body of the city.

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

Section 1. Chapter 206 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 206.005 and sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Estray” means any livestock running at large upon public or private lands in this State whose owner is unknown in the section where the animal is found.*

Sec. 4. *“Livestock” has the meaning ascribed to it in NRS 205.219.*

Sec. 5. NRS 206.005 is hereby amended to read as follows:

206.005 ~~[As used in this chapter, “graffiti”]~~

1. *“Graffiti” means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn, painted on or affixed to the public or private property, real or personal, of another, including, without limitation, an estray or one or more head of livestock, which defaces the property.*

2. *The term does not include any item affixed to property which may be removed:*

(a) By hand without defacing the property;

(b) Through the use of a chemical or cleaning solvent commonly used for removing an adhesive substance without defacing the property; or

(c) Without the use of a decal remover tool.

3. *As used in this section, “decal remover tool” means any device using power or heat to remove an adhesive substance.*

Sec. 6. NRS 206.150 is hereby amended to read as follows:

206.150 **1.** Except as otherwise provided in subsections 2 and 3, any person who willfully and maliciously kills, maims or disfigures any animal belonging to another, or exposes any poison or noxious substance with intent that it should be taken by the animal is guilty of a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$10,000.

2. Except as otherwise provided in NRS 205.220, a person who willfully and maliciously kills an estray or one or more head of livestock, without the authority to do so, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. The provisions of subsection 1 do not apply to any person who kills a dog pursuant to NRS 575.020.

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

~~—(a) “Estray” means any livestock running at large upon public or private lands in this state, whose owner is unknown in the section where the animal is found.~~

~~—(b) “Livestock” has the meaning ascribed to it in NRS 205.219.]~~

Sec. 7. NRS 206.335 is hereby amended to read as follows:

206.335 1. Any person who carries on his or her person a graffiti implement with the intent to vandalize, place graffiti on or otherwise deface public or private property, real or personal, of another:

(a) While on or under any overpass or bridge or in any flood channel;

(b) At any public facility, community center, park, playground, swimming pool, transportation facility, beach or recreational area whereon a sign is posted in a location reasonably expected to be viewed by the public which states that it is a misdemeanor to possess a graffiti implement at that public location without valid authorization; or

(c) In a public transportation vehicle wherein a sign is posted that is easily viewed by passengers which states that it is a misdemeanor to possess a graffiti implement in the vehicle without valid authorization,

↪ is guilty of a misdemeanor unless the person has first received valid authorization from the governmental entity which has jurisdiction over the public area or other person who is designated to provide such authorization.

2. As used in this section:

(a) “Broad-tipped indelible marker” means any felt-tipped marker or similar implement which contains a fluid that is not soluble in water and which has a flat or angled writing surface of a width of one-half inch or greater.

(b) “Graffiti implement” means any broad-tipped indelible marker, ~~for~~ aerosol paint container, **carbide-tipped instrument** or other item that may be used to ~~propel~~:

(1) **Propel** or apply ~~fluid~~ **any substance** that is not soluble in water ~~[-]~~;
or

(2) **Etch or deface property.**

(c) “Public transportation vehicle” means a bus, train or other vehicle or instrumentality used to transport persons from a transportation facility to another location.

(d) “Transportation facility” means an airport, marina, bus terminal, train station, bus stop or other facility where a person may go to obtain transportation.

Sec. 8. NRS 206.345 is hereby amended to read as follows:

206.345 1. A court may, in addition to any other fine or penalty imposed, order a person who places graffiti on or otherwise defaces public or private property in violation of NRS 206.125 or 206.330 to participate in counseling, and if the person is less than 18 years of age, order the parent or legal guardian of the person to attend or participate in counseling pursuant to NRS 62E.290.

2. If a court orders a person who violates the provisions of NRS 206.125 or 206.330 to pay restitution, the person shall pay the restitution to:

(a) The owner of the property which was affected by the violation; or

(b) If the violation involved the placing of graffiti on any public property, the governmental entity that incurred *or will incur* expenses for removing, covering or cleaning up the graffiti.

3. The owner of ~~[public or private]~~ *the* property that has been damaged by graffiti *or a governmental entity that is otherwise responsible for the property* may bring a civil action against the person who placed the graffiti on such property. The court may award to the *governmental entity or other* property owner damages in an amount up to three times the amount of any loss in value to the property and up to three times the cost of restoring the property plus attorney's fees and costs, which may be recovered from the offender or, if the offender is less than 18 years of age, from the parent or legal guardian of the offender.

Sec. 8.2. NRS 244.36915 is hereby amended to read as follows:

244.36915 **1.** "Graffiti" means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn, ~~[or]~~ painted on *or affixed to* the public or private property, real or personal, of another, *including, without limitation, an estray or one or more head of livestock*, which defaces such property.

2. *The term does not include any item affixed to property which may be removed:*

- (a) By hand without defacing the property;*
- (b) Through the use of a chemical or cleaning solvent commonly used for removing an adhesive substance without defacing the property; or*
- (c) Without the use of a decal remover tool.*

3. *As used in this section:*

(a) "Decal remover tool" means any device using power or heat to remove an adhesive substance.

(b) "Estray" has the meaning ascribed to it in section 3 of this act.

(c) "Livestock" has the meaning ascribed to it in NRS 205.219.

Sec. 8.4. NRS 244.3692 is hereby amended to read as follows:

244.3692 "Residential property" means a parcel of land, including all structures thereon, that is ~~[zoned for]~~ *an owner-occupied* single-family ~~[residential use.]~~ *residence.*

Sec. 8.6. NRS 244.36935 is hereby amended to read as follows:

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

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

~~—(b) Visible from a public right of way.]~~

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

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

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

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

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

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

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

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

Sec. 8.8. NRS 244.3694 is hereby amended to read as follows:

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

~~—(a) Placed]~~ **placed** on that nonresidential property ~~[- and~~

~~—(b) Visible from a public right of way,~~

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

2. An ordinance adopted pursuant to subsection 1 must:

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

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

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

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

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

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

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

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

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

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

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

(b) Make the cost of covering or removing the graffiti a special assessment against the nonresidential property on which the graffiti was covered or from which the graffiti was removed.

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

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

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

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

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

Sec. 9. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 15, inclusive, of this act.

Sec. 10. *As used in NRS 268.4075 to 268.4085, inclusive, and sections 10 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 268.4075 and sections 11, 12 and 13 of this act have the meanings ascribed to them in those sections.*

Sec. 11. *"Estray" has the meaning ascribed to it in section 3 of this act.*

Sec. 12. *"Livestock" has the meaning ascribed to it in NRS 205.219.*

Sec. 13. *"Residential property" means a parcel of land, including all structures thereon, that is an owner-occupied single-family residence.*

Sec. 14. 1. *The governing body of a city may adopt by ordinance procedures pursuant to which officers, employees or other designees of the city may cover or remove graffiti that is placed on residential property.*

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

(a) Officers, employees or other designees of the city may not cover or remove the graffiti unless:

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

(2) If the governing body of the city or its designee is unable to contact the owner of the residential property to obtain the owner's consent, the

governing body first provides the owner of the property with written notice that is:

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

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

↪ at least 5 days before the officers, employees or other designees of the city cover or remove the graffiti.

(b) The city shall pay the cost of covering or removing the graffiti.

Sec. 15. 1. The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of nonresidential property within the city to cover or remove graffiti that is placed on that nonresidential property to protect the public health, safety and welfare of the residents of the city and to prevent blight upon the community.

2. An ordinance adopted pursuant to subsection 1 must:

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

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

(2) Afforded an opportunity for a hearing and an appeal before the governing body of the city or its designee.

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

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

3. The governing body of the city or its designee may direct the city to cover or remove the graffiti and may recover the amount expended by the city for labor and materials used to cover or remove the graffiti if:

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

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

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

4. In addition to any other reasonable means of recovering money expended by the city to cover or remove the graffiti, the governing body of the city may ~~not~~

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

~~—(b) Make~~ make the cost of covering or removing the graffiti a special assessment against the nonresidential property on which the graffiti was covered or from which the graffiti was removed.

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

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

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

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

~~[7.]~~ 6. As used in this section, “nonresidential property” means all real property other than residential property. The term does not include real property owned by a governmental entity.

Sec. 16. NRS 268.4075 is hereby amended to read as follows:

268.4075 ~~[As used in this section, NRS 268.408 and 268.4085, “graffiti”]~~

1. “**Graffiti**” means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn , ~~for~~ painted on *or affixed to* the public or private property, real or personal, of another, *including, without limitation, an estray or one or more head of livestock*, which defaces such property.

2. *The term does not include any item affixed to property which may be removed:*

(a) *By hand without defacing the property;*

(b) *Through the use of a chemical or cleaning solvent commonly used for removing an adhesive substance without defacing the property; or*

(c) *Without the use of a decal remover tool.*

3. *As used in this section, “decal remover tool” means any device using power or heat to remove an adhesive substance.*

Sec. 17. NRS 268.408 is hereby amended to read as follows:

268.408 1. The governing body of a city shall remove or cover all evidence that graffiti has been placed on any real or personal property which it owns or otherwise controls within 15 days after it discovers the graffiti or as soon as practicable.

2. The governing body of a city may bring an action against a person responsible for placing graffiti on the property of the city to recover a civil penalty and damages ~~for the cost of removing or covering the graffiti placed on such property.~~ **pursuant to the provisions of NRS 206.345.**

Sec. 18. NRS 268.4085 is hereby amended to read as follows:

268.4085 1. The governing body of each city shall create a graffiti reward and abatement fund. The money in the fund must be used **to purchase supplies or pay for other costs incurred by the city which are directly related to graffiti abatement or** to pay a reward to a person who, in response to the offer of a reward, provides information which results in the identification, apprehension ~~and~~ **or** conviction of a person who **is alleged to have violated or who violates** a city ordinance that prohibits graffiti or other defacement of property.

2. When a defendant pleads or is found guilty or guilty but mentally ill of violating a city ordinance that prohibits graffiti or other defacement of property, the court shall include an administrative assessment of \$250 for each violation in addition to any other fine or penalty. The money collected must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for credit to the graffiti reward and abatement fund.

3. If sufficient money is available in the graffiti reward and abatement fund, a law enforcement agency for the city may offer a reward, not to exceed \$1,000, for information leading to the identification, apprehension ~~and~~ **or** conviction of a person who **is alleged to have violated or who** violates a city ordinance that prohibits graffiti or other defacement of property.

4. **The money to purchase supplies or pay for other costs incurred by the city which are directly related to graffiti abatement or to pay a reward must be paid out of the graffiti reward and abatement fund upon approval of the city manager, the authorized designee of the city manager or, if the city does not have a city manager, the** governing body of the city.

Sec. 19. Nothing in this act may be construed to limit the ability of a county or city to enforce any ordinance or regulation relating to the abatement of graffiti adopted before, on or after October 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

In Section 15 of the bill, the provision allowing a lien upon nonresidential property for the cost of covering or removing the graffiti is deleted.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 59.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 691.

AN ACT relating to business; declaring certain records to be confidential; revising provisions governing the state business portal; revising provisions governing applications for certain authorizations to conduct a business in this State issued by state and local agencies and health districts; **revising provisions governing the state business license**; requiring the Secretary of State to issue unique business identification numbers under certain circumstances; revising provisions governing the issuance of certain licenses by incorporated cities and counties; removing the prohibition against a county clerk refusing to accept for filing certain business certificates in certain circumstances; revising provisions governing the disclosure of certain information by the Employment Security Division of the Department of Employment, Training and Rehabilitation; repealing certain provisions relating to the collection of information from businesses seeking certain authorizations to conduct business in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State is required to establish the state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through the state business portal. (NRS 75A.100) **Section 4** of this bill requires the Secretary of State to: (1) establish common business registration information that is used by state and local agencies and health districts to conduct necessary transactions with businesses in this State; and (2) cause the state business portal to provide common business registration information to state and local agencies and health districts that conduct necessary transactions with businesses in this State. **Section 4** further authorizes state and local agencies and health districts to: (1) integrate their electronic applications processes into the state business portal; (2) use the state business portal to accept and disseminate common business registration information that is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State; (3) make available on the Internet applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State and to integrate such applications into the state business portal; and (4) meet certain other requirements related to participation in the state business portal. However, **section 4** also specifies that a state or local agency or health district is not required to disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of the information. **Section 3** of this bill deems that the records and files collected as common business registration information **by the Secretary of State** are confidential and privileged unless an exception applies.

Section 5 of this bill requires the Secretary of State to assign a unique business identification number to each business entity organized in this State and to each person who is issued a state business ~~license~~ **registration** or who claims to be excluded or exempt from the requirement to obtain a state business ~~license~~ **registration**. Under **section 4**: (1) the Secretary of State must cause the state business portal to interface with the system used by the Secretary of State to assign business identification numbers; and (2) state and local agencies and health districts that issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State or to engage in an occupation or profession in this State must require an applicant for such a license, certificate, registration or permit to include the applicant's business identification number on the application.

Sections 7 and 8 of this bill amend provisions governing city and county business licenses so that certain information regarding industrial insurance is provided through the state business portal. **Section 9** of this bill removes the provision from existing law which prohibits a county clerk, in certain circumstances, from refusing to accept for filing a certificate or renewal certificate concerning persons doing business in this State under an assumed or fictitious name that is filed by a foreign artificial person or persons. **Section 10** of this bill authorizes the Employment Security Division of the Department of Employment, Training and Rehabilitation to make certain information available to the Secretary of State for certain purposes related to operating and maintaining the state business portal. **Section 12** of this bill repeals certain provisions relating to: (1) the coordination of the collection of certain information and forms from businesses by state agencies and local governments; and (2) the affidavit required to be filed by an applicant who wishes to obtain a local business license to sell certain retail merchandise. **Sections 4.3, 4.6, 6.5 and 7.5 of this bill change the term "state business license" to "state business registration."**

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

Section 1. Chapter 75A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, "health district" means a health district created pursuant to NRS 439.362 or 439.370.*

Sec. 3. 1. *Except as otherwise provided in subsection 2 and NRS 239.0115, the records and files collected by the Secretary of State ~~from a state or local agency or health district~~ pursuant to paragraph (f) of subsection 2 of NRS 75A.100 are confidential and privileged. The Secretary of State ~~and any employee of the Secretary of State and any state or local agency or health district, or employee of an agency or health district, which~~ who is authorized to view or use the information in such records or files:*

(a) *Shall not disclose any information obtained from such records or files other than specific information contained in the record or file that is deemed a public record; and*

(b) *May not be required to produce any of the records, files and information for the inspection of any person or governmental entity or for use in any action or proceeding.*

2. *The records and files collected pursuant to paragraph (f) of subsection 2 of NRS 75A.100 are not confidential and privileged in the following cases:*

(a) *Testimony by the Secretary of State ~~or~~ or any employee of the Secretary of State ~~or a member or employee of any state or local agency or health district~~ and the production of records, files and information on behalf of the Secretary of State ~~or any state or local agency or health district~~ or a person in any action or proceeding before the Secretary of State ~~or any state or local agency or health district~~ or a court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.*

(b) *Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to this chapter.*

(c) *Publication by a governmental agency of statistics so classified as to prevent the identification of a particular business or document.*

(d) *Exchanges of information with the Secretary of State ~~or any state or local agency, health district~~ or a federal ~~governmental~~ agency in accordance with any agreement made and provided for in such cases or disclosure in confidence to any federal agency that requests the information for use by the agency in a civil or criminal investigation or prosecution.*

(e) *Disclosure in confidence to the Attorney General or other legal representative of the State or a ~~local or~~ federal agency in connection with an action or proceeding relating to a taxpayer, or to any agency of this or any other state or the Federal Government charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming or which issues licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State.*

(f) *Disclosure by the Secretary of State ~~for a state or local agency or health district~~ for the purpose of collection of a debt, fee or obligation owed to the Secretary of State ~~for the agency or district.~~*

(g) *A business that submits information to the state business portal and agrees to a provision authorizing the release of information contained in the records and files of the state business portal for a purpose which must be specified in the provision.*

Sec. 4. NRS 75A.100 is hereby amended to read as follows:

75A.100 1. The Secretary of State shall provide for the establishment of a state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct

necessary transactions with governmental agencies in this State through use of the state business portal.

2. The Secretary of State shall:

(a) Establish, through cooperative efforts ~~{} and consultation with representatives of state agencies, local governments, health districts and businesses,~~ the standards and requirements necessary to design, build and implement the state business portal;

(b) Establish the standards and requirements necessary for a state or local agency to participate in the state business portal;

(c) Authorize a state or local agency to participate in the state business portal if the Secretary of State determines that the agency meets the standards and requirements necessary for such participation ~~{} and the agency has entered into an agreement for access to the state business portal which is prescribed by~~ with the Secretary of State;

(d) Determine the appropriate requirements to be used by businesses and governmental agencies conducting transactions through use of the state business portal;

(e) *Cause the state business portal to interface with the system established by the Secretary of State to assign business identification numbers;*

(f) *For the purpose of coordinating the collection of common information from businesses using the state business portal:*

(1) *Establish common business registration information to be collected from businesses by state and local agencies and health districts which issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, which collect taxes or fees or which conduct other necessary transactions with businesses in this State; and*

(2) *Cause the state business portal to ~~provide~~ exchange the common business registration information ~~to~~ among state and local agencies and health districts which participate in the state business portal and which use the common business registration information to issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, to collect taxes or fees or to conduct other necessary transactions with businesses in this State;*

(g) In carrying out the provisions of this section, consult with the Executive Director of the Office of Economic Development to ensure that the activities of the Secretary of State are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

~~{} (h)~~ (h) Adopt such regulations and take any appropriate action as necessary to carry out the provisions of this chapter.

3. *Each state agency or health district that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in this State may, to the extent practicable, and each local agency that issues a license, certificate, registration, permit or similar type of authorization to*

conduct a business in the jurisdiction of the local agency may, as approved by the governing body of the local government:

(a) Make available on its Internet website any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(b) Accept the electronic transfer of common business registration information from the state business portal for use in any electronic application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or for use in an application processing system.

(c) Integrate with the state business portal any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State. As used in this paragraph, "integrate" means to consolidate an electronic application process so that it is capable of collecting and disseminating information to a state or local agency or health district for the processing of the application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(d) Allow for the acceptance of an electronic signature for a declaration or affirmation under penalty of perjury or as provided for in statute.

(e) Require an applicant for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State to include in the application the applicant's business identification number.

(f) Ensure that the state or local agency or health district, as applicable, is capable of using the state business portal to accept and disseminate to participating state and local agencies and health districts the common business registration information established pursuant to subparagraph (1) of paragraph (f) of subsection 2 which is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(g) Establish and maintain its rules, data and processes relating to businesses in accordance with the agreement entered into by the state or local agency or health district pursuant to paragraph (c) of subsection 2 and any corresponding technical documentation.

4. The provisions of subsection 3 do not require a state or local agency or health district to:

(a) Disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of the information.

(b) Upgrade its information technology system or incur significant expense to comply with the provisions of this section.

5. Except as otherwise provided in NRS 239.0115, all records containing technical specifications, processing protocols or programmatic or system architecture of the state business portal, and any other records containing information the disclosure of which would endanger the security of the state

business portal, or proprietary information related to the functions, operations, processes or architecture of the state business portal, are deemed confidential and privileged.

6. As used in this section:

(a) “Business identification number” means the number assigned by the Secretary of State pursuant to section 5 of this act to an entity organized pursuant to this title or to a person who is issued a state business ~~license~~ registration or who claims to be excluded or exempt from the requirement to obtain a state business ~~license~~ registration pursuant to chapter 76 of NRS.

(b) “Disseminate” means to distribute in an electronic format that is capable of being accepted by participating state and local agencies and health districts and used by participants as the common business registration information used to issue a license, certificate, registration, permit or similar type of authorization, to collect taxes or fees or to conduct other necessary transactions with businesses in this State.

Sec. 4.3. NRS 76.030 is hereby amended to read as follows:

76.030 “State business ~~license~~ registration” means the ~~business license~~ registration required pursuant to this chapter.

Sec. 4.6. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business ~~license~~ registration issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business ~~license~~ registration at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business ~~license~~ registration before conducting a business in this State.

2. An application for a state business ~~license~~ registration must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the ~~entity~~ business identification number as assigned by the Secretary of State ~~if known~~ pursuant to section 5 of this act, and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of \$100; and

(d) Include any other information that the Secretary of State deems necessary.

➡ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

- (b) A member or partner of an association or partnership.
- (c) A general partner of a limited partnership.
- (d) A managing partner of a limited-liability partnership.
- (e) A manager or managing member of a limited-liability company.
- (f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business ~~license~~ **registration** is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. The state business ~~license~~ **registration** required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

6. For the purposes of this chapter, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

(a) Is organized pursuant to this title, other than a business organized pursuant to:

- (1) Chapter 82 or 84 of NRS; or
- (2) Chapter 81 of NRS if the business is a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

- (b) Has an office or other base of operations in this State;
- (c) Has a registered agent in this State; or
- (d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

7. As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

Sec. 5. Chapter 225 of NRS is hereby amended by adding thereto a new section to read as follows:

*For the purpose of establishing the identity of an entity organized pursuant to title 7 of NRS or a person who is issued a state business ~~license~~ **registration** pursuant to chapter 76 of NRS or who claims to be excluded or exempt from the requirement to obtain a state business ~~license~~ **registration** pursuant to NRS 76.105, the Secretary of State shall assign a unique business identification number to each such entity or person.*

Sec. 6. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, **75A.100**, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245,

176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320,

704B.325, 706.1725, 710.159, 711.600 ~~and~~ *and section 3 of this act and* sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 6.5. NRS 244.335 is hereby amended to read as follows:

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

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

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

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service,

entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

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

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

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

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

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

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

(b) Provides to the county license board the ~~(entity)~~ business identification number of the applicant assigned by the Secretary of State pursuant to section 5 of this act which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

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

(a) Presents written evidence that:

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

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

(b) Provides to the county license board the ~~(entity)~~ business identification number of the applicant assigned by the Secretary of State pursuant to section 5 of this act which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property

of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

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

- (1) The amount of tax due and the appropriate year;
- (2) The name of the record owner of the property;
- (3) A description of the property sufficient for identification; and
- (4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

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

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

Sec. 7. NRS 244.33505 is hereby amended to read as follows:

244.33505 1. In a county in which a license to engage in a business is required, the board of county commissioners shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In a county in which such a license is not required, the board of county commissioners shall require a business, when applying for a post office box, to submit to the board the affidavit or attestation required by subsection 1.

3. ~~Each~~ ***Except as otherwise provided in this subsection, each*** board of county commissioners shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~list~~ ***report*** of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. ***A board of county commissioners is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.***

4. ~~Upon~~ ***Except as otherwise provided in subsection 5, upon*** receiving an affidavit ~~for attestation~~ required by this section, a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. ***If a business submits an attestation required by this section electronically via the state business portal, the state business portal shall provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.***

6. ***As used in this section, "state business portal" means the state business portal established pursuant to chapter 75A of NRS.***

Sec. 7.5. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

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

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as “pledged revenues” for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, “professional” means a person who:

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

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

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

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

(b) Provides to the city licensing agency the ~~entity~~ business identification number of the applicant assigned by the Secretary of State pursuant to section 5 of this act which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

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

(a) Presents written evidence that:

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

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

(b) Provides to the city licensing agency the ~~entity~~ business identification number of the applicant assigned by the Secretary of State pursuant to section 5 of this act which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

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

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

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

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

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

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

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as

the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 8. NRS 268.0955 is hereby amended to read as follows:

268.0955 1. In an incorporated city in which a license to engage in a business is required, the city council or other governing body of the city shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In an incorporated city in which such a license is not required, the city council or other governing body of the city shall require a business, when applying for a post office box, to submit to the governing body the affidavit or attestation required by subsection 1.

3. ~~Each~~ ***Except as otherwise provided in this subsection, each*** city council or other governing body of an incorporated city shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~list~~ ***report*** of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. ***A city council or other governing board of an incorporated city is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.***

4. ~~Upon~~ ***Except as otherwise provided in subsection 5, upon*** receiving an affidavit ~~for attestation~~ required by this section, the city council or other governing body of an incorporated city shall provide the applicant with a

document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. *If a business submits an attestation required by this section electronically via the state business portal, the state business portal shall provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.*

6. *As used in this section, “state business portal” means the state business portal established pursuant to chapter 75A of NRS.*

Sec. 9. NRS 602.020 is hereby amended to read as follows:

602.020 1. A certificate filed pursuant to NRS 602.010 or a renewal certificate filed pursuant to NRS 602.035 must state the assumed or fictitious name under which the business is being conducted or is intended to be conducted, and if conducted by:

(a) A natural person:

- (1) His or her full name;
- (2) The street address of his or her residence or business; and
- (3) If the mailing address is different from the street address, the mailing address of his or her residence or business;

(b) An artificial person:

- (1) Its name; and
- (2) Its mailing address;

(c) A general partnership:

- (1) The full name of each partner who is a natural person;
- (2) The street address of the residence or business of each partner who is a natural person;
- (3) If the mailing address is different from the street address, the mailing address of the residence or business of each partner who is a natural person; and

(4) If one or more of the partners is an artificial person described in paragraph (b), the information required by paragraph (b) for each such partner; or

(d) A trust:

- (1) The full name of each trustee of the trust;
- (2) The street address of the residence or business of each trustee of the trust; and

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each trustee of the trust.

2. The certificate must be:

(a) Signed:

- (1) In the case of a natural person, by that natural person;

(2) In the case of an artificial person, by an officer, director, manager, general partner, trustee or other natural person having the authority to bind the artificial person to a contract;

(3) In the case of a general partnership, by each of the partners who is a natural person and, if one or more of the partners is an artificial person described in subparagraph (2), by the person described in subparagraph (2); or

(4) In the case of a trust, by each of the trustees; and

(b) Notarized, unless the board of county commissioners of the county adopts an ordinance providing that the certificate may be filed without being notarized.

3. ~~No county clerk may refuse to accept for filing a certificate filed by a foreign artificial person or foreign artificial persons because the foreign artificial person or foreign artificial persons have not qualified to do business in this State under title 7 of NRS.~~

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

(a) “Artificial person” means any organization organized under the law of the United States, any foreign country, or a state, province, territory, possession, commonwealth or dependency of the United States or any foreign country, and as to which the government, state, province, territory, possession, commonwealth or dependency must maintain a record showing the organization to have been organized.

(b) ~~“Foreign artificial person” means an artificial person that is not organized under the laws of this State.~~

~~(c)~~ “Record” means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 10. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person’s or employing unit’s identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant’s claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers’ compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

- (b) Any state or local agency for the enforcement of child support;
- (c) The Internal Revenue Service of the Department of the Treasury;
- (d) The Department of Taxation; ~~and~~
- (e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS ~~§~~ ; *and*

(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.

↪ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly

charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of

applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 237.180, 364.110 and 364.120 are hereby repealed.

Sec. 12.5. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the term “state business registration” for the term “state business license” as previously used, to substitute appropriately the terms “register,” “registered” or “registration” for the terms “license,” “licensed” or “licensing” as previously used in reference to the issuance of a state business license and to substitute appropriately the term “business identification number” for the term “state business license number” as previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the term “state business registration” for the term “state business license” as previously used, substitute appropriately the terms “register,” “registered” or “registration” for the terms “license,” “licensed” or “licensing” as previously used in reference to the issuance of a state business license and substitute appropriately the term “business identification number” for the term “state business license number” as previously used.

Sec. 13. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

237.180 Requirements; annual meeting to design and modify joint forms.

1. The agencies of this State, and the local governments within this State, that collect taxes or fees from persons engaged in business, or require such persons to provide related information and forms, shall coordinate their collection of information and forms so that each enterprise is required to furnish information in as few separate reports as possible. This section applies specifically, but is not limited, to the Department of Taxation, the Employment Security Division of the Department of Employment, Training and Rehabilitation, the State Department of Conservation and Natural Resources, and the counties and cities that require a business license.

2. On or before October 1 of each year, the Executive Director of the Department of Taxation shall convene the heads, or persons designated by the respective heads, of the state agencies named in subsection 1 and the

appropriate officers of the cities and counties that require a business license. The Secretary of State, a representative of the Nevada Association of Counties and a representative of the Nevada League of Cities must be invited to attend the meeting. If the Executive Director knows, or is made aware by persuasive information furnished by any enterprise required to pay a tax or fee or to provide information, that any other state or local agency needs to participate to accomplish the purpose set forth in subsection 1, the Executive Director shall also invite the head of that agency or the appropriate officer of the local government, and the person so invited shall attend. The Administrator of the Division of Enterprise Information Technology Services of the Department of Administration shall assist in effecting the consolidation of the information and the creation of the forms.

3. The persons so assembled shall design and modify, as appropriate, the necessary joint forms for use during the ensuing fiscal year to accomplish the purpose set forth in subsection 1. If any dispute cannot be resolved by the participants, it must be referred to the Nevada Tax Commission for a decision that is binding on all parties.

4. The provisions of chapter 241 of NRS apply to a meeting held pursuant to this section. The Executive Director of the Department of Taxation shall provide members of the staff of the Department of Taxation to assist in complying with the requirements of chapter 241 of NRS.

364.110 Licensing authority to require affidavit. No county license board and no other licensing authority, whether county, city or township, within the State of Nevada, shall issue an initial license or transfer any license to any person, firm or corporation authorizing the person, firm or corporation to engage in, or in any manner carry on, any business of the retail sale of wines, beers, liquors, soft drinks, produce, meats or other foodstuffs, clothing, hardware, or any other type or class of merchandise whatever, without requiring the applicant or applicants for the license to file with the licensing authority an affidavit showing:

1. Whether the applicant or applicants are engaged in business under a fictitious name, and if so engaged in business, that the applicant or applicants have complied with the provisions of chapter 602 of NRS.

2. Whether there has been any change in ownership in the business of the applicant or applicants during the preceding calendar year, and if there has been any such change in ownership, that the change was made in compliance with the provisions of chapter 104 of NRS.

364.120 Filing fee for required affidavit. Any licensing authority coming within the provisions of NRS 364.110 is authorized to collect a filing fee of not to exceed \$3 for the filing of the affidavit required to be filed by NRS 364.110.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment changes the term “state business license” to “state business registration.”

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 129.

Bill read second time and ordered to third reading.

Senate Bill No. 138.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 788.

AN ACT relating to criminal procedure; requiring the reporting of certain information relating to the forfeiture of property; **revising provisions relating to the forfeiture of property**; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the seizure, forfeiture and disposition of certain property and proceeds attributable to the commission of certain crimes. (NRS 179.1156-179.121) Existing law separately provides for the seizure, forfeiture and disposition of property and proceeds attributable to any technological crime which is punishable as a felony. (NRS 179.1211-179.1235) Finally, existing law provides for the seizure, forfeiture and disposition of property and proceeds attributable to racketeering crimes. (NRS 207.350-207.520) This bill requires each law enforcement agency to submit an annual report containing certain information relating to the seizure, forfeiture and disposition of property to the Office of the Attorney General.

Section 34.3 of this bill requires a plaintiff to file a complaint for forfeiture within 120 days after property has been seized if the property was seized without process. Section 34.3 also prohibits the forfeiture of property seized by a law enforcement agency unless: (1) the agency files a complaint for forfeiture in the district court for the county in which such property is located; or (2) a stipulated agreement between the parties is reached.

Section 34.6 of this bill requires that, if a criminal trial is pending, an order staying a proceeding for forfeiture remains in effect until the completion of the criminal trial. Section 34.6 also requires seized property to be returned to a claimant if the criminal charges against the claimant have been denied or dismissed. Lastly, section 34.6 provides for the forfeiture of property through a claimant’s plea or a stipulated agreement reached between the claimant and the plaintiff.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On an annual basis, each law enforcement agency shall report the following information about each individual seizure and forfeiture completed by the law enforcement agency under state forfeiture law:

(a) Data on seizures and forfeitures, including, without limitation, the:

(1) Date that currency, vehicles, houses or other types of property were seized;

(2) Type of property seized, including, the year, make and model, as applicable;

(3) Type of crime associated with the seizure of the property;

(4) Market value of the property seized;

(5) Disposition of the property following the seizure; and

(6) Date of the disposition of the property.

(b) Data on the use of proceeds, including, without limitation, the:

(1) Payment of all outstanding liens on the forfeited property;

(2) *Payment of reasonable expenses, except personnel costs, of the seizure, storage and maintenance of custody of any forfeited property; and*

(3) *Distribution of proceeds pursuant to NRS 179.118, 179.1187, 179.1233 and 207.500.*

(c) *Any other information required by the Office of the Attorney General.*

2. *The Office of the Attorney General shall develop standard forms, processes and deadlines for the entry of electronic data for the annual submission of the report required by subsection 1.*

3. *Each law enforcement agency shall file with the Office of the Attorney General the report required by subsection 1. A null report must be filed by a law enforcement agency that did not engage in a seizure or forfeiture during the reporting period. The Office of the Attorney General shall compile the submissions and issue an aggregate report of all forfeitures in this State.*

4. *On or before April 1 of each year, the Office of the Attorney General shall make available:*

(a) *On its Internet website, the reports submitted by law enforcement agencies and the aggregate report.*

(b) *Upon request, printed copies of the reports submitted by law enforcement agencies and the aggregate report.*

5. *The Office of the Attorney General shall include in the aggregate report information on any law enforcement agencies not in compliance with this section.*

Sec. 30.3. NRS 179.1156 is hereby amended to read as follows:

179.1156 Except as otherwise provided in NRS 179.1211 to 179.1235, inclusive, and 207.350 to 207.520, inclusive, the provisions of NRS 179.1156 to 179.121, inclusive, **and section 30 of this act** govern the seizure, forfeiture and disposition of all property and proceeds subject to forfeiture.

Sec. 30.7. NRS 179.1157 is hereby amended to read as follows:

179.1157 As used in NRS 179.1156 to 179.119, inclusive, **and section 30 of this act**, unless the context otherwise requires, the words and terms defined in NRS 179.1158 to 179.11635, inclusive, have the meanings ascribed to them in those sections.

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 34.3. **NRS 179.1171 is hereby amended to read as follows:**

179.1171 1. Except as otherwise provided in NRS 179.1156 to 179.119, inclusive, **and section 30 of this act**, the Nevada Rules of Civil Procedure are applicable to and constitute the rules of practice in a proceeding for forfeiture pursuant to those sections.

2. A proceeding for forfeiture is commenced by filing a complaint for forfeiture. If the property has been seized without process, the plaintiff shall ~~promptly~~ file the complaint for forfeiture ~~or~~ **within 120 days after the property is seized.** The property is subject to an action to claim its delivery

only if the plaintiff does not file the complaint for forfeiture within 60 days after the property is seized. If the complaint for forfeiture is filed following the commencement of an action claiming delivery, the complaint must be treated as a counterclaim.

3. **If a law enforcement agency seizes property, the property must not be forfeited unless:**

(a) **The agency files a complaint for forfeiture in the district court for the county in which the property is located; or**

(b) **A stipulated agreement between the parties regarding the property is reached.**

4. A proceeding for forfeiture is in rem. The complaint for forfeiture must be filed in the district court for the county in which the property which is the subject of the proceeding is located.

~~{4.}~~ 5. The plaintiff shall cause service of the summons and complaint to be made upon each claimant whose identity is known to the plaintiff or who can be identified through the exercise of reasonable diligence. If real property or any interest in real property is affected by the proceeding, the plaintiff shall file notice of the proceeding in the manner provided in NRS 14.010.

~~{5.}~~ 6. Each claimant served with the summons and complaint who desires to contest the forfeiture shall, within 20 days after the service, serve and file a verified answer to the complaint. The claimant shall admit or deny the averments of the complaint and shall, in short and plain terms, describe the interest which the claimant asserts in the property. Concurrently with the answer, the claimant shall serve answers or objections to any written interrogatories served with the summons and complaint.

~~{6.}~~ 7. No person, other than the plaintiff and any claimant, is a proper party in the proceeding.

Sec. 34.6. NRS 179.1173 is hereby amended to read as follows:

179.1173 1. ~~{The}~~ **Except as otherwise provided in subsection 2, the** district court shall proceed as soon as practicable to a trial and determination of the matter. A proceeding for forfeiture is entitled to priority over other civil actions which are not otherwise entitled to priority.

2. At a proceeding for forfeiture, the ~~{plaintiff or claimant may file a motion for}~~ **court shall issue** an order staying the proceeding ~~{and the court shall grant that motion if a}~~ **that remains in effect while the** criminal action which is the basis of the proceeding is pending trial. The court shall ~~{upon a motion made by the plaintiff,}~~ lift the stay ~~{upon a satisfactory showing that the claimant is a fugitive,}~~ **after the trial is completed. If the claimant is acquitted during the trial, the property of the claimant must be returned to the claimant within 7 business days after the acquittal.**

3. **If property has been seized and the criminal charges against the owner of such property are denied or dismissed, all such property must be returned to the owner within 7 business days after the property is seized.**

4. The plaintiff in a proceeding for forfeiture must establish proof by clear and convincing evidence that the property is subject to forfeiture.

~~{4}~~ 5. In a proceeding for forfeiture, the rule of law that forfeitures are not favored does not apply.

~~{5}~~ 6. The plaintiff is not required to plead or prove that a claimant has been charged with or convicted of any criminal offense. If proof of such a conviction is made, and it is shown that the judgment of conviction has become final, the proof is, as against any claimant, conclusive evidence of all facts necessary to sustain the conviction.

~~{6}~~ 7. The plaintiff has an absolute privilege to refuse to disclose the identity of any person, other than a witness, who has furnished to a law enforcement officer information purporting to reveal the commission of a crime. The privilege may be claimed by an appropriate representative of the plaintiff.

~~{7}~~ 8. If the court determines that the property is not subject to forfeiture, the court shall order the property and any interest accrued pursuant to subsection 2 of NRS 179.1175 returned to the claimant found to be entitled to the property ~~{1}~~ within 7 business days after the order is issued. If the court determines that the property is subject to forfeiture, the court shall so decree. The property, including any interest accrued pursuant to subsection 2 of NRS 179.1175, must be forfeited to the plaintiff, subject to the right of any claimant who establishes a protected interest. Any such claimant must, upon the sale or retention of the property, be compensated for the claimant's interest in the manner provided in NRS 179.118.

9. A claimant who agrees to enter a plea of guilty, guilty but mentally ill or nolo contendere to criminal charges relating to the seized property or reaches a stipulated agreement with the plaintiff may agree to the forfeiture of any property as part of the plea or agreement.

10. If the court accepts a plea or stipulated agreement pursuant to subsection 9, the court shall order forfeiture of the property that the claimant agreed to forfeit pursuant to the plea or agreement.

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)

Sec. 45. (Deleted by amendment.)

Sec. 46. (Deleted by amendment.)

Sec. 47. (Deleted by amendment.)

Sec. 48. (Deleted by amendment.)

Sec. 49. (Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment revises provisions governing the forfeiture of property, including requiring a plaintiff to file a complaint for forfeiture within 120 days after property has been seized if the property was seized without process. It prohibits the forfeiture of property seized by a law enforcement agency under certain circumstances. It requires that, if a criminal trial is pending, an order staying a proceeding for forfeiture remains in effect until the completion of the criminal trial. Lastly, it requires that seized property be returned within seven business days under certain circumstances.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 162.

Bill read second time and ordered to third reading.

Senate Bill No. 168.

Bill read second time and ordered to third reading.

Senate Bill No. 174.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 742.

SUMMARY—Revises provisions governing eligibility to be a **candidate for or** member of the executive board or an officer of a unit-owners' association. (BDR 10-617)

AN ACT relating to common-interest communities; revising provisions governing eligibility to be a **candidate for or** member of the executive board or an officer of a unit-owners' association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, unless a person is appointed by the declarant, a person may not be a member of the executive board or an officer of a unit-owners' association if the person or certain other persons perform the duties of a community manager for that association. (NRS 116.31034) This bill additionally excludes a person, other than a person appointed by the declarant, from being a **candidate for or** member of the executive board or an officer of a unit-owners' association if: (1) the person resides with, is married to or domestic partners with or is related within the third degree of consanguinity to a member of the board or an officer of the association; **or** (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 association.~~ The exclusion does not apply **: (1) to a person who owns 75 percent or more of the units in an association under certain circumstances. ~~or~~ ; or (2) to a candidate for the**

executive board if the number of candidates nominated for membership on the executive board is less than or equal to the number of members to be elected. Lastly, this bill provides that if a person is not eligible to be a candidate for or member of the executive board or an officer of an association, the association: (1) must not place the person's name on the ballot; and (2) must prohibit such a person from serving as a member of the executive board or an officer of the association.

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~~ ***Except as otherwise provided in ~~subsection~~ subsections 10 and 11, unless*** a person is appointed by the declarant:

(a) A person may not be a ***candidate for or*** member of the executive board or an officer of the association if ~~the~~ :

(1) ***The person resides in a unit with, is married to, is domestic partners with, or is related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who 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; or***

(3) ~~*The person owns more than one unit in the 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 ***candidate for or*** 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. ***A person, other than a person appointed by the declarant, who owns 75 percent or more of the units in an association may:***

(a) ***Be a candidate for or member of the executive board or an officer of the association; and***

(b) ***Reside in a unit with, be married to, be domestic partners with, or be related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association,***

➡ ***unless the person owning 75 percent or more of the units in the association and the other person would constitute a majority of the total number of seats on the executive board.***

11. A person, other than a person appointed by the declarant, may:

(a) Be a candidate for or member of the executive board; and

(b) Reside in a unit with, be married to, be domestic partners with, or be related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association,

↳ if the number of candidates nominated for membership on the executive board is less than or equal to the number of members to be elected to the executive board.

12. If a person is not eligible to be a candidate for or member of the executive board or an officer of the association pursuant to any provision of this chapter, the association:

(a) Must not place his or her name on the ballot; and

(b) Must prohibit such a person from serving as a member of the executive board or an officer of the association.

13. 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. 12.}~~ 14. 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.

~~12-13-15.~~ **15.** 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.

~~13-14-16.~~ **16.** 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 ~~11-12-14~~ **14** 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. 15.}~~ 17. 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. 14.}~~ 16.

18. 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.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment excludes a person, other than a person appointed by the declarant, from being a candidate for the executive board or an officer of a unit-owners' association under certain circumstances. An exception may be made if the number of candidates nominated for membership on the executive board is less than or equal to the number of members to be elected. Lastly, if a person is not eligible to be a candidate or member of the executive board, the association must not place the person's name on the ballot and must prohibit the person from serving as a member of the executive board or an officer of the association.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 176.

Bill read second time and ordered to third reading.

Senate Bill No. 181.

Bill read second time and ordered to third reading.

Senate Bill No. 183.

Bill read second time and ordered to third reading.

Senate Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 855.

SENATORS HARRIS, BROWER, ROBERSON, FARLEY; DENIS, GOICOECHEA, GUSTAVSON, HAMMOND, HARDY, LIPPARELLI, SETTELMAYER AND WOODHOUSE

JOINT SPONSORS: ASSEMBLYMEN HAMBRICK, ~~FR~~ **O'NEILL**; AND SEAMAN

AN ACT relating to crimes; providing that certain employees of or volunteers at a school who are convicted of engaging in sexual conduct with certain pupils are subject to various statutory provisions relating to sex offenders; providing that certain employees of a college or university who are convicted of engaging in sexual conduct with certain students are also subject to various statutory provisions relating to sex offenders; revising provisions relating to certain employees of or volunteers at a school who engage in sexual conduct with certain pupils; prohibiting certain employees of or volunteers at a school from engaging in sexual conduct with ~~a pupil who is 18 years of age;~~ **certain pupils**; prohibiting certain employees of a college or university from engaging in sexual conduct with certain students; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a court to include a special sentence of lifetime supervision for any person convicted of certain sexual offenses; and (2) provides certain conditions of lifetime supervision. (NRS 176.0931, 213.1243) **Sections 1 and 12** of this bill add to the list of sexual offenses that require a sentence of lifetime supervision and for which certain conditions of lifetime supervision apply: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law also: (1) requires a person convicted of certain sexual offenses to undergo a psychosexual evaluation as part of the presentence investigation and report prepared by the Division of Parole and Probation of the Department of Public Safety; and (2) prohibits the court from granting probation to or suspending the sentence of a person convicted of certain sexual offenses, unless the person who conducts the psychosexual evaluation certifies that the person convicted of the sexual offense does not represent a high risk to reoffend. (NRS 176.133, 176.135, 176A.110) **Sections 2 and 3** of this bill add to the list of sexual offenses which require a psychosexual evaluation as part of the presentence investigation and report and a certification that the person convicted does not represent a high risk to reoffend before the person may be granted probation or have his or her sentence suspended: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law requires the prosecuting attorney, sheriff or chief of police, upon request, to inform a victim or witness of certain sexual offenses: (1) when the defendant is released from custody at any time before or during the defendant's trial; and (2) of the final disposition of the case involving the victim or witness. (NRS 178.5698) **Section 4** of this bill adds to the list of sexual offenses that are subject to such requirements concerning notification of a victim or witness: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law allows a person convicted of certain offenses to petition the court for the sealing of all records relating to the conviction, but does not authorize the sealing of records relating to a conviction of certain sexual offenses. (NRS 179.245) **Section 5** of this bill adds to the list of sexual offenses for which the sealing of records is not authorized: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law also defines the term "sexual offense" for the purpose of requiring persons convicted of certain sexual offenses to register as a sex offender, to comply with certain mandatory conditions of probation or parole and to fulfill certain other requirements. (NRS 118A.335, 176A.410, 179D.097, 213.1099, 213.1245) **Section 6** of this bill revises the list of sexual offenses to which these statutory provisions apply to include: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law requires the Department of Corrections to assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner. The State Board of Parole Commissioners must consider the assessment before determining whether to grant or revoke the parole of a person convicted of a sexual offense. (NRS 213.1214) **Section 13** of this bill adds to the list of sexual offenses which require such an assessment: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law generally provides that a person who: (1) is 21 years of age or older; (2) is or was employed in a position of authority by or is or was volunteering in a position of authority at a public or private school; and (3) engages in sexual conduct with a pupil, is guilty of a category C felony if the pupil is 16 or 17 years of age or a category B felony if the pupil is 14 or 15 years of age. (NRS 201.540) **Section 10** of this bill: (1) removes the requirement that such a person be employed or volunteer in a position of authority; and (2) prohibits such a person from engaging in sexual conduct

with a pupil who is ~~18~~ **16** years of age ~~18~~ **or older and who has not received a high school diploma, a general educational development certificate or an equivalent document.** Similarly, existing law generally provides that a person who: (1) is 21 years of age or older; (2) is employed in a position of authority by a college or university; and (3) engages in sexual conduct with a student who is 16 or 17 years of age and enrolled in or attending the college or university, is guilty of a category C felony. (NRS 201.550) **Section 11** of this bill prohibits such a person from engaging in sexual conduct with a student who is ~~18~~ **16** years of age ~~18~~ **or older and who** is enrolled in or attending the college or university but has not received a high school diploma, a general educational development certificate or an equivalent document.

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

Section 1. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a person professionally qualified to conduct psychosexual evaluations, if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

(I) A victim less than 18 years of age;
 (II) A crime against a child as defined in NRS 179D.0357;
 (III) A sexual offense as defined in NRS 179D.097;
 (IV) A deadly weapon, explosives or a firearm;
 (V) The use or threatened use of force or violence;
 (VI) Physical or mental abuse;
 (VII) Death or bodily injury;
 (VIII) An act of domestic violence;
 (IX) Harassment, stalking, threats of any kind or other similar acts;
 (X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or
 (XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.
 (II) A court of the United States or the Armed Forces of the United States.

(b) “Person professionally qualified to conduct psychosexual evaluations” has the meaning ascribed to it in NRS 176.133.

(c) “Sexual offense” means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, ~~for~~ 201.450, **201.540 or 201.550** or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 2. NRS 176.133 is hereby amended to read as follows:

176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context otherwise requires:

1. “Person professionally qualified to conduct psychosexual evaluations” means a person who has received training in conducting psychosexual evaluations and is:

(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

(b) A psychologist licensed to practice in this State;

(c) A social worker holding a master’s degree in social work and licensed in this State as a clinical social worker;

(d) A registered nurse holding a master’s degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or

(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

2. “Psychosexual evaluation” means an evaluation conducted pursuant to NRS 176.139.

3. “Sexual offense” means:

- (a) Sexual assault pursuant to NRS 200.366;
- (b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;
- (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;
- (e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
- (f) Incest pursuant to NRS 201.180;
- (g) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;
- (h) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;
- (i) Lewdness with a child pursuant to NRS 201.230;
- (j) Sexual penetration of a dead human body pursuant to NRS 201.450;
- (k) *Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;*
- (l) *Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;*
- (m) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;
- ~~[(4)]~~ (n) An attempt to commit an offense listed in paragraphs (a) to ~~[(4)]~~ (m), inclusive, if punished as a felony; or
- ~~[(m)]~~ (o) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 3. NRS 176A.110 is hereby amended to read as follows:

176A.110 1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 3 unless:

(a) If a psychosexual evaluation of the person is required pursuant to NRS 176.139, the person who conducts the psychosexual evaluation certifies in the report prepared pursuant to NRS 176.139 that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment; or

(b) If a psychosexual evaluation of the person is not required pursuant to NRS 176.139, a psychologist licensed to practice in this State who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychosexual evaluations certifies in a written report to the court that the person convicted of the offense

does not represent a high risk to reoffend based upon a currently accepted standard of assessment.

2. This section does not create a right in any person to be certified or to continue to be certified. No person may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for not certifying a person pursuant to this section or for refusing to consider a person for certification pursuant to this section.

3. The provisions of this section apply to a person convicted of any of the following offenses:

(a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) Incest pursuant to NRS 201.180.

(g) Open or gross lewdness pursuant to NRS 201.210.

(h) Indecent or obscene exposure pursuant to NRS 201.220.

(i) Sexual penetration of a dead human body pursuant to NRS 201.450.

(j) *Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.*

(k) *Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.*

(l) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(k)]~~ (m) A violation of NRS 207.180.

~~[(4)]~~ (n) An attempt to commit an offense listed in paragraphs (b) to ~~[(k)]~~ (m), inclusive.

~~[(m)]~~ (o) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

Sec. 4. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:

(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;

(b) If the defendant is so released, the amount of bail required, if any; and

(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.

2. A request for information pursuant to subsection 1 must be made:

(a) In writing; or

(b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 5;

(2) The form that the witness must use to request notification in writing; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 4, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS 213.10915;

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and

(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address,

➡ before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

- (1) Sexual assault pursuant to NRS 200.366;
- (2) Statutory sexual seduction pursuant to NRS 200.368;
- (3) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
- (5) Incest pursuant to NRS 201.180;
- (6) Open or gross lewdness pursuant to NRS 201.210;
- (7) Indecent or obscene exposure pursuant to NRS 201.220;
- (8) Lewdness with a child pursuant to NRS 201.230;
- (9) Sexual penetration of a dead human body pursuant to NRS 201.450;
- (10) *Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;*
- (11) *Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;*

(12) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

~~[(11)]~~ (13) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or

~~[(12)]~~ (14) An attempt to commit an offense listed in this paragraph.

Sec. 5. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

- (a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
- (b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
- (c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
- (d) Any gross misdemeanor after 5 years from the date of release from actual custody or discharge from probation, whichever occurs later;
- (e) A violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from

the date when the person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;

(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➡ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of:

- (a) A crime against a child;
- (b) A sexual offense;
- (c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;
- (d) A violation of NRS 484C.430;
- (e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;
- (f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or
- (g) A violation of NRS 488.420 or 488.425.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) *Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.*

(15) *Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.*

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

~~{(15)}~~ (17) An attempt to commit an offense listed in this paragraph.

Sec. 6. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. “Sexual offense” means any of the following offenses:

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this subsection.

(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) Incest pursuant to NRS 201.180.

(j) Open or gross lewdness pursuant to NRS 201.210.

(k) Indecent or obscene exposure pursuant to NRS 201.220.

(l) Lewdness with a child pursuant to NRS 201.230.

(m) Sexual penetration of a dead human body pursuant to NRS 201.450.

(n) *Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.*

(o) *Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.*

(p) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~{(o)}~~ (q) Sex trafficking pursuant to NRS 201.300.

~~[(p)]~~ (r) Any other offense that has an element involving a sexual act or sexual conduct with another.

~~[(q)]~~ (s) An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~[(p)]~~ (r), inclusive.

~~[(r)]~~ (t) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(s)]~~ (u) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

~~[(t)]~~ (v) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. ~~[(The)]~~ ***Except for the offenses described in paragraphs (n) and (o) of subsection 1, the*** term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 179D.495 is hereby amended to read as follows:

179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph ~~[(p)]~~ (r) of subsection 1 of NRS 179D.097, paragraph (e) of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection ~~[(4)]~~ 3, a person who:

(a) Is 21 years of age or older;

(b) Is or was employed ~~[(in a position of authority)]~~ by a public school or private school or is or was volunteering ~~[(in a position of authority)]~~ at a public or private school; and

(c) Engages in sexual conduct with a pupil who is 16 ~~6, or 17 or 18~~ years of age **or older, who has not received a high school diploma, a general educational development certificate or an equivalent document** and:

(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

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

2. Except as otherwise provided in subsection ~~[4.]~~ 3, a person who:

(a) Is 21 years of age or older;

(b) Is or was employed ~~[in a position of authority]~~ by a public school or private school or is or was volunteering ~~[in a position of authority]~~ at a public or private school; and

(c) Engages in sexual conduct with a pupil who is 14 or 15 years of age and:

(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

➔ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

3. ~~[For the purposes of subsections 1 and 2, a person shall be deemed to be or have been employed in a position of authority by a public school or private school or deemed to be or have been volunteering in a position of authority at a public or private school if the person is or was employed or volunteering as:~~

~~—(a) A teacher or instructor;~~

~~—(b) An administrator;~~

~~—(c) A head or assistant coach; or~~

~~—(d) A teacher's aide or an auxiliary, nonprofessional employee who assists licensed personnel in the instruction or supervision of pupils pursuant to NRS 391.100.~~

~~—4.]~~ The provisions of this section do not apply to a person who is married to the pupil.

4. The provisions of this section must not be construed to apply to sexual conduct between two pupils.

Sec. 11. NRS 201.550 is hereby amended to read as follows:

201.550 1. Except as otherwise provided in subsection 3, a person who:

(a) Is 21 years of age or older;

(b) Is employed in a position of authority by a college or university; and

(c) Engages in sexual conduct with a student who is 16 ~~6, or 17 or 18~~ years of age **or older, [and] who has not received a high school diploma, a general educational development certificate or an equivalent document and who is**

enrolled in or attending the college or university at which the person is employed,

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

2. For the purposes of subsection 1, a person shall be deemed to be employed in a position of authority by a college or university if the person is employed as:

- (a) A teacher, instructor or professor;
- (b) An administrator; or
- (c) A head or assistant coach.

3. The provisions of this section do not apply to a person who is married to the student.

4. *The provisions of this section must not be construed to apply to sexual conduct between two students.*

Sec. 12. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context otherwise requires:

- 1. "Board" means the State Board of Parole Commissioners.
- 2. "Chief" means the Chief Parole and Probation Officer.
- 3. "Division" means the Division of Parole and Probation of the Department of Public Safety.
- 4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, ~~for~~ 201.450, **201.540 or 201.550** or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 13. NRS 213.1214 is hereby amended to read as follows:

213.1214 1. The Department of Corrections shall assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner using a currently accepted standard of assessment. The completed assessment must return a risk level of low, moderate or high. The Director shall ensure a completed assessment is provided to the Board before, but not sooner than 120 days before, a scheduled parole hearing.

2. The Director shall:

(a) Ensure that any employee of the Department who completes an assessment pursuant to subsection 1 is properly trained to assess the risk of an offender to reoffend in a sexual manner.

(b) Establish a procedure to:

(1) Ensure the accuracy of each completed assessment provided to the Board; and

(2) Correct any error occurring in a completed assessment provided to the Board.

3. This section does not create a right in any prisoner to be assessed or reassessed more frequently than the prisoner's regularly scheduled parole hearings or under a current or previous standard of assessment and does not restrict the Department from conducting additional assessments of a prisoner if such assessments may assist the Board in determining whether parole should be granted or continued. No cause of action may be brought against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for assessing, not assessing or considering or relying on an assessment of a prisoner, if such decisions or actions are made or conducted in compliance with the procedures set forth in this section.

4. The Board shall consider an assessment prepared pursuant to this section before determining whether to grant or revoke the parole of a person convicted of a sexual offense.

5. The Board may adopt by regulation the manner in which the Board will consider an assessment prepared pursuant to this section in conjunction with the standards adopted by the Board pursuant to NRS 213.10885.

6. As used in this section:

(a) "Director" means the Director of the Department of Corrections.

(b) "Reoffend in a sexual manner" means to commit a sexual offense.

(c) "Sex offender" means a person who, after July 1, 1956, is or has been:

(1) Convicted of a sexual offense; or

(2) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subparagraph ~~[(18)]~~ (20) of paragraph (d).

➤ The term includes, but is not limited to, a sexually violent predator or a nonresident sex offender who is a student or worker within this State.

(d) "Sexual offense" means any of the following offenses:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210.

(11) Indecent or obscene exposure pursuant to NRS 201.220.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) *Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.*

(15) *Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.*

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(15)]~~ (17) An attempt or conspiracy to commit an offense listed in subparagraphs (1) to ~~[(14)]~~, (16), inclusive.

~~[(16)]~~ (18) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(17)]~~ (19) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this paragraph. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

~~[(18)]~~ (20) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this paragraph, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(III) A court having jurisdiction over juveniles.

→ ~~[The]~~ *Except for the offenses described in subparagraphs 14 and 15, the term does not include an offense involving consensual sexual conduct if the*

victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 14. The amendatory provisions of:

1. Sections 1 to 4, inclusive, 10 and 11 of this act apply to offenses committed on or after October 1, 2015.

2. Sections 5 to 8, inclusive, 12 and 13 of this act apply to offenses committed before, on or after October 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment prohibits certain employees or volunteers at a school from engaging in sexual conduct with all secondary school pupils, regardless of age. It also amends the bill to include an additional bill sponsor.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 197.

Bill read second time and ordered to third reading.

Senate Bill No. 240.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 790.

AN ACT relating to public safety; requiring a court to transmit within 5 business days certain records of adjudication concerning a person's mental health to the Central Repository for Nevada Records of Criminal History for certain purposes relating to the purchase or possession of a firearm; authorizing the inclusion, correction and removal of the information in such records in each appropriate database of the National Crime Information Center; requiring each agency of criminal justice to submit information relating to records of criminal history within 60 days after the date of the conviction; requiring the Central Repository, upon request, to conduct a background check without charge on a person who wishes to acquire a firearm; prohibiting certain persons from having possession, custody or control of a firearm; prohibiting certain persons from selling a firearm under certain circumstances; revising the functions of the Department of Health and Human Services; requiring a mental health professional to **apply for the emergency admission of a patient to a mental health facility or** notify certain persons when a patient makes certain explicit threats of imminent serious physical harm or death; **revising the applicability of certain provisions pertaining to the regulation of firearms by local governments;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court to transmit to the Central Repository for Nevada Records of Criminal History a record of any court order, judgment, plea or verdict concerning the involuntary admission of a person to a mental health facility, the appointment of a guardian for a person with a mental defect, a finding that a person is incompetent to stand trial, a verdict acquitting a defendant by reason of insanity or a plea or finding of guilty but mentally ill, along with a statement that the record is being transmitted for inclusion in all appropriate databases of the National Instant Criminal Background Check System. (NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 433A.310) **Sections 1-4, 13 and 17** of this bill require such records to be transmitted to the Central Repository within 5 business days.

Existing law requires the inclusion, correction and removal of information in records of criminal history in each appropriate database of the National Instant Criminal Background Check System. (NRS 179A.163, 179A.165, 179A.167, 433A.310) **Sections 8-10 ~~and 17~~** of this bill also authorize or require, as appropriate, the inclusion, correction and removal of such information in each appropriate database of the National Crime Information Center. **Section 5** of this bill defines "National Crime Information Center" to mean the computerized information system created and maintained by the Federal Bureau of Investigation pursuant to 28 U.S.C. § 534.

Existing law requires each agency of criminal justice to submit information relating to records of criminal history within the period described by the Director of the Department of Public Safety. (NRS 179A.075) **Section 7** of this bill requires the submission of such information within 60 days after the date of the conviction.

Existing law authorizes a private person who wishes to transfer a firearm to another person to request the Central Repository to perform a background check on the person who wishes to acquire the firearm. (NRS 202.254) **Section 14** of this bill prohibits the Central Repository from charging a fee to perform a background check for such a transfer. **Section 14** further provides immunity from civil and criminal liability to a person who does not request a background check or who requests a background check for any act or omission that was taken in good faith and without malicious intent. Finally, **section 14** allows the Director of the Department of Public Safety to request an allocation from the Contingency Account in the State General Fund if necessary to cover the cost of providing background checks without the imposition of a fee.

Existing law prohibits a person who has been adjudicated as mentally ill, has been committed to any mental health facility or is illegally or unlawfully in the United States from possessing or having custody or control of a firearm. (NRS 202.360) **Section 15** of this bill also prohibits a person who has entered a plea of guilty but mentally ill, has been found guilty but mentally ill or has been acquitted by reason of insanity from possessing or having custody or control of a firearm.

Existing law prohibits a person from selling or otherwise disposing of any firearm or ammunition to another person if he or she has actual knowledge that the other person: (1) is under indictment for, or has been convicted of, a felony; (2) is a fugitive from justice; (3) has been adjudicated as mentally ill or has been committed to a mental health facility; or (4) is illegally or unlawfully in the United States. (NRS 202.362) **Section 16** of this bill prohibits a person from selling, transferring or otherwise disposing of any firearm or ammunition to another person or purchasing a firearm on behalf of or for another person with the intent to transfer the firearm to that person if he or she has reasonable cause to believe that the other person meets any of those listed conditions, if the other person is otherwise prohibited from possessing a firearm or if the other person is a member of a criminal gang.

Existing law provides that, except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in this State, and further provides that no county, city or town may infringe upon those rights and powers. (NRS 244.364, 268.418, 269.222) Sections 16.3-16.7 of this bill expand such rights and powers of the Legislature to include those necessary to: (1) regulate the carrying and storage of firearms, firearm accessories and ammunition; and (2) define all such terms. Sections 16.3-16.7 provide that certain ordinances or regulations which are inconsistent with these rights and powers of the Legislature are null and void and require the governing bodies of certain political subdivisions of this State to repeal any such ordinance or regulation. Sections 16.3-16.7 also authorize any person who is adversely affected by the enforcement of any such ordinance or regulation on or after the effective date of these sections to file suit in the appropriate court for declarative and injunctive relief and damages. Such a person is entitled to certain damages depending on whether and when the relevant governing body of a political subdivision repeals such an ordinance or a regulation.

Existing law also requires certain political subdivisions of this State in a county whose population is 700,000 or more (currently Clark County), which adopted ordinances or regulations before June 13, 1989, that require the registration of firearms capable of being concealed, to make certain amendments to such registration provisions. (NRS 244.364, 268.418, 269.222) Sections 16.3-16.7 additionally delete the provisions requiring certain political subdivisions of this State to make such amendments.

Existing law provides that a patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications between the patient and the patient's psychologist or doctor. (NRS 49.209, 49.225) **Sections 11 and 12** of this bill provide exceptions to the privilege for certain determinations which are now required pursuant to this bill.

Existing law: (1) designates the Department of Health and Human Services as the official state agency for developing and administering outpatient mental health services; and (2) requires the Department to perform certain functions relating to mental health. (NRS 433C.130) **Section 18** of this bill requires the Department to also assist and consult with local governments and all local law enforcement agencies in this State in providing community mental health services.

Existing law imposes various requirements and duties on certain health care professionals. (Chapter 629 of NRS) **Section 19** of this bill provides that if a patient of a mental health professional makes an explicit threat of imminent serious physical harm or death to a person, and the mental health professional believes the patient has the intent and ability to carry out the threat, the mental health professional must : **(1) apply for the emergency admission of the patient to a mental health facility; or (2)** notify the threatened person and the appropriate law enforcement agency. A mental health professional who exercises reasonable care in determining whether or not to provide notice of such a threat is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information or for any damages caused by the actions of a patient.

Assembly Bill No. 147 of the 1989 Legislative Session (A.B. 147) reserved for the Legislature the rights and powers necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in this State. (Chapter 308, Statutes of Nevada 1989, p. 652) However, section 5 of A.B. 147 provided that the preemptive effect of the bill applied only to ordinances or regulations adopted by certain political subdivisions on or after June 13, 1989. Section 20 of this bill amends section 5 of A.B. 147 to include and preempt ordinances or regulations adopted by certain political subdivisions before June 13, 1989.

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

Section 1. NRS 174.035 is hereby amended to read as follows:

174.035 1. A defendant may plead not guilty, guilty, guilty but mentally ill or, with the consent of the court, nolo contendere. The court may refuse to accept a plea of guilty or guilty but mentally ill.

2. If a plea of guilty or guilty but mentally ill is made in a written plea agreement, the agreement must be in substantially the form prescribed in NRS 174.063. If a plea of guilty or guilty but mentally ill is made orally, the court shall not accept such a plea or a plea of nolo contendere without first addressing the defendant personally and determining that the plea is made voluntarily with understanding of the nature of the charge and consequences of the plea.

3. With the consent of the court and the district attorney, a defendant may enter a conditional plea of guilty, guilty but mentally ill or nolo contendere,

reserving in writing the right, on appeal from the judgment, to a review of the adverse determination of any specified pretrial motion. A defendant who prevails on appeal must be allowed to withdraw the plea.

4. A plea of guilty but mentally ill must be entered not less than 21 days before the date set for trial. A defendant who has entered a plea of guilty but mentally ill has the burden of establishing the defendant's mental illness by a preponderance of the evidence. Except as otherwise provided by specific statute, a defendant who enters such a plea is subject to the same criminal, civil and administrative penalties and procedures as a defendant who pleads guilty.

5. The defendant may, in the alternative or in addition to any one of the pleas permitted by subsection 1, plead not guilty by reason of insanity. A plea of not guilty by reason of insanity must be entered not less than 21 days before the date set for trial. A defendant who has not so pleaded may offer the defense of insanity during trial upon good cause shown. Under such a plea or defense, the burden of proof is upon the defendant to establish by a preponderance of the evidence that:

(a) Due to a disease or defect of the mind, the defendant was in a delusional state at the time of the alleged offense; and

(b) Due to the delusional state, the defendant either did not:

(1) Know or understand the nature and capacity of his or her act; or

(2) Appreciate that his or her conduct was wrong, meaning not authorized by law.

6. If a defendant refuses to plead or if the court refuses to accept a plea of guilty or guilty but mentally ill or if a defendant corporation fails to appear, the court shall enter a plea of not guilty.

7. A defendant may not enter a plea of guilty or guilty but mentally ill pursuant to a plea bargain for an offense punishable as a felony for which:

(a) Probation is not allowed; or

(b) The maximum prison sentence is more than 10 years,

➡ unless the plea bargain is set forth in writing and signed by the defendant, the defendant's attorney, if the defendant is represented by counsel, and the prosecuting attorney.

8. If the court accepts a plea of guilty but mentally ill pursuant to this section, the court shall cause, *within 5 business days after acceptance of the plea*, on a form prescribed by the Department of Public Safety, a record of that plea to be transmitted to the Central Repository for Nevada Records of Criminal History along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

9. As used in this section:

(a) "Disease or defect of the mind" does not include a disease or defect which is caused solely by voluntary intoxication.

(b) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 2. NRS 175.533 is hereby amended to read as follows:

175.533 1. During a trial, upon a plea of not guilty by reason of insanity, the trier of fact may find the defendant guilty but mentally ill if the trier of fact finds all of the following:

- (a) The defendant is guilty beyond a reasonable doubt of an offense;
- (b) The defendant has established by a preponderance of the evidence that due to a disease or defect of the mind, the defendant was mentally ill at the time of the commission of the offense; and
- (c) The defendant has not established by a preponderance of the evidence that the defendant is not guilty by reason of insanity pursuant to subsection 5 of NRS 174.035.

2. Except as otherwise provided by specific statute, a defendant who is found guilty but mentally ill is subject to the same criminal, civil and administrative penalties and procedures as a defendant who is found guilty.

3. If the trier of fact finds a defendant guilty but mentally ill pursuant to subsection 1, the court shall cause, *within 5 business days after the finding*, on a form prescribed by the Department of Public Safety, a record of the finding to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

4. As used in this section:

- (a) "Disease or defect of the mind" does not include a disease or defect which is caused solely by voluntary intoxication.
- (b) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 3. NRS 175.539 is hereby amended to read as follows:

175.539 1. Where on a trial a defense of insanity is interposed by the defendant and the defendant is acquitted by reason of that defense, the finding of the jury pending the judicial determination pursuant to subsection 2 has the same effect as if the defendant were regularly adjudged insane, and the judge must:

(a) Order a peace officer to take the person into protective custody and transport the person to a forensic facility for detention pending a hearing to determine the person's mental health;

(b) Order the examination of the person by two psychiatrists, two psychologists, or one psychiatrist and one psychologist who are employed by a division facility; and

(c) At a hearing in open court, receive the report of the examining advisers and allow counsel for the State and for the person to examine the advisers, introduce other evidence and cross-examine witnesses.

2. If the court finds, after the hearing:

(a) That there is not clear and convincing evidence that the person is a person with mental illness, the court must order the person's discharge; or

(b) That there is clear and convincing evidence that the person is a person with mental illness, the court must order that the person be committed to the

custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services until the person is discharged or conditionally released therefrom in accordance with NRS 178.467 to 178.471, inclusive.

➡ The court shall issue its finding within 90 days after the defendant is acquitted.

3. The Administrator shall make the reports and the court shall proceed in the manner provided in NRS 178.467 to 178.471, inclusive.

4. If the court accepts a verdict acquitting a defendant by reason of insanity pursuant to this section, the court shall cause, ***within 5 business days after accepting the verdict***, on a form prescribed by the Department of Public Safety, a record of that verdict to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

5. As used in this section, unless the context otherwise requires:

(a) “Division facility” has the meaning ascribed to it in NRS 433.094.

(b) “Forensic facility” means a secure facility of the Division of Public and Behavioral Health of the Department of Health and Human Services for offenders and defendants with mental disorders. The term includes, without limitation, Lakes Crossing Center.

(c) “National Instant Criminal Background Check System” has the meaning ascribed to it in NRS 179A.062.

(d) “Person with mental illness” has the meaning ascribed to it in NRS 178.3986.

Sec. 4. NRS 178.425 is hereby amended to read as follows:

178.425 1. If the court finds the defendant incompetent, and dangerous to himself or herself or to society and that commitment is required for a determination of the defendant’s ability to receive treatment to competency and to attain competence, the judge shall order the sheriff to convey the defendant forthwith, together with a copy of the complaint, the commitment and the physicians’ certificate, if any, into the custody of the Administrator or the Administrator’s designee for detention and treatment at a division facility that is secure. The order may include the involuntary administration of medication if appropriate for treatment to competency.

2. The defendant must be held in such custody until a court orders the defendant’s release or until the defendant is returned for trial or judgment as provided in NRS 178.450, 178.455 and 178.460.

3. If the court finds the defendant incompetent but not dangerous to himself or herself or to society, and finds that commitment is not required for a determination of the defendant’s ability to receive treatment to competency and to attain competence, the judge shall order the defendant to report to the Administrator or the Administrator’s designee as an outpatient for treatment, if it might be beneficial, and for a determination of the defendant’s ability to receive treatment to competency and to attain competence. The court may

require the defendant to give bail for any periodic appearances before the Administrator or the Administrator's designee.

4. Except as otherwise provided in subsection 5, proceedings against the defendant must be suspended until the Administrator or the Administrator's designee or, if the defendant is charged with a misdemeanor, the judge finds the defendant capable of standing trial or opposing pronouncement of judgment as provided in NRS 178.400.

5. Whenever the defendant has been found incompetent, with no substantial probability of attaining competency in the foreseeable future, and released from custody or from obligations as an outpatient pursuant to paragraph (d) of subsection 4 of NRS 178.460, the proceedings against the defendant which were suspended must be dismissed. No new charge arising out of the same circumstances may be brought after a period, equal to the maximum time allowed by law for commencing a criminal action for the crime with which the defendant was charged, has lapsed since the date of the alleged offense.

6. If a defendant is found incompetent pursuant to this section, the court shall cause, *within 5 business days after the finding*, on a form prescribed by the Department of Public Safety, a record of that finding to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

7. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 5. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

"National Crime Information Center" means the computerized information system created and maintained by the Federal Bureau of Investigation pursuant to 28 U.S.C. § 534.

Sec. 6. NRS 179A.010 is hereby amended to read as follows:

179A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179A.020 to 179A.073, inclusive, **and section 5 of this act** have the meanings ascribed to them in those sections.

Sec. 7. 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, ~~for~~ issues ~~it~~ *or collects*, 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.~~ ***60 days after the date of the disposition of the case.*** 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 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.

➡ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. 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 fingerprints or has fingerprints 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. 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. As used in this section:

(a) "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 of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 8. NRS 179A.163 is hereby amended to read as follows:

179A.163 1. Upon receiving a record transmitted pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310, the Central Repository ~~shall~~:

(a) ***Shall*** take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Instant Criminal Background Check System ~~[-]~~; ***and***

(b) ***May take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Crime Information Center.***

2. Except as otherwise provided in subsection 3, if the Central Repository receives a record described in subsection 1, the person who is the subject of the record may petition the court for an order declaring that:

(a) The basis for the adjudication reported in the record no longer exists;

(b) The adjudication reported in the record is deemed not to have occurred for purposes of 18 U.S.C. § 922(d)(4) and (g)(4) and NRS 202.360; and

(c) The information reported in the record must be removed from the National Instant Criminal Background Check System ~~[-]~~ ***and the National Crime Information Center.***

3. To the extent authorized by federal law, if the record concerning the petitioner was transmitted to the Central Repository pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310, the petitioner may not file a petition pursuant to subsection 2 until 3 years after the date of the order transmitting the record to the Central Repository.

4. A petition filed pursuant to subsection 2 must be:

(a) Filed in the court which made the adjudication or finding pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310; and

(b) Served upon the district attorney for the county in which the court described in paragraph (a) is located.

5. The Nevada Rules of Civil Procedure govern all proceedings concerning a petition filed pursuant to subsection 2.

6. The court shall grant the petition and issue the order described in subsection 2 if the court finds that the petitioner has established that:

(a) The basis for the adjudication or finding made pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 concerning the petitioner no longer exists;

(b) The petitioner's record and reputation indicate that the petitioner is not likely to act in a manner dangerous to public safety; and

(c) Granting the relief requested by the petitioner pursuant to subsection 2 is not contrary to the public interest.

7. Except as otherwise provided in this subsection, the petitioner must establish the provisions of subsection 6 by a preponderance of the evidence. If the adjudication or finding concerning the petitioner was made pursuant to

NRS 159.0593 or 433A.310, the petitioner must establish the provisions of subsection 6 by clear and convincing evidence.

8. The court, upon entering an order pursuant to this section, shall cause, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository.

9. Within 5 business days after receiving a record of an order transmitted pursuant to subsection 8, the Central Repository shall take reasonable steps to ensure that information concerning the adjudication or finding made pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 is removed from the National Instant Criminal Background Check System ~~[-]~~ **and the National Crime Information Center, if applicable.**

10. If the Central Repository fails to remove a record as provided in subsection 9, the petitioner may bring an action to compel the removal of the record. If the petitioner prevails in the action, the court may award the petitioner reasonable attorney's fees and costs incurred in bringing the action.

11. If a petition brought pursuant to subsection 2 is denied, the person who is the subject of the record may petition for a rehearing not sooner than 2 years after the date of the denial of the petition.

Sec. 9. NRS 179A.165 is hereby amended to read as follows:

179A.165 1. Any record described in NRS 179A.163 is confidential and is not a public book or record within the meaning of NRS 239.010. A person may not use the record for any purpose other than for *a purpose related to criminal justice, including, without limitation*, inclusion in the appropriate database of the National Instant Criminal Background Check System ~~[-]~~ **and the National Crime Information Center, if applicable. The Central Repository may disclose the record to any agency of criminal justice.**

2. If a person or governmental entity is required to transmit, report or take any other action concerning a record pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 179A.163 or 433A.310, no action for damages may be brought against the person or governmental entity for:

(a) Transmitting or reporting the record or taking any other required action concerning the record;

(b) Failing to transmit or report the record or failing to take any other required action concerning the record;

(c) Delaying the transmission or reporting of the record or delaying in taking any other required action concerning the record; or

(d) Transmitting or reporting an inaccurate or incomplete version of the record or taking any other required action concerning an inaccurate or incomplete version of the record.

Sec. 10. NRS 179A.167 is hereby amended to read as follows:

179A.167 1. The Central Repository shall permit a person who is or believes he or she may be the subject of information relating to records of mental health held by the Central Repository to inspect and correct any information contained in such records.

2. The Central Repository shall adopt regulations and make available necessary forms to permit inspection, review and correction of information relating to records of mental health by those persons who are the subjects thereof. The regulations must specify:

(a) The requirements for proper identification of the persons seeking access to the records; and

(b) The reasonable charges or fees, if any, for inspecting records.

3. The Director of the Department shall adopt regulations governing:

(a) All challenges to the accuracy or sufficiency of information or records of mental health by the person who is the subject of the allegedly inaccurate or insufficient record;

(b) The correction of any information relating to records of mental health found by the Director to be inaccurate, insufficient or incomplete in any material respect;

(c) The dissemination of corrected information to those persons or agencies which have previously received inaccurate or incomplete information; and

(d) A reasonable time limit within which inaccurate or insufficient information relating to records of mental health must be corrected and the corrected information disseminated.

4. As used in this section, "information relating to records of mental health" means information contained in a record:

(a) Transmitted to the Central Repository pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310; or

(b) Transmitted to the National Instant Criminal Background Check System *or the National Crime Information Center* pursuant to NRS 179A.163.

Sec. 11. NRS 49.213 is hereby amended to read as follows:

49.213 There is no privilege pursuant to NRS 49.209 or 49.211:

1. For communications relevant to an issue in a proceeding to hospitalize the patient for mental illness, if the psychologist in the course of diagnosis or treatment has determined that the patient requires hospitalization.

2. For communications relevant to *any determination made pursuant to NRS 202.360.*

3. *For communications relevant to* an issue of the treatment of the patient in any proceeding in which the treatment is an element of a claim or defense.

~~{3-}~~ 4. If disclosure is otherwise required by state or federal law.

~~{4-}~~ 5. For communications relevant to an issue in a proceeding to determine the validity of a will of the patient.

~~{5-}~~ 6. If there is an immediate threat that the patient will harm himself or herself or other persons.

~~{6-}~~ 7. For communications made in the course of a court-ordered examination of the condition of a patient with respect to the specific purpose of the examination unless the court orders otherwise.

~~{7-}~~ 8. For communications relevant to an issue in an investigation or hearing conducted by the Board of Psychological Examiners if the treatment of the patient is an element of that investigation or hearing.

~~{8-}~~ 9. For communications relevant to an issue in a proceeding relating to the abuse or neglect of a person with a disability or a person who is legally incompetent.

Sec. 12. NRS 49.245 is hereby amended to read as follows:

49.245 There is no privilege under NRS 49.225 or 49.235:

1. For communications relevant to an issue in proceedings to hospitalize the patient for mental illness, if the doctor in the course of diagnosis or treatment has determined that the patient is in need of hospitalization.

2. ***For communications relevant to any determination made pursuant to NRS 202.360.***

3. As to communications made in the course of a court-ordered examination of the condition of a patient with respect to the particular purpose of the examination unless the court orders otherwise.

~~{3-}~~ 4. As to written medical or hospital records relevant to an issue of the condition of the patient in any proceeding in which the condition is an element of a claim or defense.

~~{4-}~~ 5. In a prosecution or mandamus proceeding under chapter 441A of NRS.

~~{5-}~~ 6. As to any information communicated to a physician in an effort unlawfully to procure a dangerous drug or controlled substance, or unlawfully to procure the administration of any such drug or substance.

~~{6-}~~ 7. As to any written medical or hospital records which are furnished in accordance with the provisions of NRS 629.061.

~~{7-}~~ 8. As to records that are required by chapter 453 of NRS to be maintained.

~~{8-}~~ 9. If the services of the physician are sought or obtained to enable or aid a person to commit or plan to commit fraud or any other unlawful act in violation of any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS which the person knows or reasonably should know is fraudulent or otherwise unlawful.

Sec. 13. NRS 159.0593 is hereby amended to read as follows:

159.0593 1. If the court orders a general guardian appointed for a proposed ward, the court shall determine, by clear and convincing evidence, whether the proposed ward is a person with a mental defect who is prohibited from possessing a firearm pursuant to 18 U.S.C. § 922(d)(4) or (g)(4). If a court makes a finding pursuant to this section that the proposed ward is a person with a mental defect, the court shall include the finding in the order appointing the guardian and cause , ***within 5 business days after issuing the order***, a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

2. As used in this section:

(a) “National Instant Criminal Background Check System” has the meaning ascribed to it in NRS 179A.062.

(b) "Person with a mental defect" means a person who, as a result of marked subnormal intelligence, mental illness, incompetence, condition or disease, is:

- (1) A danger to himself or herself or others; or
- (2) Lacks the capacity to contract or manage his or her own affairs.

Sec. 14. NRS 202.254 is hereby amended to read as follows:

202.254 1. A private person who wishes to transfer a firearm to another person may, before transferring the firearm, request that the Central Repository for Nevada Records of Criminal History perform a background check on the person who wishes to acquire the firearm.

2. The person who requests the information pursuant to subsection 1 shall provide the Central Repository with identifying information about the person who wishes to acquire the firearm.

3. Upon receiving a request from a private person pursuant to subsection 1 and the identifying information required pursuant to subsection 2, the Central Repository shall within 5 business days after receiving the request:

(a) Perform a background check on the person who wishes to acquire the firearm; and

(b) Notify the person who requests the information whether the information available to the Central Repository indicates that the receipt of a firearm by the person who wishes to acquire the firearm would violate a state or federal law.

4. If the person who requests the information does not receive notification from the Central Repository regarding the request within 5 business days after making the request, the person may presume that the receipt of a firearm by the person who wishes to acquire the firearm would not violate a state or federal law.

5. The Central Repository may *not* charge a ~~reasonable~~ fee for performing a background check and notifying a person of the results of the background check pursuant to this section.

6. ~~[The failure of a person to request the Central Repository to perform a background check pursuant to this section before transferring a firearm to another person does not give rise to any civil cause of action.]~~ *A private person who transfers a firearm to another person is immune from civil liability for failing to request a background check pursuant to this section or for any act or omission relating to a background check requested pursuant to this section if the act or omission was taken in good faith and without malicious intent.*

7. *The Director of the Department of Public Safety may request an allocation from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269 to cover the costs incurred by the Department to carry out the provisions of subsection 5 of this section.*

Sec. 15. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted of a felony in this or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;

(b) Is a fugitive from justice; ~~or~~

(c) Is an unlawful user of, or addicted to, any controlled substance ~~or~~; **or**

(d) Is otherwise prohibited by federal law from having a firearm in his or her possession or under his or her custody or control.

➔ A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility ~~or~~ **by a court of this State, any other state or the United States;**

(b) **Has entered a plea of guilty but mentally ill in a court of this State, any other state or the United States;**

(c) **Has been found guilty but mentally ill in a court of this State, any other state or the United States;**

(d) **Has been acquitted by reason of insanity in a court of this State, any other state or the United States; or**

(e) Is illegally or unlawfully in the United States.

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

3. As used in this section:

(a) “Controlled substance” has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) “Firearm” includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 16. NRS 202.362 is hereby amended to read as follows:

202.362 1. Except as otherwise provided in subsection 3, a person within this State shall not sell , **transfer** or otherwise dispose of any firearm or ammunition to another person **or purchase a firearm on behalf of or for another person with the intent to transfer the firearm to that person** if he or she has ~~actual knowledge~~ **reasonable cause to believe** that the other person:

(a) Is under indictment for, or has been convicted of, a felony in this or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the other person has received a pardon and the pardon does not restrict his or her right to bear arms;

(b) Is ~~a fugitive from justice;~~

~~(c) Has been adjudicated as mentally ill or has been committed to any mental health facility; or~~

~~(d) Is illegally or unlawfully in the United States.] prohibited from possessing a firearm pursuant to NRS 202.360; or~~

(c) Is a known member of a criminal gang as defined in NRS 193.168.

2. A person who violates the provisions of subsection 1 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 10 years, and may be further punished by a fine of not more than \$10,000.

3. This section does not apply to a person who sells or disposes of any firearm or ammunition to:

(a) A licensed importer, licensed manufacturer, licensed dealer or licensed collector who, pursuant to 18 U.S.C. § 925(b), is not precluded from dealing in firearms or ammunition; or

(b) A person who has been granted relief from the disabilities imposed by federal laws pursuant to 18 U.S.C. § 925(c) or NRS 179A.163.

4. For purposes of this section, a person has “reasonable cause to believe” if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

Sec. 16.3. NRS 244.364 is hereby amended to read as follows:

244.364 1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada ~~and~~ ~~and~~ ~~to define such terms.~~ No county may infringe upon those rights and powers. ~~[As used in this subsection, “firearm” means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~2.]~~ *3.* A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.

~~{3. If a board of county commissioners in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the board of county commissioners shall amend such an ordinance or regulation to require:~~

~~— (a) A period of at least 60 days of residency in the county before registration of such a firearm is required.~~

~~— (b) A period of at least 72 hours for the registration of a pistol by a resident of the county upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~— 4. Except as otherwise provided in subsection 1, as}~~

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a county in violation of this section is void.

5. A board of county commissioners shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the county must be removed.

6. A board of county commissioners shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the county or any county agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after the effective date of this section may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a county zoning or business ordinance which is generally applicable to businesses within the county and thereby affects a firearms business within the county, including, without limitation, an indoor or outdoor shooting range.

(e) A county from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the county.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) "Firearm" ~~means~~ includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to be used as a weapon from which, able to or able to be readily converted to expel a projectile ~~may be expelled~~ through the barrel by the ~~force~~ action of ~~any explosion or~~ an explosive, other form of combustion ~~or~~.

~~—(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~—(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.} or expanding gases.~~

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) “Person” includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a county; and

(III) Is subject to the county ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) “Political subdivision” includes, without limitation, a state agency, county, city, town or school district.

(f) “Public employer” has the meaning ascribed to it in NRS 286.070.

Sec. 16.5. NRS 268.418 is hereby amended to read as follows:

268.418 1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada, ~~and~~ and not to define such terms. No city may infringe upon those rights and powers. ~~[As used in this subsection, “firearm” means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~—2.] 3.~~ The governing body of a city may proscribe by ordinance or regulation the unsafe discharge of firearms.

~~[3. If the governing body of a city in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the governing body shall amend such an ordinance or regulation to require:~~

~~—(a) A period of at least 60 days of residency in the city before registration of such a firearm is required.~~

~~(b) A period of at least 72 hours for the registration of a pistol by a resident of the city upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as:~~

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a city in violation of this section is void.

5. The governing body of a city shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the city must be removed.

6. The governing body of a city shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the city or any city agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after the effective date of this section may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a city zoning or business ordinance which is generally applicable to businesses within the city and thereby affects a firearms business within the city, including, without limitation, an indoor or outdoor shooting range.

(e) A city from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the city.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) "Firearm" ~~(means)~~ includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to ~~be used as a weapon from which~~, able to or able to be readily converted to expel a projectile ~~{may be expelled}~~ through the barrel by the ~~{force}~~ action of ~~{any explosion or}~~ an explosive, other form of combustion ~~or~~.

~~— (b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~— (c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.} or expanding gases.~~

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a city; and

(III) Is subject to the city ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

Sec. 16.7. NRS 269.222 is hereby amended to read as follows:

269.222 1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ~~carrying~~, ownership, transportation, ~~storage~~, registration and licensing of firearms, ~~firearm accessories~~ and ammunition in Nevada ~~and~~ ~~and~~ ~~no~~ ~~to define such terms.~~ No town may infringe upon those rights and powers. ~~[As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~2. 3.~~ 3. A town board may proscribe by ordinance or regulation the unsafe discharge of firearms.

~~{3. If a town board in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the town board shall amend such an ordinance or regulation to require:~~

~~(a) A period of at least 60 days of residency in the town before registration of such a firearm is required.~~

~~(b) A period of at least 72 hours for the registration of a pistol by a resident of the town upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as}~~

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer,

manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a town in violation of this section is void.

5. A town board shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the town must be removed.

6. A town board shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the town or any town agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after the effective date of this section may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a town zoning or business ordinance which is generally applicable to businesses within the town and thereby

affects a firearms business within the town, including, without limitation, an indoor or outdoor shooting range.

(e) A town from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the town.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) "Firearm" ~~means~~ includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to be used as a weapon from which, able to or able to be readily converted to expel a projectile ~~may be expelled~~ through the barrel by the ~~force~~ action of ~~any explosion or~~ an explosive, other form of combustion ~~or~~.

~~(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand, or expanding gases.~~

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a town; and

(III) Is subject to the town ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) “Public employer” has the meaning ascribed to it in NRS 286.070.

Sec. 17. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person 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, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility or to a program of community-based or outpatient services.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held 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, the court may order the involuntary admission of the person for the most appropriate course of treatment, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. A court shall not admit a person to a program of community-based or outpatient services unless:

(a) A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;

(b) The person is 18 years of age or older;

(c) The person has a history of noncompliance with treatment for mental illness;

(d) The person is capable of surviving safely in the community in which he or she resides with available supervision;

(e) The court determines that, based on the person’s history of treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent further disability or deterioration of the person which is likely to result in harm to himself or herself or others;

(f) The current mental status of the person or the nature of the person’s illness limits or negates his or her ability to make an informed decision to seek treatment for mental illness voluntarily or to comply with recommended treatment for mental illness;

(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to NRS 433A.315.

3. Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of NRS 433A.390 or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of NRS 433A.390. Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division, any mental health facility that is not operated by the Division or a program of community-based or outpatient services may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 that was required for the initial period of admission of the person to a public or private mental health facility or to a program of community-based or outpatient services.

4. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including involuntary admission to a program of community-based or outpatient services, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

5. If the court issues an order involuntarily admitting a person to a public or private mental health facility or to a program of community-based or outpatient services pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, *within 5 business days after ~~issuing~~ the order ~~it~~ becomes final pursuant to this section,* on a form prescribed by the Department of Public Safety, a record of ~~such~~ *the* order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

6. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 18. NRS 433C.130 is hereby amended to read as follows:

433C.130 The Department is designated as the official state agency responsible for developing and administering preventive and outpatient mental health services. The Department shall function in the following areas:

1. Assisting and consulting with local health authorities , *local governments and all law enforcement agencies in this State* in providing community mental health services, which services may include prevention, rehabilitation, case finding, diagnosis and treatment of persons with mental illness, and consultation and education for groups and individuals regarding mental health.

2. Coordinating mental health functions with other state agencies.

3. Participating in and promoting the development of facilities for training personnel necessary for implementing such services.

4. Collecting and disseminating information pertaining to mental health.

5. Performing such other acts as are necessary to promote mental health in the State.

Sec. 19. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a patient communicates to a mental health professional an explicit threat of imminent serious physical harm or death to a clearly identified or identifiable person and, in the judgment of the mental health professional, the patient has the intent and ability to carry out the threat, the mental health professional shall apply for the emergency admission of the patient to a mental health facility pursuant to NRS 433A.160 or make a reasonable effort to communicate the threat in a timely manner to:

(a) The person who is the subject of the threat;

(b) The law enforcement agency with the closest physical location to the residence of the person; and

(c) If the person is a minor, the parent or guardian of the person.

2. A mental health professional who exercises reasonable care in determining that he or she:

(a) Has a duty to communicate a threat pursuant to subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information.

(b) Does not have a duty to communicate a threat pursuant to subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any damages caused by the actions of a patient.

3. The provisions of this section do not:

(a) Limit or affect the duty of the mental health professional to report child abuse or neglect pursuant to NRS 432B.220; or

(b) Modify any duty of a mental health professional to take precautions to prevent harm by a patient:

(1) In the custody of a hospital or other facility where the mental health professional is employed; or

(2) Who is being discharged from such a facility.

4. As used in this section, "mental health professional" includes:

(a) A psychiatrist licensed to practice medicine in this State pursuant to chapter 630 or 633 of NRS;

(b) A psychologist who is licensed to practice psychology in this State pursuant to chapter 641 of NRS;

(c) A social worker who:

(1) Holds a master's degree in social work ; ~~for a related field;~~

(2) Is licensed as a clinical social worker pursuant to chapter 641B of NRS; and

(3) *Is employed by the Division of Public and Behavioral Health of the Department of Health and Human Services;*

(d) *A registered nurse who:*

(1) *Is licensed to practice professional nursing in this State; and*

(2) *Holds a master's degree in psychiatric nursing or a related field;*

(e) *A marriage and family therapist licensed pursuant to chapter 641A of NRS; ~~and~~*

(f) *A clinical professional counselor licensed pursuant to chapter 641A of NRS ~~+~~; and*

(g) *A person who is working in this State within the scope of his or her employment by the Federal Government and is:*

(1) *Licensed or certified as a physician, psychologist, marriage and family therapist, clinical professional counselor, alcohol and drug abuse counselor or clinical alcohol and drug abuse counselor in another state;*

(2) *Licensed as a social worker in another state and holds a master's degree in social work; or*

(3) *Licensed to practice professional nursing in another state and holds a master's degree in psychiatric nursing or a related field.*

Sec. 20. Section 5 of chapter 308, Statutes of Nevada 1989, as amended by chapter 320, Statutes of Nevada 2007, at page 1291, is hereby amended to read as follows:

Sec. 5. ~~{1. Except as otherwise provided in subsection 2, the provisions of this act apply to ordinances or regulations adopted on or after June 13, 1989.~~

~~—2.}~~ The provisions of this act, ~~[as amended on October 1, 2007,]~~ apply to ordinances or regulations adopted before, on or after June 13, 1989.

Sec. 21. Records relating to the registration of any firearm capable of being concealed pursuant to any ordinance or regulation adopted by a political subdivision must be destroyed within 1 year after the effective date of this section.

Sec. 22. 1. This section and sections 16.3, 16.5, 16.7, 20 and 21 of this act become effective upon passage and approval.

2. Sections 1 to 16, inclusive, 17, 18 and 19, of this act become effective on October 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment repeals the grandfathering of certain ordinances adopted by a political subdivision of this state before June 13, 1989, relating to the registration of any firearm capable of being concealed and requires that any records relating to such registration must be destroyed within one year after the effective date of this bill. Lastly, this amendment amends section 5 of Assembly Bill 147 of the 1989 Legislative Session to include and preempt ordinances or regulations adopted by certain political subdivisions before June 13, 1989.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 241.

Bill read second time and ordered to third reading.

Senate Bill No. 245.

Bill read second time and ordered to third reading.

Senate Bill No. 264.

Bill read second time and ordered to third reading.

Senate Bill No. 286.

Bill read second time and ordered to third reading.

Senate Bill No. 294.

Bill read second time and ordered to third reading.

Senate Bill No. 306.

Bill read second time and ordered to third reading.

Senate Bill No. 327.

Bill read second time.

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

Amendment No. 894.

AN ACT relating to air ambulances; providing for the minimum number of attendants and qualifications of those attendants for an air ambulance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the issuance of a permit for the operation of an air ambulance by the Division of Public and Behavioral Health of the Department of Health and Human Services or by the district board of health of a county whose population is 700,000 or more (currently Clark County). (NRS 450B.200) **Section 3** of this bill provides for the minimum number of attendants and qualifications for those attendants aboard an air ambulance. **Section 5** of this bill revises the training requirements for a licensed physician, registered nurse or licensed physician assistant to be certified as an attendant. **Section 6** of this bill authorizes an emergency medical services registered nurse to perform certain procedures.

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 and 3 of this act.

Sec. 2. *“Emergency medical services registered nurse” means a registered nurse who is issued a certificate to serve as an attendant by the State Board of Nursing pursuant to subsection 8 of NRS 450B.160.*

Sec. 3. 1. *Except as otherwise provided in subsection 2, during any period in which an air ambulance is used to provide medical transportation services for which a permit is required, the air ambulance must be staffed with, at a minimum:*

(a) *One primary attendant who:*

(1) *Is an emergency medical services registered nurse ~~fr~~*

~~— (2) *Has* who has at least ~~15 years of experience as a registered nurse, which includes:~~~~

~~— (I) *Two years of critical care nursing experience if working on a fixed wing air ambulance; or*~~

~~— (II) *Three* 3 years of critical care nursing experience ~~if working on a rotary wing air ambulance;~~~~

~~— (3) *;*~~

(2) *Has successfully completed an air ambulance attendant course which includes didactic and clinical components and is approved or in compliance with requirements set by the board; and*

~~— (4) *Has demonstrated proficiency in basic prehospital skills and advance procedures as specified by the board; and*~~

(b) *One secondary attendant who meets the same qualifications as a primary attendant pursuant to paragraph (a) or:*

(1) *Is certified as a paramedic;*

(2) *Has at least 3 years of field experience as a paramedic;*

(3) *Has successfully completed an air ambulance attendant course which includes didactic and clinical components and is approved or in compliance with requirements set by the board; and*

(4) *Has demonstrated proficiency in basic prehospital skills and advance procedures as specified by the board.*

2. *If, as determined by the pilot and medical director of the air ambulance, the weight of the secondary attendant could compromise the performance of the air ambulance, safety or patient care, an air ambulance providing medical transportation services may be staffed with only a primary attendant as described in paragraph (a) of subsection 1.*

3. *The board may adopt regulations specifying the acceptable documentation of the requirements set forth in paragraph (a) or (b) of subsection 1.*

4. *The health authority may issue a letter of endorsement and identification card to an emergency medical services registered nurse or paramedic who satisfies the requirements of paragraph (a) or (b) of subsection 1.*

Sec. 4. NRS 450B.020 is hereby amended to read as follows:

450B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 450B.025 to 450B.110, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 450B.160 is hereby amended to read as follows:

450B.160 1. The health authority may issue licenses to attendants and to firefighters employed by or serving as volunteers with a fire-fighting agency.

2. Each license must be evidenced by a card issued to the holder of the license, is valid for a period not to exceed 2 years and is renewable.

3. An applicant for a license must file with the health authority:

(a) A current, valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as an attendant, or, if a volunteer attendant, at a level of skill determined by the board.

(b) A current valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as a firefighter with a fire-fighting agency.

(c) A signed statement showing:

(1) The name and address of the applicant;

(2) The name and address of the employer of the applicant; and

(3) A description of the applicant's duties.

(d) Such other certificates for training and such other items as the board may specify.

4. The board shall adopt such regulations as it determines are necessary for the issuance, suspension, revocation and renewal of licenses.

5. Each operator of an ambulance or air ambulance and each fire-fighting agency shall annually file with the health authority a complete list of the licensed persons in its service.

6. Licensed physicians, registered nurses and licensed physician assistants may serve as attendants without being licensed under the provisions of this section. A registered nurse who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the State Board of Nursing. A licensed physician assistant who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the Board of Medical Examiners.

7. Each licensed physician, registered nurse and licensed physician assistant who serves as an attendant must have current certification of completion of training in:

(a) Advanced life-support procedures for patients who require cardiac care;

(b) Life-support procedures for pediatric patients who require cardiac care;

~~for~~ and

(c) Life-support procedures for patients with trauma that are administered before the arrival of those patients at a hospital.

➤ The certification must be issued by the Board of Medical Examiners for a physician or licensed physician assistant or by the State Board of Nursing for a registered nurse.

8. The Board of Medical Examiners and the State Board of Nursing shall issue a certificate pursuant to subsection 7 if the licensed physician, licensed physician assistant or registered nurse attends:

(a) A course offered by a national organization which is nationally recognized for issuing such certification;

(b) Training conducted by the operator of an ambulance or air ambulance;
or

(c) Any other course or training,
→ approved by the Board of Medical Examiners or the State Board of Nursing, whichever is issuing the certification. ~~[The Board of Medical Examiners and the State Board of Nursing may require certification of training in all three areas set forth in subsection 7 for a licensed physician, licensed physician assistant or registered nurse who primarily serves as an attendant in a county whose population is 700,000 or more.]~~

Sec. 6. NRS 450B.197 is hereby amended to read as follows:

450B.197 An attendant or a firefighter who is a paramedic *or emergency medical services registered nurse* may perform any procedure and administer any drug:

1. Approved by regulation of the board; or
2. Authorized pursuant to NRS 450B.1975, if the attendant or firefighter who is a paramedic has obtained an endorsement pursuant to that section.

Sec. 7. (Deleted by amendment.)

Sec. 8. This act becomes effective on January 1, 2016.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment clarifies that an emergency medical services registered nurse has at least three years of critical care experience.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 393.

Bill read second time and ordered to third reading.

Senate Bill No. 429.

Bill read second time and ordered to third reading.

Senate Bill No. 490.

Bill read second time and ordered to third reading.

Assemblyman Paul Anderson moved that the Assembly recess until 7:30 p.m.

Motion carried.

Assembly in recess at 1:31 p.m.

ASSEMBLY IN SESSION

At 8:49 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 95, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEREK ARMSTRONG, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 20, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 78.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 703 to Senate Bill No. 288; Assembly Amendment No. 702 to Senate Concurrent Resolution No. 2.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 751 to Senate Bill No. 52.

SHERRY RODRIGUEZ

Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Assembly Bill No. 480.

Bill read third time.

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

Amendment No. 912.

SUMMARY—~~[Provides for the licensing and regulation of mortgage loan servicers and revises provisions governing the administration of the Division of Mortgage Lending of the Department of Business and Industry.]~~ Revises provisions relating to mortgage lending. (BDR 54-1174)

AN ACT relating to mortgage lending; revising provisions governing the licensing and regulation of escrow agents, escrow agencies, mortgage brokers, mortgage agents and mortgage bankers; **authorizing a wholesale lender from outside this State to conduct business in this State; providing for the licensure and regulation of such a wholesale lender as a mortgage broker or mortgage banker**; increasing certain fees relating to escrow agents, escrow agencies, mortgage brokers, mortgage agents and mortgage bankers; ~~[providing]~~ **requiring the Commissioner of Mortgage Lending to prescribe by regulation the requirements** for the licensing, ~~and~~ regulation **and discipline** of mortgage servicers; ~~[establishing certain fees relating to mortgage servicers]~~ revising provisions governing the administration of the Division of Mortgage Lending of the Department of Business and Industry; ~~[providing penalties]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Division of Mortgage Lending within the Department of Business and Industry and authorizes the Division to license and regulate escrow agents, escrow agencies, mortgage brokers, mortgage agents, mortgage bankers, foreclosure consultants and loan modification consultants. (Chapters 645A, 645B, 645E and 645F of NRS) Existing law establishes the Commissioner of Mortgage Lending, and makes the Commissioner the chief of the Division. (NRS 232.520, 645A.010)

Sections 3-10 of this bill revise various provisions governing the licensing and regulation of escrow agents and escrow agencies. ~~[Section 11 of this bill increases certain fees required to be paid by escrow agents and escrow agencies]~~

~~[Section 15 of this bill prohibits a mortgage broker from engaging in the servicing of mortgages unless the mortgage broker holds a license as a mortgage servicer.]~~ **Sections 15-15.8 of this bill authorize a wholesale lender from outside this State to operate in this State as a mortgage broker.** **Sections 16 and 17** of this bill increase certain fees related to mortgage brokers.

~~[Section 18 of this bill prohibits a mortgage banker from engaging in the servicing of mortgages unless the mortgage banker holds a license as a mortgage servicer.]~~ **Sections 18-18.8 of this bill authorize a wholesale lender from outside this State to operate in this State as a mortgage banker.** **Section 19** of this bill increases certain fees related to mortgage bankers.

~~[Sections 23-86 of this bill authorize the Commissioner of Mortgage Lending to license and regulate mortgage servicers who service loans on residential property located in this State. Sections 40-55 provide the requirements for obtaining a license as a mortgage servicer which include, among other things, having a minimum net worth of \$250,000, posting a surety bond, submitting financial statements to the Commissioner and having a qualified employee located at each branch office of the mortgage servicer. Sections 56 and 57 provide for the powers and duties of the Commissioner to regulate mortgage~~

~~servicers. Sections 58-68 set forth certain requirements that mortgage servicers must adhere to in the conduct of their business and certain prohibitions related to the practice of mortgage servicing in this State. Sections 69 and 70 enact certain requirements related to the preservation of certain records and the filing of certain reports by mortgage servicers. Section 71 provides the procedure for claims made against the surety bond of a licensed mortgage servicer. Sections 72 and 73 provide the process for the filing and investigation of complaints against a mortgage servicer. Sections 74-80 provide for the discipline of licensed mortgage servicers who violate the provisions of this bill. Sections 81-86 provide various remedies and impose certain civil and criminal liability upon mortgage servicers and other persons for violations of the provisions of this bill.]~~

Sections 86.2-86.7 of this bill provide for the licensure, regulation and discipline of mortgage servicers through regulations adopted by the Commissioner of Mortgage Lending.

~~Sections 89 [1] and 92 of this bill revise certain provisions related to the powers and duties of the Commissioner, [of Mortgage Lending generally.]~~
Section 102 of this bill repeals two sections of existing law that are made redundant by other provisions of this bill.

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

Section 1. NRS 645.8725 is hereby amended to read as follows:

645.8725 “Escrow” has the meaning ascribed to it in ~~[subsection 4 of]~~
 NRS 645A.010.

Sec. 2. NRS 645.8731 is hereby amended to read as follows:

645.8731 “Escrow agent” has the meaning ascribed to it in ~~[subsection 6 of]~~ NRS 645A.010.

Sec. 3. Chapter 645A of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. 1. *The Commissioner may require that any application, fee, fine, form or filing required pursuant to this chapter be submitted to the Commissioner through the Registry and that the applicant or licensee pay any costs associated with the use of the Registry.*

2. All fees, assessments or penalties received by the Commissioner pursuant to this chapter are in addition to any costs or fees that may be required by the Registry and are nonrefundable. All fees, assessments and penalties received by the Commissioner pursuant to this chapter must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

Sec. 5. 1. *An escrow agent ~~[may]~~ shall not act as or provide the services of an escrow agent on behalf of any escrow agency other than an escrow agency that has notified the Commissioner pursuant to subsection 2 that the escrow agent is employed by and associated with that escrow agency.*

2. Before employing or associating with an escrow agent to administer escrows on its behalf, an escrow agency must:

(a) *File with the Commissioner, on a form and in a manner prescribed by the Commissioner, a request to associate with the escrow agent; and*

(b) *Pay the fee required by NRS 645A.040.*

3. *An escrow agent ~~may~~ shall not associate or begin employment with an escrow agency until the Commissioner has provided notice to the escrow agency of acceptance of the request to associate with the escrow agent.*

4. *An escrow agent ~~may~~ shall not directly or indirectly receive any compensation, remuneration or fees related to the business of administering escrows from any escrow agency that the escrow agent is not associated with ~~for~~ and employed by pursuant to this section.*

Sec. 6. NRS 645A.010 is hereby amended to read as follows:

645A.010 As used in this chapter, unless the context otherwise requires:

1. *“Business of administering escrows” or “administering escrows” means the process of managing, conducting or supervising an escrow or escrow-related transaction as an escrow agent or escrow agency.*

2. *“Client” means a person that has engaged an escrow agent or escrow agency to administer an escrow related to a transaction.*

3. “Commissioner” means the Commissioner of Mortgage Lending.

~~{2-}~~ 4. “Construction control” has the meaning ascribed to it in NRS 627.050.

~~{3-}~~ 5. *“Control person” means an executive officer, director, general partner, trustee, member or shareholder of an applicant or a licensee, or a person, who has the authority to participate in the direction, directly or indirectly through one or more other persons, of the management or policies of an applicant or a licensee.*

6. “Division” means the Division of Mortgage Lending of the Department of Business and Industry.

~~{4-}~~ 7. “Escrow” means any transaction wherein one person, for the purpose of effecting *or closing* the sale, *purchase, exchange*, transfer, encumbering or leasing of real or personal property to another person ~~{-}~~ *or persons*, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person *to be held by such third person* until the happening of a specified event or the performance of a prescribed condition, when it is then to be delivered by such third person, *in compliance with instructions under which he or she is to act*, to a grantee, grantor, promisee, promisor, obligee, obligor, *lessee, lessor*, bailee, bailor or any agent or employee ~~{of any of the latter-}~~ *thereof*. The term includes ~~{the collection of payments and the performance of related services by a third person in connection with a loan secured by a lien on real property and}~~ the performance of the services of a construction control.

~~{5-}~~ 8. “Escrow agency” means:

(a) Any person who employs one or more escrow agents; or

(b) An escrow agent who administers escrows on his or her own behalf.

~~{6.}~~ 9. “Escrow agent” means any *natural* person *employed by and associated with an escrow agency* engaged in the business of administering escrows for compensation.

10. “Registry” has the meaning ascribed to it in NRS 645B.0128.

Sec. 7. NRS 645A.015 is hereby amended to read as follows:

645A.015 ~~{The provisions of this chapter do not apply to:}~~

1. *Except as otherwise provided in subsection 2, it shall be unlawful for any person to engage in or carry on, or hold himself or herself out as engaging in or carrying on, the business of administering escrows or to act in the capacity of an escrow agent or escrow agency within this State or with respect to any transaction involving real or personal property located in this State without first obtaining a license as an escrow agent or escrow agency issued by the Commissioner pursuant to the requirements of this chapter.*

2. *The licensing requirements of this chapter do not apply to:*

(a) Any person ~~{~~

~~{a) Doing}~~ *doing* business under the laws of this State or the United States relating to banks, mutual savings banks, trust companies, savings and loan associations, common and consumer finance companies or industrial loan companies; ~~{or}~~

(b) ~~{Licensed}~~ *Any person licensed* pursuant to chapter 692A of NRS ~~{~~

~~{2. An attorney at law rendering services in the performance of his or her duties as attorney at law, except an attorney actively engaged in conducting an escrow agency.~~

~~{3.}~~ ;

(c) *Any person licensed to practice law in this State if:*

(1) *The escrow transaction is performed by the attorney while engaged in the practice of law, or by employees of the law firm under the direct supervision of the attorney while engaged in the practice of law;*

(2) *The escrow transaction is performed under the name of a person or entity identified and operated as a law firm; and*

(3) *Any money provided to the attorney related to the escrow, other than money designated for attorney’s fees and costs, is deposited into, maintained within and disbursed from a client trust account that complies with rules of this State governing the conduct of attorneys;*

(d) Any firm or corporation which lends money on real or personal property and is subject to licensing, supervision or auditing by an agency of the United States or of this State ~~{~~

~~{4.}~~ ; *or*

(e) Any person doing any act under order of any court.

3. *As used in this section, “law firm” has the meaning ascribed to it in NRS 38.435.*

Sec. 8. NRS 645A.020 is hereby amended to read as follows:

645A.020 1. ~~{A person who wishes to be licensed as an escrow agent or agency must file a written application in the Office of the Commissioner.}~~ *An application for, or renewal of, a license as an escrow agency or escrow agent*

shall be made in writing to the Commissioner on a form and in a manner prescribed by the Commissioner.

2. ~~{The application must:~~

- ~~—(a) Be verified.~~
- ~~—(b) Be accompanied by the appropriate fee prescribed in NRS 645A.040.~~
- ~~—(c) State the location of the applicant's principal office and branch offices in the State and residence address.~~
- ~~—(d) State the name under which the applicant will conduct business.~~
- ~~—(e) List the names, residence and business addresses of all persons having an interest in the business as principals, partners, officers, trustees or directors, specifying the capacity and title of each.~~
- ~~—(f) Indicate the general plan and character of the business.~~
- ~~—(g) State the length of time the applicant has been engaged in the escrow business.~~
- ~~—(h) Require a financial statement of the applicant.~~
- ~~—(i) Require such other information as the Commissioner determines necessary.~~
- ~~—(j) If for an escrow agency, designate a natural person to receive service of process in this State for the agency.~~
- ~~—(k) Include a complete set of the fingerprints of the applicant or, if the applicant is not a natural person, a complete set of the fingerprints of each person who will have an interest in the escrow agency as a principal, partner, officer, director or trustee, and written permission authorizing the Division 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.~~
- ~~—(l) Include all information required to complete the application.}~~ *An applicant shall include in an application for an initial license:*

(a) Any application fee required pursuant to NRS 645A.040;

(b) All content required to be included in the application by the Commissioner;

(c) Written consent authorizing the Commissioner to conduct a background investigation of the applicant and, if applicable, each control person of the applicant, including, without limitation, authorization to obtain:

(1) An independent credit report from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f);

(2) A criminal history report from the Federal Bureau of Investigation or any criminal history repository of any state, national or international governmental agency or entity; and

(3) Information related to any administrative, civil or criminal proceedings in any jurisdiction in which the applicant, or a control person of the applicant, is or has been a party;

(d) *A complete set of fingerprints of the applicant or, if the applicant is not a natural person, a complete set of fingerprints of each control person of the applicant to forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and*

(e) *Any other information required by this chapter, the Commissioner, an order of the Commissioner or requested in connection with the evaluation and investigation of the qualifications and suitability of the applicant for licensure.*

3. *The applicant shall include in an application for renewal of an existing license:*

(a) *Any renewal fee required pursuant to NRS 645A.040;*

(b) *All content required by the Commissioner in the application form; and*

(c) *Any other information required by this chapter, the Commissioner, an order of the Commissioner or requested in connection with the evaluation and investigation of the qualifications and suitability of the applicant for licensure.*

4. If the Commissioner determines, after investigation, that the experience, character, financial condition, business reputation and general fitness of the applicant, *or the control persons of the applicant*, are such as to command the confidence of the public and to warrant the belief that the business conducted will protect and safeguard the public, the Commissioner shall issue *or renew* a license to the applicant as an escrow agent or *escrow* agency.

~~[4. The Commissioner may waive the investigation required by subsection 3 if the applicant submits with the application satisfactory proof that the applicant, in good standing, currently holds a license, or held a license, within 1 year before the date the applicant submits his or her application, which was issued pursuant to the provisions of NRS 692A.103.]~~

5. ~~An [escrow agent or agency shall immediately notify]~~ *applicant for a license, and a licensee upon the issuance or renewal of a license, shall have a continuing obligation to provide written notification to the Division of any material change in the information contained in the application* ~~[.] for an initial license or renewal of an existing license.~~

6. A person may not be licensed as an escrow agent or agency or be a ~~[principal, partner, officer, director or trustee]~~ *control person* of an escrow agency if the person is the holder of an active license issued pursuant to chapter 645 of NRS.

7. If the Commissioner finds that additional information is required to consider the application, the Commissioner shall send a letter to the applicant which specifies the additional requirements that the applicant must satisfy within 30 days after receiving the letter to obtain a license. If the applicant does not satisfy all additional requirements set forth in the letter within 30 days after receipt of the letter, the application will be deemed to have been denied, and the applicant must reapply to obtain a license. The Commissioner may, for good cause, extend the 30-day period prescribed in this subsection.

Sec. 9. NRS 645A.032 is hereby amended to read as follows:

645A.032 1. The Division shall issue to each licensee a license which:

(a) Shows the name and address of the licensee, and in the case of an escrow agent, the name of the *licensed* escrow agency with whom the escrow agent will be ~~his~~ employed ~~for~~ and associated ~~[-]; and~~

(b) ~~Has imprinted thereon the seal of the Division.~~

~~—(c)—~~ Contains any additional ~~matter~~ *information* prescribed by the ~~Division.~~ *Commissioner.*

2. No escrow agent may be associated with ~~for~~ *and* employed by more than one escrow agency at the same time.

Sec. 10. NRS 645A.036 is hereby amended to read as follows:

645A.036 1. Every escrow agency shall maintain a definite place of business, ~~[within the State,]~~ which must be a room or rooms used for the transaction of escrows, or such business and any allied businesses, and which must serve as the office for the transaction of business pursuant to the authority granted in the license.

2. The place of business must be specified in the application for the license and so designated on the license.

3. A license does not authorize the licensee to transact business from any office other than that designated in the license.

Sec. 11. ~~[NRS 645A.040 is hereby amended to read as follows:]~~

~~—645A.040—~~ 1. Every license issued pursuant to the provisions of this chapter expires on July 1 of each year if it is not renewed. A license may be renewed by filing an application for renewal, paying the annual fee for the succeeding year and submitting all information required to complete the renewal.

~~—2.—~~ The fees for the issuance or renewal of a license for an escrow agency are:

~~—(a)—~~ For filing an application for an initial license, \$500 for the principal office and ~~[\$100]~~ *\$300* for each branch office.

~~—(b)—~~ If the license is approved for issuance, \$200 for the principal office and \$100 for each branch office. The fee must be paid before issuance of the license.

~~—(c)—~~ For filing an application for renewal, ~~[\$200]~~ *\$700* for the principal office and ~~[\$100]~~ *\$400* for each branch office.

~~—3.—~~ The fees for the issuance or renewal of a license for an escrow agent are:

~~—(a)—~~ For filing an application for an initial license or for the renewal of a license, ~~[\$100.]~~ *\$225.*

~~—(b)—~~ If a license is approved for issuance or renewal, \$25. The fee must be paid before the issuance or renewal of the license.

~~—4.—~~ If a licensee fails to pay the fee or submit all required information for the annual renewal of his or her license before its expiration, the license may be renewed only upon the payment of a fee one and one-half times the amount otherwise required for renewal. A license may be renewed pursuant to this

~~subsection only if all the fees are paid and all required information is submitted within 2 months after the date on which the license expired.~~

~~5. In addition to the other fees set forth in this section, each applicant or licensee shall pay:~~

~~(a) For filing an application for a duplicate copy of any license, upon satisfactory showing of its loss, \$10.~~

~~(b) For filing any change of information contained in the application, \$10.~~

~~(c) For each change of association with an escrow agency, \$25.~~

~~[6. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the Account for Mortgage Lending created by NRS 645F.270.] (Deleted by amendment.)~~

Sec. 11.5. NRS 645A.041 is hereby amended to read as follows:

645A.041 1. Except as otherwise provided in NRS 645A.042, as a condition to doing business in this State, each escrow agency shall deposit with the Commissioner and keep in full force and effect a corporate surety bond payable to the State of Nevada, in the amount set forth in subsection 4, which is executed by a corporate surety satisfactory to the Commissioner and which names as principals the escrow agency and all escrow agents employed by ~~for~~ **and** associated with the escrow agency.

2. At the time of filing an application for a license as an escrow agent, the applicant shall file with the Commissioner proof that the applicant is named as a principal on the corporate surety bond deposited with the Commissioner by the escrow agency with whom he or she is associated ~~for~~ **and** employed.

3. The bond must be in substantially the following form:

Know All Persons by These Presents, that, as principal, and, as surety, are held and firmly bound unto the State of Nevada for the use and benefit of any person who suffers damages because of a violation of any of the provisions of chapter 645A of NRS, in the sum of, lawful money of the United States, to be paid to the State of Nevada for such use and benefit, for which payment well and truly to be made, and that we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of that obligation is such that: Whereas, the principal has been issued a license as an escrow agency or escrow agent by the Commissioner of Mortgage Lending of the Department of Business and Industry of the State of Nevada and is required to furnish a bond, which is conditioned as set forth in this bond:

Now, therefore, if the principal, his or her agents and employees, strictly, honestly and faithfully comply with the provisions of chapter 645A of NRS, and pay all damages suffered by any person because of a violation of any of the provisions of chapter 645A of NRS, or by reason of any fraud, dishonesty, misrepresentation or concealment of material facts growing out of any transaction governed by the provisions of chapter

645A of NRS, then this obligation is void; otherwise it remains in full force.

This bond becomes effective on the(day) of(month) of(year), and remains in force until the surety is released from liability by the Commissioner of Mortgage Lending or until this bond is cancelled by the surety. The surety may cancel this bond and be relieved of further liability hereunder by giving 60 days' written notice to the principal and to the Commissioner of Mortgage Lending of the Department of Business and Industry of the State of Nevada.

In Witness Whereof, the seal and signature of the principal hereto is affixed, and the corporate seal and the name of the surety hereto is affixed and attested by its authorized officers at, Nevada, this(day) of(month) of(year).

.....(Seal)

Principal

.....(Seal)

Surety

By.....

Attorney-in-fact

.....

Nevada Licensed Insurance Agent

4. Each escrow agency shall deposit a corporate surety bond that complies with the provisions of this section or a substitute form of security that complies with the provisions of NRS 645A.042 in the following amount based upon the average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160:

AVERAGE MONTHLY BALANCE	AMOUNT OF BOND OR SECURITY REQUIRED
\$50,000 or less.....	\$20,000
More than \$50,000 but not more than \$250,000	50,000
More than \$250,000 but not more than \$500,000	100,000
More than \$500,000 but not more than \$750,000	150,000
More than \$750,000 but not more than \$1,000,000	200,000
More than \$1,000,000	250,000

The Commissioner shall determine the appropriate amount of the surety bond or substitute form of security that must be deposited initially by the escrow agency based upon the expected average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160. After the initial deposit, the Commissioner shall, on a semiannual basis, determine the appropriate amount of the surety bond or substitute form of security that must be deposited by the escrow agency based

upon the average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160.

5. A bond used to satisfy the requirements of NRS 627.180 or a substitute for that bond which satisfies the requirements of NRS 627.183 may be used to satisfy the requirements of this section if:

(a) The amount required by NRS 627.180 for a bond is not less than the amount required by this section for a bond; or

(b) The amount required by NRS 627.180 for a bond is less than the amount required by this section for a bond, and the escrow agency deposits an additional bond in an amount not less than the difference between the amount required by NRS 627.180 and the amount required by this section.

Sec. 11.7. NRS 645A.196 is hereby amended to read as follows:

645A.196 1. Whenever an escrow agent terminates, for any reason, his or her employment with the escrow agency with whom the escrow agent was associated, the escrow agency shall:

(a) Immediately deliver or send by certified mail to the Division the escrow agent's license, together with a written statement of the circumstances surrounding the termination.

(b) At the time of delivering or mailing the license to the Division, address a communication to the last known residence address of the escrow agent, advising the escrow agent that his or her license has been delivered or mailed to the Division. A copy of the communication must accompany the license when delivered or mailed to the Division.

2. An escrow agent shall not perform either directly or indirectly any act for which a license is required pursuant to this chapter:

(a) On or after the date the Division receives the escrow agent's license from the escrow agency until the license is transferred or reissued or until a new license is issued.

(b) Without being associated with ~~for~~ **and** employed by a licensed escrow agency.

Sec. 12. NRS 645A.221 is hereby amended to read as follows:

645A.221 If a person, or any general partner, director, officer, agent or employee of a person, violates the provisions of NRS ~~[645A.210]~~ **645A.015** or 645A.220:

1. Any contracts entered into by that person for the escrow transaction are voidable by the other party to the contract; and

2. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than \$50,000.

Sec. 13. NRS 645A.222 is hereby amended to read as follows:

645A.222 In addition to any other remedy or penalty, if a person violates the provisions of NRS ~~[645A.210]~~ **645A.015** or 645A.220, the respective parties to the escrow transaction may bring a civil action against the person for:

1. Actual and consequential damages;
2. Punitive damages, which are subject to the provisions of NRS 42.005;

3. Reasonable attorney's fees and costs; and
4. Any other legal or equitable relief that the court deems appropriate.

Sec. 14. NRS 645A.230 is hereby amended to read as follows:

645A.230 Any person who violates:

1. NRS ~~645A.015~~, 645A.160 ~~[, 645A.210]~~ or 645A.220 is guilty of a gross misdemeanor.

2. Any other provision of this chapter is guilty of a misdemeanor.

Sec. 15. Chapter 645B of NRS is hereby amended by adding thereto a new section to read as follows:

~~**1.** A mortgage broker shall not service or offer to service a residential mortgage loan, unless the mortgage broker holds a license as a mortgage servicer issued by the Commissioner pursuant to section 42 of this act.~~

~~**2.** As used in this section:~~

~~**(a)** "Residential mortgage loan" has the meaning ascribed to it in section 37 of this act.~~

~~**(b)** "Service" has the meaning ascribed to it in section 38 of this act.~~

~~**"Wholesale lender" means a person who:**~~

~~**1. Holds himself or herself out:**~~

~~**(a)** For hire to serve as an agent for any person who has money to lend, if the loan is or will be secured by a lien on real property;~~

~~**(b)** As being able to make loans secured by liens on real property; or~~

~~**(c)** As being able to buy or sell notes secured by liens on real property;~~
~~**and**~~

~~**2. Does not directly:**~~

~~**(a)** Take or receive an application from a borrower for a loan which will be secured by a lien on real property; or~~

~~**(b)** Negotiate any terms with a borrower relating to a loan which will be secured by a lien on real property.~~

Sec. 15.4. NRS 645B.010 is hereby amended to read as follows:

645B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645B.0104 to 645B.0135, inclusive, and section 15 of this act have the meanings ascribed to them in those sections.

Sec. 15.6. NRS 645B.0127 is hereby amended to read as follows:

645B.0127 1. "Mortgage broker" means a person who, directly or indirectly:

(a) Holds himself or herself out for hire to serve as an agent for any person in an attempt to obtain a loan which will be secured by a lien on real property;

(b) Holds himself or herself out for hire to serve as an agent for any person who has money to lend, if the loan is or will be secured by a lien on real property;

(c) Holds himself or herself out as being able to make loans secured by liens on real property;

(d) Holds himself or herself out as being able to buy or sell notes secured by liens on real property; or

(e) Offers for sale in this State any security which is exempt from registration under state or federal law and purports to make investments in promissory notes secured by liens on real property.

2. **The term includes a wholesale lender.**

3. The term does not include a person who is licensed as a mortgage banker, as defined in NRS 645E.100, unless the person is also licensed as a mortgage broker pursuant to this chapter.

Sec. 15.8. NRS 645B.020 is hereby amended to read as follows:

645B.020 1. A person who wishes to be licensed as a mortgage broker must file a written application for a license with the Office of the Commissioner and pay the fee required pursuant to NRS 645B.050. The Commissioner may require the applicant or person to submit the information or pay the fee directly to the Division or, if the applicant or person is required to register or voluntarily registers with the Registry, to the Division through the Registry. An application for a license as a mortgage broker must:

(a) State the name, residence address and business address of the applicant and **if the applicant is a mortgage broker other than a wholesale lender**, the location of each principal office and branch office at which the mortgage broker will conduct business within this State ~~_. [including, without limitation]~~

(b) State the location of any principal office, office or other place of business located outside this State from which the mortgage broker will conduct business in this State and any office or other place of business which the applicant maintains as a corporate or home office.

~~[(b)]~~ **(c)** State the name under which the applicant will conduct business as a mortgage broker.

~~[(c)]~~ **(d)** List the name, residence address and business address of each person who will:

(1) If the applicant is not a natural person, have an interest in the mortgage broker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(2) Be associated with or employed by the mortgage broker as a mortgage agent.

~~[(d)]~~ **(e)** Include a general business plan and a description of the policies and procedures that the mortgage broker and his or her mortgage agents will follow to arrange and service loans and to conduct business pursuant to this chapter.

~~[(e)]~~ **(f)** State the length of time the applicant has been engaged in the business of a mortgage broker.

~~[(f)]~~ **(g)** Include a financial statement of the applicant and, if applicable, satisfactory proof that the applicant will be able to maintain continuously the net worth required pursuant to NRS 645B.115.

~~[(g)]~~ **(h)** Include all information required to complete the application.

~~[(h)]~~ **(i)** Unless fingerprints were submitted to the Registry for the person, include a complete set of fingerprints for each natural person who is a

principal, partner, officer, director or trustee of the applicant which the Division may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~4. (i)~~ *(i)* Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage broker will conduct business in this State at one or more branch offices, the mortgage broker must apply for a license for each such branch office.

3. Except as otherwise provided by law, the Commissioner shall issue a license to an applicant as a mortgage broker if:

(a) The application is verified by the Commissioner and complies with the requirements of this chapter; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter.

(2) Has not been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering.

(3) Has not made a false statement of material fact on the application.

(4) Has never had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license revoked within the immediately preceding 10 years.

(5) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

4. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State ~~or~~ **or if the applicant will conduct business in this State only as a wholesale lender,** and the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available **electronically or** at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any

investigation or examination made at the office or place of business located outside this State.

↪ The applicant must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

Sec. 16. NRS 645B.050 is hereby amended to read as follows:

645B.050 1. A license as a mortgage broker issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew such a license, the licensee must submit to the Commissioner on or after November 1 and on or before December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:

- (a) An application for renewal;
- (b) The fee required to renew the license pursuant to this section;
- (c) The information required pursuant to NRS 645B.051; and
- (d) All information required by the Commissioner or, if applicable, required by the Registry to complete the renewal.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the license is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner on or before February 28 of the following year:

- (a) An application for renewal;
- (b) The fee required to renew the license pursuant to this section;
- (c) The information required pursuant to NRS 645B.051;
- (d) Except as otherwise provided in this section, a reinstatement fee of not more than \$200; and
- (e) All information required to complete the reinstatement.

3. Except as otherwise provided in NRS 645B.016, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner on or after November 1 and on or before December 31 of each year or on a date otherwise specified by the Commissioner by regulation:

- (a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter; and
- (b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the certificate of exemption is cancelled as of December 31 of that year. Except as otherwise provided in NRS 645B.016, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) Except as otherwise provided in this section, a reinstatement fee of not more than \$100.

5. Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage broker pursuant to this chapter:

(a) To file an original application for a license, not more than \$1,500 for the principal office and not more than ~~[\$40]~~ **\$400** for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(b) To be issued a license, not more than \$1,000 for the principal office and not more than ~~[\$60]~~ **\$100** for each branch office.

(c) To renew a license, not more than \$500 for the principal office and not more than \$100 for each branch office.

6. Except as otherwise provided in this section, a person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, not more than \$200.

(b) To renew a certificate of exemption, not more than \$100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of not more than \$10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter are in addition to any fee required to be paid to the Registry and must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

9. The Commissioner may, by regulation, adjust any fee or date set forth in this section if the Commissioner determines that such an adjustment is necessary for the Commissioner to carry out his or her duties pursuant to this chapter. The amount of any adjustment in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his or her duties pursuant to this chapter.

10. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Commissioner or, if the licensee is required to register or voluntarily registers with the Registry, to the Commissioner through the Registry.

Sec. 17. NRS 645B.430 is hereby amended to read as follows:

645B.430 1. A license as a mortgage agent issued pursuant to NRS 645B.410 expires each year on December 31, unless it is renewed. To renew a license as a mortgage agent, the holder of the license must continue to meet the requirements of subsection 3 of NRS 645B.410 and must submit to

the Commissioner on or after November 1 and on or before December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal;

(b) Except as otherwise provided in this section, satisfactory proof that the holder of the license as a mortgage agent attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires; and

(c) A renewal fee set by the Commissioner of not more than \$170.

2. In lieu of the continuing education requirement set forth in paragraph (b) of subsection 1, the holder of a license as a mortgage agent who, pursuant to subsection 1 of NRS 645F.267, is not required to register or renew with the Registry and who has not voluntarily registered or renewed with the Registry must submit to the Commissioner satisfactory proof that he or she attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires. The hours of continuing education required by this subsection must include:

(a) At least 3 hours relating to the laws and regulations of this State; and

(b) At least 2 hours relating to ethics.

3. If the holder of the license as a mortgage agent fails to submit any item required pursuant to subsection 1 or 2 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the license is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled license if the holder of the license submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of \$75.

4. To change the mortgage broker with whom the mortgage agent is associated, a person must pay a fee ~~of \$10.~~ **in an amount prescribed by regulation of the Commissioner, not to exceed \$50.**

5. Money received by the Commissioner pursuant to this section is in addition to any fee that must be paid to the Registry and must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

6. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Division or, if the licensee is required to register or voluntarily registers with the Registry, to the Division through the Registry.

7. Nothing in this section shall be construed as preventing the Commissioner from renewing the license of a mortgage agent who does not satisfy the criteria set forth in paragraph (e) of subsection 1 of NRS 645B.410 at the time of the application for renewal.

8. As used in this section, “certified course of continuing education” has the meaning ascribed to it in NRS 645B.051.

Sec. 18. Chapter 645E of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1. A mortgage banker shall not service or offer to service a residential mortgage loan, unless the mortgage banker holds a license as a mortgage servicer issued by the Commissioner pursuant to section 42 of this act.~~

~~2. As used in this section:~~

~~(a) "Residential mortgage loan" has the meaning ascribed to it in section 37 of this act.~~

~~(b) "Service" has the meaning ascribed to it in section 38 of this act.]~~

1. "Wholesale lender" means a person who:

(a) Directly or indirectly holds himself or herself out as being able to:

(1) Buy or sell notes secured by liens on real property; or

(2) Make loans secured by liens on real property using his or her own money;

(b) Does not directly:

(1) Take or receive an application from a borrower for a loan which will be secured by a lien on real property; or

(2) Negotiate any terms with a borrower relating to a loan which will be secured by a lien on real property; and

(c) Does not engage in any other act or transaction described in NRS 645B.0127, unless the person is also licensed as a mortgage broker pursuant to chapter 645B of NRS.

2. For the purposes of this section, a person does not make a loan secured by a lien on real property using his or her own money if any portion of the money that is used to make the loan is provided by another person who acquires ownership of or a beneficial interest in the loan.

Sec. 18.4. NRS 645E.010 is hereby amended to read as follows:

645E.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645E.020 to 645E.105, inclusive, and section 18 of this act have the meanings ascribed to them in those sections.

Sec. 18.6. NRS 645E.100 is hereby amended to read as follows:

645E.100 1. "Mortgage banker" means any of the following:

(a) A person who, directly or indirectly:

(1) Holds himself or herself out as being able to:

(I) Buy or sell notes secured by liens on real property; or

(II) Make loans secured by liens on real property using his or her own money; and

(2) Does not engage in any other act or transaction described in the definition of "mortgage broker," as set forth in NRS 645B.0127, unless the person is also licensed as a mortgage broker pursuant to chapter 645B of NRS.

(b) A person who, directly or indirectly:

(1) Negotiates, originates or makes or offers to negotiate, originate or make commercial mortgage loans as an agent for or on behalf of an institutional investor; and

(2) Does not engage in any other act or transaction described in the definition of “mortgage broker,” as set forth in NRS 645B.0127, unless the person is also licensed as a mortgage broker pursuant to chapter 645B of NRS.

2. **The term includes a wholesale lender.**

3. For the purposes of this section, a person does not make a loan secured by a lien on real property using his or her own money if any portion of the money that is used to make the loan is provided by another person who acquires ownership of or a beneficial interest in the loan.

Sec. 18.8. NRS 645E.200 is hereby amended to read as follows:

645E.200 1. A person who wishes to be licensed as a mortgage banker must file a written application for a license with the Office of the Commissioner and pay the fee required pursuant to NRS 645E.280. An application for a license as a mortgage banker must:

(a) Be verified.

(b) State the name, residence address and business address of the applicant and **, if the applicant is a mortgage banker other than a wholesale lender,** the location of each principal office and branch office at which the mortgage banker will conduct business in this State. ~~including, without limitation,~~

(c) State the location of any principal office, office or other place of business located outside this State from which the mortgage banker will conduct business in this State and any office or other place of business which the applicant maintains as a corporate or home office.

~~((e))~~ **(d)** State the name under which the applicant will conduct business as a mortgage banker.

~~((d))~~ **(e)** If the applicant is not a natural person, list the name, residence address and business address of each person who will have an interest in the mortgage banker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

~~((e))~~ **(f)** Indicate the general plan and character of the business.

~~((f))~~ **(g)** State the length of time the applicant has been engaged in the business of a mortgage banker.

~~((g))~~ **(h)** Include a financial statement of the applicant.

~~((h))~~ **(i)** Include a complete set of fingerprints for each natural person who is a principal, partner, officer, director or trustee of the applicant which the Division may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~((i))~~ **(j)** Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage banker will conduct business in this State at one or more branch offices, the mortgage banker must apply for a license for each such branch office.

3. Except as otherwise provided by law, the Commissioner shall issue a license to an applicant as a mortgage banker if:

(a) The application is verified by the Commissioner and complies with the requirements of this chapter, other applicable law and, if applicable, the Registry; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter. For the purposes of this subparagraph, the factors considered in determining whether a person has demonstrated financial responsibility include, without limitation:

(I) Whether the person's personal credit history indicates any adverse material items, including, without limitation, liens, judgments, disciplinary action, bankruptcies, foreclosures or failures to comply with court-approved payment plans;

(II) The circumstances surrounding any adverse material items in the person's personal credit history; and

(III) Any instance of fraud, misrepresentation, dishonest business practices, the mishandling of trust funds or other types of comparable behavior.

(2) Has not been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering.

(3) Has not made a false statement of material fact on the application.

(4) Has never had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license revoked within the immediately preceding 10 years.

(5) Has not violated any provision of this chapter or chapter 645B of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

4. If an applicant is a partnership, corporation or unincorporated association, the Commissioner may refuse to issue a license to the applicant if any member of the partnership or any officer or director of the corporation or unincorporated association has committed any act or omission that would be cause for refusing to issue a license to a natural person.

5. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant or a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State **or if the applicant will conduct business in this State only as a wholesale lender,** and ~~if~~ the applicant submits with the application for a

license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available electronically or at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➡ The applicant must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

Sec. 19. NRS 645E.280 is hereby amended to read as follows:

645E.280 1. A license issued to a mortgage banker pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a license, the licensee must submit to the Commissioner on or after November 1 and on or before December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the license pursuant to this section; and

(c) All information required by the Commissioner or, if applicable, required by the Registry to complete the renewal.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the license is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the license pursuant to this section;

(c) Except as otherwise provided in this section, a reinstatement fee of not more than \$200; and

(d) All information required to complete the reinstatement.

3. Except as otherwise provided in NRS 645E.160, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner on or after November 1 and on or before December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal that complies with the requirements of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the certificate of exemption is cancelled. Except as otherwise provided in NRS 645E.160, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) Except as otherwise provided in this section, a reinstatement fee of not more than \$100.

5. Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage banker pursuant to this chapter:

(a) To file an original application for a license, not more than \$1,500 for the principal office and not more than ~~[\$40]~~ **\$400** for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(b) To be issued a license, not more than \$1,000 for the principal office and not more than ~~[\$60]~~ **\$100** for each branch office.

(c) To renew a license, not more than \$500 for the principal office and not more than \$100 for each branch office.

6. Except as otherwise provided in this section, a person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, not more than \$200.

(b) To renew a certificate of exemption, not more than \$100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of not more than \$10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter are in addition to any fee required to be paid to the Registry and must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

9. The Commissioner may, by regulation, adjust any fee set forth in this section if the Commissioner determines that such an adjustment is necessary for the Commissioner to carry out his or her duties pursuant to this chapter. The amount of any adjustment in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his or her duties pursuant to this chapter.

10. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Division or, if the licensee is required to register or voluntarily registers with the Registry, to the Division through the Registry.

Sec. 20. Chapter 645F of NRS is hereby amended by adding thereto the provisions set forth as sections 21 to ~~86~~ **86.7**, inclusive, of this act.

Sec. 21. ~~["Mortgage servicer" has the meaning ascribed to it in section 35 of this act.]~~ (Deleted by amendment.)

Sec. 22. ~~[This section and NRS 645F.300 to 645F.450, inclusive, may be cited as the "Nevada Loan Modification Regulatory Act."]~~ (Deleted by amendment.)

Sec. 23. ~~[Sections 23 to 86, inclusive, of this act may be cited as the "Nevada Residential Mortgage Servicer Licensing and Regulatory Act."]~~ (Deleted by amendment.)

Sec. 24. ~~[As used in sections 23 to 86, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 25 to 39, inclusive, of this act have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 25. ~~["Affiliate" means a person that, directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with another person and that is engaged in a business or a transaction regulated by sections 23 to 86, inclusive, of this act.]~~ (Deleted by amendment.)

Sec. 26. ~~["Applicant" means a person that has made application for a license pursuant to sections 23 to 86, inclusive, of this act.]~~ (Deleted by amendment.)

Sec. 27. ~~["Borrower" means a person that is a debtor on a residential mortgage loan.]~~ (Deleted by amendment.)

Sec. 28. ~~["Branch office" means a location, other than the principal office of a person, from which the person provides mortgage servicer activities related to a residential mortgage loan secured by a dwelling located in this State.]~~ (Deleted by amendment.)

Sec. 29. ~~["Control person" means an executive officer, director, general partner, trustee, member or shareholder of a licensee, or a person, who has the authority to participate in the direction, directly or indirectly, through one or more other persons, of the management or policies of a licensee.]~~ (Deleted by amendment.)

Sec. 30. ~~["Depository financial institution" has the meaning ascribed to it in NRS 645.335 and includes, without limitation, any bank, savings and loan association, thrift or credit union whose share and deposit accounts are federally insured.]~~ (Deleted by amendment.)

Sec. 31. ~~["Dwelling" means a residential structure that contains between one and four units, each of which is planned, designed or used as a residence for a single family, whether or not that structure is attached to real property. The term includes, without limitation, an individual condominium unit, cooperative unit, mobile home or trailer, if it is used as a residence.]~~ (Deleted by amendment.)

Sec. 32. ~~["Executive officer" means an officer, manager, partner or managing member of a licensee. The term includes, without limitation, a~~

~~chief executive officer, president, vice president, chief financial officer, chief operating officer, chief legal officer, controller or compliance officer, or a natural person in any similar position.~~ (Deleted by amendment.)

Sec. 33. ~~“License” means a license or other authority granted by the Commissioner pursuant to sections 23 to 86, inclusive, of this act.~~ (Deleted by amendment.)

Sec. 34. ~~“Licensee” means a person who is licensed or required to be licensed pursuant to sections 23 to 86, inclusive, of this act.~~ (Deleted by amendment.)

Sec. 35. ~~“Mortgage servicer” means a person that directly or indirectly services residential mortgage loans.~~ (Deleted by amendment.)

Sec. 36. ~~“Principal office” means the office where the corporate or executive offices of a business entity or other person are located, whether or not the office is located in this State.~~ (Deleted by amendment.)

Sec. 37. ~~“Residential mortgage loan” means any loan that is secured by a mortgage, deed of trust or other similar consensual security interest on a dwelling located within this State or on real property located within this State upon which is constructed or intended to be constructed a dwelling.~~ (Deleted by amendment.)

Sec. 38. ~~“Service” means:~~
~~1. The collection of six or more payments of principal, interest or an amount to be placed into escrow for the payment of hazard insurance or taxes, or any combination thereof, related to a residential mortgage loan owned, in whole or in part, by a licensee or for which a licensee is a primary beneficiary; or~~
~~2. The collection or remittance, or the right to collect or remit, for any lender, mortgagee, notecowner, noteholder, trustee or primary beneficiary of a residential mortgage loan any payment of principal, interest or an amount to be placed into escrow for the payment of hazard insurance or taxes, or any combination thereof, related to a residential mortgage loan, in accordance with the terms of a residential mortgage loan, a mortgage servicing agreement or an agreement with a mortgagee, trustee or primary beneficiary of a residential mortgage loan.~~ (Deleted by amendment.)

Sec. 39. ~~“Shareholder” means:~~
~~1. Any person that has beneficial ownership of, or the power to vote directly or indirectly on behalf of, any percentage of a class of voting securities or voting interests of an applicant or licensee if the applicant or licensee has 20 or fewer shareholders or beneficial owners.~~
~~2. Any person that has the beneficial ownership of, or the power to vote directly or indirectly on behalf of, 10 percent or more of a class of voting securities or voting interests of an applicant or licensee if the applicant or licensee has more than 20 shareholders or beneficial owners.~~ (Deleted by amendment.)

Sec. 40. ~~No person shall directly or indirectly provide or offer to provide, or hold himself or herself out as providing or offering to provide,~~

~~the services of a mortgage servicer in this State without first obtaining and maintaining the applicable license pursuant to sections 23 to 86, inclusive, of this act, unless the person is exempt from the licensing provisions of this chapter under section 55 of this act and complies with the requirements of that exemption.}] (Deleted by amendment.)~~

~~Sec. 41. [1. An application for a license as a mortgage servicer must be made in writing to the Commissioner, on a form and in a manner prescribed by the Commissioner.~~

~~2. The applicant shall include in the application:~~

~~(a) The applicable fee required pursuant to section 53 of this act;~~

~~(b) All content and information required by the Commissioner in the application;~~

~~(c) Written consent authorizing the Commissioner to conduct a background investigation of the applicant and, if applicable, each control person of the applicant, including, without limitation, authorization to obtain:~~

~~(1) An independent credit report from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f);~~

~~(2) A criminal history report from the Federal Bureau of Investigation or any criminal history repository of any state, national or international governmental agency or entity; and~~

~~(3) Information related to any administrative, civil or criminal proceedings in any jurisdiction in which the applicant, or a control person of the applicant, is or has been a party;~~

~~(d) A complete set of fingerprints of the applicant or, if the applicant is not a natural person, a complete set of fingerprints of each control person of the applicant to forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and~~

~~(e) Any other information required by this chapter, the Commissioner, an order of the Commissioner or requested in connection with the evaluation and investigation of the qualifications and suitability of the applicant for licensure.}] (Deleted by amendment.)~~

~~Sec. 42. [The Commissioner shall not issue a license to an applicant for a license as a mortgage servicer unless, after investigation, the Commissioner finds that the applicant or any control person of the applicant:~~

~~1. Meets all the requirements of sections 23 to 86, inclusive, of this act.~~

~~2. Has demonstrated experience, financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant and any control person of the applicant will operate honestly, fairly and efficiently for the purposes of sections 23 to 86, inclusive, of this act.~~

~~3. Has never had a license or registration as mortgage servicer revoked in this State or any other jurisdiction or had any financial services license revoked within the immediately preceding 10 years. For purposes of this subsection, a license or registration shall not be considered revoked if the revocation was subsequently vacated.~~

~~4. Has not been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of application, or at any time if any such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering. For the purposes of this subsection, a person shall not be considered to have been convicted, or entered or agreed to enter a plea of guilty or nolo contendere, if the conviction or plea has been pardoned or vacated.~~

~~5. Has designated a qualified employee for each principal and branch office making application for a license in accordance with section 16 of this act and the qualified employee has been approved by the Commissioner.~~

~~6. Has provided a surety bond that meets the requirements of section 49 of this act.~~

~~7. Has provided a financial statement that meets the requirements of section 47 of this act.~~ (Deleted by amendment.)

Sec. 43. ~~[1. An applicant for a license as a mortgage servicer shall obtain a license for its principal office and for each branch office from which it will conduct mortgage servicer activity related to any dwelling located in this State.~~

~~2. An applicant for a license as a mortgage servicer that will conduct mortgage servicer activity related to any dwelling located in this State under one or more fictitious or assumed names must apply for and obtain a separate license for each fictitious or assumed name.~~

~~3. A licensee may not conduct business from any location, or in any name or fictitious or assumed name, other than the location and name that appears on the license of the licensee issued pursuant to sections 23 to 86, inclusive, of this act.~~ (Deleted by amendment.)

Sec. 44. ~~[1. In addition to any other requirements set forth in this chapter:~~

~~(a) A natural person who applies for the issuance of a license as a mortgage servicer shall include the social security number of the applicant in the application submitted to the Commissioner.~~

~~(b) A natural person who applies for the issuance or renewal of a license as a mortgage servicer shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~2. The Commissioner shall include the statement required pursuant to subsection 1 in:~~

~~— (a) The application or any other forms that must be submitted for the issuance or renewal of the license; or~~

~~— (b) A separate form prescribed by the Commissioner.~~

~~— 3. The Commissioner shall not issue or renew a license as a mortgage servicer if the applicant is a natural person who:~~

~~— (a) Fails to submit the statement required pursuant to subsection 1; or~~

~~— (b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.~~

~~— 4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.} (Deleted by amendment.)~~

~~Sec. 45. [1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a licensee, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~

~~— 2. The Commissioner shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.} (Deleted by amendment.)~~

~~Sec. 46. [1. A mortgage servicer shall designate an individual to serve as a qualified employee for each principal or branch office licensed pursuant to sections 23 to 86, inclusive, of this act. An individual must not be designated to serve as a qualified employee unless such individual:~~

~~— (a) Is licensed as a mortgage agent under chapter 645B of NRS;~~

~~— (b) Has at least 2 years of verifiable experience in the residential mortgage industry, within the immediately preceding 5 years;~~

~~— (c) Is designated by a mortgage servicer to act on behalf of the mortgage servicer and to supervise and control the conduct of the business of the mortgage servicer at that location;~~

~~—(d) Will be present at the location a majority of the time that the office is open;~~

~~—(e) Is designated to serve as the qualified employee for only one location; and~~

~~—(f) Is approved by the Commissioner to act as the qualified employee for the licensee at the location.~~

~~—2. If a qualified employee is not approved by the Commissioner, or is subsequently ineligible because he or she does not meet the above requirements, within 30 days after the disapproval or ineligibility, the mortgage servicer shall:~~

~~—(a) Provide written notification to the Commissioner; and~~

~~—(b) Designate a new qualified employee and request the approval of the Commissioner for that individual to serve as the qualified employee.]~~

~~(Deleted by amendment.)~~

~~Sec. 47. [1. At the time of application and not later than 90 days after the last day of each fiscal year of a mortgage servicer, an applicant or licensee must submit to the Commissioner an independently audited financial statement that:~~

~~—(a) Is dated not earlier than the last day of the fiscal year; and~~

~~—(b) Demonstrates that the applicant or licensee meets the minimum net worth requirement set forth in section 48 of this act.~~

~~—2. The Commissioner may grant a reasonable extension for the submission of a financial statement required by this section if a mortgage servicer requests such an extension before the date on which the financial statement is due.] (Deleted by amendment.)~~

~~Sec. 48. [An applicant for a license shall demonstrate that it has, and a licensee shall continuously maintain, a minimum net worth of \$250,000.] (Deleted by amendment.)~~

~~Sec. 49. [1. As a condition of doing business in this State, at the time of filing an application for a license or renewal of a license, each mortgage servicer must deposit with the Commissioner and keep in full force and effect a corporate surety bond payable to the State of Nevada, in the amount set forth in subsection 3, which is executed by a corporate surety satisfactory to the Commissioner and which names as principals the mortgage servicer and employees or agents of the mortgage servicer:~~

~~—2. The bond must be in a form prescribed by the Commissioner.~~

~~—3. Each mortgage servicer shall deposit a corporate surety bond that complies with the provisions of this section in the following amounts:~~

~~—(a) If the mortgage servicer has an annual servicing volume of less than \$20,000,000, \$100,000.~~

~~—(b) If the mortgage servicer has an annual servicing volume of \$20,000,000 or more, \$250,000.~~

~~—4. The annual servicing volume will be determined from the quarterly reports filed with the Commissioner by the mortgage servicer pursuant to section 70 of this act.] (Deleted by amendment.)~~

~~Sec. 50. [1. The surety may cancel a bond upon giving 60 days' notice, by certified mail, to the Commissioner and to the licensee who is the principal on the bond. Upon receipt by the Commissioner of such a notice, the Commissioner shall immediately notify the licensee who is the principal on the bond of the effective date of cancellation of the bond, and that his or her license will be summarily suspended on that date and thereafter revoked unless the licensee furnishes an equivalent bond before the effective date of the cancellation. The notice must be sent to the licensee by certified mail to his or her last address of record filed in the office of the Division.~~

~~2. If the licensee does not comply with the requirements set out in the notice from the Commissioner, the license must be revoked in accordance with sections 23 to 86, inclusive, of this act and the requirements of chapter 233B of NRS. During the pendency of the revocation proceedings, the license must be summarily suspended in accordance with chapter 233B of NRS.] (Deleted by amendment.)~~

~~Sec. 51. [1. A license issued pursuant to sections 23 to 86, inclusive, of this act must not be transferred or assigned without the prior written consent and approval of the Commissioner.~~

~~2. If a transfer, sale or conveyance of the outstanding voting stock or ownership interest of a licensee will result in the cumulative transfer of 25 percent or more of the outstanding voting stock or ownership interest of the licensee from the date upon which the original license was issued, the licensee shall make prior written application to the Commissioner for the approval of such transfer, sale or conveyance. The applications must include:~~

~~(a) The transfer fee required pursuant to section 53 of this act.~~

~~(b) The name and percentage of ownership of each person who has obtained or is obtaining ownership resulting in a cumulative transfer of 25 percent or more of the outstanding voting stock or ownership interest of the licensee.~~

~~(c) A personal interrogatory and a complete set of fingerprints of each person referred to in paragraph (b), in a form prescribed by the Commissioner, and written consent authorizing the Commissioner to conduct an investigation of the person's background in the same manner as provided for in paragraph (c) of subsection 2 of section 41 of this act.~~

~~3. The Commissioner shall conduct an investigation of the applicant to determine that all the requirements necessary for licensure pursuant to sections 23 to 86, inclusive, of this act are met.] (Deleted by amendment.)~~

~~Sec. 52. [1. Any licensee that wishes to amend its name, address or license qualifications shall make written application to the Commissioner, in a form and manner prescribed by the Commissioner, to amend the license.~~

~~2. Such application must:~~

~~(a) Be submitted to the Commissioner, in a form and manner prescribed by the Commissioner, not less than 30 days before the anticipated effective date of the proposed amendment to the name or license qualification of the~~

~~licensee, or not more than 10 days after a change of the address of the licensee.~~

~~— (b) Include all information required by the Commissioner.~~

~~— (c) Include the fee required pursuant to section 53 of this act.~~

~~3. An amendment to the name or qualifications of a licensee is not effective until approved by the Commissioner.} (Deleted by amendment.)~~

Sec. 53. ~~[1. A license issued pursuant to sections 23 to 86, inclusive, of this act shall expire on December 31 of each year, unless it is renewed. To renew a license, a licensee must submit a renewal application in a form and manner prescribed by the Commissioner before December 31 of each year and pay the annual supervision fee.~~

~~2. The Commissioner shall annually establish a schedule of fees that are sufficient to pay, but not to exceed, the Division's reasonably anticipated costs of administering and enforcing the provisions of sections 23 to 86, inclusive, of this act as follows:~~

~~— (a) To file an initial application for a license, a fee of not more than \$2,500 for the principal office and not more than \$500 for each branch office.~~

~~— (b) To obtain a duplicate original or to amend the address of a mortgage servicer, a fee of not more than \$50.~~

~~— (c) To transfer the ownership or control of a licensee, a fee of not more than \$500.~~

~~— (d) To renew a license, an operating fee of not more than \$1,000 and an annual supervision fee that is based upon the dollar volume of residential mortgage loans serviced by the licensee during the 12 month period beginning on October 1 of the year preceding the expiration of the current license and ending on September 31 of the year of the expiration of the current license. The Commissioner shall adopt regulations necessary to implement and to establish the annual supervision fee required under this subsection.~~

~~3. A licensee that fails to submit a complete renewal application by December 31 of any given year, may reinstate the license if, before February 28 of the next year, the licensee files its complete renewal application, pays the fee for renewal and pays a reinstatement fee of not more than \$200.~~

~~4. A mortgage servicer shall pay the actual travel, lodging and meal expenses incurred by employees or contractors of the Division who are required to travel out of state to conduct an examination or investigation of the mortgage servicer.~~

~~5. Each licensee shall pay an annual assessment as established by the Commissioner pursuant to NRS 645F.180 and 645F.200.~~

~~6. A licensee that fails timely to submit a financial statement as required under section 47 of this act, a report as required under section 70 of this act or a special report as required by the Commissioner under section 56 of this act shall pay a late penalty of not more than \$25 per day that such statement~~

~~or report is late up to a maximum of \$1,000, and may be subject to other discipline provided for pursuant to sections 23 to 86, inclusive, of this act.~~

~~7. The Commissioner may require that any fee, assessment or late penalty required under this section be paid directly to the Division or to the Division through the Registry.~~

~~8. All fees, assessments or penalties received pursuant to sections 23 to 86, inclusive, of this act are in addition to any fees that may be required by the Registry and are nonrefundable. All fees, assessments and penalties received pursuant to sections 23 to 86, inclusive, of this act must be deposited in the Account for Mortgage Lending created by NRS 645F.270.} (Deleted by amendment.)~~

Sec. 54. ~~[1. A license granted pursuant to sections 23 to 86, inclusive, of this act entitles a licensee to engage only in the activities for which they are licensed and authorized by sections 23 to 86, inclusive, of this act.~~

~~2. The provisions of sections 23 to 86, inclusive, of this act do not prohibit a licensee from holding a license issued pursuant to chapter 645A, 645B or 645E of NRS.} (Deleted by amendment.)~~

Sec. 55. ~~[Sections 23 to 86, inclusive, of this act do not apply to:~~

~~1. A depository financial institution;~~

~~2. A subsidiary or a holding company of a depository financial institution, if that depository financial institution maintains its main office or a branch office in this State;~~

~~3. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted by the real estate investment trust in this State is not subject to supervision by the regulatory authority of another jurisdiction, in which case licensing pursuant to sections 23 to 86, inclusive, of this act is required;~~

~~4. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the residential mortgage loan is made directly from money in the plan by the plan's trustee;~~

~~5. An individual who is an attorney licensed in this State who does not engage in the business, or otherwise hold himself or herself out as being able to provide the services, of a mortgage servicer, and who is rendering services as an ancillary matter to his or her representation of a client;~~

~~6. Any person doing any act under an order of any court;~~

~~7. Agencies of the United States and of this State and its political subdivisions or corporate instrumentalities, including, without limitation, the Public Employees' Retirement System;~~

~~8. A bona fide nonprofit agency or organization which maintains tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3), as amended; and~~

~~9. A mortgage servicer that, in the aggregate with any affiliates, services 10 or fewer residential mortgage loans in this State during any 12-month period beginning on January 1 of the year to December 31 of the same year.} (Deleted by amendment.)~~

Sec. 56. ~~[1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall have jurisdiction over and shall exercise general supervision and control over all mortgage servicers governed under sections 23 to 86, inclusive, of this act.~~

~~2. In addition to any other duty or authority assigned or granted pursuant to sections 23 to 86, inclusive, of this act, the Commissioner may:~~

~~(a) Adopt any regulation that is necessary to efficiently and effectively carry out the provisions of sections 23 to 86, inclusive, of this act.~~

~~(b) Require that any application for an initial license or the renewal of a license pursuant to sections 23 to 86, inclusive, of this act be submitted directly to the Division or to the Division through the Registry.~~

~~(c) Require that any fee or administrative fine due or assessment levied pursuant to sections 23 to 86, inclusive, of this act be submitted directly to the Division or to the Division through the Registry.~~

~~(d) Issue or refuse to issue a license, amendment to a license or transfer of a license as provided in sections 23 to 86, inclusive, of this act.~~

~~(e) Revoke, suspend or condition a license as provided in sections 23 to 86, inclusive, of this act.~~

~~(f) Impose an administrative fine and assess administrative fees or assessments or attorney fees as provided in sections 23 to 86, inclusive, of this act or under applicable law.~~

~~(g) Impose any other administrative discipline as provided in sections 23 to 86, inclusive, of this act.~~

~~(h) Bring an action in any county in this State to enforce an order or subpoena issued pursuant to sections 23 to 86, inclusive, of this act.~~

~~(i) Advise the Attorney General or the prosecuting attorney of any county of this State that a mortgage servicer is conducting business or engaging in any activity that violates sections 23 to 86, inclusive, of this act.~~

~~(j) Conduct such investigations as may be necessary to determine if any person is violating sections 23 to 86, inclusive, of this act or any regulations adopted pursuant thereto, and to efficiently enforce the provisions of sections 23 to 86, inclusive, of this act and any regulations adopted pursuant thereto.~~

~~(k) Conduct an annual examination of each mortgage servicer doing business pursuant to sections 23 to 86, inclusive, of this act. Notwithstanding the foregoing, the Commissioner may also conduct more frequent examinations of a licensee if the Commissioner, in his or her sole discretion, determines that such an examination is warranted.~~

~~(l) In the conduct of an examination or investigation pursuant to sections 23 to 86, inclusive, of this act, the Commissioner may:~~

~~(1) Issue subpoenas to compel the appearance of any person or production of any documents, books or records, administer oaths and examine any person pursuant to NRS 645F.291;~~

~~(2) Have free access during regular business hours to the offices, places of business or other locations where a licensee or an affiliate of a licensee~~

~~maintains business related documents, and to the books, accounts, papers, records, files, documents, safes and vaults of a licensee;~~

~~— (3) Assess a fee upon any mortgage servicer or other person, based upon the rate established pursuant to NRS 645F.280, for each special audit, investigation or examination conducted of that mortgage servicer or other person pursuant to sections 23 to 86, inclusive, of this act; or~~

~~— (4) By procedure, order or regulation, classify as confidential certain records and information when:~~

~~— (I) Those records or information are obtained from a governmental agency upon the express condition that those records or information remain confidential;~~

~~— (II) Those records or information contain private or personal information related to a natural person, the release of which would result in an unwarranted invasion of privacy;~~

~~— (m) Notwithstanding subparagraph (4) of paragraph (l), all records of the Commissioner may be examined by the Legislative Auditor or the Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS.~~

~~— (n) For the purposes of conducting any examination or investigation under sections 23 to 86, inclusive, of this act, the Commissioner may:~~

~~— (1) Retain attorneys, accountants or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations;~~

~~— (2) Enter into agreements or relationships with other government officials or regulatory associations in order to improve efficiencies and reduce regulatory burden by sharing resources, standardized or uniform methods or procedures, and documents, records, information or evidence obtained under this section;~~

~~— (3) Use, hire, contract or employ public or privately available analytical systems, methods or software to examine or investigate a licensee or other person subject to sections 23 to 86, inclusive, of this act;~~

~~— (4) Accept and rely on examination or investigation reports made by another state or federal government agency or officials; or~~

~~— (5) Accept audit reports prepared by an independent certified public accountant for the licensee or other person subject to sections 23 to 86, inclusive, of this act in the course of that part of the examination covering the same general subject matter as the audit and incorporate the audit report in the report of the examination, report of investigation or other writing of the Commissioner. (Deleted by amendment.)~~

Sec. 57. ~~{I. Except as otherwise provided in sections 23 to 86, inclusive, of this act, or by specific statute, all papers, documents, reports and other written instruments filed with the Commissioner pursuant to sections 23 to 86, inclusive, of this act are public records and open to public inspection. Notwithstanding the foregoing, the Commissioner may withhold from public inspection or refuse to disclose to a person, for such time as the~~

~~Commissioner considers necessary, any information that, in the Commissioner's judgment, would:~~

~~— (a) Impede or otherwise interfere with an investigation or examination that is currently pending against a mortgage servicer;~~

~~— (b) Have an undesirable effect on the welfare of the public or result in an unfair competitive advantage in the mortgage industry; or~~

~~— (c) Reveal personal information in violation of NRS 239B.030.~~

~~2. Information obtained during an examination or investigation conducted pursuant to sections 23 to 86, inclusive, of this act must be confidential and must not be available for public inspection or copying, or divulged to any person, except as provided in this section. The information may be disclosed as follows:~~

~~— (a) To the Attorney General;~~

~~— (b) To any regulatory agency;~~

~~— (c) In connection with an enforcement action brought pursuant to sections 23 to 86, inclusive, of this act or another applicable chapter of NRS;~~

~~— (d) To law enforcement officials; or~~

~~— (e) To persons authorized by a court of competent jurisdiction to receive the information.~~

~~3. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.~~

~~4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order, including all documents, records, information, and testimony relied upon in the order, unless otherwise entered under protective order or confidential pursuant to sections 23 to 86, inclusive, of this act are public records.~~

~~5. Notwithstanding subsections 2 and 3, and except as otherwise provided by applicable law, the Commissioner may disclose any information, documents or records in his or her possession or control to the public if, in the sole discretion of the Commissioner, the Commissioner determines that disclosure of such information is in the public interest.} (Deleted by amendment.)~~

~~Sec. 58. {1. A mortgage servicer shall exercise reasonable supervision and control over the activities, and be responsible for the actions or inactions, of his or her employees or agents.~~

~~2. The Commissioner may adopt regulations prescribing standards for determining whether a mortgage servicer has exercised reasonable supervision and control over the activities of his or her employees or agents pursuant to this section.} (Deleted by amendment.)~~

~~Sec. 59. {1. The unique identifier assigned to a mortgage servicer, if any, must be clearly shown on all residential mortgage loan~~

~~communications, correspondence, forms, solicitations and advertisements of a mortgage servicer.~~

~~2. As used in this section, “unique identifier” means a number or other identifier assigned by protocols established by the Registry.} (Deleted by amendment.)~~

~~Sec. 60. 1. A mortgage servicer may not charge a borrower a late fee, an additional amount of interest or any other penalty in connection with a payment if the payment is delivered to the mortgage servicer before 5 p.m. Pacific Standard Time on:~~

~~—(a) The day on which the payment is due pursuant to the terms of the loan, if an office of the mortgage broker is open to customers until 5 p.m. Pacific Standard Time on that day; or~~

~~—(b) The next day that an office of the mortgage broker is open to customers until 5 p.m. Pacific Standard Time, if the provisions of paragraph (a) do not otherwise apply.~~

~~2. A person and a mortgage servicer may not agree to alter or waive the provisions of this section by contract or other agreement, and any provision altering or waiving the provisions of this section in such contract or agreement is void.} (Deleted by amendment.)~~

~~Sec. 61. 1. A mortgage servicer, in addition to duties imposed by other statutes or at common law, shall:~~

~~—1. Safeguard and account for any money handled for the borrower and lender;~~

~~—2. Follow reasonable and lawful instructions from the borrower and lender;~~

~~—3. Act with reasonable skill, care and diligence;~~

~~—4. File with the Commissioner a complete and current schedule of the ranges of costs and fees the mortgage servicer charges a borrower for its servicing-related activities with its application for a license or renewal of a license and with its supplemental filings made from time to time;~~

~~—5. File with the Commissioner, upon request, a report in a form and format acceptable to the Commissioner detailing the activities of the mortgage servicer in this State, including, without limitation:~~

~~—(a) The number of mortgage loans the mortgage servicer is servicing in this State;~~

~~—(b) The type and characteristics of the loans the mortgage servicer is servicing in this State;~~

~~—(c) The number of serviced loans in this State that are in default, along with a breakdown of the number of those loans that are 30-, 60- and 90-days’ delinquent; and~~

~~—(d) Information on foreclosures commenced in this State;~~

~~—6. At the time a mortgage servicer accepts assignment of servicing rights for a mortgage loan, the mortgage servicer shall disclose to the borrower:~~

~~— (a) Any notice required by the Real Estate Settlement Procedures Act, 12 U.S.C. §§ 2601 et seq., as amended, or by any regulations adopted thereunder;~~

~~— (b) A schedule of the ranges and categories of its costs and fees for its servicing-related activities, which must comply with the laws of this State and which must not exceed those reported to the Commissioner pursuant to subsection 4; and~~

~~— (c) A notice in a form and content acceptable to the Commissioner that the mortgage servicer is licensed by the Commissioner and that any complaint about the mortgage servicer may be submitted to the Commissioner; and~~

~~— 7. In the event of a delinquency or other act of default on the part of the borrower, the mortgage servicer shall act in good faith to inform the borrower of the facts concerning the loan and the nature and extent of the delinquency or default and, if the borrower replies, to negotiate with the borrower, subject to the mortgage servicer's duties and obligations under the mortgage servicing contract, if any, to attempt a resolution or workout to the delinquency.] (Deleted by amendment.)~~

Sec. 62. ~~[A person shall not transfer servicing rights or obligations to another person unless that person holds a mortgage servicing license or is a person otherwise exempt pursuant to sections 23 to 86, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 63. ~~[I. A mortgage servicer shall deliver to the borrower annually a statement of the account of the borrower showing the unpaid principal balance of the mortgage loan at the end of the immediately preceding 12-month period, the interest paid during the period, the amounts deposited into escrow and disbursed from escrow during the period and an itemization of each payment made or credited to the account of the borrower during the period. The itemization must include, without limitation, the date and amount of all payments received, how payments were applied to principal, interest, escrows, late fees and other charges, and be easily understandable to the borrower. The mortgage servicer shall provide the statement required by this subsection within 30 days after the end of the 12-month period.~~

~~— 2. A mortgage servicer shall not charge a fee to a borrower for an annual statement pursuant to subsection 1 that is furnished to the borrower. A mortgage servicer is not obligated to furnish to the borrower more than one annual statement at no cost during any 12-month period.~~

~~— 3. Within 7 days after receipt of a request from the borrower or his or her authorized representative, a mortgage servicer shall deliver to the borrower, or other designated person, a payoff statement for the mortgage loan that includes a breakdown of charges. The payoff statement must include all information necessary to effect the payoff of the mortgage loan, including where to remit the payment. Except as otherwise provided in this subsection, a mortgage servicer shall not charge the borrower a fee for preparing or delivering a payoff statement. A mortgage servicer may charge~~

~~a reasonable fee for any payoff statement requested by a borrower in excess of two payoff statements during any given 12-month period.~~

~~4. Within 30 days after a mortgage loan is paid off, the mortgage servicer must refund to the borrower any funds representing an overpayment, including, but not limited to, funds received in excess of the payoff amount and funds held in escrow.} (Deleted by amendment.)~~

Sec. 64. ~~{A licensee that acts as a mortgage servicer for another party, or a licensee that contracts with another party to service mortgage loans on the licensee's behalf, shall have a written agreement with the other party specifying the terms of the mortgage servicing agreement.} (Deleted by amendment.)~~

Sec. 65. ~~{1. All money paid to a mortgage servicer for payment of taxes or insurance premiums on real property securing a residential mortgage loan being serviced by the mortgage servicer must be deposited in an insured depository financial institution and kept separate, distinct and apart from money belonging to the mortgage servicer. Such money, when deposited, is to be designated as an "impound trust account" or under some other appropriate name indicating that the accounts are not the money of the mortgage servicer.~~

~~2. The mortgage servicer has a fiduciary duty to each borrower with respect to the money in an impound trust account.~~

~~3. The mortgage servicer shall, upon reasonable notice, account to any borrower whose real property secures a loan being serviced by the mortgage servicer for any money which that person has paid to the mortgage servicer for the payment of taxes or insurance premiums on the real property.~~

~~4. The mortgage servicer shall, upon reasonable notice, account to the Commissioner for all money in an impound trust account.~~

~~5. A mortgage servicer shall:~~

~~(a) Require contributions to an impound trust account in an amount reasonably necessary to pay the obligations as they become due;~~

~~(b) Undertake an annual review of an impound trust account; and~~

~~(c) Within 30 days after the completion of the annual review of an impound trust account, notify the borrower;~~

~~(1) Of the amount by which the contributions exceed the amount reasonably necessary to pay the annual obligations due from the account; and~~

~~(2) That the borrower may specify the disposition of the excess money within 20 days after receipt of the notice. If the borrower fails to specify such a disposition within that time, the mortgage servicer shall maintain the excess money in the account.~~

~~→ This subsection does not prohibit a mortgage servicer from requiring additional amounts to be paid into an impound trust account to recover a deficiency that exists in the account.~~

~~6. A mortgage servicer shall not make payments from an impound trust account in a manner that causes a policy of insurance to be cancelled or~~

~~causes property taxes or similar payments to become delinquent.}] (Deleted by amendment.)~~

Sec. 66. ~~{In addition to any other activity prohibited under provisions of sections 23 to 86, inclusive, of this act, it is a violation for any applicant or licensee to:~~

~~1. Fail to conduct his or her business in accordance with any law or to violate any provision of sections 23 to 86, inclusive, of this act, a regulation adopted thereto or an order of the Commissioner issued pursuant to sections 23 to 86, inclusive, of this act;~~

~~2. Fail to maintain the minimum net worth required pursuant to section 48 of this act;~~

~~3. Suppress or withhold from the Commissioner any information which the applicant or licensee possesses and which, if submitted by the applicant or licensee, would have rendered the applicant or licensee ineligible to be licensed pursuant to the provisions of sections 23 to 86, inclusive, of this act;~~

~~4. Suppress or withhold from any borrower any material facts, data or other information relating to any transaction governed by the provisions of sections 23 to 86, inclusive, of this act which the licensee knew or, by the exercise of reasonable diligence, should have known;~~

~~5. To be grossly negligent or incompetent in performing any act for which a license is required under sections 23 to 86, inclusive, of this act;~~

~~6. Fail to exercise reasonable supervision over the activities of the employees or agents of the licensee;~~

~~7. Engage in any conduct constituting fraud, deceit or material misrepresentation in connection with any transaction governed by sections 23 to 86, inclusive, of this act;~~

~~8. Engage in any other conduct constituting a deceitful, fraudulent or dishonest business practice;~~

~~9. Repeatedly violate the policies and procedures of a licensee or intentionally or negligently repeatedly fail to provide borrowers material disclosures of information required under law;~~

~~10. Refuse to permit an examination or investigation by the Commissioner of the books and affairs of a licensee, or refuse or fail, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner as required by sections 23 to 86, inclusive, of this act or a regulation adopted pursuant thereto;~~

~~11. Refuse or fail to pay, within a reasonable time, any fees, assessments, costs, expenses or fines that the licensee is required to pay by sections 23 to 86, inclusive, of this act or a regulation adopted pursuant thereto;~~

~~12. Fail to satisfy a claim, related to activity conducted pursuant to sections 23 to 86, inclusive, of this act, which has been reduced to a judgment;~~

~~13. Fail to place in a trust or escrow account held by a depository financial institution all money that is received by the licensee from the~~

~~borrower or fail to account for all money received or disbursed for a trust or escrow account;~~

~~14. Fail to account for or to remit any money to a borrower within a reasonable time after a request for accounting or remittance;~~

~~15. Commingle the money or property of a borrower with the money or property of the licensee or convert the money or property of others to the use of the licensee;~~

~~16. Have been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;~~

~~17. Employ or sponsor a person at a time when the licensee knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:~~

~~(a) Had been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering; or~~

~~(b) Had a license or registration as a mortgage agent, mortgage broker, mortgage banker or mortgage servicer revoked in this State or any other jurisdiction or had a financial services license or registration revoked within the immediately preceding 10 years;~~

~~18. Fail to pay a tax as required pursuant to the provisions of chapter 363A of NRS;~~

~~19. Fail to comply with chapter 40 or 107 of NRS;~~

~~20. Instruct, encourage or aid another licensee or person in the commission of an act that is a violation of sections 23 to 86, inclusive, of this act, whether or not the licensee or person commits the act;~~

~~21. Fail to amend its address with the Commissioner; or~~

~~22. Engage in or offer to engage in or otherwise hold himself or herself as being able to provide or conduct the activity of a mortgage broker, mortgage banker or mortgage agent, unless properly licensed under chapter 645B or 645E of NRS, as applicable.† (Deleted by amendment.)~~

Sec. 67. ~~1. A licensee shall report any disciplinary or enforcement action, denial of a license application, settlement agreement, or other similar action involving the licensee and another state or federal regulator. The licensee shall file a report with the Commissioner within 10 days after the action, in a form and manner prescribed by the Commissioner.~~

~~2. A licensee shall report any bankruptcy petitions filed by or against the licensee. The licensee shall file the report with the Commissioner within 10 days after the bankruptcy petition, in a form and manner prescribed by the Commissioner.† (Deleted by amendment.)~~

Sec. 68. ~~{1. Except as otherwise provided in subsection 2, a licensee may surrender a license by delivering to the Commissioner the license with a written notice that the licensee surrenders the license.~~

~~2. A licensee whose license has been destroyed or lost may comply with this section by submitting to the Commissioner a notarized affidavit of the loss accompanied by written notice that the licensee surrenders the license.~~

~~3. A licensee may not close his or her principal office or a branch office until:~~

~~(a) The licensee has returned his or her original license or licenses; and~~

~~(b) The Commissioner has approved the closure.~~

~~4. The request for approval of the closure of the principal or branch office of the licensee must be in the form and contain the information prescribed by the Commissioner.} (Deleted by amendment.)~~

Sec. 69. ~~{1. Each mortgage servicer shall keep and maintain, and make available for examination by the Commissioner, at all times at the principal place of business of the mortgage servicer:~~

~~(a) Complete and suitable records of all business conducted by the mortgage servicer to enable the Commissioner to determine whether the business of the mortgage servicer is conducted in compliance with sections 23 to 86, inclusive, of this act and any regulations adopted thereto; and~~

~~(b) If the mortgage servicer does not maintain the records required by paragraph (a) in this State, the mortgage servicer shall provide such records to the Commissioner within 24 hours after a request or the mortgage servicer shall pay the actual travel, lodging and meal expenses of the examiner as provided in section 53 of this act.~~

~~2. Each mortgage servicer shall preserve and keep available for examination by the Commissioner complete and suitable records related to all his or her residential mortgage servicing activity for a period of at least 4 years after the date of the last activity relating to the transaction.} (Deleted by amendment.)~~

Sec. 70. ~~{1. Each mortgage servicer shall submit to the Commissioner on a quarterly basis, in a form and manner prescribed by the Commissioner, a report of the activity of the mortgage servicer for the previous quarter. The report must:~~

~~(a) Specify the volume of loans serviced by the mortgage servicer for the quarter or state that no loans were serviced in that quarter;~~

~~(b) Include any other information prescribed by the Commissioner by instruction or order or any regulation adopted pursuant to sections 23 to 86, inclusive, of this act; and~~

~~(c) Be submitted to the Commissioner on or before a date prescribed by the Commissioner.~~

~~2. The Commissioner may require a mortgage servicer to submit one or more special reports related to the business conducted by the licensee.} (Deleted by amendment.)~~

Sec. 71. ~~[1. Subject to the requirements of this section, any person claiming against a bond may file a claim with the Commissioner for damages to the extent covered by the bond.~~

~~2. The Commissioner shall prioritize and pay claims on a bond filed with the Commissioner pursuant to sections 23 to 86, inclusive, of this act in a manner that, in his or her discretion, best protects the public interest.~~

~~3. A claim may only be filed against the bond of a licensee by the loan servicing customers of the licensee or the Commissioner.~~

~~4. Claims filed against a bond by a loan servicing customer shall involve only residential mortgage loans secured by real property located in this State. The amount of the claim must not exceed the actual fees paid by the loan servicing customer, overcharges or misapplication of principal and interest, and excess escrow collections charged by the licensee and paid by the claimant to the licensee or the agent of the licensee.~~

~~5. A claim on a bond must not be commenced after the expiration of 3 years following the commission or omission of the act upon which the claim is based.~~

~~6. Upon receipt of a bond claim, the Commissioner shall commence an investigation in accordance with the provisions of sections 23 to 86, inclusive, of this act to determine if a violation has occurred and the validity of the bond claim. If the Commissioner determines that a claim is valid and is covered by the bond, the Commissioner shall cause written notification of such determination to be served upon the licensee and provide the licensee with 30 days to pay the claim without a bond claim. If the licensee fails to pay the claim, the Commissioner shall file a claim with the surety in the amount of the valid claim or, if the amount of the valid claims exceeds the amount of the bond, the full amount of the bond.~~

~~7. If the Commissioner has received more claims against the bond than bond proceeds are available, each claimant is entitled only to a pro rata amount of his or her valid claim. Partial payment of a claim is not full payment, and any claimant may bring an action against the licensee for the unpaid balance.~~

~~8. The Commissioner may file a claim against a bond for payment of fines or fees due and payable to the Commissioner and reimbursement of expenses incurred in investigating the licensee and expenses incurred in distributing the proceeds of the bond. A claim filed by the Commissioner is subordinate to any claim filed by the loan servicing customers of the licensee.~~

~~9. As used in this section, "loan servicing customer" means a borrower of a residential mortgage loan serviced by a licensee and does not include any lender, mortgagee, noteowner, noteholder, trustee or primary beneficiary of a residential mortgage loan with which the licensee has a mortgage servicing agreement.] (Deleted by amendment.)~~

Sec. 72. ~~[1. The Commissioner, Attorney General or any other person may file with the Commissioner a complaint alleging that another person~~

~~has violated a provision of sections 23 to 86, inclusive, of this act, a regulation adopted pursuant to this chapter or an order of the Commissioner. If the complaint is made by the Commissioner, he or she shall designate one or more employees of the Division to act as the person filing the complaint.~~

~~2. A complaint filed pursuant to this section must:~~

~~(a) Be in writing;~~

~~(b) Be signed by the person filing the complaint or the designee of the person filing the complaint;~~

~~(c) Contain an address and a telephone number for the person filing the complaint or the designee of the person filing the complaint;~~

~~(d) Describe the nature of the alleged violation in as much detail as possible;~~

~~(e) Include as exhibits copies of all documentation supporting the complaint; and~~

~~(f) Include any other information or supporting materials required by the regulations adopted by the Commissioner or by an order of the Commissioner.~~

~~3. Upon receipt of a properly filed complaint, the Commissioner shall investigate each violation alleged in the complaint, unless the Commissioner has already investigated the alleged violation.~~

~~4. Notwithstanding subsections 2 and 3, nothing in this section shall preclude the Commissioner from conducting an examination or investigation of any person if the Commissioner reasonably believes the person may have violated or may be in violation of sections 23 to 86, inclusive, of this act or any regulation adopted pursuant thereto. (Deleted by amendment.)~~

Sec. 73. ~~[1. If the Commissioner conducts an investigation of a complaint filed pursuant to section 72 of this act, the Commissioner shall determine from the investigation whether there is reasonable cause to believe that the person committed the alleged violation.~~

~~2. If, upon investigation, the Commissioner determines that there is not reasonable cause to believe that the person committed the alleged violation, the Commissioner shall provide the reason for the determination, in writing, to the person who filed the complaint and to the person alleged to have committed the violation.~~

~~3. Except as otherwise provided in subsection 4, if, after investigation, the Commissioner determines that there is reasonable cause to believe that the person committed the alleged violation, the Commissioner may prepare a formal complaint and notice of hearing to be served on the person against which the allegations are made and shall provide a copy of the formal complaint and notice of hearing to the complainant by mail to the complainant's last known address.~~

~~4. A formal complaint and notice of hearing pursuant to subsection 3 must be served on the person alleged to have committed the violation by~~

~~personal service, certified mail or by other means reasonably calculated to obtain service, and must include, without limitation:~~

- ~~— (a) The date, time, place and nature of the hearing;~~
- ~~— (b) The legal authority and jurisdiction under which the hearing is to be held;~~
- ~~— (c) A reference to the particular sections of sections 23 to 86, inclusive, of this act involved and any regulations adopted pursuant thereto;~~
- ~~— (d) A short and plain statement of the matters asserted and to be heard;~~
- ~~— (e) Notice informing the person that, within 15 days after service of the formal complaint and notice of hearing, the person may request an opportunity to settle the complaint through an informal conference; and~~
- ~~— (f) Notice informing the person that if the person fails to appear, without reasonable cause, at the hearing;~~

- ~~— (1) The person is guilty of a misdemeanor; and~~
- ~~— (2) The Commissioner is authorized to conduct the hearing in the person's absence, draw any conclusions that the Commissioner deems appropriate from his or her failure to appear and render a decision concerning each alleged violation.~~

~~5. An informal conference may result in a settlement, consent order, waiver, dismissal, default or other method of settlement agreed upon by the person complained against and the Commissioner. A settlement, consent order, default or other method of settlement may include a license revocation or suspension, restitution or any penalty provided for under sections 23 to 86, inclusive, of this act.~~

~~6. If an informal conference results in a settlement or consent order settling or resolving the alleged violation, the Commissioner shall provide a copy of the settlement or consent order to the person who filed the complaint.~~

~~7. The Commissioner may:~~

- ~~— (a) Investigate and conduct a hearing concerning any alleged violation, whether or not a complaint has been filed;~~
- ~~— (b) Hear and consider more than one alleged violation against a person at the same hearing.] (Deleted by amendment.)~~

Sec. 74. ~~[If the Commissioner finds that an applicant or licensee has violated, or directly or indirectly counseled, aided or abetted in a violation, of sections 23 to 86, inclusive, of this act or any regulation adopted pursuant thereto, the Commissioner may take any of the following actions, either singly or in any combination:~~

- ~~1. Refuse to issue or renew an applicant's application for a license or renewal of a license pursuant to sections 23 to 86, inclusive, of this act.~~
- ~~2. Assess an administrative fine against the applicant of not more than \$25,000 for each violation, whether or not the applicant is issued a license.~~
- ~~3. Assess an administrative fine against a licensee or a control person of a licensee of not more than \$25,000 for each violation.~~
- ~~4. Place conditions upon or suspend or revoke a license.~~

~~5. Require a licensee or control person of a licensee to make restitution to each individual injured, if the Commissioner finds that the violation of sections 23 to 86, inclusive, of this act or the regulations adopted pursuant thereto resulted in an injury to one or more individuals. Notwithstanding the provisions of paragraph (m) of subsection 1 of NRS 622A.120, payment of restitution must be done in a manner consistent with the provision of chapter 622A of NRS.~~

~~6. An order issued or administrative fine assessed pursuant to sections 23 to 86, inclusive, of this act, may be enforced or sued for and recovered by and in the name of the Commissioner and may be collected and enforced by summary proceedings by the Attorney General.~~

~~7. In determining the amount of an administrative fine pursuant to sections 23 to 86, inclusive, of this act, whether to suspend or revoke a license, the amount of restitution, or to deny an application for or renewal of a license, the Commissioner shall consider, without limitation:~~

~~(a) The extent to which the violation was a knowing and willful violation;~~

~~(b) The extent of the injury suffered because of the violation;~~

~~(c) The corrective action taken by the person to ensure the violation will not be repeated;~~

~~(d) The record of the licensee in complying with sections 23 to 86, inclusive, of this act; and~~

~~(e) Any other factor the Commissioner considers relevant.} (Deleted by amendment.)~~

~~Sec. 75. [1. If a person engages in an activity in violation of the provisions of sections 23 to 86, inclusive, of this act the Commissioner may issue an order to the person directing the person to cease and desist from engaging in the activity.~~

~~2. The order to cease and desist must be in writing and served personally or sent by certified mail or by other means reasonably calculated to obtain service on the person, and must state that, in the opinion of the Commissioner, the person has engaged in an activity:~~

~~(a) For which the person has not received a license as required by sections 23 to 86, inclusive, of this act; or~~

~~(b) In a manner that violates the provisions of sections 23 to 86, inclusive, of this act or any regulation adopted pursuant thereto.~~

~~3. Not later than 30 calendar days after receiving an order pursuant to this section, the person who received the order may file a verified petition with the Commissioner to request a hearing. Upon receipt of the verified petition, the Commissioner may, for good cause shown, suspend the order pending the hearing. The Commissioner must hold the hearing on a date not later than 30 calendar days after the date the petition is filed unless the Commissioner and the person agree to another date. The order to cease and desist is rescinded if the Commissioner fails to:~~

~~(a) Hold a hearing;~~

~~— (1) Not later than 30 calendar days after the date the petition is filed;
or~~

~~— (2) On a date agreed to by the Commissioner and the person; or~~

~~— (b) Render a written decision within 45 days after the date the hearing is concluded.~~

~~— 4. A hearing must be conducted under the provisions of chapter 233B of NRS and other applicable provisions of law.~~

~~— 5. If a person fails to file a verified petition to request a hearing within 30 calendar days after receiving the order, the Commissioner shall issue a final order.~~

~~— 6. A final order issued under subsection 5 or the decision of the Commissioner after a hearing is a final decision of the Division for the purposes of judicial review.] (Deleted by amendment.)~~

Sec. 76. ~~[1. The Commissioner shall give notice to a licensee of his or her intention to enter an order suspending or revoking that person's license, or notice to an applicant of a refusal to issue a license, or notice to a licensee or applicant of intention to assess an administrative fine, in writing and served personally or sent by certified mail to the licensee or applicant or by other means reasonably calculated to obtain service.~~

~~— 2. Within 20 days after the notice of the intention to enter an order suspending or revoking a license, or a refusal to issue a license, or intention to assess an administrative fine, pursuant to subsection 1, the licensee or applicant may request a hearing to contest the order or refusal. If a hearing regarding suspension, revocation, refusal or fine is not requested, the Commissioner shall enter a final order regarding the suspension, revocation, refusal or fine. A hearing must be conducted in accordance with the provisions of chapter 233B of NRS and other applicable provisions of law.] (Deleted by amendment.)~~

Sec. 77. ~~[The expiration or revocation or suspension of a license by operation of law or by order or decision of the Commissioner or a court of competent jurisdiction, or the voluntary surrender of a license, does not:~~

~~— 1. Prohibit the Commissioner from initiating or continuing an investigation of, or action or disciplinary proceeding against, the licensee as authorized by sections 23 to 86, inclusive, of this act or any regulations adopted pursuant thereto;~~

~~— 2. Prevent the Commissioner from revoking the license or imposing or collecting any fine or penalty authorized pursuant to sections 23 to 86, inclusive, of this act or any regulations adopted pursuant thereto against the licensee;~~

~~— 3. Affect the licensee's administrative, civil or criminal liability for acts committed before the surrender, revocation, expiration or suspension; or~~

~~— 4. Impair or affect the obligation of a preexisting contract between the licensee and another person, except as otherwise provided by law.] (Deleted by amendment.)~~

~~Sec. 78. [1. After an investigation has been conducted pursuant to section 73 of this act and before conducting a hearing, the Commissioner may issue an order summarily suspending a license pursuant to subsection 3 of NRS 233B.127, based upon an affidavit by a person familiar with the facts set forth in the affidavit or, if appropriate, based upon an affidavit, on information and belief, that an imminent threat of financial loss or imminent threat to the public welfare exists.~~

~~2. Pursuant to a proceeding commenced under subsection 3 of NRS 233B.127, an administrative law hearings examiner shall grant a request to dissolve a summary suspension order unless the examiner finds that an imminent threat of financial loss or imminent threat to the public welfare exists which requires emergency action and continuation of the summary suspension order.~~

~~3. The record created at the hearing of the summary suspension must become part of the record on the complaint at a subsequent hearing in a contested case.] (Deleted by amendment.)~~

~~Sec. 79. [1. In addition to any other action that is required or permitted pursuant to sections 23 to 86, inclusive, of this act, if the Commissioner has reasonable cause to believe that:~~

~~(a) The assets or capital of a licensee are impaired; or~~

~~(b) A licensee is conducting business in an unsafe and injurious manner that may result in danger to the public,~~

~~the Commissioner shall immediately take possession of all the property, business and assets of the licensee that are located in this State and shall retain possession of them pending further proceedings provided for in sections 23 to 86, inclusive, of this act.~~

~~2. If the licensee or any control person refuses to permit the Commissioner to take possession of the property of the licensee pursuant to subsection 1:~~

~~(a) The Commissioner shall notify the Attorney General; and~~

~~(b) The Attorney General shall immediately bring such proceedings as may be necessary to place the Commissioner in immediate possession of the property of the licensee.~~

~~3. If the Commissioner takes possession of the property of the licensee, the Commissioner shall:~~

~~(a) Make or have made an inventory of the assets and known liabilities of the licensee;~~

~~(b) File one copy of the inventory in the office of the Commissioner and one copy in the office of the clerk of the district court of the county in which the principal office of the licensee is located and shall mail one copy to each control person of the licensee at his or her last known address; and~~

~~(c) If the licensee maintains any accounts described in section 65 of this act, not later than 5 business days after the date on which the Commissioner takes possession of the property of the licensee, mail notice of the possession to the last known address of each person whose money is deposited in such~~

~~an account or whose money was or should have been deposited in such an account during the preceding 12 months.~~

~~— 4. The clerk of the court with which the copy of the inventory is filed shall file it as any other case or proceeding pending in the court and shall give it a docket number. (Deleted by amendment.)~~

Sec. 80. ~~[1. If the Commissioner takes possession of the property of a licensee pursuant to section 79 of this act, the licensee, or any control person of the licensee may, within 60 days after the date on which the Commissioner takes possession of the property, make good any deficit in the assets or capital of the licensee or remedy any unsafe and injurious conditions or practices of the licensee.~~

~~— 2. At the expiration of the 60-day period, if the deficiency in assets or capital has not been made good or the unsafe and injurious conditions or practices remedied, the Commissioner may apply to the court to appoint a receiver who may proceed to liquidate the assets of the licensee which are located in this State in the same manner as now provided by law for liquidation of a private corporation in receivership.~~

~~— 3. No person may be appointed receiver by any court without first giving the Commissioner prior notice of his or her application.~~

~~— 4. The inventory made by the Commissioner and all claims filed by creditors are open at all reasonable times for inspection, and any action taken by the receiver upon any of the claims is subject to the approval of the court before which the cause is pending.~~

~~— 5. The expenses of the receiver and compensation of counsel, as well as all expenditures required in the liquidation proceedings, must be fixed by the Commissioner subject to the approval of the court and, upon certification of the Commissioner, must be paid out of the money in the hands of the receiver. (Deleted by amendment.)~~

Sec. 81. ~~[A summary suspension order, cease and desist order, or injunctive relief issued or granted in relation to a license must be in addition to and not in place of an informal conference, criminal prosecution or proceeding to deny, revoke or suspend a license, or any other legal action.] (Deleted by amendment.)~~

Sec. 82. ~~[The provisions of sections 23 to 86, inclusive, of this act do not:~~

~~— 1. Limit any statutory or common-law right of a person to bring a civil action against a licensee for any act or omission involved in the transaction of business by or on behalf of the licensee;~~

~~— 2. Limit the right of the State to punish a person for the violation of any law, ordinance or regulation; or~~

~~— 3. Establish a basis for a person to bring a civil action against the State or its officers or employees for any act or omission in carrying out the provisions of sections 23 to 86, inclusive, of this act, including, without limitation, any act or omission relating to the disclosure of information or~~

~~the failure to disclose information pursuant to the provisions of sections 23 to 86, inclusive, of this act.] (Deleted by amendment.)~~

~~Sec. 83. [1. A control person, employee, agent, broker or other person, or a representative acting on the authority of such a person, who willfully or intentionally does any of the following is guilty of a misdemeanor punishable by a fine of not more than \$50,000 or imprisonment of not more than 1 year, or both:~~

~~—(a) Engages in this State in the business of a mortgage servicer without a license required pursuant to sections 23 to 86, inclusive, of this act; or~~

~~—(b) Aids or abets any other person to engage in this State in the business of a mortgage servicer without a license required pursuant to sections 23 to 86, inclusive, of this act.~~

~~2. If the Attorney General prevails in any civil action brought pursuant to sections 23 to 86, inclusive, of this act, the court shall order the person against whom the civil action was brought to pay:~~

~~—(a) Court costs; and~~

~~—(b) Reasonable costs of the investigation and prosecution of the civil action.~~

~~3. Whether or not the Attorney General brings a civil action against a person pursuant to sections 23 to 86, inclusive, of this act, the Attorney General may prosecute the person for a criminal violation pursuant to sections 23 to 86, inclusive, of this act.] (Deleted by amendment.)~~

~~Sec. 84. [1. A court of this State may exercise jurisdiction over a party to a civil action arising under the provisions of sections 23 to 86, inclusive, of this act on any basis not inconsistent with the United States Constitution or the Nevada Constitution.~~

~~2. Personal service of summons upon a party outside this State is sufficient to confer upon a court of this State jurisdiction over the party so served if the service is made by delivering a copy of the summons, together with a copy of the complaint, to the party served in the manner provided by statute or rule of court for service upon a person of like kind within this State.~~

~~3. In all cases of such service, the defendant has 40 days, exclusive of the day of service, within which to answer or plead.~~

~~4. This section provides an additional manner of serving process and does not invalidate any other service.] (Deleted by amendment.)~~

~~Sec. 85. [1. A control person, agent or employee of a licensee, who violates any provision of sections 23 to 86, inclusive, of this act, a regulation adopted pursuant thereto or an order of the Commissioner is guilty of a misdemeanor.~~

~~2. In addition to any other penalty, if a person is convicted of or enters a plea of nolo contendere to a violation described in subsection 1, the court shall order the person to pay:~~

~~—(a) Court costs; and~~

~~(b) Reasonable costs of the investigation and prosecution of the violation.] (Deleted by amendment.)~~

~~Sec. 86. [1. A person, control person or an agent or employee of such a person, who violates any provision of sections 23 to 86, inclusive, of this act is guilty of:~~

~~(a) A misdemeanor if the amount involved is less than \$650;~~

~~(b) A gross misdemeanor if the amount involved is \$650 or more but less than \$1,000; or~~

~~(c) A category D felony if the amount involved is \$1,000 or more, and shall be punished as provided in NRS 193.130.~~

~~2. In addition to any other penalty, if a person is convicted of or enters a plea of nolo contendere to a violation described in subsection 1, the court shall order the person to pay:~~

~~(a) Court costs; and~~

~~(b) Reasonable costs of the investigation and prosecution of the violation.] (Deleted by amendment.)~~

Sec. 86.2. "Mortgage servicer" means a person who directly services a mortgage loan, or who is responsible for interacting with a borrower, managing a loan account on a daily basis, including, without limitation, collecting and crediting periodic loan payments, managing any escrow account or enforcing the note and security instrument, either as the current owner of the promissory note or as the authorized agent of the current owner of the promissory note. The term includes a person providing such services by contract as a subservicing agent to a master servicer by contract. The term does not include a trustee under a deed of trust, or the trustee's authorized agent, acting under a power of sale pursuant to a deed of trust.

Sec. 86.3. Except as otherwise provided in section 86.7 of this act, a person shall not engage in the business of a mortgage servicer or hold himself or herself out as a mortgage servicer in this State without a license issued pursuant to this chapter.

Sec. 86.4. 1. The Commissioner:

(a) Shall adopt regulations establishing the requirements for the licensure and supervision of mortgage servicers in this State.

(b) May adopt any other regulations necessary to carry out the provisions of sections 86.3 to 86.7, inclusive, of this act.

2. The regulations adopted pursuant to subsection 1 must:

(a) Prescribe the form and contents of an application for the initial issuance and renewal of a license as a mortgage servicer.

(b) Prescribe the manner in which an application may be approved or denied.

(c) Prescribe the grounds and procedures for the revocation, suspension, denial or nonrenewal of a license.

(d) Establish reasonable fees for an application, the initial issuance of a license and the renewal of a license.

(e) Establish the manner in which the Commissioner may take appropriate disciplinary action, including, without limitation, the imposition of an administrative fine, against any person for a violation of any regulation adopted pursuant to subsection 1 or any provision of sections 86.3 to 86.7, inclusive, of this act.

Sec. 86.5. 1. A mortgage servicer shall comply with:

(a) The relevant provisions of 12 C.F.R. Part 1024, commonly known as Regulation X, and 12 C.F.R. Part 1026, commonly known as Regulation Z, as those regulations are amended by the Final Servicing Rules issued by the Consumer Financial Protection Bureau in 78 Federal Register 10696 and 10902 on February 14, 2013, and any amendments thereto.

(b) Any other applicable federal or state law or regulation or any order of the Commissioner.

2. The Commissioner shall conduct any examination or investigation of a mortgage servicer or applicant for the issuance of a license as a mortgage servicer as may be necessary to ensure compliance with the provisions of sections 86.3 to 86.7, inclusive, of this act, and any regulations adopted pursuant thereto.

3. If the Commissioner, upon examination or investigation of a mortgage servicer or applicant for the issuance of a license as a mortgage servicer, determines that the mortgage servicer or applicant has violated any applicable provision of section 86.3 to 86.7, inclusive, of this act, or any regulations adopted pursuant thereto, the Commissioner may take such disciplinary action against the mortgage servicer or applicant as may be authorized by regulation of the Commissioner.

Sec. 86.6. 1. Except as otherwise provided in NRS 645F.267 and 645F.293, the Commissioner shall require a person to submit to the Commissioner through the Registry:

(a) An application for the initial issuance or the renewal of a license as a mortgage servicer, including any fees related to the issuance or renewal of a license.

(b) Any form or filing that a mortgage servicer is otherwise required to submit to the Commissioner.

(c) Any administrative fine assessed against the person pursuant to the regulations adopted pursuant to section 86.4 of this act.

(d) Any costs associated with the submittal of any document, information, fee or fine through the Registry.

2. Any fees and costs received pursuant to subsection 1 are nonrefundable.

3. Except as otherwise provided in this chapter, all fees and costs received pursuant to sections 86.3 to 86.7, inclusive, of this act are in addition to any fee or cost required to be paid to the Registry and must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

Sec. 86.7. The provisions of sections 86.3 to 86.7, inclusive, of this act do not apply to:

1. A depository financial institution, as that term is defined in NRS 645E.060, or any subsidiary or holding company of a depository financial institution if such entity maintains its principal place of business or a branch office in this State.

2. A real estate investment trust, as that term is defined in 26 U.S.C. § 856(a), unless the business conducted by the trust in this State is not subject to supervision by the appropriate regulatory body of a jurisdiction outside of this State.

3. Any trustee of an employee benefit plan, as that term is defined in 29 U.S.C. § 1002(3), who makes a residential mortgage loan directly from money in the plan.

4. An attorney who is licensed in this State and who does not engage in the business of, or otherwise hold himself or herself out as being able to provide services related to, a mortgage servicer, if the activities of the attorney are directly incidental to the representation of a client.

5. A person performing any act pursuant to a court order.

6. A federal or state agency or a political subdivision of this State, including, without limitation, the Public Employees' Retirement System.

7. A nonprofit organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

8. A mortgage servicer that, in the aggregate with any affiliates, services not more than 10 residential mortgage loans in this State during a calendar year.

9. A person licensed pursuant to the provisions of chapter 645B, 645E or 675 of NRS who is collecting payments on a mortgage loan or servicing one or more mortgage loans made or arranged by the person under his or her license.

Sec. 87. NRS 645F.010 is hereby amended to read as follows:

645F.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645F.020 to 645F.065, inclusive, **and section ~~244~~ 86.2 of this act** have the meanings ascribed to them in those sections.

Sec. 88. NRS 645F.160 is hereby amended to read as follows:

645F.160 The Commissioner shall not, either directly or indirectly, be interested in any **mortgage servicer**, escrow agency, mortgage broker or mortgage banker to which **this chapter and** chapters 645A, 645B and 645E of NRS apply, nor engage in business as a personal loan broker.

Sec. 89. NRS 645F.180 is hereby amended to read as follows:

645F.180 1. The Commissioner may appoint deputy commissioners of mortgage lending, examiners, assistants, clerks, stenographers and other employees necessary to assist the Commissioner in the performance of his or her duties pursuant to this chapter, chapters 645A, 645B and 645E of NRS or any other law. These employees shall perform such duties as are assigned to them by the Commissioner.

2. The Commissioner may employ or contract with a certified public accountant to review and conduct independent audits and examinations of escrow agencies, mortgage brokers , *mortgage servicers* and mortgage bankers. The Commissioner shall levy an assessment upon each licensed escrow agency, mortgage broker , *mortgage servicer* and mortgage banker to cover all the costs related to the employment of or the contract with the certified public accountant and the performance of the audits and examinations.

3. Assessments collected by the Commissioner pursuant to subsection 2 must be deposited in the State Treasury for deposit to the Account for Mortgage Lending created by NRS 645F.270 and accounted for separately. The Commissioner shall use the money for the purposes specified in subsection 2.

Sec. 90. ~~NRS 645F.255 is hereby amended to read as follows:
645F.255 In addition to the other duties imposed upon him or her by law, the Commissioner shall [adopt any regulations that are necessary to carry out the provisions of this chapter.] *have broad administrative authority to administer, interpret and enforce this chapter and chapters 645A, 645B and 645E of NRS and any other chapter for which the Commissioner is statutorily responsible for implementing and administering, and to promulgate and adopt rules or regulations to implement this chapter and chapters 645A, 645B and 645E of NRS and any other chapter for which the Commissioner is statutorily responsible for implementing and administering in order to carry out the intent of the Legislature.* (Deleted by amendment.)~~

Sec. 91. NRS 645F.267 is hereby amended to read as follows:

645F.267 1. A mortgage agent, mortgage banker , ~~or~~ mortgage broker *or mortgage servicer* or an employee of a mortgage banker , ~~or~~ mortgage broker *or mortgage servicer* is not required to register or renew with the Registry, or provide reports of financial condition to the Registry, if the mortgage agent, mortgage banker, mortgage broker *or mortgage servicer* or employee:

(a) Is not a residential mortgage loan originator or the supervisor of a residential mortgage loan originator; and

(b) Is not required to register pursuant to the provisions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

2. A mortgage agent, mortgage banker , ~~or~~ mortgage broker *or mortgage servicer* or an employee of a mortgage banker , ~~or~~ mortgage broker *or mortgage servicer* who, pursuant to subsection 1, is not required to register or renew with the Registry and who voluntarily registers or renews with the Registry shall comply with all requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, and any regulations adopted pursuant thereto.

3. As used in this section, “residential mortgage loan originator” has the meaning ascribed to it in NRS 645B.01325.

Sec. 92. NRS 645F.280 is hereby amended to read as follows:

645F.280 1. The Commissioner shall establish by regulation rates to be paid by all persons licensed by the Commissioner ~~for the Division~~ for supervision and examinations by the Commissioner or the Division.

2. In establishing a rate *for examinations* pursuant to subsection 1, the Commissioner shall consider:

- (a) The complexity of the various examinations to which the rate applies;
- (b) The skill required to conduct the examinations;
- (c) The expenses associated with conducting the examination and preparing a report; and
- (d) Any other factors the Commissioner deems relevant.

Sec. 93. 645F.293 is hereby amended to read as follows:

645F.293 1. The Commissioner shall adopt regulations to carry out the provisions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

2. The regulations must include, without limitation:

(a) A method by which to allow for reporting regularly violations of the relevant provisions of chapter 645B or 645E of NRS, enforcement actions and other relevant information to the Registry; and

(b) A process whereby a person may challenge information reported to the Registry by the Commissioner.

3. The regulations must not require a mortgage agent, mortgage banker, ~~for~~ mortgage broker *or mortgage servicer* or an employee of a mortgage banker, ~~for~~ mortgage broker *or mortgage servicer* to register with the Registry if the mortgage agent, mortgage banker, mortgage broker, *mortgage servicer* or employee is exempt from registration pursuant to subsection 1 of NRS 645F.267.

Sec. 94. NRS 645H.040 is hereby amended to read as follows:

645H.040 “Asset management company” means a person, limited-liability company, partnership, association or corporation which, for compensation and pursuant to a contractual agreement, power of attorney or other legal authorization, engages in asset management on behalf of:

1. A bank, mortgage broker, mortgage banker, *mortgage servicer as that term is defined in section ~~351~~ 86.2 of this act*, credit union, thrift company or savings and loan association, or any subsidiary thereof which is authorized to transact business in this State;

2. A mortgage holding entity chartered by Congress; or

3. A federal, state or local governmental entity.

Sec. 95. NRS 645H.060 is hereby amended to read as follows:

645H.060 “Client” means:

1. A bank, mortgage broker, mortgage banker, *mortgage servicer as that term is defined in section ~~351~~ 86.2 of this act*, credit union, thrift company or savings and loan association, or any subsidiary thereof that is authorized to transact business in this State;

2. A mortgage holding entity chartered by Congress; or

3. A federal, state or local governmental entity,
↪ for whom an asset management company provides asset management.

Sec. 96. NRS 645H.160 is hereby amended to read as follows:

645H.160 The provisions of this chapter do not apply to:

1. A person who is a regular, full-time employee of a bank, mortgage broker, mortgage banker, *mortgage servicer as that term is defined in section ~~35~~ 86.2 of this act*, credit union, thrift company or savings and loan association, or any subsidiary thereof.

2. A person who takes possession of property from a defendant in connection with a judicial proceeding for eminent domain brought pursuant to chapter 37 of NRS.

Sec. 97. NRS 40.750 is hereby amended to read as follows:

40.750 1. As used in this section, “financial institution” means a bank, mortgage broker, mortgage banker, *mortgage servicer as that term is defined in section ~~35~~ 86.2 of this act*, credit union, thrift company or savings and loan association, or any subsidiary or affiliate of a bank, mortgage broker, mortgage banker, *mortgage servicer*, credit union, thrift company or savings and loan association, which is authorized to transact business in this State and which makes or acquires, in whole or in part, any loan of the kind described in subsection 2.

2. Except as otherwise provided in subsection 5, a person who, for the purpose of obtaining a loan secured by a lien on real property, knowingly conceals a material fact, or makes a false statement concerning a material fact knowing that the statement is false, is liable to any financial institution or other lender which relied upon the absence of that concealed fact or on that false statement for any damages it sustains because of the fraud.

3. In addition to its actual damages, a financial institution or other lender may recover exemplary or punitive damages in an amount not to exceed 50 percent of the actual damages awarded.

4. The cause of action provided by this section:

- (a) Is not, for the purposes of NRS 40.430, an action for the recovery of any debt or an action for the enforcement of any right secured by mortgage or lien upon real estate.

- (b) Is in addition to and not in substitution for any right of foreclosure existing in favor of the financial institution or other lender. Any recovery pursuant to this section does not limit the amount of a judgment awarded pursuant to NRS 40.459, but the financial institution or other lender is not entitled to recover actual damages more than once for the same loss.

5. The provisions of this section do not apply to any loan which is secured by a lien on real property used for residential purposes if:

- (a) The residence is a single-family dwelling occupied by the person obtaining the loan, as represented by the person in connection with the person’s application for the loan; and

- (b) The loan is for the principal amount of \$150,000 or less.

Sec. 98. NRS 205.372 is hereby amended to read as follows:

205.372 1. A person who is a participant in a mortgage lending transaction and who:

(a) Knowingly makes a false statement or misrepresentation concerning a material fact or knowingly conceals or fails to disclose a material fact;

(b) Knowingly uses or facilitates the use of a false statement or misrepresentation made by another person concerning a material fact or knowingly uses or facilitates the use of another person's concealment or failure to disclose a material fact;

(c) Receives any proceeds or any other money in connection with a mortgage lending transaction that the person knows resulted from a violation of paragraph (a) or (b);

(d) Conspires with another person to violate any of the provisions of paragraph (a), (b) or (c); or

(e) Files or causes to be filed with a county recorder any document that the person knows to include a misstatement, misrepresentation or omission concerning a material fact,

↪ commits the offense of mortgage lending fraud which is a category C felony and, upon conviction, 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 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

2. A person who engages in a pattern of mortgage lending fraud or conspires or attempts to engage in a pattern of mortgage lending fraud is guilty of a category B felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, or by a fine of not more than \$50,000, or by both fine and imprisonment.

3. Each mortgage lending transaction in which a person violates any provision of subsection 1 constitutes a separate violation.

4. Except as otherwise provided in this subsection, if a lender or any agent of the lender is convicted of the offense of mortgage lending fraud in violation of this section, the mortgage lending transaction with regard to which the fraud was committed may be rescinded by the borrower within 6 months after the date of the conviction if the borrower gives written notice to the lender and records that notice with the recorder of the county in which the mortgage was recorded. A mortgage lending transaction may not be rescinded pursuant to this subsection if the lender has transferred the mortgage to a bona fide purchaser.

5. The Attorney General may investigate and prosecute a violation of this section.

6. In addition to the criminal penalties imposed for a violation of this section, any person who violates this section is subject to a civil penalty of not more than \$5,000 for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General. In

such an action, the Attorney General may recover reasonable attorney's fees and costs.

7. The owner or holder of the beneficial interest in real property which is the subject of mortgage lending fraud may bring a civil action in the district court in and for the county in which the real property is located to recover any damages suffered by the owner or holder of the beneficial interest plus reasonable attorney's fees and costs.

8. As used in this section:

(a) "Bona fide purchaser" means any person who purchases a mortgage in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the lender or any agent of the lender engaged in mortgage lending fraud in violation of this section.

(b) "Mortgage lending transaction" means any transaction between two or more persons for the purpose of making or obtaining, attempting to make or obtain, or assisting another person to make or obtain a loan that is secured by a mortgage or other lien on residential real property. The term includes, without limitation:

- (1) The solicitation of a person to make or obtain the loan;
- (2) The representation or offer to represent another person to make or obtain the loan;
- (3) The negotiation of the terms of the loan;
- (4) The provision of services in connection with the loan; and
- (5) The execution of any document in connection with making or obtaining the loan.

(c) "Participant in a mortgage lending transaction" includes, without limitation:

- (1) A borrower as defined in NRS 598D.020;
- (2) An escrow agent as defined in NRS 645A.010;
- (3) A foreclosure consultant as defined in NRS 645F.320;
- (4) A foreclosure purchaser as defined in NRS 645F.330;
- (5) An investor as defined in NRS 645B.0121;
- (6) A lender as defined in NRS 598D.050;
- (7) A loan modification consultant as defined in NRS 645F.365;
- (8) A mortgage agent as defined in NRS 645B.0125;
- (9) A mortgage banker as defined in NRS 645E.100; ~~and~~
- (10) A mortgage broker as defined in NRS 645B.0127 ~~[-]~~; *and*

(11) A mortgage servicer as defined in section ~~357~~ 86.2 of this act.

(d) "Pattern of mortgage lending fraud" means one or more violations of a provision of subsection 1 committed in two or more mortgage lending transactions which have the same or similar purposes, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics.

Sec. 99. ~~NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620,~~

~~62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113,~~
~~81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580,~~
~~87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251,~~
~~90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265,~~
~~119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690,~~
~~125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,~~
~~127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015,~~
~~176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,~~
~~179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772,~~
~~200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419,~~
~~209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110,~~
~~217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,~~
~~228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105,~~
~~239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,~~
~~239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335,~~
~~250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105,~~
~~281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,~~
~~289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135,~~
~~293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,~~
~~338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085,~~
~~353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,~~
~~365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655,~~
~~387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029,~~
~~392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447,~~
~~394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,~~
~~408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350,~~
~~425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290,~~
~~432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840,~~
~~439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,~~
~~445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720,~~
~~453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,~~
~~459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407,~~
~~463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363,~~
~~483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160,~~
~~584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090,~~
~~603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,~~
~~616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265,~~
~~624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336,~~
~~630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524,~~
~~634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315,~~
~~637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220,~~
~~640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090,~~
~~641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180,~~
~~645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225,~~
~~645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330,~~

~~647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, and sections 56 and 57 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

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

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

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

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

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

Sec. 100. NRS 675.035 is hereby amended to read as follows:

675.035 The provisions of this chapter apply to any person who:

1. Makes installment loans that are not subject to regulation pursuant to chapter 604A of NRS;

2. Is an affiliate, subsidiary or holding company of a bank, national banking association, savings bank, trust company, savings and loan

association, credit union, mortgage broker, mortgage banker, *mortgage servicer as that term is defined in section ~~251~~ 86.2 of this act*, thrift company or insurance company; and

3. Seeks to evade its application by any device, subterfuge or pretense, including, without limitation:

- (a) Calling a loan by any other name;
- (b) Using any agents, affiliates or subsidiaries in an attempt to avoid the application of the provisions of this chapter; or
- (c) Having any affiliation or other business arrangement with an entity that is exempt from the provisions of this chapter pursuant to subsection 1 of NRS 675.040, the effect of which is to evade the provisions of this chapter, including, without limitation, making a loan while purporting to be the agent of such an exempt entity where the purported agent holds, acquires or maintains a material economic interest in the revenues generated by the loan.

Sec. 101. ~~[Section 44 of this act is hereby amended to read as follows:~~

~~Sec. 44. 1. In addition to any other requirements set forth in this chapter:~~

~~(a) A natural person who applies for the issuance of a license as a mortgage servicer shall include the social security number of the applicant in the application submitted to the Commissioner.~~

~~(b) A], a natural person who applies for the issuance or renewal of a license as a mortgage servicer shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~2. The Commissioner shall include the statement required pursuant to subsection 1 in:~~

~~(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or~~

~~(b) A separate form prescribed by the Commissioner.~~

~~3. The Commissioner shall not issue or renew a license as a mortgage servicer if the applicant is a natural person who:~~

~~(a) Fails to submit the statement required pursuant to subsection 1; or~~

~~(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.~~

~~4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public~~

~~agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.] (Deleted by amendment.)~~

Sec. 102. NRS 645A.210 and 645F.265 are hereby repealed.

Sec. 103. ~~[1. This section and sections 1 to 100, inclusive, and 102 of this act, inclusive, become]~~ **This act becomes** effective:

~~[(a)]~~ **1.** Upon passage and approval for the purpose of adopting regulations and performing other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

~~[(b)]~~ **2.** On January 1, 2016, for all other purposes.

~~[2. Section 101 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:~~

~~— (a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or~~

~~— (b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.~~

~~3. Sections 45 and 46 of this act expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:~~

~~— (a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or~~

~~— (b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.]~~

TEXT OF REPEALED SECTIONS

645A.210 Unlawful to engage in escrow business without license. It is unlawful for any person, unless exempted under NRS 645A.015, to engage in or carry on, or hold himself or herself out as engaging in or carrying on, the escrow business or act in the capacity of an escrow agent or agency without first obtaining a license as an escrow agent or agency.

645F.265 Registration of certain persons and institutions engaged in business of servicing mortgage loans required. A person or institution engaged in the business of servicing mortgage loans that intends to conduct business in this State for the purpose of servicing mortgage loans secured by a lien on real property located in this State shall register with the Commissioner on a form prescribed by the Commissioner. The form must:

1. Identify the state in which the institution is domiciled;
2. Identify the principal place of business of the institution; and
3. Provide such other information as the Commissioner may require.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

This amendment deletes provisions to the bill requiring an increase in certain fees for licensed escrow agents and branches. It also removes sections relating to the licensure of mortgage servicers, instead requiring the Commissioner of the Division of Mortgage Lending to prescribe by regulation the requirements for licensure, regulation, and discipline of servicers. The amendment also creates a new definition of “wholesale lender” and provides for the regulation of out-of-state wholesale lenders by the Division. Additionally, it allows the Commissioner to examine a licensee’s record electronically.

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 Bill No. 480 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 19, 33, 307, 314, 499; Senate Joint Resolution No. 17 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 114, 274, 340, 402, 403; Senate Joint Resolution No. 3 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 476 be taken from the Chief Clerk’s desk and placed at the bottom of the General File.

Motion carried

Assemblyman Paul Anderson moved that Senate Bill No. 254 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 481 be taken from the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 199.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 797.

AN ACT relating to public health; abolishing certain advisory committees and bodies within the Department of Health and Human Services; revising

provisions governing the State Program for Wellness and the Prevention of Chronic Disease; revising provisions governing the Medical Care Advisory Group within the Division of Health Care Financing and Policy of the Department; ~~requiring the State Board of Health to establish a program to promote awareness of early screening for preventable or inheritable disorders;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Sunset Subcommittee of the Legislative Commission to review certain boards and commissions in this State to determine whether the board or commission should be terminated, modified, consolidated or continued. (NRS 232B.210-232B.250) **Sections 1-3** of this bill change the name of the Medical Care Advisory Group to the Medical Care Advisory Committee, and extend the terms of its members from 1 year to 2 years, as recommended by the Sunset Subcommittee.

Section 4 of this bill transfers the requirement to raise awareness for certain chronic diseases from the Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease to the State Program for Wellness and the Prevention of Chronic Disease.

~~[Section 6 of this bill requires the State Board of Health to establish a program to promote public awareness of the importance of early screening for preventable or inheritable disorders.]~~

Section 8 of this bill abolishes the Nevada Academy of Health, the Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board, the Advisory Committee Concerning Sickle Cell Anemia, the Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease and the Advisory Committee on the Arthritis Prevention and Control Program, as recommended by the Sunset Subcommittee.

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

Section 1. NRS 422.151 is hereby amended to read as follows:

422.151 1. The Medical Care Advisory ~~Group~~ **Committee** is hereby created within the Division.

2. The function of the Medical Care Advisory ~~Group~~ **Committee** is to:

(a) Advise the Division regarding the provision of services for the health and medical care of welfare recipients.

(b) Participate, and increase the participation of welfare recipients, in the development of policy and the administration of programs by the Division.

Sec. 2. NRS 422.153 is hereby amended to read as follows:

422.153 1. The Medical Care Advisory ~~Group~~ **Committee** consists of the Chief Medical Officer and:

(a) A person who:

(1) Holds a license to practice medicine in this state; and

(2) Is certified by the Board of Medical Examiners in a medical specialty.

(b) A person who holds a license to practice dentistry in this state.

(c) A person who holds a certificate of registration as a pharmacist in this state.

(d) A member of a profession in the field of health care who is familiar with the needs of persons of low income, the resources required for their care and the availability of those resources.

(e) An administrator of a hospital or a clinic for health care.

(f) An administrator of a facility for intermediate care or a facility for skilled nursing.

(g) A member of an organized group that provides assistance, representation or other support to recipients of Medicaid.

(h) A recipient of Medicaid.

2. The Director shall appoint each member required by ~~paragraphs (a) to (h), inclusive, of~~ subsection 1 to serve for a term of ~~[1 year.] 2 years.~~

3. Members of the Medical Care Advisory ~~[Group.] Committee~~ serve without compensation, except that while engaged in the business of the Advisory ~~[Group.] Committee~~, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 3. NRS 422.155 is hereby amended to read as follows:

422.155 1. The Director shall appoint a Chair of the Medical Care Advisory ~~[Group.] Committee~~ from among its members.

2. The Administrator or the designee of the Administrator shall serve as Secretary for the Medical Care Advisory ~~[Group.] Committee.~~

3. The Medical Care Advisory ~~[Group.] Committee:~~

(a) Shall meet at least once each calendar year.

(b) May, upon the recommendation of the Chair, form subcommittees for decisions and recommendations concerning specific problems within the scope of the functions of the Medical Care Advisory ~~[Group.] Committee.~~

Sec. 4. NRS 439.517 is hereby amended to read as follows:

439.517 Within the limits of available money, the Division shall establish the State Program for Wellness and the Prevention of Chronic Disease to increase public knowledge and raise public awareness relating to wellness and chronic diseases and to educate the residents of this State about:

1. Wellness, including, without limitation, behavioral health, proper nutrition, maintaining oral health, increasing physical fitness, preventing obesity and tobacco use; and

2. The prevention of chronic diseases, including, without limitation, *arthritis*, asthma, cancer, diabetes, cardiovascular disease, *stroke*, *heart disease* and oral disease.

Sec. 5. NRS 439B.220 is hereby amended to read as follows:

439B.220 The Committee may:

1. Review and evaluate the quality and effectiveness of programs for the prevention of illness.

2. Review and compare the costs of medical care among communities in Nevada with similar communities in other states.

3. Analyze the overall system of medical care in the State to determine ways to coordinate the providing of services to all members of society, avoid the duplication of services and achieve the most efficient use of all available resources.

4. Examine the business of providing insurance, including the development of cooperation with health maintenance organizations and organizations which restrict the performance of medical services to certain physicians and hospitals, and procedures to contain the costs of these services.

5. Examine hospitals to:

- (a) Increase cooperation among hospitals;
- (b) Increase the use of regional medical centers; and
- (c) Encourage hospitals to use medical procedures which do not require the patient to be admitted to the hospital and to use the resulting extra space in alternative ways.

6. Examine medical malpractice.

7. Examine the system of education to coordinate:

- (a) Programs in health education, including those for the prevention of illness and those which teach the best use of available medical services; and
- (b) The education of those who provide medical care.

8. Review competitive mechanisms to aid in the reduction of the costs of medical care.

9. Examine the problem of providing and paying for medical care for indigent and medically indigent persons, including medical care provided by physicians.

10. Examine the effectiveness of any legislation enacted to accomplish the purpose of restraining the costs of health care while ensuring the quality of services, and its effect on the subjects listed in subsections 1 to 9, inclusive.

11. Determine whether regulation by the State will be necessary in the future by examining hospitals for evidence of:

- (a) Degradation or discontinuation of services previously offered, including without limitation, neonatal care, pulmonary services and pathology services;

or

- (b) A change in the policy of the hospital concerning contracts,
➡ as a result of any legislation enacted to accomplish the purpose of restraining the costs of health care while ensuring the quality of services.

12. Study the effect of the acuity of the care provided by a hospital upon the revenues of the hospital and upon limitations upon that revenue.

13. Review the actions of the Director in administering the provisions of this chapter and adopting regulations pursuant to those provisions. The Director shall report to the Committee concerning any regulations proposed or adopted pursuant to this chapter.

14. Identify and evaluate, with the assistance of an advisory group, the alternatives to institutionalization for providing long-term care, including, without limitation:

(a) An analysis of the costs of the alternatives to institutionalization and the costs of institutionalization for persons receiving long-term care in this State;

(b) A determination of the effects of the various methods of providing long-term care services on the quality of life of persons receiving those services in this State;

(c) A determination of the personnel required for each method of providing long-term care services in this State; and

(d) A determination of the methods for funding the long-term care services provided to all persons who are receiving or who are eligible to receive those services in this State.

15. Evaluate, with the assistance of an advisory group, the feasibility of obtaining a waiver from the Federal Government to integrate and coordinate acute care services provided through Medicare and long-term care services provided through Medicaid in this State.

16. Evaluate, with the assistance of an advisory group, the feasibility of obtaining a waiver from the Federal Government to eliminate the requirement that elderly persons in this State impoverish themselves as a condition of receiving assistance for long-term care.

17. Conduct investigations and hold hearings in connection with its review and analysis and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

18. Apply for any available grants and accept any gifts, grants or donations to aid the Committee in carrying out its duties pursuant to this chapter.

19. Direct the Legislative Counsel Bureau to assist in its research, investigations, review and analysis.

20. Recommend to the Legislature as a result of its review any appropriate legislation.

~~[21. Prescribe duties and make requests, in addition to those set forth in NRS 439B.250, of the Nevada Academy of Health established pursuant to that section.]~~

~~Sec. 6. [NRS 442.008 is hereby amended to read as follows:~~

~~442.008 1. The State Board of Health, upon the recommendation of the Chief Medical Officer:~~

~~(a) Shall establish a program to promote public awareness of the importance of early screening for preventable or inheritable disorders, including, without limitation, sickle cell anemia;~~

~~(b) Shall adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders, including tests for the presence of sickle cell anemia; and~~

~~[(b)] (c) May require the Division to provide for the services of a laboratory in accordance with NRS 442.009 to determine the presence of certain preventable or inheritable disorders in an infant pursuant to this section.~~

~~2. Any physician, midwife, nurse, obstetric center or hospital of any nature attending or assisting in any way any infant, or the mother of any infant, at childbirth shall make or cause to be made an examination of the infant,~~

~~including standard tests, to the extent required by regulations of the State Board of Health as is necessary for the discovery of conditions indicating such disorders.~~

~~3. If the examination and tests reveal the existence of such conditions in an infant, the physician, midwife, nurse, obstetric center or hospital attending or assisting at the birth of the infant shall immediately:~~

~~(a) Report the condition to the Chief Medical Officer or the representative of the Chief Medical Officer, the local health officer of the county or city within which the infant or the mother of the infant resides, and the local health officer of the county or city in which the child is born; and~~

~~(b) Discuss the condition with the parent, parents or other persons responsible for the care of the infant and inform them of the treatment necessary for the amelioration of the condition.~~

~~4. An infant is exempt from examination and testing if either parent files a written objection with the person or institution responsible for making the examination or tests. (Deleted by amendment.)~~

Sec. 7. 1. The amendment to NRS 422.153 in section 2 of this act which extends the term of members of the Medical Care Advisory Committee applies only to any appointment made on or after July 1, 2015.

2. As soon as practicable after July 1, 2015, the Director of the Department of Health and Human Services shall appoint to the Medical Care Advisory Committee the members required by subsection 1 of NRS 422.153, as amended by section 2 of this act.

3. In making the initial appointments described in subsection 2, the Director shall appoint members to staggered terms of 1 and 2 years.

Sec. 8. NRS 422.4055, 439.491, 439.4911, 439.4913, 439.4915, 439.4917, 439.4919, 439.492, 439.493, 439.494, 439.503, 439B.250 and 442.118, are hereby repealed.

Sec. 9. This act becomes effective on July 1, 2015.

LEADLINES OF REPEALED SECTIONS

422.4055 Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board: Creation; membership; Chair; terms; vacancies; members serve without compensation; members entitled to per diem; members holding public office or employed by governmental entity.

439.491 Definitions.

439.4911 "Committee" defined.

439.4913 "Hospital" defined.

439.4915 "Primary prevention" defined.

439.4917 "Provider of health care" defined.

439.4919 "Secondary prevention" defined.

439.492 Creation; appointment, terms and compensation of members; Chair.

439.493 Duties; quorum.

439.494 Powers of Division to enter into contracts and to apply for and accept gifts, grants, donations and bequests; disposition of money; administration of account.

439.503 Advisory Committee: Establishment; appointment, terms and compensation of members; quorum; Chair; meetings.

439B.250 Establishment; members; qualifications of members; election of Chair; compensation of members; members holding public office or employed by governmental entity; vacancies; duties; appointment of advisory committees authorized; acceptance of gifts and grants.

442.118 Advisory Committee Concerning Sickle Cell Anemia: Establishment; duties.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment removes the fiscal note for Assembly Bill 199.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 234.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 798.

AN ACT relating to education; requiring the standards of content and performance for a course of study in social studies established by the Council to Establish Academic Standards for Public Schools to include multicultural education; requiring certain licensed teachers to complete a course in multicultural education for renewal of their license; **making an appropriation**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for certain courses of study, including social studies. (NRS 389.520) **Section 1.5** of this bill requires: (1) the standards of content and performance for social studies to include multicultural education; and (2) the Council to consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

Section 2 of this bill requires a licensed teacher who is initially licensed on or after July 1, 2015, to submit with his or her first application for renewal of his or her license proof of the completion of a course in multicultural education. **Section 2** also requires the Commission on Professional Standards

in Education to prescribe the contents and credits required for such a course in multicultural education.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection ~~[3.]~~ 4, based upon the content of each course, that is expected of pupils for the following courses of study:

- (1) English, including reading, composition and writing;
- (2) Mathematics;
- (3) Science;
- (4) Social studies, which includes only the subjects of history, geography, economics and government;
- (5) The arts;
- (6) Computer education and technology;
- (7) Health; and
- (8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

- (1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and
- (2) Methods to ensure the prevention of:
 - (I) Cyber-bullying;
 - (II) Plagiarism; and
 - (III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

- (1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;
- (2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. ***The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.***

4. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

~~{4-}~~ 5. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

~~{5-}~~ 6. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

↪ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

~~{6-}~~ 7. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

~~{7-}~~ 8. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A licensed teacher who is initially licensed on or after July 1, 2015, must submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education.

2. The Commission shall adopt regulations:

(a) That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;

(b) That prescribe the number of credits which must be earned by a licensed teacher in a course in multicultural education; and

(c) As otherwise necessary to carry out the requirements of this section.

Sec. 3. On or before January 1, 2016, the Commission on Professional Standards in Education shall adopt regulations to carry out the provisions of section 2 of this act.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of \$8,406 for the costs of programming changes to the licensure system of the Department and the adoption of regulations related to multicultural education as required by the amendatory provisions 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 the 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. 5. This act becomes effective on July 1, 2015.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton

ASSEMBLYWOMAN CARLTON:

The amendment makes an appropriation to cover the cost of the multicultural education.

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 9:02 p.m.

ASSEMBLY IN SESSION

At 9:05 p.m.

Mr. Speaker presiding.

Quorum present.

The following amendment was proposed by Assemblyman Munford:

Amendment No. 878.

AN ACT relating to education; requiring the standards of content and performance for a course of study in social studies established by the Council to Establish Academic Standards for Public Schools to include multicultural education; requiring certain licensed teachers to complete a course in multicultural education for renewal of their license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for certain courses of study, including social studies. (NRS 389.520) **Section 1.5** of this bill requires: (1) the standards of content and performance for social studies to include multicultural education; and (2) the Council to consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

Section 2 of this bill requires a licensed teacher who is initially licensed on or after July 1, 2015, to submit with his or her first application for renewal of his or her license proof of the completion of a course in multicultural education. **If the teacher is initially issued a nonrenewable license, he or she must submit such proof with his or her first application for a renewable license.** **Section 2** also requires the Commission on Professional Standards in Education to prescribe the contents and credits required for such a course in multicultural education.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection ~~3.1~~ **4**, based upon the content of each course, that is expected of pupils for the following courses of study:

- (1) English, including reading, composition and writing;
- (2) Mathematics;
- (3) Science;
- (4) Social studies, which includes only the subjects of history, geography, economics and government;

- (5) The arts;
- (6) Computer education and technology;
- (7) Health; and
- (8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. ***The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council***

shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

~~{4-}~~ 5. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

~~{5-}~~ 6. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

↪ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

~~{6-}~~ 7. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

~~{7-}~~ 8. As used in this section:

(a) “Computer contaminant” has the meaning ascribed to it in NRS 205.4737.

(b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

(c) “Electronic communication” has the meaning ascribed to it in NRS 388.124.

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~{A}~~ *Any licensed teacher who is initially licensed on or after July 1, 2015, except for a teacher who is licensed only as a substitute teacher, must submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education. If the licensed teacher is initially issued a nonrenewable license, he or she must submit such proof with his or her first application for a renewable license to teach.*

2. *The Commission shall adopt regulations:*

(a) *That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;*

(b) *That prescribe the number of credits which must be earned by a licensed teacher in a course in multicultural education; and*

(c) As otherwise necessary to carry out the requirements of this section.

Sec. 3. On or before January 1, 2016, the Commission on Professional Standards in Education shall adopt regulations to carry out the provisions of section 2 of this act.

Sec. 4. (Deleted by amendment.)

Sec. 5. This act becomes effective on July 1, 2015.

Assemblyman Munford moved the adoption of the amendment.

Remarks by Assemblyman Munford.

ASSEMBLYMAN MUNFORD:

Nonrenewable licensees must submit an application upon their being hired into the district.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 437.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 437 appropriates from the State General Fund to the Reserve for Statutory Contingency Account the sum of \$1 million to restore the balance in the account. This act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 437:

YEAS—41.

NAYS—None.

EXCUSED—Edwards.

Assembly Bill No. 437 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 477.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 477 requires the Administrator of the Taxicab Authority within the Department of Business and Industry to appoint a staff attorney to perform legal services or serve as a hearing officer.

Roll call on Assembly Bill No. 477:

YEAS—30.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, O'Neill, Seaman, Shelton, Titus,
Wheeler—11.

EXCUSED—Edwards.

Assembly Bill No. 477 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 4.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 4 removes requirements for the registration of traps with the Department of Wildlife and makes registration optional. The bill excludes from registration any trap, snare, or similar device if the device is used exclusively on private property by the owner or occupant of the property or with his or her permission if that property is posted or fenced in accordance with Nevada law; for the control of rodents by an institution of the Nevada System of Higher Education; by any governmental agency; or for the taking of wild mammals for scientific or educational purposes under a permit issued by the Department. The bill also removes the requirement that an owner or occupant of property obtain a permit from the Department prior to taking or killing a fur-bearing mammal injuring that property.

Finally, the measure transfers responsibility for the regulation of the taking of shed antlers from the Board of Wildlife Commissioners to the boards of county commissioners and limits that authority to the regulation of taking shed antlers for commercial purposes.

Roll call on Senate Bill No. 4:

YEAS—27.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Neal, Spiegel, Sprinkle, Swank, Thompson—14.

EXCUSED—Edwards.

Senate Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 5.

Bill read third time.

Remarks by Assemblymen Trowbridge and Ohrenschall.

ASSEMBLYMAN TROWBRIDGE:

Senate Bill 5 provides that a candidate for nonpartisan office who receives a majority of the votes cast in a primary election must be declared the winner and his or her name not placed on the general election ballot. The measure clarifies this requirement for certain city elections and adds this provision to the Charter of Carson City.

If no more than twice the number of candidates file for a nonpartisan office, the candidates must be declared the nominees. Their names must be omitted from the primary election ballot and placed on the ballot for the general election. This provision also applies in judicial elections.

In addition, if one of the candidates in a judicial primary election receives a majority of the votes cast in the primary election, the candidate must be declared the nominee and only that person's name must be placed on the general election ballot.

The bill is effective on October 1, 2015.

ASSEMBLYMAN OHRENSCHALL:

I reluctantly rise in opposition to Senate Bill 5. I voted against this bill in your Committee on Legislative Operations and Elections. We know that many of our constituents sit out the primary. They do not turn out, unfortunately, but get more excited in the general election. That is when they come out to vote. This bill will have an effect on our judges. In Nevada, we elect our judges. As it stands now, if three people file for district court judgeship, Court of Appeals, or Nevada Supreme Court and one of the candidates gets 50 percent plus one vote, they have a runoff in November with whomever is the second-highest vote-getter. A lot more voters then get to pick who that member of the judiciary will be.

The effect of Senate Bill 5 for nonpartisan offices and all these judgeships will be that the winner in the primary will take all. We will have a very small group of voters picking our

judiciary, and I do not think that is a good recipe. Ideally, we would get more people to turn out in the primary but, unfortunately, that has not happened up until now. I am, regrettably, going to be a no.

Roll call on Senate Bill No. 5:

YEAS—30.

NAYS—Armstrong, Benitez-Thompson, Bustamante Adams, Carrillo, Diaz, Flores, Joiner, Munford, Neal, Ohrenschall, Swank—11.

EXCUSED—Edwards.

Senate Bill No. 5 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 35.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 35 ratifies the Interstate Compact on Mental Health and designates the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services as the Compact Administrator.

Roll call on Senate Bill No. 35:

YEAS—41.

NAYS—Jones.

Senate Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 50.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 50 deletes the requirement of the State Contractors' Board to establish an advisory committee concerning the classification of licensure of persons who install and maintain building shell or thermal system installation. The bill authorizes the Board to use additional information to consider whether an applicant or licensee is qualified on behalf of another for more than one active license. The Board is allowed to inquire into and consider the financial responsibility and good character of such persons. The bill adds certain international building codes to the list of workmanship standards that, in the absence of a locally adopted building or construction code, a licensee must achieve or else be subject to disciplinary action.

Finally, the measure clarifies that an injured person or personal representative of the licensee who is cohabitating with the licensee, is married to the licensee, or is related to the licensee by blood within the first or second degree of consanguinity is not eligible for recovery of damages from the Recovery Fund maintained by the Board.

Roll call on Senate Bill No. 50:

YEAS—42.

NAYS—None.

Senate Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 62.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 62 authorizes the Personnel Commission to adopt regulations concerning a number of different employee-related matters, including the restoration of employee positions, reemployment, and employee disability.

Senate Bill 62 also addresses matters relating to the state's substance abuse and on-the-job alcohol consumption policies as they relate to employees who hold a valid registry identification card for medical marijuana. The bill authorizes the Personnel Commission to adopt regulations concerning employees who engage in the medical use of marijuana.

Roll call on Senate Bill No. 62:

YEAS—34.

NAYS—Dickman, Dooling, Jones, Moore, Nelson, Oscarson, Titus, Wheeler—8.

Senate Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 74.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Senate Bill 74 makes various changes to the eligibility requirements and the administration of the economic development abatements administered by the Office of Economic Development.

First, the bill limits the amount of partial abatements that may be granted if the business pays less than the statewide average wage. An abatement of the local school support tax is prohibited if the business pays its new employees less than 100 percent of the statewide average wage.

Second, the bill provides for certain employment requirements to be met within a two-year period, rather than a one-year period, following the effective date of the abatement. An applicant is also required to provide an estimate of the total number of new employees anticipated to be hired within that two-year period.

Third, the bill requires the agreement between the Office and the applicant to state the effective date of the abatement, as agreed to by the Office and the applicant.

Finally, the bill clarifies that only wages paid to new employees in this state are considered when determining whether an applicant satisfies the average hourly wage requirement.

Roll call on Senate Bill No. 74:

YEAS—36.

NAYS—Dooling, Ellison, Fiore, Moore, Shelton, Titus—6.

Senate Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 78.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 78 authorizes any person, firm, company, association, or corporation claiming overvaluation or excessive valuation of its property that is centrally assessed by the Department

of Taxation to file an appeal of that assessment directly to the State Board of Equalization without first filing an appeal to the county board of equalization.

The direct appeal to the State Board of Equalization must be filed by January 15, which corresponds with the date an appeal must be submitted to the county board of equalization under current law. If January 15 falls on a Saturday, Sunday, or legal holiday, the appeal may be filed on the next business day. This act becomes effective on July 1, 2015.

Roll call on Senate Bill No. 78:

YEAS—42.

NAYS—None.

Senate Bill No. 78 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 84.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 84 expands the definition of a "provider of health care" to include medical facilities and certain persons certified under the laws of this state in alcohol and drug abuse and problem gambling counseling and social work. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 84:

YEAS—33.

NAYS—Dickman, Dooling, Fiore, Gardner, Jones, Moore, Shelton, Titus, Wheeler—9.

Senate Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 88.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 88 authorizes employees of the Division of Public and Behavioral Health of the Department of Health and Human Services [DHHS] to access information in the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. An employee may only access information in the registry when conducting a background investigation of holders of licenses, employees, and certain residents of child care facilities.

In addition, the measure authorizes the Administrator of the Division of Child and Family Services, DHHS, to grant access to the registry to employees or contractors of any other state or local government agency responsible for the welfare of children who demonstrate a bona fide need to access the registry. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 88:

YEAS—42.

NAYS—None.

Senate Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 94.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Senate Bill 94 makes various changes regarding the administration and eligibility criteria for the transferrable film tax credit program administered by the Office of Economic Development.

The bill eliminates the June 30, 2023, expiration date for the program, thus making the program permanent rather than a pilot program. The bill also removes the \$10 million limitation on the total amount of tax credits that may be approved and instead limits the total amount of tax credits to the amount appropriated for or authorized for each fiscal year by the Legislature.

The bill changes the definition of “qualified expenditures and production costs” that may serve as the basis for transferrable tax credits to reflect “qualified direct production expenditures” and further clarifies the types of expenditures and productions that may qualify for a tax credit. This act becomes effective on July 1, 2015.

Roll call on Senate Bill No. 94:

YEAS—34.

NAYS—Dickman, Dooling, Gardner, Jones, Moore, Shelton, Titus—7.

EXCUSED—Benitez-Thompson.

Senate Bill No. 94 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 144.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 144 makes various changes to traffic laws with regard to pedestrian safety. The bill authorizes the Department of Transportation or the governing body of a local government to designate pedestrian safety zones, and it provides the court with the discretion to double the penalty for violating certain traffic laws within such zones. A sign must be placed before a pedestrian safety zone to warn that higher fines may apply, and additional signs must identify the beginning and end of each zone. A person is not subject to a double penalty if such signs are not erected.

In the case where there is a flashing yellow turn arrow, Senate Bill 144 requires a vehicle to yield the right-of-way to other traffic or pedestrians lawfully in the intersection. Senate Bill 144 also prohibits a vehicle from passing another vehicle or making a U-turn in an active designated school zone. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 144:

YEAS—26.

NAYS—Armstrong, Bustamante Adams, Dickman, Dooling, Edwards, Ellison, Fiore, Jones, Moore, Neal, Nelson, Seaman, Shelton, Titus, Trowbridge—15.

EXCUSED—Benitez-Thompson.

Senate Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 155.

Bill read third time.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Senate Bill 155 authorizes a farmer or rancher to claim a refund of 80 percent of the taxes paid by the farmer or rancher on bulk purchases of special fuel, which is consistent with provisions of current law that provide for a similar refund on bulk purchases of motor vehicle fuel. The bill defines “bulk purchases” as purchases of more than 50 gallons of special fuel which are not placed directly into the tanks of motor vehicles.

The bill consolidates into the term “implement of husbandry” the vehicles and agricultural equipment that are described in various provisions of existing law as “farm equipment,” “farm tractors,” and “implements of husbandry.” The bill requires a person who engages in the operation, towing, and transportation of implements of husbandry on the highways of this state to apply for and obtain a farm license plate which must be displayed on the implement of husbandry and pay the Department of Motor Vehicles a nonrefundable fee of \$100.

The bill additionally provides that, instead of a farm license plate, a reflective placard for slow-moving vehicles approved by the United States Department of Transportation may be displayed on certain implements of husbandry that are operated or transported on the highways of this state.

Roll call on Senate Bill No. 155:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Senate Bill No. 155 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 188.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 188 replaces the word “accident” or “collision” with “crash” in *Nevada Revised Statutes* where the term is used to refer to motor vehicle accidents. The bill also directs the Legislative Counsel to make conforming changes to the *Nevada Administrative Code*.

Roll call on Senate Bill No. 188:

YEAS—35.

NAYS—Dickman, Ellison, Fiore, Jones, Shelton, Titus—6.

EXCUSED—Benitez-Thompson.

Senate Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 209.

Bill read third time.

Remarks by Assemblyman O’Neill.

ASSEMBLYMAN O’NEILL:

Senate Bill 209 removes the requirement that an honorably discharged veteran of the Armed Forces of the United States submit a copy of the DD Form 214 in order to have a designation of veteran status placed on his or her driver’s license, commercial driver’s license, identification card, or instruction permit. Instead, this bill requires a veteran to submit satisfactory evidence of an honorable discharge or other document of honorable separation to Nevada’s Department of Motor Vehicles.

This bill is effective upon passage and approval for the purposes of adopting any regulations and performing preparatory administrative tasks, and on January 1, 2016, for all other purposes.

Roll call on Senate Bill No. 209:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Senate Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 223.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 223 provides that a prime contractor is not liable for the labor costs of a subcontractor to the extent those costs are interest, liquidated damages, attorney's fees, or costs resulting from a subcontractor's failure to pay contributions or other payments to, or on behalf of, an employee; or any amounts for which the prime contractor did not receive adequate notice by an administrator of a Taft-Hartley trust.

The measure reduces to one year the statute of limitations period applicable to commencing an action against a prime contractor for the recovery of wages or benefits due to an employee of a subcontractor. A prime contractor or subcontractor who participates in a health or welfare fund, or other plan for the benefit of employees, must provide to the fund or plan notice of the name and location of the project upon the commencement of work on a project.

Roll call on Senate Bill No. 223:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Senate Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved to rescind the action whereby Senate Bill No. 206 was concurrently referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved to reconsider the action whereby Senate Bill No. 254 was taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 238.

Bill read third time.

Remarks by Assemblyman Moore.

ASSEMBLYMAN MOORE:

Senate Bill 238 requires that an advisory question be placed on the ballot at the general city election to be held in the City of Ely on June 6, 2017, asking whether the governments of White Pine County and the City of Ely should be combined.

Roll call on Senate Bill No. 238:

YEAS—23.

NAYS—Armstrong, Carrillo, Fiore, Flores, Hickey, Joiner, Moore, Munford, Neal, Ohrenschall, O'Neill, Seaman, Shelton, Silberkraus, Spiegel, Stewart, Swank, Woodbury—18.

EXCUSED—Benitez-Thompson.

Senate Bill No. 238 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 254.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 254 requires a public body undertaking a public work to withhold 5 percent, instead of at least 5 percent, from any progress payment to a contractor until 50 percent of the work required by the contract has been completed. Additionally, after 50 percent of the project is completed, any retainage may be paid in certain situations, including when the contractor has determined that any subcontractor has made satisfactory progress on the work under the subcontract.

The bill reduces the retention amount allowed in private construction projects from 10 percent to 5 percent from the progress payments made to the contractor. Retained funds must be paid upon the issuance of a temporary certificate of occupancy. Finally, the bill repeals the expiration of certain provisions of existing law pertaining to retainage in public works, which are set to expire on July 1, 2015.

Roll call on Senate Bill No. 254:

YEAS—40.

NAYS—Nelson.

EXCUSED—Benitez-Thompson.

Senate Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 257.

Bill read third time.

Remarks by Assemblyman Moore.

ASSEMBLYMAN MOORE:

Senate Bill 257 requires a child care facility to give preferential admission, to the extent authorized by federal law, to a child whose parent or guardian meets certain conditions related to service in the United States Armed Forces.

Roll call on Senate Bill No. 257:

YEAS—39.

NAYS—Fiore, Seaman—2.

EXCUSED—Benitez-Thompson.

Senate Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 285.

Bill read third time.

Remarks by Assemblywoman Dooling.

ASSEMBLYWOMAN DOOLING:

Senate Bill 285 revises provisions relating to the powers and duties of constables and deputy constables. The bill allows the process, writs, or warrants of courts of justice, judicial officers, and coroners to be delivered directly to a constable who then must execute the orders. Certain fees to which constables are entitled for their services are increased, and a board of county commissioners is authorized to provide by ordinance for the fee to which a constable is entitled for providing a service authorized by law for which no fee is established by statute. A constable is authorized to accept payment of fees by credit card, debit card, or the electronic transfer of money and to charge and collect a convenience fee for the acceptance of such forms of payment under certain circumstances.

A board of county commissioners is authorized to appoint a reasonable number of clerks for the constable of a township and to set their salaries. The bill exempts from the licensure requirements in state law, relevant to intoxicating liquors, a sheriff or constable who sells or offers for sale liquor at a sale under execution and further allows a person licensed under state law to purchase liquor at such a sale under execution. This measure is effective upon passage and approval.

Roll call on Senate Bill No. 285:

YEAS—39.

NAYS—Armstrong, Titus—2.

EXCUSED—Benitez-Thompson.

Senate Bill No. 285 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 293.

Bill read third time.

Remarks by Assemblywoman Shelton.

ASSEMBLYWOMAN SHELTON:

Senate Bill 293 requires a person, including a former public officer, who qualifies as a candidate by receiving one or more contributions in excess of \$100, to dispose of all contributions that have not been spent or committed for expenditure if, within four years after receipt of the contribution, he or she does not file a declaration or acceptance of candidacy or appear on the ballot at any election.

The bill also provides that a former public officer who has any unspent campaign contributions as of October 1, 2015, shall, on or before September 30, 2017: (1) file a declaration or acceptance of candidacy; (2) appear on a ballot at any election; or (3) dispose of his or her unspent contributions as set forth in Nevada law. The bill specifies that such former public officers are subject to campaign finance reporting requirements for as long as they have unspent campaign contributions. The bill is effective on October 1, 2015.

Roll call on Senate Bill No. 293:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Senate Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 376.

Bill read third time.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Senate Bill 376 provides that any decision or action by the Nevada Transportation Authority which has the effect of substantially impairing, restricting, or rescinding the ability or authorization of a fully regulated carrier to operate in Nevada, or which refuses an applicant the ability or authorization to operate in this state as a fully regulated carrier, is a final decision and may be appealed directly to a court of competent jurisdiction for judicial review.

Roll call on Senate Bill No. 376:

YEAS—28.

NAYS—Elliot Anderson, Araujo, Bustamante Adams, Carlton, Carrillo, Diaz, Joiner, Kirkpatrick, Neal, Spiegel, Sprinkle, Swank, Thompson—13.

EXCUSED—Benitez-Thompson.

Senate Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 377.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Senate Bill 377 specifically provides that any appeal to a county board of equalization filed by mail is deemed to be filed based on the date the envelope is postmarked by the post office. If the postmark date is omitted or illegible, the appeal is deemed to be filed on the day the appeal is received. Any postmark not provided directly by the post office does not establish that an appeal is timely filed.

The bill also specifies that the methodology provided in current law for equally allocating the taxable value of common elements within a common-interest community to each of the units within the community may be used only if the community association provides the county assessor with the information necessary to identify the units to which the taxable value of the common elements must be allocated. If the community association does not provide such information to the county assessor, the property taxes on common elements must be paid by the person or association who is the owner of the common elements. This is effective July 1, 2015.

This clarifies our current law to ensure that we are equally implementing it across the state.

Roll call on Senate Bill No. 377:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Senate Bill No. 377 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 394.

Bill read third time.

The following amendment was proposed by Assemblyman Hansen:

Amendment No. 909.

AN ACT relating to children; revising provisions relating to guardians ad litem for a child in certain circumstances; requiring the instruction of pupils in

personal safety; **providing for the reallocation of a portion of certain fees to compensate guardians ad litem for a child;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain courts to appoint an attorney to serve as a guardian ad litem to represent a child in certain matters concerning child welfare, and further provides that an attorney may not receive any compensation for services as a guardian ad litem. (NRS 432B.420) Existing law also requires certain courts to appoint a guardian ad litem, who must be a volunteer and who has had certain training, to represent a child in a proceeding to determine if a child is in need of protection, and provides that no compensation may be allowed a person serving as such a guardian ad litem. (NRS 432B.500, 432B.505) **Sections 11 and 12** of this bill remove the prohibition on **such** a guardian ad litem receiving compensation, and **section 13** of this bill removes the requirement that **such** a guardian ad litem be a volunteer. **Existing law authorizes a board of county commissioners in certain counties to impose filing fees on certain motions filed in justice court or district court. Such fees must be remitted to an organization that provides legal services without charge to indigent or elderly persons through a program of organized legal aid. (NRS 4.071, 19.0312) Sections 19 and 20 of this bill require a portion of such fees to instead be used to compensate such guardians ad litem.**

Sections 15 and 16 of this bill require pupils in public schools to be provided with age-appropriate instruction in personal safety. **Section 15** requires the Department of Education, in consultation with persons and organizations who possess knowledge and expertise in the personal safety of children, to develop age-appropriate curriculum standards for teaching personal safety to children. The Department must also develop recommendations to assist a school district or a charter school to develop and implement various programs related to the personal safety of children. **Section 16** requires the board of trustees of each school district and the governing body of each charter school to ensure that instruction on the personal safety of children be carried out as part of a course of study in health and based on the standards developed by the Department. The school district or charter school is required to determine the appropriate grade levels, course content and materials for such instruction, and the instruction must be provided by: (1) a licensed teacher; (2) an employee of the school district with special knowledge or training in the teaching of personal safety to children; (3) an employee of an agency which has as its primary purpose the teaching of personal safety to children; (4) an employee of a law enforcement agency; or (5) a volunteer of an agency which has as its primary purpose the teaching of personal safety to children who has undergone a background investigation and has special training in the teaching of personal safety. **Section 16** also provides that the parent or guardian of each pupil to whom such instruction will be provided must be notified of such instruction and provided with an opportunity to review

the instructional materials to be used and to submit a written request that the pupil be excused from the instruction, unless the course in which the instruction is provided is required for graduation.

Finally, **section 19** of this bill gives the Department until July 1, 2016, to develop the age-appropriate curriculum standards, and gives the board of trustees of each school district and the governing board of each charter school until July 1, 2020, to begin providing instruction in the personal safety of children.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive. Except as otherwise provided in subsection 2, if the person is indigent, the court may appoint an attorney to represent the person. The court may, if it finds it appropriate, appoint an attorney to represent the child. The child may be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.

2. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

- (a) Shall appoint an attorney to represent the parent;
- (b) May appoint an attorney to represent the Indian child; and
- (c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

↪ as provided in the Indian Child Welfare Act.

3. Each attorney, other than a public defender, if appointed under the provisions of subsection 1, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime. Except as otherwise provided in NRS 432B.500, an attorney appointed to represent a

child may also be appointed as guardian ad litem for the child. ~~[An attorney may not receive any compensation for services as a guardian ad litem.]~~

Sec. 12. NRS 432B.500 is hereby amended to read as follows:

432B.500 1. After a petition is filed that a child is in need of protection pursuant to NRS 432B.490, the court shall appoint a guardian ad litem for the child. The person so appointed:

(a) Must meet the requirements of NRS 432B.505 or, if such a person is not available, a representative of an agency which provides child welfare services, a juvenile probation officer, an officer of the court or another volunteer.

(b) Must not be a parent or other person responsible for the child's welfare.

2. ~~[No compensation may be allowed a person serving as a guardian ad litem pursuant to this section.]~~

~~—3.]~~ A guardian ad litem appointed pursuant to this section shall:

(a) Represent and protect the best interests of the child until excused by the court;

(b) Thoroughly research and ascertain the relevant facts of each case for which the guardian ad litem is appointed, and ensure that the court receives an independent, objective account of those facts;

(c) Meet with the child wherever the child is placed as often as is necessary to determine that the child is safe and to ascertain the best interests of the child;

(d) Explain to the child the role of the guardian ad litem and, when appropriate, the nature and purpose of each proceeding in the case;

(e) Participate in the development and negotiation of any plans for and orders regarding the child, and monitor the implementation of those plans and orders to determine whether services are being provided in an appropriate and timely manner;

(f) Appear at all proceedings regarding the child;

(g) Inform the court of the desires of the child, but exercise independent judgment regarding the best interests of the child;

(h) Present recommendations to the court and provide reasons in support of those recommendations;

(i) Request the court to enter orders that are clear, specific and, when appropriate, include periods for compliance;

(j) Review the progress of each case for which the guardian ad litem is appointed, and advocate for the expedient completion of the case; and

(k) Perform such other duties as the court orders.

Sec. 13. NRS 432B.505 is hereby amended to read as follows:

432B.505 1. To qualify for appointment as a guardian ad litem pursuant to NRS 432B.500 in a judicial district that includes a county whose population is less than 100,000, a special advocate must ~~[be a volunteer from the community who completes]~~ **complete** an initial 12 hours of specialized training and, annually thereafter, ~~[completes]~~ **complete** 6 hours of specialized training. The training must be approved by the court and include information regarding:

(a) The dynamics of the abuse and neglect of children;

(b) Factors to consider in determining the best interests of a child, including planning for the permanent placement of the child;

(c) The interrelationships between the family system, legal process and system of child welfare;

(d) Skills in mediation and negotiation;

(e) Federal, state and local laws affecting children;

(f) Cultural, ethnic and gender-specific issues;

(g) Domestic violence;

(h) Resources and services available in the community for children in need of protection;

(i) Child development;

(j) Standards for guardians ad litem;

(k) Confidentiality issues; and

(l) Such other topics as the court deems appropriate.

2. To qualify for appointment as a guardian ad litem pursuant to NRS 432B.500 in a judicial district that does not include a county whose population is less than 100,000, a special advocate must be qualified pursuant to the standards for training of the National Court Appointed Special Advocate Association or its successor. If such an Association ceases to exist, the court shall determine the standards for training.

Sec. 13.3. NRS 4.071 is hereby amended to read as follows:

4.071 1. In addition to any other fee required by law, in each county that charges a fee pursuant to NRS 19.031 to offset a portion of the costs of providing legal services without a charge to indigent or elderly persons, a board of county commissioners may impose by ordinance a filing fee ~~to offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence to be remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent~~ in an amount not to exceed \$10 to be paid on the commencement of any action or proceeding in the justice court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

2. On or before the first Monday of each month, in a county in which a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by the justice of the peace during the preceding month. ~~[The]~~ **On or before the 15th day of each month, the** county treasurer shall ~~remit quarterly~~ **;**

(a) Deposit from the fees collected during the preceding month an amount equal to \$5 from each fee collected or the total amount collected, whichever is less, in an account for guardians ad litem in the county general fund. The money in the account must be used only to compensate guardians ad litem appointed pursuant to NRS 432B.420 and 432B.500.

(b) Remit to the organization ~~to which the fees are to be paid pursuant to subsection 1 all~~ **operating the program for legal services that receives the**

fees charged pursuant to NRS 19.031 for programs for the indigent any remaining amount of the money received by the county treasurer from the justice of the peace.

3. Any ~~fees collected~~ amount of money remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent pursuant to ~~this section~~ paragraph (b) of subsection 2 must be used ~~for~~ :

(a) To offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence; and

(b) For the benefit of the persons to whom the organization ~~operating the program for legal services that receives money pursuant to this section~~ provides legal services without a charge.

Sec. 13.7. NRS 19.0312 is hereby amended to read as follows:

19.0312 1. Except as otherwise provided in subsection 2, in addition to any other fee required by law, in each county that charges a fee pursuant to NRS 19.031 to offset a portion of the costs of providing legal services without a charge to indigent or elderly persons, a board of county commissioners may impose by ordinance a filing fee ~~to offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence to be remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent~~ in an amount not to exceed:

(a) Ten dollars to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

(b) Twenty-five dollars to be paid on the filing of any motion or other paper that seeks to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and on the filing of any answer or response to such a motion or other paper.

2. A board of county commissioners may not by ordinance impose a filing fee pursuant to paragraph (b) of subsection 1 for:

(a) A motion filed solely to adjust the amount of support for a child set forth in a final order; or

(b) A motion for reconsideration or for a new trial that is filed within 10 days after a final judgment or decree has been issued.

3. On or before the first Monday of each month, in a county in which a fee has been imposed pursuant to subsection 1, the county clerk shall account for and pay over to the county treasurer any such fees collected by the county clerk during the preceding month. ~~The~~ On or before the 15th day of each month, the county treasurer shall ~~remit quarterly~~ :

(a) Deposit from the fees collected during the preceding month an amount equal to \$5 from each fee collected or the total amount collected, whichever

is less, in an account for guardians ad litem in the county general fund. The money in the account must be used only to compensate guardians ad litem appointed pursuant to NRS 432B.420 and 432B.500.

(b) Remit to the organization ~~to which the fees are to be paid pursuant to subsection 1 and~~ operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent any remaining amount of the money received by the county treasurer from the county clerk.

4. Any ~~fees collected~~ amount of money remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent pursuant to ~~this section~~ paragraph (b) of subsection 3 must be used ~~for~~ :

(a) To offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence; and

(b) For the benefit of the persons to whom the organization ~~operating the program for legal services that receives money pursuant to this section~~ provides legal services without a charge.

Sec. 14. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 16 of this act.

Sec. 15. 1. *The Department, in consultation with persons and organizations who possess knowledge and expertise in the teaching of personal safety of children, shall develop:*

(a) Age-appropriate curriculum standards based on best practices for teaching the personal safety of children to pupils in kindergarten and grades 1 to 12, inclusive.

(b) Recommendations to assist a school district or charter school in developing:

(1) A training plan to ensure that at least one employee at each school, as designated by the principal, receives training on the personal safety of children;

(2) Educational materials and information to be distributed to parents, guardians or other caretakers of pupils regarding the personal safety of children and how and when to teach and reinforce concepts and skills of the personal safety of children; and

(3) Policies and procedures for the referral of a child who has reported or experienced an incident that did or could have threatened his or her personal safety, and his or her family or guardian, if appropriate, to various services, including, without limitation, counseling or any other available services or resources.

(c) Recommendations of existing research-based programs and curriculum samples to be considered for implementation.

2. *The Department will review the standards and recommendations developed pursuant to subsection 1 on an annual basis to ensure that those standards and recommendations contain current information.*

3. *The Department may apply for and accept grants, gifts, donations, bequests or devises from any public or private source to carry out the provisions of this section.*

4. *As used in this section, “personal safety of children” means an age-appropriate recognition of various hazards and dangers that are particular to children, including, without limitation, the danger associated with unsafe persons, both known and unknown to the child, abuse, becoming lost or separated from a parent or guardian, and an awareness of age-appropriate steps a child may take to avoid, lessen or alleviate those hazards and dangers, including, without limitation, reporting threats of harm to a responsible adult.*

Sec. 16. 1. *The board of trustees of each school district and the governing body of each charter school shall ensure that instruction in the personal safety of children, based on the standards developed by the Department pursuant to section 15 of this act, be implemented as part of a course of study in health prescribed pursuant to paragraph (c) of subsection 3 of NRS 389.018.*

2. *The school district and the charter school, in accordance with the recommendations provided by the Department pursuant to subsection 1 of section 15 of this act, shall determine, for the instruction required by subsection 1:*

- (a) The content of and materials to be used to provide the instruction; and*
- (b) The grade levels in which the instruction will be provided.*

3. *A person who provides the instruction required by subsection 1 must be:*

- (a) A licensed teacher;*
- (b) An employee of the school district with special knowledge or training in the teaching of the personal safety of children;*
- (c) An employee of an agency which has as its primary purpose the teaching of the personal safety of children;*
- (d) An employee of a law enforcement agency; or*
- (e) A volunteer of an agency which has as its primary purpose the teaching of the personal safety of children and who meets the requirements of subsection 8.*

4. *The school district and the charter school shall develop a procedure for the notification of the parent or guardian of each pupil to whom the instruction required by subsection 1 is to be provided. The procedure must inform the parent or guardian that:*

- (a) The parent or guardian may submit a written request that the pupil be excused from some or all of the instruction, except when the instruction is included in a course which is required for graduation; and*
- (b) All instructional materials to be used in the instruction required by subsection 1 are available for inspection by the parent or guardian at reasonable times and locations before the instruction is provided.*

5. *A pupil whose parent or guardian submits a written request pursuant to paragraph (a) of subsection 4 must be excused from such instruction without any penalty as to credits or academic standing.*

6. *The school district and the charter school shall consider the recommendations developed by the Department pursuant to paragraph (b) of subsection 1 of section 15 of this act and, to the extent money is available for this purpose, develop and implement:*

(a) A training plan to ensure that all school employees receive training as to the teaching of the personal safety of children;

(b) Educational materials and information to be distributed to parents, guardians or other caretakers of pupils regarding the teaching of the personal safety of children; and

(c) Policies and procedures for the referral of a child who has reported or experienced an incident that did or could have threatened his or her personal safety, and his or her family or guardian, if appropriate, to various services, including, without limitation, counseling or any other available services or resources.

7. *On or before August 1 of each year, each board of trustees and each governing body shall report to the Department for the preceding year:*

(a) The grade levels in which the instruction required by subsection 1 was conducted;

(b) The curriculum content and materials distributed and utilized for the instruction required by subsection 1;

(c) The person, persons or agency utilized to provide the instruction required by subsection 1; and

(d) The number of reports or disclosures by pupils of incidents that did or could have threatened their personal safety during the preceding school year.

8. *An agency which has as its primary purpose the teaching of the personal safety of children, before allowing any volunteer of the agency to provide instruction pursuant to paragraph (e) of subsection 3, must ensure that the volunteer has successfully completed:*

(a) A national background check, which must include, without limitation, a report of the criminal history of the volunteer from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History;

(b) A child abuse and neglect screening through the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100; and

(c) Adequate and appropriate training specific to providing instruction regarding the personal safety of children.

9. *An agency which has as its primary purpose the teaching of the personal safety of children shall, upon request from a school district or charter school and to the extent allowed by federal law, make available to the school district or charter school documentation of the agency's*

conclusions regarding a volunteer's successful completion of the requirements of subsection 8.

10. A board of trustees of a school district and a governing body of a charter school may apply for and accept grants, gifts, donations, bequests or devises from any public or private source to carry out the provisions of this section.

11. As used in this section, "personal safety of children" has the meaning ascribed to it in section 15 of this act.

Sec. 17. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) English, including reading, composition and writing;
- (b) Mathematics;
- (c) Science; and
- (d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

- (a) Four units of credit in English;
- (b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;
- (c) Three units of credit in science, including two laboratory courses; and
- (d) Three units of credit in social studies, including, without limitation:
 - (1) American government;
 - (2) American history; and
 - (3) World history or geography.

➡ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) The arts;
- (b) Computer education and technology;
- (c) Health; and
- (d) Physical education.

↪ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.0185 ~~and the instruction prescribed by subsection 1 of section 16 of this act~~, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 18. (Deleted by amendment.)

Sec. 19. 1. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act.

2. This section and sections 1 to ~~13.7~~ **13.7**, inclusive, and 18 of this act become effective on January 1, 2016, for all other purposes.

3. Sections 14 and 15 of this act become effective on July 1, 2016, for all other purposes.

4. Sections 16 and 17 of this act become effective on July 1, 2020, for all other purposes.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment brings the bill up to state and federal requirements ensuring “best interests of the child” is included in guardian ad litem compensation formulation.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 401.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 401 requires an applicant for appointment as a notary public or registration as a document preparation service to submit to the Secretary of State a declaration under penalty of perjury stating that the applicant has never had an appointment as a notary public or certificate or license as a document preparation service, as applicable, revoked or suspended in this state or any other state or territory of the United States. The measure prohibits the use of certain terms in an advertisement by a notary public or a document preparation service that may mislead a consumer into believing either is a licensed attorney if such is not the case.

Roll call on Senate Bill No. 401:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Senate Bill No. 401 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 410.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 410 authorizes a school bus to travel at the posted speed limit when transporting students to and from school-related activities. The bill also clarifies that a student between 14 and 18 years of age, who has a restricted license for driving to and from school in a rural area, may not exceed a speed of 55 miles per hour.

Roll call on Senate Bill No. 410:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Senate Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 419.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 419 requires the Aging and Disability Services Division in cooperation with the State Treasurer to establish the Nevada ABLE [Achieving a Better Life Experience] Savings Program as a qualified program pursuant to federal law to provide tax-advantaged savings accounts for persons who have certain qualifying disabilities. The Division is required to implement an outreach and educational program to increase participation in the ABLE program.

In addition, the measure allows the Division to establish a program to provide services of independent living and assistive technology for persons with disabilities who need independent living services. Finally, the bill revises the term of the members of the Nevada Commission on Services for Persons with Disabilities to ensure that the members' terms are staggered.

Roll call on Senate Bill No. 419:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Senate Bill No. 419 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 441.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 441 exempts a craft food operation from inspections and enforcement by certain health authorities. The measure specifies the requirements for a craft food operation and authorizes the production of acidified foods. A person who produces acidified foods must comply with certain requirements, including required training, successful completion of an examination, pH testing of the foods, documentation of certain information about the foods produced, and registration with the State Department of Agriculture. The Department is authorized to charge a reasonable fee for such training, examinations, and registration and may inspect the premises of a producer of acidified foods under certain circumstances.

This measure is effective upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes.

Roll call on Senate Bill No. 441:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Senate Bill No. 441 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 457.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Senate Bill 457 creates the Nevada High-Speed Rail Authority, which is responsible for pursuing the implementation of the Nevada High-Speed Rail System, connecting southern Nevada and southern California. The Authority must select a franchisee to construct and operate the high-speed rail system based on specific criteria. The franchisee may, with the assistance of the Authority, acquire land for rights-of-way, conduct studies, issue debt, and enter into governmental agreements for the construction and implementation of the system. The Authority may issue bonds, notes, or obligations and enter into agreements, among other things. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 457:

YEAS—40.

NAYS—Hickey.

EXCUSED—Benitez-Thompson.

Senate Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 477 be taken from the General File and be placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 476.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Senate Bill 476 allows—through either a general, special, or primary election or an election conducted by mail—for the board of county commissioners to impose an annual fee not to exceed \$25 on each parcel in a conservation district. Any money collected from the fee may be used only for purposes of a conservation district.

Roll call on Senate Bill No. 476:

YEAS—28.

NAYS—Dickman, Dooling, Edwards, Ellison, Fiore, Jones, Kirner, Moore, Nelson, Seaman, Shelton, Titus, Wheeler—13.

EXCUSED—Benitez-Thompson.

Senate Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 20, 65, 66, 97, 107, 112, 136, 150, 156, 160, 189, 200, 214, 225, 236, 244, 287, 379, 380, 383; Assembly Joint Resolution No. 4; Senate Bills Nos. 13, 48, 75, 87, 127, 156, 157, 208, 246, 248, 249, 251, 256, 289, 310, 313, 354, 373, 384, 389, 390; Senate Joint Resolutions Nos. 1, 2, 4, and 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Veronika Scavacini.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Clontz and Wendy Boszak.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Wayne Alexander.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Robert “Mo” Mulvana.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Sharan Sajjad Ahmad.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Benjamin Osheroff.

On request of Assemblyman O’Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Deavers.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Mac Rossi and Marsy Kupfersmith.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, May 21, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 10:09 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly