THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 22, 2015

Assembly called to order at 1:50 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Lieutenant Mark Cyr.

My Heavenly Father, we come to You today asking for Your guidance. Guide our State Assembly as they lead us to a better future. Lord, we ask for Your hand of blessing to be on them. Unite our leaders together to help bring a brighter future to our state. Lead them in a direction of truth that brings about genuine unity and freedom for the people of Nevada. Lord, we ask for Your presence throughout today's meeting: in our hearts, in our thoughts, and in our agendas. Father we pray these things in the name above all names, the precious name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 391, 463, 474, 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 Legislative Operations and Elections, to which was referred Senate Bill No. 510, 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 Committee on Ways and Means, to which was rereferred Assembly Bill No. 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 21, 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. 21, 40, 44, 132, 198, 468; Senate Bills Nos. 412, 500.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 159, Amendment No. 835; Assembly Bill No. 173, Amendment No. 701; Assembly Bill No. 293, Amendment No. 716; Assembly Bill No. 321, Amendment No. 805; Assembly Bill No. 351, Amendment No. 781; Assembly Bill No. 386, Amendment No. 712; Assembly Bill No. 428, Amendment No. 908; Assembly Bill No. 452,

Amendments Nos. 816, 884; Assembly Bill No. 462, Amendment No. 677; Assembly Joint Resolution No. 10, Amendment No. 867, 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. 253, 292, 338, 414, 431.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 429 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Standing Rules Nos. 110 and 113 be suspended, reading so far had considered Second Reading, Senate Bills Nos. 348 and 463 be declared emergency measures under the Constitution and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 68, 193, and 481 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 56 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Oscarson, Wheeler, Woodbury, Armstrong, Edwards, Silberkraus and Stewart:

Assembly Bill No. 487—AN ACT relating to firearms; authorizing the possession of a firearm in a motor vehicle that is on the property of certain educational entities or child care facilities in certain circumstances; authorizing a person who holds a permit to carry a concealed firearm to do so on the property of the Nevada System of Higher Education under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 253.

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

Motion carried.

Senate Bill No. 292.

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

Motion carried.

Senate Bill No. 338.

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

Motion carried.

Senate Bill No. 412.

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

Motion carried.

Senate Bill No. 414.

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

Motion carried.

Senate Bill No. 431.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 500.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 56.

Bill read third time.

The following amendment was proposed by Assemblyman Gardner:

Amendment No. 914.

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 ***,*** ~~[or]~~ 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 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 special assessment authorized pursuant to 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.***~~

~~***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 ***,*** ~~[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, "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 Gardner moved the adoption of the amendment.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

This amendment corrects an oversight from when our committee pushed this out. The original graffiti bill had two ways that the city could recover money spent to remove graffiti from a nonresident home: they could put a lien or a special assessment on the property. In committee, we talked about getting rid of both of them, but the original amendment only got rid of the lien portion. This amendment gets rid of the special assessment. That means if someone puts graffiti on your nonresidential house or business, the city can no longer put a special assessment or lien on your house and eventually take your house if you do not pay it.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 348.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 791.

AN ACT relating to unclaimed property; exempting certain property due or owing from a business association to another business association from provisions governing the disposition of unclaimed property under certain circumstances; exempting ~~[public infrastructure]~~ **certain intersection improvement** proceeds from provisions governing the disposition of unclaimed property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the powers, duties and liabilities of the State and other persons concerning certain property which is abandoned and unclaimed by its owner. (Chapter 120A of NRS) Under existing law, property that is unclaimed by the apparent owner of the property for a certain period is presumed to be abandoned. (NRS 120A.500, 120A.510, 120A.520) A holder of property that is presumed to be abandoned must make a report concerning the property to the State Treasurer, acting as the Administrator of Unclaimed Property, and pay or deliver the property to the Administrator.

(NRS 120A.560, 120A.570) The Administrator must deposit any money received as abandoned property and the proceeds of any sale of abandoned property in the Abandoned Property Trust Account. (NRS 120A.620) A person who claims property paid or delivered to the Administrator may file a claim for the property, and, if the Administrator approves the claim, the Administrator must deliver the property to the claimant or, if the property is money or the net proceeds of a sale of abandoned property, pay the claim from the Account. (NRS 120A.620, 120A.640) At the end of each fiscal year, the first $7.6 million of the balance remaining in the Account is transferred to the Millennium Scholarship Trust Fund, and the remaining balance is transferred to the State General Fund, subject to any valid claims. (NRS 120A.620)

Section 1 of this bill provides that certain amounts due or owing from a holder that is a business association to another business association must not be presumed abandoned if the holder and the other business association have an ongoing business relationship. Because these amounts must not be presumed abandoned, the provisions of existing law governing unclaimed property would not apply to those amounts. Under **section 2** of this bill, the provisions of **section 1** apply to the amounts due or owing from a business association to another business association that, on or after July 1, 2015, are in the possession, custody or control of a business association.

Section 1.5 of this bill provides that certain amounts paid to this State or a local government as a deposit or fee to provide security for, or to fund the construction of, ~~[public infrastructure]~~ **certain intersection improvement projects** are exempt from the provisions of existing law governing unclaimed property. Under **section 2**, this exemption applies only to such deposits or fees that, on or after July 1, 2015, are in the possession, control or custody of this State or a local government.

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

Section 1. Chapter 120A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, any credit memoranda, overpayments, credit balances, deposits, unidentified remittances, nonrefunded overcharges, discounts, refunds and rebates due or owing from a holder that is a business association to another business association shall not be presumed abandoned if the holder and such business association have an ongoing business relationship. The provisions of this subsection do not apply to outstanding checks, drafts or other similar instruments.

2. For the purposes of subsection 1, an ongoing business relationship shall be deemed to exist if the holder has engaged in at least one commercial, business or professional transaction involving the sale, lease, license or purchase of goods or services with the business association or a predecessor-in-interest of the business association within each 3-year period that follows

the date of the transaction giving rise to the property interest that shall not be presumed abandoned pursuant to subsection 1.

Sec. 1.5. NRS 120A.135 is hereby amended to read as follows:

120A.135 1. The provisions of this chapter do not apply to ~~[~~gaming~~]~~ ***:***

(a) Gaming chips or tokens which are not redeemed at an establishment.

(b) ~~[Public infrastructure]~~ Intersection improvement project proceeds.

2. As used in this section:

(a) "Establishment" has the meaning ascribed to it in NRS 463.0148.

(b) "Gaming chip or token" means any object which may be redeemed at an establishment for cash or any other representative of value other than a slot machine wagering voucher as defined in NRS 463.369.

(c) ~~["Public infrastructure"]~~ "Intersection improvement project" means ~~[facilities and the structure or network used for the delivery of goods, services and public safety,]~~ construction or improvements relating to intersections, including, without limitation, ~~[communications facilities, facilities for the transmission of electricity and natural gas, water systems, sanitary sewer systems, storm sewer systems, streets and roads,]~~ the construction, installation or upgrade of traffic control ~~[systems, sidewalks, parks and trails, recreational facilities, fire, police and flood protection and all related]~~ devices, turn lanes and appurtenances.

(d) ~~["Public infrastructure]~~ "Intersection improvement project proceeds" means amounts held by this State or an agency or political subdivision of this State that were paid to the State or the agency or political subdivision for the purpose of providing security for, or to fund the construction of, ~~[public infrastructure.]~~ an intersection improvement project.

Sec. 2. 1. The amendatory provisions of section 1 of this act apply to all amounts due or owing from a business association to another business association that, on or after July 1, 2015, are in the possession, custody or control of a business association.

2. The amendatory provisions of section 1.5 of this act apply only to ~~[~~public infrastructure~~]~~ **intersection improvement project** proceeds that, on or after July 1, 2015, are in the possession, custody or control of this State or an agency or political subdivision of this State.

3. As used in this section:

(a) "Business association" has the meaning ascribed to it in NRS 120A.040.

(b) ~~[~~"Public infrastructure~~]~~ **"Intersection improvement project** proceeds" has the meaning ascribed to it in NRS 120A.135, as amended by section 1.5 of this act.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment clarifies the bill by deleting the broad term "public infrastructure" and inserting the term "intersection improvement project." "Intersection improvement project" is defined as a construction or improvement project relating to intersections, including the construction, installation, or upgrade of traffic control devices, turn lanes, and appurtenances.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 463.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 934.

AN ACT relating to education; requiring certain providers of electronic applications used for educational purposes to provide written disclosures concerning personally identifiable information that is collected; requiring such a provider to allow certain persons to review and correct personally identifiable information about a pupil maintained by the provider; limiting the circumstances under which such a provider may collect, use, allow access to or transfer personally identifiable information concerning a pupil; requiring such a provider to establish and carry out a detailed plan for the security of data concerning pupils; requiring teachers and other licensed personnel employed by a school district or charter school to complete certain professional development; requiring certain disciplinary action against a teacher or administrator for **willful** breaches in security or confidentiality of certain examinations; providing a civil penalty for certain violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~**[** Section 1.25 of this bill declares that: (1) the educational records of a pupil, including the personally identifiable information contained in such records, belong to the pupil and his or her parent or legal guardian; and (2) it is the public policy of this State to protect such records and information; and (3) the provisions of this bill are intended to provide greater protection over such records and information.**]**~~

Section 5 of this bill requires a school service provider to provide to the board of trustees of a school district or the governing body of a school, as applicable, and a teacher who uses a school service, a written disclosure of: (1) the types of personally identifiable information collected by the school service provider; (2) the manner in which such information is used; (3) a description of the plan for security of data concerning pupils which has been established by the school service provider; and (4) any material change to such a plan. **Section 3** of this bill defines the term "school service" to mean **, with certain exceptions,** an Internet website, online service or mobile application that: (1) collects or maintains personally identifiable information concerning a pupil; (2) is used primarily for educational purposes; (3) is designed and marketed for use in public schools; and (4) is used at the direction of teachers and other educational personnel. **Section 5** requires a school service provider to: (1)

allow certain pupils or the parent or guardian of a pupil to review personally identifiable information about the pupil maintained by the school service provider; and (2) establish a process for making any corrections to such information.

Section 6 of this bill limits the circumstances under which a school service provider may collect, use, allow access to or transfer personally identifiable information concerning a pupil. **Section 6** requires a school service provider to delete personally identifiable information concerning a pupil at the request of the board of trustees of the school district or the governing body of the school, as applicable. **Section 6** requires any agreement entered into by a school service provider that provides for the disclosure of personally identifiable information to limit the circumstances under which the person or governmental entity to whom the information is disclosed may collect, use or transfer such information to circumstances authorized by law. **Section 6** also subjects any school service provider that violates these requirements to a civil penalty.

Section 7 of this bill requires a school service provider to establish and carry out a detailed plan for the security of any data concerning pupils that is collected or maintained by the school service provider. **Section 8** of this bill requires each school district and the governing body of a charter school or university school for profoundly gifted pupils, as applicable, to annually provide professional development regarding the use of school service providers and the security of data concerning pupils. **Section 8** also requires teachers and other licensed personnel employed by a school district or charter school to annually complete professional development regarding school service providers and the security of data concerning pupils.

Section 8.3 of this bill authorizes a school service provider to use and disclose information derived from personally identifiable information to demonstrate the effectiveness of the products or services of the school service provider. **Section 8.5** of this bill prohibits a person or governmental entity from waiving or modifying any right, obligation or liability provided by the provisions of **sections 1.5-8.5**. **Section 8.5** also provides that any condition, stipulation, or provision in a contract that conflicts with the provisions of **sections 1.5-8.5** is void and unenforceable.

Existing law authorizes a teacher to be suspended, dismissed or not reemployed and an administrator to be demoted, suspended, dismissed or not reemployed for breaches in security or confidentiality of the questions and answers of certain examinations. (NRS 391.3127) **Section 9** of this bill instead requires a teacher to be suspended, dismissed or not reemployed and an administrator to be demoted, suspended, dismissed or not reemployed ~~[for such breaches.]~~ **if the teacher or administrator is found, through an investigation of a testing irregularity, to have willfully committed such a breach.**

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.25 to 8.5, inclusive, of this act.

Sec. 1.25. ~~*[The Legislature hereby finds and declares that:*~~

~~*1. The educational records of a pupil, including, without limitation, the personally identifiable information of the pupil, belong to the pupil and his or her parent or legal guardian.*~~

~~*2. It is the public policy of this State to protect such records and information.*~~

~~*3. The provisions of sections 1.5 to 8.5, inclusive, of this act are intended to:*~~

~~*(a) Provide greater protection of such records and information;*~~

~~*(b) Limit and restrict the collection, transfer and maintenance of such information;*~~

~~*(c) Provide greater control of such information to pupils and their parents or guardians;*~~

~~*(d) Provide notification to persons and governmental entities regarding the types of personally identifiable information collected and how such information is kept secure;*~~

~~*(e) Establish a process for the correction or deletion of any personally identifiable information collected by a school service provider;*~~

~~*(f) Prohibit a school service provider from using personally identifiable information to target advertising to minors; and*~~

~~*(g) Ensure that teachers and other licensed educational personnel understand how to use school services in a manner that protects personally identifiable information concerning pupils.]*~~ **(Deleted by amendment.)**

Sec. 1.5. *As used in sections 1.25 to 8.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 to 4.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 2. *"Personally identifiable information" has the meaning ascribed to it in 34 C.F.R. § 99.3.*

Sec. 3. *1. "School service" means an Internet website, online service or mobile application that:*

(a) Collects or maintains personally identifiable information concerning a pupil;

(b) Is used primarily for educational purposes; and

(c) Is designed and marketed for use in public schools and is used at the direction of teachers and other educational personnel.

2. The term does not include ~~*[an]*~~ **:**

(a) An *Internet website, online service or mobile application that is designed or marketed for use by a general audience, even if the school service is also marketed to public schools* ~~*[.]*~~ **;**

(b) An internal database, system or program maintained or operated by a school district, charter school or university school for profoundly gifted pupils;

(c) A school service for which a school service provider has:

(1) Been designated by a school district, the sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or the Department as a school official pursuant to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232(g);

(2) Entered into a contract with the school district, the sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or the Department; and

(3) Agreed to comply with and be subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232(g), relating to personally identifiable information;

(d) Any examinations administered pursuant to NRS 389.550 and 389.805 or the college and career readiness assessment administered pursuant to NRS 389.807; or

(e) Any instructional programs purchased by a school district, a charter school, the governing body of a university school for profoundly gifted pupils or the Department.

Sec. 4. ***"School service provider" means a person that operates a school service, to the extent the provider is operating in that capacity.***

Sec. 4.5. ***"Targeted advertising" means presenting advertisements to a pupil where the advertisement is selected based on information obtained or inferred from the online behavior of a pupil, the use of applications by a pupil or personally identifiable information concerning a pupil. The term does not include advertising to a pupil at an online location based upon the current visit to the location by the pupil or a single search query without the collection and retention of the online activities of a pupil over time.***

Sec. 5. ***1. Before the persons or governmental entities described in subsection 3 begin using a school service, a school service provider must provide a written disclosure to such persons or governmental entities in language that is easy to understand, which includes, without limitation:***

(a) The types of personally identifiable information collected by the school service provider and the manner in which such information is used; and

(b) A description of the plan for the security of data concerning pupils which has been established by the school service provider pursuant to section 7 of this act.

2. Before a school service provider makes a material change to the plan for the security of data concerning pupils established pursuant to section 7 of this act, the school service provider must provide notice to the persons or governmental entities set forth in subsection 3.

3. The disclosure or notice provided pursuant to subsection 1 or 2, as applicable, must be provided to:

(a) The board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils, as applicable, that uses the school service of the school service provider; and

(b) Any teacher who uses the school service.

4. A school service provider shall:

(a) Allow a pupil who is at least ~~[13]~~ 18 years of age and the parent or legal guardian of any pupil to review personally identifiable information concerning the pupil that is maintained by the school service provider; and

(b) Establish a process, in accordance with any contract governing the activities of a school service provider and which is consistent with the provisions of sections 1.5 to 8.5, inclusive, of this act, for the correction of such information upon the request of:

(1) A pupil who is at least ~~[13]~~ 18 years of age or the parent or legal guardian of any pupil; or

(2) The teacher of the pupil or the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable.

Sec. 6. ***1. Except as otherwise provided in ~~[subsection]~~ subsections 2 ~~[,]~~ and 5, a school service provider may collect, use, allow access to or transfer personally identifiable information concerning a pupil only:***

(a) For purposes inherent to the use of a school service by a teacher in a classroom or for the purposes authorized by the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable, so long as it is authorized by federal and state law;

(b) If required by federal or state law;

(c) In response to a subpoena issued by a court of competent jurisdiction;

(d) To protect the safety of a user of the school service; or

(e) With the consent of any person required in a policy of the school district, charter school or university school for profoundly gifted pupils, as applicable, or, if none, with the consent of the pupil, if the pupil is at least ~~[13]~~ 18 years of age, or the parent or legal guardian of the pupil ~~[if the parent or legal guardian has requested to provide consent before any such action is taken or]~~ if the pupil is less than ~~[13]~~ 18 years of age.

2. A school service provider may transfer personally identifiable information concerning a pupil to a third-party service provider if the school service provider provides notice to ~~[the appropriate]~~ any person ~~[described]~~ designated in ~~[paragraph (e) of subsection 1]~~ a policy of the school district, charter school or university school for profoundly gifted pupils, as applicable, to receive such notice or, if none, to the pupil, if the pupil is at least 18 years of age, or the parent or guardian of the pupil and:

(a) Contractually prohibits the third-party service provider from using any such information for any purpose other than providing the contracted school services to, or on behalf of, the school service provider;

(b) Prohibits the third-party service provider from disclosing any personally identifiable information concerning a pupil unless the disclosure is authorized pursuant to subsection 1; and

(c) Requires the third-party service provider to comply with the requirements of sections 1.5 to 8.5, inclusive, of this act.

3. A school service provider shall delete any personally identifiable information concerning a pupil that is collected or maintained by the school service provider and that is under the control of the school service provider within a reasonable time not to exceed 30 days after receiving a request from the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable. The board of trustees or the governing body, as applicable, must have a policy which allows a pupil who is at least 18 years of age or the parent or legal guardian of [a] any pupil to review such information and request that such information about the pupil be deleted. The school service provider shall delete such information upon the request of the parent or legal guardian of a pupil if no such policy exists.

4. Any agreement entered into by a school service provider that provides for the disclosure of personally identifiable information must require that the person or governmental entity to whom the information will be disclosed abide by the requirements imposed pursuant to this section.

5. A school service provider shall not:

(a) Use personally identifiable information to engage in targeted advertising.

(b) Except as otherwise provided in this paragraph, sell personally identifiable information concerning a pupil. A school service provider may [provide] transfer personally identifiable information concerning pupils to an entity that purchases, merges with or otherwise acquires the school service and the acquiring entity becomes subject to the requirements of sections 1.5 to 8.5, inclusive, of this act [.] and any contractual provisions between the school service provider and the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils, as applicable, governing such information.

(c) Use personally identifiable information concerning a pupil to create a profile of the pupil for any purpose not related to the instruction of the pupil provided by the school without the consent of the appropriate person described in paragraph (e) of subsection 1. [For the purposes of this paragraph, "creating a profile" does not include collecting or retaining account registration records or information that remains under the control of the pupil if he or she is at least 13 years of age, the parent or legal

~~*guardian of any pupil, the teacher of the pupil or the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable.]*~~

(d) Use personally identifiable information concerning a pupil in a manner that is inconsistent with any contract governing the activities of the school service provider for the school service in effect at the time the information is collected or in a manner that violates any of the provisions of sections 1.5 to 8.5, inclusive, of this act.

(e) Knowingly retain, without the consent of the appropriate person described in paragraph (e) of subsection 1, personally identifiable information concerning a pupil beyond the period authorized by the contract governing the activities of the school service provider.

6. This section does not prohibit the use of personally identifiable information concerning a pupil that is collected or maintained by a school service provider for the purposes of:

(a) Adaptive learning or providing personalized or customized education;

(b) Maintaining or improving the school service;

(c) Recommending additional content or services within a school service;

(d) Responding to a request for information by a pupil;

(e) Soliciting feedback regarding a school service; or

(f) Allowing a pupil who is at least ~~[13]~~ 18 years of age or the parent or legal guardian of any pupil to download, transfer, or otherwise maintain data concerning a pupil.

7. A school service provider that violates the provisions of this section is subject to a civil penalty in an amount not to exceed $5,000 per violation. The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 7. *1. A school service provider shall establish and carry out a detailed plan for the security of any data concerning pupils that is collected or maintained by the school service provider. The plan must include, without limitation:*

(a) Procedures for protecting the security, privacy, confidentiality and integrity of personally identifiable information concerning a pupil; and

(b) Appropriate administrative, technological and physical safeguards to ensure the security of data concerning pupils.

2. A school service provider shall ensure that any successor entity understands that it is subject to the provisions of sections 1.5 to 8.5, inclusive, of this act and agrees to abide by all privacy and security commitments related to personally identifiable information concerning a pupil collected and maintained by the school service provider before allowing a successor entity to access such personally identifiable information.

Sec. 8. *1. Each school district and the governing body of a charter school or a university school for profoundly gifted pupils, as applicable, shall*

annually provide professional development regarding the use of school service providers and the security of data concerning pupils.

2. Teachers and other licensed educational personnel employed by a school district, charter school or university school for profoundly gifted pupils shall complete the professional development provided pursuant to subsection 1.

Sec. 8.3. ***A school service provider may use and disclose information derived from personally identifiable information concerning a pupil to demonstrate the effectiveness of the products or services of the school service provider, including, without limitation, for use in advertising or marketing regarding the school service so long as the information is aggregated or is presented in a manner which does not disclose the identity of the pupil about whom the information relates.***

Sec. 8.5. ***A person or governmental entity may not waive or modify any right, obligation or liability set forth in sections 1.5 to 8.5, inclusive, of this act. Any condition, stipulation or provision in a contract which seeks to do so or which in any way conflicts with the provisions of sections 1.5 to 8.5, inclusive, of this act is against public policy and is void and unenforceable.***

Sec. 9. NRS 391.31297 is hereby amended to read as follows:

391.31297 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) ~~[Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 389.550 or 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.~~

~~(r)]~~ Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 389.616 or 389.620;

~~[(s)]~~ ***(r)*** An intentional violation of NRS 388.5265 or 388.527;

~~[(t)]~~ ***(s)*** Gross misconduct; or

~~[(u)]~~ ***(t)*** An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. ***If a teacher or administrator ~~[breaches]~~ is found, through an investigation of a testing irregularity, to have willfully breached the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 389.550 or 389.805 or the college and career readiness assessment administered pursuant to NRS 389.807, the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils, as applicable, shall:***

(a) Suspend, dismiss or fail to reemploy the teacher; or

(b) Demote, suspend, dismiss or fail to reemploy the administrator.

3. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

~~[3.]~~ ***4.*** As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 10. NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that the administrator believes may lead to demotion or dismissal or may cause the employee not to be reemployed under the provisions of NRS 391.31297, the administrator shall:

(a) Except as otherwise provided in subsection 3, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to the employee's demotion, dismissal or a refusal to reemploy him or her, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for the employee's potential demotion, dismissal or a potential recommendation not to reemploy him or her; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for the employee by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

3. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his or her employment will be terminated pursuant to NRS 391.3197.

4. A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h), (p) and ~~[(t)]~~ ***(s)*** of subsection 1 of NRS 391.31297.

Sec. 11. NRS 391.3161 is hereby amended to read as follows:

391.3161 1. Each request for the appointment of a person to serve as a hearing officer must be submitted to the Superintendent of Public Instruction.

2. Within 10 days after receipt of such a request, the Superintendent of Public Instruction shall request that the Hearings Division of the Department of Administration appoint a hearing officer.

3. The State Board shall prescribe the procedures for exercising challenges to a hearing officer, including, without limitation, the number of challenges that may be exercised and the time limits in which the challenges must be exercised.

4. A hearing officer shall conduct hearings in cases of demotion, dismissal or a refusal to reemploy based on the grounds contained in ~~[subsection]~~ ***subsections*** 1 ***and 2*** of NRS 391.31297.

5. This section does not preclude the employee and the superintendent from mutually selecting an attorney who is a resident of this State, an arbitrator provided by the American Arbitration Association or a representative of an agency or organization that provides alternative dispute resolution services to serve as a hearing officer to conduct a particular hearing.

Sec. 12. The provisions of sections 1.5 to 8.5, inclusive, of this act:

1. Apply to any agreement entered into, extended or renewed on or after July 1, 2015, and any provision of the agreement that is in conflict with ~~[that section]~~ **those sections** is void.

2. Apply on July 1, 2018, to any agreement entered into before July 1, 2015.

Sec. 13. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 14. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 934 to Senate Bill 463 deletes the legislative declaration in section 1.25. Subsection 2 of section 3 limits the definition of "school service provider" so that it does not include an internal database, system, or program operated by a school district, charter school, or university school for profoundly gifted pupils or a school service for which a school service provider has been designated as a school official pursuant to the Family Educational Rights and Privacy Act. The term does not include any state, district, college, and career readiness instructional programs purchased by the state or by the governing body of a school district or charter school.

Throughout the bill, this amendment increases the age from 16 years to 18 years for a pupil to request a review and correction of personally identifiable information concerning the pupil. It revises subsection 2 of section 6 to state that a school service provider may transfer personally identifiable information concerning a pupil to a third-party service provider if the provider provides notice to any person designated in a policy of a school district, charter school, or university school for profoundly gifted pupils to receive such notice or, if none, to the pupil, if the pupil is at least 18 years of age, or the parent or guardian of a pupil.

Subsection 3 of section 6 requires that the governing body of a school district or charter school must have a policy to allow for the process for reviewing and requesting the deletion of personally identifiable information. It specifies that a testing irregularity investigation must make a finding of a willful breach of security or confidentiality for the penalty in the remaining portion of subsection 2 to apply.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 429.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 429 as amended appropriates $62 million from the General Fund to the Distributive School Account for a shortfall resulting from an unanticipated increase in K-12 enrollment for the 2013-2014 and the 2014-2015 school years and increased costs related to the provisions of hold harmless for declining enrollment in charter schools and several school districts. This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 429:

YEAS—40.

NAYS—Jones, Shelton—2.

Senate Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 448.

Bill read third time.

Remarks by Assemblymen Edwards, Elliot Anderson, Paul Anderson, Diaz, and Hickey.

ASSEMBLYMAN EDWARDS:

Assembly Bill 448 is one of the Governor's major initiatives for this session. It will give a lot of the children across the state a great opportunity to improve their education experience. As you

know, they will be in the most failing schools in some of the most desperate locations. We hope that everyone will support it.

As amended, it creates the Achievement School District within the Department of Education and establishes the criteria for the conversion of up to six underperforming schools approved by the State Board of Education to achievement charter schools. The Department is required to consider student performance data and parental and community input, in consultation with the local school board, in selecting the schools proposed for conversion.

Additionally, the bill as amended establishes how the achievement charter schools are operated, staffed, and financed and the process for schools to leave the Achievement School District after a minimum period of six years. The bill as amended further establishes requirements concerning the priority of a capital project for a school selected for conversion to an achievement charter school. Assembly Bill 448 as amended limits the monetary amount that may be paid to the operator of the achievement charter school and authorizes an achievement charter school to receive funds available from federal and state categorical grant programs.

Finally, the bill as amended removes limitations on the use of school district-owned properties during regular school hours by charter schools but still requires such use to be approved by the board of trustees of the school district. This bill is effective upon passage and approval for the purposes of adopting regulations and performing other administrative tasks and on July 1, 2016, for all other purposes.

I encourage your approval and passage.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Assembly Bill 448. My objections are fairly broad, but I want to zero in on one specific provision that I think is troublesome. Under section 23, subsection 2 in the second reprint version of the bill, it talks about basically picking and choosing which laws these schools will have to follow. It broadly exempts these operators from following these laws. One that is particularly worrisome is the exclusion of NRS [*Nevada Revised Statutes*] 386.580 which, in subsection 3, deals with discrimination on applications based upon race, gender, religion, ethnicity, or disability. Unless I am reading this wrong, it says that NRS 386.580 would not be included for charter school operators to follow. To me, that is a very big concern. I think it sets us up for liability if state funds are used and there is discrimination going on.

For that reason, and many others, I oppose this measure and I urge its defeat.

ASSEMBLYMAN PAUL ANDERSON:

I rise in support of Assembly Bill 448. As we all listened to the Governor's State of the State Address, he mentioned many education priorities but perhaps none as important as this one. This draws the line in the sand where we determine that we are no longer going to accept failing schools. We have a lot of schools that have been in this failing category for a lot of years, some as many as ten years. This gives the opportunity for us to draw that line in the sand, go forward, and select a limited number of schools to turn around to become successful for the children who attend. I wholeheartedly support this bill and urge the body to pass it.

ASSEMBLYWOMAN DIAZ:

I respectfully rise in opposition to Assembly Bill 448. When we say we are doing the best by our children attending these failing schools, we fail to recognize that we as a state have not done as much as we could have done in the past for these children. I respectfully disagree with some of my colleagues who stated that turning these underperforming schools into charter schools is the magic bullet. We have not addressed staffing concerns. We have not incentivized our best teachers to go to these underperforming schools. When we do not address the staffing issues that currently exist, we are not going to get much movement in terms of academic achievement.

We also have seen that the charter schools which currently exist in this state are not outperforming our public schools. Charter schools get to pick the kids that come to their schools, whereas the public schools we are talking about in this bill do not get to pick their students. Public schools have to receive and educate all children to the best of their abilities. We talk about this being a great measure that is going to save all of our kids. I am hopeful that will be the case, but I am not 100 percent sure. We have not allocated the funds and we have not addressed the staffing

measures. I believe our public school teachers are doing the very best they can with what we have been giving them the last few years.

ASSEMBLYMAN HICKEY:

I rise in support of Assembly Bill 448. When your house is on fire, you welcome firefighters in from wherever. This bill is limited to a process whereby only a handful of schools will first be incorporated into these special districts. This is an attempt at reform. You have to break a few eggs to make an omelet sometimes. We have underperforming schools. This is an attempt to step in and see if we can make them better using a method that has proven successful in other states. For that reason, I urge my colleagues to support this measure.

Roll call on Assembly Bill No. 448:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 470.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 470 revises provisions governing the base for allocating costs of the Division of Human Resource Management of the Department of Administration to state agencies.

Roll call on Assembly Bill No. 470:

YEAS—42.

NAYS—None.

Assembly Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 486.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I have gone through the numbers and figures on the Stabilization Account for the Department of Insurance. If anyone would like me to repeat them, I would be happy to but it is the same thing I said yesterday.

Roll call on Assembly Bill No. 486:

YEAS—42.

NAYS—None.

Assembly Bill No. 486 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 2:24 p.m.

ASSEMBLY IN SESSION

At 2:26 p.m.
Mr. Speaker presiding.
Quorum present.

Senate Bill No. 6.
Bill read third time.
Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:
Senate Bill 6 prohibits a primary care practice from representing itself as a patient-centered medical home unless it is certified, accredited, or otherwise officially recognized as such by a nationally recognized organization for accrediting patient-centered medical homes.

The bill authorizes the coordination between patient-centered medical homes and insurers and the acceptance of incentives provided by insurers to patient-centered medical homes, which would otherwise constitute unfair methods of competition or unfair trade practices to the extent that such coordination and incentives are authorized under federal law.

Roll call on Senate Bill No. 6:
YEAS—42.
NAYS—None.
Senate Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 15.
Bill read third time.
Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:
Senate Bill 15 provides that if a patient communicates a threat of imminent serious physical harm or death to a mental health professional and the mental health professional believes that the patient has the intent and ability to carry out the threat, the mental health professional must apply for the emergency admission of the patient to a mental health facility or make a reasonable effort to notify the person who was threatened and the closest law enforcement agency.

The measure provides that a mental health professional who exercises reasonable care in determining whether to apply for the emergency admission of such a patient or communicate 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.

Roll call on Senate Bill No. 15:
YEAS—42.
NAYS—None.
Senate Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 53.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 53 requires a person convicted of a crime who claims that his or her time served has been computed incorrectly to exhaust all administrative remedies available to resolve the matter prior to filing a petition for a writ of habeas corpus with the court. It also requires the Department of Corrections to develop an expedited process for resolving a challenge brought by a convicted person regarding the computation if the challenge is brought within 180 days before that person's projected discharge date. A court is required to dismiss such a petition if it determines that a petitioner has filed without having exhausted all administrative remedies. These amendatory provisions do not apply to a postconviction petition filed on or before the effective date of the bill.

Finally, Senate Bill 53 expressly provides that a motion to withdraw a plea of guilty, guilty but mentally ill, or nolo contendere that is made after sentence is imposed, or imposition of sentence is suspended, is a remedy that is incident to the proceedings in the trial court for any such motion pending on or after June 12, 2014. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 53:

YEAS—42.

NAYS—None.

Senate Bill No. 53 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 58.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 58 provides that a juvenile justice or care agency may share information concerning a child within the jurisdiction of the juvenile court. Such an agency may do so, however, only when the other agency is investigating a matter or is involved in a case or proceeding involving the child or has been assigned the responsibility for supervising the child. The bill also provides that juvenile justice information is confidential and may only be released in accordance with state or federal law and requires that public safety be taken into consideration prior to the release of any information. An agency's denial of an information request must be provided to the requester within five business days.

The release of any record held by a law enforcement agency, prosecuting attorney, or attorney for a child must be made pursuant to statute and any other pertinent rule of law, except that upon the decision to arrest or upon the actual arrest of a child, a law enforcement agency or prosecuting attorney may share pertinent information with the child's school. An incident report, however, must not be released if doing so would jeopardize the investigation, prosecution, or defense of the child or endanger witnesses. The sharing of an incident report must be limited to the extent necessary to protect other students and staff at the child's school.

A juvenile court may use personal identifying information from sealed records in order to conduct an outcome and recidivism study but must provide any results from the study without including any personal identifying information. Finally, with certain exceptions, it is a gross misdemeanor for a person who receives juvenile justice information or child welfare services information maintained by an agency to further disseminate the information or make it public.

Roll call on Senate Bill No. 58:

YEAS—42.

NAYS—None.

Senate Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 67.

Bill read third time.

Remarks by Assemblymen Nelson and Spiegel.

Potential conflict of interest declared by Assemblywoman Spiegel.

ASSEMBLYMAN NELSON:

Senate Bill 67 is the Division of Insurance of the Department of Business and Industry's omnibus bill. This bill adopts provisions of various model laws and acts of the National Association of Insurance Commissioners, including provisions relating to investments, reinsurance, standard valuation, standard nonforfeiture, own-risk solvency assessment, and insurer mergers and acquisitions. It makes changes to the Nevada Life and Health Insurance Guaranty Association, makes changes to the requirements for insurance administrators and self-insured employers for workers' compensation when filing their annual financial statements, allows insurers to provide electronic proof of insurance certificates for motor vehicles, makes changes regarding state-chartered risk retention groups, authorizes the inspections of certain sealed records to determine the suitability of an applicant for licensure or the discipline of a licensee for misconduct, and repeals various provisions of existing law, which are replaced by the adoption of the model law provisions.

ASSEMBLYWOMAN SPIEGEL:

Because we are considering Senate Bill 67, which includes some amendments to the statutes governing the Nevada Insurance Guaranty Association in NRS [*Nevada Revised Statutes*] Chapter 687, I would like to disclose that my business is considering doing some work for the Association. Therefore, I am making this disclosure and am abstaining from voting on Senate Bill 67 out of an abundance of caution.

Roll call on Senate Bill No. 67:

YEAS—41.

NAYS—None.

NOT VOTING—Spiegel.

Senate Bill No. 67 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 76.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 76 updates provisions governing Nevada's participation in the Western Interstate Commission for Higher Education. Among its provisions, it authorizes the three Nevada State Commissioners to adopt regulations and to delegate certain authority to carry out the provisions in Nevada law governing the Western Regional Education Compact. It authorizes the Commissioners to choose and certify applicants for certain programs administered by the Commission. It allows program participants in certain medical professions to qualify for loan forgiveness if their practice after graduation serves certain medically underserved populations or areas, and it modifies and caps the permissible amount of loan forgiveness.

Roll call on Senate Bill No. 76:

YEAS—42.

NAYS—None.

Senate Bill No. 76 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 95.

Bill read third time.

Remarks by Assemblymen Hickey and Fiore.

ASSEMBLYMAN HICKEY:

Senate Bill 95 allows the county assessor in each of Nevada's counties the option of publishing the list of taxpayers and assessed valuation on an Internet website maintained by the county or the county assessor instead of publishing the list in the newspaper or mailing the list to taxpayers.

If the assessor elects to publish this list on the website, he or she must provide notice through a newspaper advertisement to inform the public that the list has been made available on the Internet. Between July 1, 2015, and June 30, 2017, notice must be published in the newspaper four times per year. Effective July 1, 2017, notice must be published one time, on or before January 1 of each year.

If the list is published on the Internet, the assessor must also provide information about the availability of the list on the annual assessed value notice that is sent out to taxpayers on or before December 18 of each year. Finally, in counties whose population is less than 100,000, the county assessor must also print at least ten copies of the notice to be available to the general public upon request.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Senate Bill 95 simply because I have many seniors in my district who like getting that paper and this will eventually eliminate that. For that specific reason, I am in opposition and voting no on this.

Roll call on Senate Bill No. 95:

YEAS—38.

NAYS—Dooling, Ellison, Fiore, Wheeler—4.

Senate Bill No. 95 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 110.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 110 provides that a person who owns private property on which a recreational vehicle is abandoned has a lien on the recreational vehicle. The measure establishes a procedure by which a person may obtain title to a recreational vehicle abandoned on private property after attempting to notify the owner. In addition, the bill specifies the requirement for such a notification. This bill also requires a municipal solid waste landfill to accept a recreational vehicle for disposal under certain circumstances.

Roll call on Senate Bill No. 110:

YEAS—42.

NAYS—None.

Senate Bill No. 110 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 134.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Senate Bill 134 limits the amount of a bond that an appellant must pay to secure a stay of execution of certain judgments to $50 million or the amount of the judgment, whichever is less. If the appellant is a small business as defined under the federal Small Business Act, the bond amount is limited to $1 million or the amount of the judgment, whichever is less. A court may, for good cause shown, set the bond at an amount less than the amount otherwise required by law.

If a plaintiff proves by a preponderance of evidence that an appellant is purposefully diverting or dissipating assets in order to avoid paying the judgment, the court may order the appellant to post a bond not larger than the amount of the full judgment. The provisions of Senate Bill 134 apply to all actions pending or filed on or after the effective date of this bill. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 134:

YEAS—42.

NAYS—None.

Senate Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 137.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 137 requires that for an insurance claim for a procedure provided by an oral and maxillofacial surgeon, which may be covered by both the patient's stand-alone dental benefit and policy of health insurance, the stand-alone dental benefit must provide primary coverage. The bill also prohibits a health insurer from denying certain claims for which it has liability on the basis that another health insurer has liability.

Roll call on Senate Bill No. 137:

YEAS—42.

NAYS—None.

Senate Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 146.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 146 authorizes an employer of a residential facility for a group of similarly situated persons to enter into a written agreement with an employee who is required to be on duty for 24 hours or more to exclude from his or her wages a sleeping period not to exceed 8 hours, if adequate sleeping facilities are provided and certain conditions are met.

Roll call on Senate Bill No. 146:

YEAS—41.

NAYS—None.

EXCUSED—Moore.

Senate Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 148.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Senate Bill 148 revises provisions governing service of a summons to an adjudicatory hearing on a petition that a child who was removed from his or her home is in need of protection. Such a summons must be served personally, by registered or certified mail, regardless of whether the person resides inside or outside of Nevada.

Roll call on Senate Bill No. 148:

YEAS—42.

NAYS—None.

Senate Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 153.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 153 limits the period under which heart and lung diseases are, for purposes of industrial insurance claims, conclusively presumed to be occupationally related. Specifically, a person must have been employed in a full-time, continuous, uninterrupted, and salaried occupation as a police officer, firefighter, or arson investigator for two years or more before the date of disablement. If the disease is diagnosed and causes the disablement during the course of the employment; if the person ceases employment before completing 20 years of service as a police officer, firefighter, or arson investigator, during the period after separation from employment, which is equal to the number of years worked; or if the person ceases employment after completing 20 years or more of service as a police officer, firefighter, or arson investigator at any time during the person's life, service credit purchased in a retirement system must not be calculated towards the years of service.

The measure also prevents these persons who use tobacco products or fail to follow a physician's prescribed plan of care from claiming these presumptions under certain circumstances. Finally, Senate Bill 153 clarifies that a retiree who files an industrial insurance claim for heart or lung disease is eligible only for medical benefits.

Roll call on Senate Bill No. 153:

YEAS—36.

NAYS—Carlton, Carrillo, Joiner, Ohrenschall, Sprinkle, Trowbridge—6.

Senate Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 154.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Senate Bill 154 requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing the qualifications necessary for a community manager to renew his or her certificate. The regulations must require that a certificate be renewed biennially and must set the number of hours of continuing education necessary for renewal. The regulations also must allow that up to five hours of the total hours required may be satisfied by observing a disciplinary hearing conducted by the Commission, or by observing a mediation or arbitration that arises from a claim within the Real Estate Division's jurisdiction. Education of this type must be designated as instruction relating to Nevada laws and regulations governing common-interest communities and community managers.

Provisions of this measure requiring the adoption of regulations or conducting other necessary administrative tasks are effective upon passage and approval. All other provisions of the bill are effective on January 1, 2016.

Roll call on Senate Bill No. 154:

YEAS—33.

NAYS—Dickman, Dooling, Ellison, Fiore, Moore, Seaman, Shelton, Titus, Wheeler—9.

Senate Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 160.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 160 provides that an owner, lessee, or occupant of any premises does not owe a duty of care to, and is not liable for, physical harm to a trespasser, except when the owner, lessee, or occupant willfully or wantonly causes harm to the trespasser or fails to exercise reasonable care to prevent harm to the trespasser after discovering the trespasser's presence in a place of danger on the premises. Additionally, the owner, lessee, or occupant may be liable if the trespasser is a child who is injured by an artificial condition on the premises and certain other conditions exist.

This bill also provides that a person who creates, sponsors, owns, or produces public art, or the owner, lessee, or occupant of any estate or interest in any premises where such art is displayed, is not liable for the death or injury of a person or for damage to property caused or sustained by a person who defaces, destroys, or attempts to deface or destroy public art; uses the public art in an unintended manner; or fails to heed posted warnings or instructions concerning the public art if such warnings are posted to warn the public against any foreseeable conditions or any misuse of the public art that may pose an unreasonable risk of death or serious bodily injury.

Lastly, a person who jumps by parachute or other airborne means from a building or structure owned by another or a person who knowingly delivers the person who intends to jump or retrieves the person who has jumped is deemed a trespasser and is guilty of a category E felony, except under certain circumstances.

This bill is effective upon passage and approval.

Roll call on Senate Bill No. 160:

YEAS—38.

NAYS—Moore, Neal, Shelton, Swank—4.

Senate Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 161.

Bill read third time.

Remarks by Assemblymen O'Neill, Elliot Anderson, Diaz, Dickman, Ohrenschall, Gardner, Wheeler, and Carlton.

ASSEMBLYMAN O'NEILL:

Senate Bill 161 prohibits the filing or maintenance of a product liability action against a seller who is not the manufacturer of the product and lays out specific circumstances under which such a seller is not immune from liability. In general, the circumstances under which a seller is not immune include instances in which the seller has substantial control over the design, formula, production, assembly, maintenance, packaging, installation, modification, or resale of the product. The bill also provides that a seller who fails to exercise reasonable and product-appropriate care in the storage or transport of a product may be subject to a liability action.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Senate Bill 161. I believe this bill takes away the responsibility from corporations, both here and foreign, in the name of profit. They have no real reason to ensure that products are manufactured to the standards that we expect, because if they do it right, they do not have anything to worry about anyway. This bill takes away the ability of consumers to hold sellers accountable if they are selling shoddy manufactured products. It gives that seller immunity. I urge this body to stand on the side of consumers and vote no for immunity for faulty products.

ASSEMBLYWOMAN DIAZ:

I rise in opposition to Senate Bill 161. Senate Bill 161 removes sellers from those who may be held liable for their actions in selling an innocent consumer a defective product. Senate Bill 161 is bad policy for the state of Nevada as it will inevitably leave some Nevadans with legitimate claims, who have been harmed at the hands of a product seller, without any recourse and without access to justice.

Although Senate Bill 161 includes exceptions, we as a legislative body are incapable of drafting laws that encompass every scenario that may exist. Getting close or attempting to would be doing a disservice to my constituents and to residents of our state who may be harmed by defective products. Instead, such deliberations determining the culpability of each party should be left in the hands of our judges and our juries. This would be compromising the same individuals we have trusted to elect us. Senate Bill 161 is simply another means of closing off the courthouse doors to injured, innocent Nevadans at the request of the same companies making profits off of them.

ASSEMBLYWOMAN DICKMAN:

I rise in support of Senate Bill 161. This bill simply brings us in line with other states and helps Nevada's businesses. I urge your support.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Senate Bill 161. All one needs to do is look at the headlines. Whether it is toys coming from overseas that have lead in them, whether it is lumber that has formaldehyde—we realize that as consumers, we are not on an equal footing. If a seller is going to go ahead and sell a product that has problems which can harm a consumer, they should be held liable. I believe this bill goes way too far for those of us who are worried about the consumer. I urge its defeat.

ASSEMBLYMAN GARDNER:

I rise in support of Senate Bill 161. As my colleague spoke about, this is all about getting the right person to pay: the person who made the mistake. That is what this bill is. We are not bringing in people who did not do anything. They did not create the bad product. They did not create these issues.

Also, I would like to remind my colleagues that all these products are regulated. These are not just something you put on your shelves. If you are selling in the U.S., there are lots of codes you have to follow, which are things we have talked about.

Finally, if we pass one perfect piece of legislation, I would love to see it. I think waiting until we have a perfect piece of legislation to pass it—we might as well go home if that is going to be the only way we are going to pass things. I think this is a great bill. It helps to focus on the people who actually created the problem instead of focusing on the innocent sellers.

ASSEMBLYMAN WHEELER:

I rise in support of Senate Bill 161. As one who used to be a manufacturer, I understand the problems with liabilities. When it is a manufacturing problem, we as manufacturers carry insurance to take care of it, whereas a lot of the people who sell our products do not carry that insurance. If it is an actual manufacturing problem, I believe we should be held liable, whereas the person who is simply selling something in a box really should not.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Senate Bill 161. The concern that I have as a parent is the recall portion, and we have not had any discussion about that. We are going to be giving immunity to the seller. When that toy, car seat, or crib is sold and there is a recall on it, if we cannot hold the seller accountable, how do we make sure those things are taken off the shelf?

I pulled up Recalls.gov just in the couple of minutes we have been talking about this. In April alone, I see pages and pages of recalls on toys for children that have lead in them. We thought we had lead in toys dealt with 20 years ago, but still we have problems with that. If we cannot hold the sellers accountable, how do we make sure that product gets taken off the shelf so that I do not inadvertently purchase it for—I hope someday to have some grandchildren? I want to know that the products I am picking up are safe and reliable products. I see this as shortcutting the consumer's information on what they can purchase.

Assemblymen Seaman, Kirner, and Stewart moved the previous question.

The question being the passage of Senate Bill No. 161.

Roll call on Senate Bill No. 161:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Senate Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 172.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 172 prohibits a medical facility or a physician from allowing a person to perform or participate in activities for credit towards a medical degree unless the person is enrolled in good standing at an accredited medical school. The bill exempts a physician who works in a designated health professional shortage area, directly supervises the person, and does not currently supervise any other person receiving credit toward a medical degree.

The bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services, the Board of Medical Examiners, the State Board of Osteopathic Medicine, and the Board of Examiners for Long-Term Care Administrators to enforce this prohibition with respect to their licensees.

In addition, a medical student who attends an accredited medical school is authorized to possess and administer a controlled substance or dangerous drug at the direction of a physician.

Roll call on Senate Bill No. 172:

YEAS—33.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Ohrenschall, Seaman, Shelton—9.

Senate Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 175.

Bill read third time.

Remarks by Assemblymen Nelson, Fiore, and Neal.

ASSEMBLYMAN NELSON:

Senate Bill 175 revises the definition of "justifiable homicide" to include the killing of a person in defense of an occupied habitation or an occupied motor vehicle. The bill also establishes a rebuttable presumption that a person asserting justifiable homicide acted under the fears of a reasonable person and not in a spirit of revenge.

Under this measure, a person who has been convicted of a misdemeanor crime of domestic violence, as defined in federal law, is prohibited from owning or having possession, custody, or control of any firearm. Similarly, anyone against whom a court has issued an extended order for protection against domestic violence may not purchase or otherwise obtain a firearm during the time the order is in effect. A violation of these provisions is a category B felony.

Further, Senate Bill 175 requires the Department of Public Safety to annually determine and prepare a list of other states that require a person to complete any training, class, or program before being issued a permit to carry a concealed firearm in that state. A person who is issued a permit to carry a concealed firearm that was issued by a state on the list does not need to apply for a Nevada permit to carry a concealed firearm but must still comply with any existing laws governing the carrying of a concealed firearm in Nevada.

ASSEMBLYWOMAN FIORE:

I rise in support of Senate Bill 175. I have nicknamed this the infamous bill full of bills stolen by our Senator from District 20. I want to make sure that Assembly members from Districts 2, 39, 10, and the Senator from District 13 get full credit because this is their bill.

ASSEMBLYWOMAN NEAL:

I rise in strong opposition to Senate Bill 175 for two reasons. The bill offers a rebuttable presumption of fear not only in situations where—number one, fear is subjective. So if I were to approach a vehicle, although occupied by a person, how do you determine fear? I would have the burden of overcoming the belief that my colleague from District 27 was actually fearful. Having a rebuttable presumption on the side of the individual is unfair because it is so subjective.

The second reason why I am against this bill is in section 7. It keeps the person who potentially shot another individual from civil liability in an action. So I would not have a wrongful death lawsuit if it were my child or person who approached the vehicle and was shot in the face. I do not think an individual who could have acted inappropriately, who could have acted on some prejudicial belief of their fear, should be removed from all liability or I should have to overcome the burden of proving whether or not they were in fear. The original law does not give that presumption and I do not think that is good policy for the state of Nevada. So I rise in strong opposition to Senate Bill 175.

Roll call on Senate Bill No. 175:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Senate Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 183.

Bill read third time.

Remarks by Assemblywoman Dooling.

ASSEMBLYWOMAN DOOLING:

Senate Bill 183 revises the legislative intent regarding the regulation and licensing of motor carriers to provide fair and impartial regulation and promote safe service in motor transportation. The bill eliminates certain requirements in the application process for a motor carrier certificate of public convenience and necessity [CPCN] to reflect the legislative intent. In addition, Senate Bill 183 allows a person to intervene in a hearing on a CPCN application only if the person has actual or constructive knowledge that the applicant poses a threat to the physical safety of the traveling public. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 183:

YEAS—26.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—16.

Senate Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 194.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Senate Bill 194 allows a private company, public entity, or utility to establish and administer a consolidated insurance program for industrial insurance on a construction project or a series of projects if the estimated total cost of the construction project is at least $50 million. Any policy or contract of insurance required by a consolidated insurance program must be issued by an insurer who is rated A- or better by A.M. Best with a Financial Size Category of Class VII or larger, or the equivalent as determined by the Commissioner of Insurance. The measure requires the owner or primary contractor of a construction project to allow a contractor, employer, or subcontractor who has an employee on the construction project to have access to the project site and to any documents relating to claims filed by or on behalf of their injured workers.

Finally, this bill allows an administrator of claims for a consolidated insurance program to serve as the administrator of claims for the consolidated insurance program of more than one construction project.

Roll call on Senate Bill No. 194:

YEAS—34.

NAYS—Carlton, Carrillo, Diaz, Flores, Joiner, Neal, Swank, Thompson—8.

Senate Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 206.

Bill read third time.

Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:

Senate Bill 206 makes various changes to the process for indicating on a driver's license, driver authorization card, or identification [ID] card whether a person wishes to be an organ donor. Upon issuance of a driver's license or other ID card, the bill requires the Department of Motor Vehicles [DMV] to provide a person an opportunity to indicate that he or she "does not at that time wish" to be an organ donor, rather than "refuses" to be a donor. The bill also provides that if a person opts to be a donor upon issuance of a driver's license or ID card, the indication will remain on his or her driver's license or ID card at the time of renewal unless the person indicates otherwise. If a person initially indicates he or she does not wish to be a donor, the DMV must provide the opportunity to change the indication upon renewal of a license or card.

Roll call on Senate Bill No. 206:

YEAS—41.

NAYS—None.

EXCUSED—Wheeler.

Senate Bill No. 206 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 224.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Senate Bill 224 establishes a conclusive presumption that a person is an independent contractor, rather than an employee, if certain conditions are met. The bill excludes the relationship between a principal and an independent contractor from those relationships that constitute employment relationships for the purpose of requiring the payment of a minimum wage.

Roll call on Senate Bill No. 224:

YEAS—41.

NAYS—None.

EXCUSED—Wheeler.

Senate Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 225.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 225 adds vapor products and alternative nicotine products to the list of tobacco or nicotine-related products that cannot be sold to a person under the age of 18. The bill also requires that retailers post notices regarding the prohibition against selling vapor products and alternative nicotine products to minors and subjects those who violate these prohibitions to the same fines that currently exist regarding selling tobacco to a minor.

Finally, the bill requires the Attorney General to conduct random, unannounced inspections of locations where these products are sold.

Roll call on Senate Bill No. 225:

YEAS—41.

NAYS—None.

EXCUSED—Wheeler.

Senate Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 233.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 233 provides that a completion card indicating that a construction worker or supervisory employee has completed a course in construction industry safety and health hazard recognition does not expire or require renewal.

Roll call on Senate Bill No. 233:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson, Trowbridge—17.

EXCUSED—Wheeler.

Senate Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 239.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 239 provides a mechanism whereby a lender, upon written request from a title agent, title insurer, or escrow agency, can, with proper notice to a borrower, terminate a home equity line of credit or suspend and close a home equity line of credit. When the lender is in possession of the payment, it must release or reconvey the property securing the equity line of credit.

The bill grants a trustee who has been named as a defendant in an action solely because he or she is a trustee, and not because of any wrongdoing on the part of the trustee, the ability to file a declaration of nonmonetary status in the action. It additionally sets forth a process whereby any party to the action may, within reasonable time limits, object to the trustee's declaration and have the court decide the matter. If no objection is raised, or if the court determines that an objection is invalid, the trustee is not required to participate and is not subject to any damages or attorney's fees or costs. Should new information come to light at any point during the proceedings indicating that the trustee should be made a participant, the parties may move to amend the pleadings to include the trustee.

Finally, the measure allows a beneficiary to substitute as a trustee in order to fully or partially reconvey a deed of trust and provides that once time has expired to commence an action against a trustee, the rights of a bona fide purchaser in the matter will not be affected.

Roll call on Senate Bill No. 239:

YEAS—42.

NAYS—None.

Senate Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 247.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 247 provides for the deposit of certain application fees collected by the Department of Health and Human Services from persons who apply for approval of certain projects and services to be used to administer the state administrative program relating to health planning and development. The fees revert to the State General Fund if the money received from the fees collected is not spent within two fiscal years after the fees were originally paid.

Also, the bill requires approval by the Department for new construction by, or on behalf of, a health facility with proposed expenditures in excess of $2 million or a specified amount in counties whose population is less than 100,000, or in an incorporated city or unincorporated town whose population is less than 25,000 that is located in a county whose population is 100,000 or more. Finally, the measure requires the Director of the Department of Health and Human Services to consider certain criteria when deciding whether to approve a project.

Roll call on Senate Bill No. 247:

YEAS—36.

NAYS—Ellison, Fiore, Jones, Moore, Seaman, Shelton—6.

Senate Bill No. 247 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 250.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 250 requires that certain public and private policies of insurance and health care plans must authorize coverage for, and may apply a copayment and deductible to, a prescription to be divided into more than one dispensing for the purpose of synchronizing a patient's multiple prescriptions. These policies and plans are prohibited from denying a claim for such a prescription that is otherwise covered. Finally, these policies and plans are prohibited from prorating the pharmacy dispensing fees for such prescriptions unless otherwise provided by a contract or other agreement.

Roll call on Senate Bill No. 250:

YEAS—42.

NAYS—None.

Senate Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 262.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 262 revises various provisions governing the appointment of guardians. The bill allows a nonresident of Nevada to be appointed as a guardian for an adult or minor ward and requires a court to give preference in appointing a guardian for an adult ward in order of a list of persons provided in the bill. The bill also authorizes a court to appoint two or more co-guardians

and directs a court, with certain exceptions, to give preference for a guardianship to a person named in a will, trust, or other document executed as part of an estate plan.

The bill provides that a ward who cannot afford to pay for a private guardian is eligible to have a public guardian appointed. Additionally, Senate Bill 262 provides for the appointment of a public guardian for an incompetent adult who failed to nominate a guardian while he or she was still competent or if the nominated person is not suited or is not willing to serve as a guardian.

Roll call on Senate Bill No. 262:

YEAS—42.

NAYS—None.

Senate Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 264.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Elliot Anderson.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 264 clarifies that certain provisions of the Uniform Fraudulent Transfer Act regarding time limits applied to actions concerning certain fraudulent transfers do not apply to a claim for relief with respect to a transfer of property to a spendthrift trust.

There was testimony in your Committee on Judiciary that this would clarify a misinterpretation of our law from a court in California. It would help encourage further business in the spendthrift trust industry here in Nevada.

ASSEMBLYMAN ELLIOT ANDERSON:

I want to further the analysis of my colleague from District 12. In NRS [*Nevada Revised Statutes*] Chapter 166, we have a specific time limitation provision that applies to spendthrift trusts. The California court misapplied the general statute of limitation for all types of fraudulent transfers found in NRS Chapter 112. That analysis did not make any sense to me, and I think that this clarification will help our trust businesses.

Roll call on Senate Bill No. 264:

YEAS—42.

NAYS—None.

Senate Bill No. 264 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 273.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Senate Bill 273. This bill enacts provisions governing the retention of health care records by a custodian of health care records. The bill prohibits, under certain circumstances, a custodian of health care records who has lawful custody of any health care records of a health care provider from preventing the health care provider from physically inspecting the health care records or from receiving copies of those records upon request.

It is a fairly long floor statement, so I would like to cut to the chase and tell you all what this does. In southern Nevada, we had some instances where we found medical records outside of a dumpster behind a building when somebody had moved or left their practice. This is to protect consumers by making sure that those medical records are safely destroyed and still available if people need to look at them. I urge your support.

Roll call on Senate Bill No. 273:

YEAS—38.

NAYS—Dooling, Jones, Moore, Titus—4.

Senate Bill No. 273 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 that Senate Joint Resolution No. 17 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 17.

Resolution read third time.

Remarks by Assemblymen Stewart, Kirkpatrick, Elliot Anderson, and Paul Anderson.

ASSEMBLYMAN STEWART:

Senate Joint Resolution 17 proposes to amend the *Nevada Constitution* by eliminating existing victims' rights provisions found in Article 1, Section 8 and replacing them with an expanded set of provisions in the form of a victims' bill of rights.

Mr. Speaker, this bill is sometimes known as Marsy's Law. This is an effort to protect victims and to put them on a level playing field with the accused. This comes from Marsy, whose parents went shopping and found the person who had killed their daughter shopping in the same store as them. They had gotten no notification that this person had been released from jail. I strongly urge your support.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of S.J.R. 17. It is very hard for families who also feel any trauma that comes to a member of their family. I will speak for myself, having been in that position before. It does make a difference if the families can know what is going on. Whether you agree or disagree with that point, I do think it is important to let the voters decide whether or not they think that victims' families should enjoy the privilege of knowing when the perpetrator has made bail or probation. I would urge my colleagues to give the voters the opportunity to decide if that is important to them.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Senate Joint Resolution 17. Many of the provisions contained in here are already provided for in some of our existing laws. As a matter of fact, in terms of community safety, there are provisions for this in the bail factors. In addition, rather than putting a lot of these things in the *Constitution*, it would make more sense to put them in statute. These are provisions that may need to be changed a bit faster when you have an actual application of them. By putting them in the *Constitution*, we cannot adjust them as they come into practice. The reason that defendants' rights are put in the *Constitution* is to keep the power of the state at bay. We have had a long experience in this country with the power of the government being used against people who are innocent and that is why those rights are enshrined in the *Constitution*. They are not enshrined there to say that victims are less important. They are enshrined there to protect the people against the power of the state.

As we know, here at the Legislature, we have done great things for victims and we will continue to do good things for victims, but I think this is more appropriate in statute because we may need to change them more quickly than the constitutional amendment process would allow. Victims are not going to be prosecuted by the state. They are not going to be put in jail, and they are very

sympathetic individuals. For those reasons, not because I do not believe a lot of these should be law, I oppose Senate Joint Resolution 17.

ASSEMBLYMAN PAUL ANDERSON:

I rise in support of Senate Joint Resolution 17. Just like Marsy's Law, this is a victims' bill of rights dedicated to guaranteeing constitutional rights for Nevada's crime victims. Nevada is one of a handful of states that actually provides greater constitutional protections to those convicted of a crime than it does to the actual victims of a crime. Crime victims are often shut out of the process and this resolution would be dedicated to securing justice in their name. Should Nevadans approve this measure, this language would help even the scales of justice, protect those victims, and give them equal rights. I strongly encourage this body to vote in favor of S.J.R. 17.

Roll call on Senate Joint Resolution No. 17:

YEAS—41.

NAYS—Elliot Anderson.

Senate Joint Resolution No. 17 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution 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. 13, 16, 45, 46, 48, 60, 68, 78, 120, 164, 273, 435, 442, 465; Senate Bills Nos. 35, 62, 74, 78, 88, 94, 155, 268, 293, 303, 377, 410, 441 and 457.

Assemblyman Paul Anderson moved that the Assembly recess until 6 p.m.

Motion carried.

Assembly in recess at 3:54 p.m.

ASSEMBLY IN SESSION

At 8:50 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 429.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 70, Amendment No. 863; Assembly Bill No. 115, Amendments Nos. 829, 877; Assembly Bill No. 248, Amendment No. 769, 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 Bill No. 227.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 68, 114, 168, 193, 229, and 481 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 307, 411, 442, 447, and 458 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 402 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 304 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 227.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 304.

Bill read third time.

The following amendment was proposed by Assemblywoman Fiore:

Amendment No. 880.

SUMMARY—Revises provisions relating to ~~[the use of safety belts in taxicabs.]~~ **motor vehicles.** (BDR 43-774)

AN ACT relating to motor vehicles; revising provisions relating to the use of safety belts in taxicabs; **creating the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice; revising the duties of the Advisory Commission to include the evaluation of issues relating to certain traffic and motor vehicle laws;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, with certain exceptions, each adult passenger who rides in a taxicab in this State is required to wear a safety belt. Existing law also provides that a violation of this requirement may not be considered: (1) as negligence or as causation in any civil action or as negligent or reckless driving; or (2) as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product. (NRS 484D.500) ~~[This]~~

Section 1 of this bill removes the preceding legal limitations and expressly allows a violation of the requirement to wear a safety belt while riding in a taxicab to be considered for those purposes.

Section 2.5 of this bill creates the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice. Section 2.5 also: (1) requires the Chair of the Advisory Commission to appoint the members of the Subcommittee; (2) requires the Subcommittee to study issues relating to certain traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses or civil infractions; and (3) sets forth the salaries and per diem allowance that members of the Subcommittee may receive.

Existing law directs the Advisory Commission to study certain elements of this State's criminal justice system. (NRS 176.0125) Section 4 of this bill requires the Advisory Commission to evaluate certain laws relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and whether the State may treat such violations as civil matters.

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

Section 1. NRS 484D.500 is hereby amended to read as follows:

484D.500 1. Any passenger 18 years of age or older who rides in the front or back seat of any taxicab on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the passenger, except that this subsection does not apply:

(a) To a passenger who possesses a written statement by a physician certifying that the passenger is unable to wear a safety belt for medical or physical reasons; or

(b) If the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

2. A citation must be issued to any passenger who violates the provisions of subsection 1. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions of subsection 1 shall be punished by a fine of not more than $25 or by a sentence to perform a certain number of hours of community service.

3. A violation of subsection 1:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May ~~[not]~~ be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.

(c) May ~~[not]~~ be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

4. An owner or operator of a taxicab shall post a sign within each of his or her taxicabs advising passengers that they must wear safety belts while being transported by the taxicab. Such a sign must be placed within the taxicab so as to be visible to and easily readable by passengers, except that this subsection does not apply if the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

Sec. 2.5. **Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. There is hereby created the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee and designate one of the members of the Subcommittee as Chair of the Subcommittee. The Chair of the Subcommittee must be a member of the Commission.

3. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

4. The Subcommittee shall consider issues relating to:

(a) The existing laws of this State concerning the violation of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses;

(b) The related laws of other states concerning violations of such laws and their treatment of violations of such laws as criminal offenses or civil infractions;

(c) The appropriate and necessary elements of a system to treat violations of such laws as civil infractions in this State, including, without limitation, computer systems, court procedures, training and staffing; and

(d) The anticipated fiscal effects of a system to treat violations of such laws as civil infractions in this State, including, without limitation, the effects on this State and its political subdivisions,

➥ and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues.

5. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the immediately preceding session for each day's attendance at a meeting of the Subcommittee.

6. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 3. **NRS 176.0121 is hereby amended to read as follows:**

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, ***and section 2.5 of this act,*** "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 4. **NRS 176.0125 is hereby amended to read as follows:**

176.0125 The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:

(a) Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

(d) Budgetary issues; and

(e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

8. Compile and develop statistical information concerning sentencing in this State.

9. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:

(a) State Board of Pardons Commissioners to consider an application for clemency; and

(b) State Board of Parole Commissioners to consider an offender for parole.

10. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.

11. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

12. Identify and study the impacts and effects of collateral consequences of convictions in this State. Such identification and study:

(a) Must cause to be identified any provision in the Nevada Constitution, the Nevada Revised Statutes and the Nevada Administrative Code which

imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;

(b) May rely on the study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177; and

(c) Must include the posting of a hyperlink on the Commission's website to any study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.

13. ***Evaluate the policies and practices relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, with consideration as to whether it is feasible and advisable to treat such violations as civil matters and, if so, the issues involved in implementing a system to treat such violations as civil matters.***

14. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 5. **NRS 176.01255 is hereby amended to read as follows:**

176.01255 1. The Chair of the Commission may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of NRS 176.0121 to 176.0129, inclusive ~~[.]~~ ***, and section 2.5 of this act.***

2. Any money received pursuant to this section must be deposited in the Special Account for the Support of the Advisory Commission on the Administration of Justice, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Commission and its activities pursuant to NRS 176.0121 to 176.0129, inclusive ~~[.]~~ ***, and section 2.5 of this act.***

Sec. 6. **The Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice created by and appointed pursuant to section 2.5 of this act shall submit a report of its findings and any recommendations for legislation to the Advisory Commission not later than 30 days before the date of the meeting at which the Advisory Commission considers findings and recommendations of the Advisory Commission for proposed legislation to the 79th Session of the Nevada Legislature. At that meeting, the Advisory Commission shall consider any recommendation for proposed legislation submitted to the Advisory Commission by the Subcommittee.**

Sec. 7. **The amendatory provisions of sections 2.5 to 6, inclusive, of this act expire by limitation on July 31, 2017.**

Assemblywoman Fiore moved the adoption of the amendment.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Amendment 880 creates the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice. The Subcommittee members will be appointed by the chair of the Advisory Commission. The Subcommittee must study violations of traffic laws including laws on drivers' licenses and car insurance and consider the implications and the feasibility of changing certain violations from criminal offenses to civil infractions. The Subcommittee must submit a report to the Commission on its recommendations prior to the 2017 Session. The amendment also requires the Advisory Commission to evaluate these issues and the recommendations of the Subcommittee when considering proposed legislation.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 307.

Bill read third time.

The following amendment was proposed by Assemblyman Ohrenschall:

Amendment No. 903.

AN ACT relating to public office; revising provisions relating to the lobbying of State Legislators; revising provisions regulating gifts to public officers and candidates for public office; revising provisions governing financial disclosure statements **and campaign finance reports** filed by such public officers and candidates; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law in the Nevada Lobbying Disclosure Act (Lobbying Act) prohibits lobbyists from giving State Legislators or members of their immediate family or staff any gifts that exceed $100 in value in the aggregate in any calendar year and prohibits those persons from soliciting or accepting any such gifts. (NRS 218H.930) In defining the term "gift," the Lobbying Act excludes the cost of entertainment, including the cost of food or beverages, so there is no limit on the amount of entertainment expenditures lobbyists may make for State Legislators or members of their immediate family or staff. (NRS 218H.060) If a lobbyist makes such expenditures, the lobbyist must disclose the expenditures by filing a report with the Director of the Legislative Counsel Bureau. (NRS 218H.400)

In addition to the disclosures required by the Lobbying Act, existing law, commonly referred to as the Financial Disclosure Act, requires State Legislators and other state and local public officers and candidates to disclose and report gifts received in excess of an aggregate value of $200 from a donor during a calendar year on financial disclosure statements filed with the Secretary of State. (NRS 281.558-281.581) Unlike the Lobbying Act, the

Financial Disclosure Act does not define the term "gift," but it excludes certain types of gifts from the reporting requirements. (NRS 281.571)

In 2007, when the Commission on Ethics had the statutory authority to interpret the Financial Disclosure Act, it determined that the law did not require a public officer from a jurisdiction near the proposed Yucca Mountain nuclear waste project to report on his financial disclosure statement that a nuclear fuel reprocessing company working as a contractor on the project paid for certain travel, lodging and meal expenses for the public officer and his spouse to undertake an educational or informational trip to France to learn more about nuclear fuel reprocessing and nuclear emergency preparedness by touring reprocessing facilities operated by the company and meeting with French stakeholders, local leaders and emergency responders. The Commission found that the Legislature had not established what constitutes a gift for the purposes of existing law and that "[n]o evidence exists that the act of accepting an invitation from [the company], to visit its nuclear reprocessing facilities in France and traveling to Europe for that purpose, constitutes a gift." (*In re Phillips*, CEO 06-23 (June 15, 2007))

By contrast, in the 2014 Financial Disclosure Statement Guide produced by the Office of the Secretary of State, the Guide includes as an example of a reportable gift "[t]ravel, lodging, food or registration expenses as part of a 'fact-finding' trip, which is part of the official or unofficial duties of a public officer, unless the expenses are paid by the candidate, [the] public officer, or the governmental agency that employs the public officer." (Nev. Sec'y of State, *Financial Disclosure Statement Guide*, p. 5 (2014)) However, because this example in the Guide was not promulgated by the Office of the Secretary of State in a regulation adopted under the Nevada Administrative Procedure Act, it does not have the force and effect of law. (NRS 233B.040; *State Farm Mut. Auto. Ins. v. Comm'r of Ins.*, 114 Nev. 535, 543-44 (1998); *Labor Comm'r v. Littlefield*, 123 Nev. 35, 39-43 (2007))

Sections 9 and 19 of this bill revise the Lobbying Act and the Financial Disclosure Act to establish a definition for the term "gift" that is similar for both acts. **Sections 4 and 17** of this bill also establish a definition for the term "educational or informational meeting, event or trip" that is similar for both acts. Under this bill, a gift does not include an educational or informational meeting, event or trip, but this bill requires the disclosure of such educational or informational meetings, events or trips. Specifically, under **sections 4, 8 and 11** of this bill, lobbyists are required to disclose any expenditures made for educational or informational meetings, events or trips provided to State Legislators, and under **sections 17, 20 and 27** of this bill, public officers and candidates are required to disclose on their financial disclosure statements any educational or informational meetings, events or trips provided by interested persons having a substantial interest in the legislative, administrative or political action of the public officer or the candidate if elected.

Sections 9 and 12 of this bill prohibit lobbyists from knowingly or willfully giving gifts in any amount to State Legislators or members of their immediate

family or staff, whether or not the Legislature is in a regular or special session. Those sections also prohibit State Legislators or members of their immediate family or staff from knowingly or willfully soliciting or accepting gifts in any amount from lobbyists, whether or not the Legislature is in a regular or special session.

Sections 2, 3, 15, 16, 18 and 21-33 of this bill revise the Lobbying Act and the Financial Disclosure Act to update and modernize the statutory language, remove redundant provisions and promote consistency between the acts.

Existing law regulates campaign finance practices, including the reporting of campaign contributions. (Chapter 294A of NRS) Existing law requires candidates to file campaign finance reports with the Secretary of State disclosing each monetary contribution received in an amount greater than $100 by certain statutorily scheduled dates during an election year and to file such reports annually after nonelection years. (NRS 294A.120)

Section 39.2 of this bill requires candidates who receive monetary contributions in an amount greater than $100 to report each such contribution to the Secretary of State not later than 72 hours after receiving the contribution. The report must be filed electronically with the Secretary of State unless the candidate qualifies for an exception from electronic filing. Section 39.3 of this bill requires the Secretary of State to create and maintain application software which is designed for use on a mobile device, such as a smartphone or tablet computer, and which must allow candidates to file their campaign finance reports electronically with the Secretary of State using such a mobile device.

Finally, **section 41** of this bill provides that the provisions of this bill apply to public officers and candidates beginning on January 1, 2016. However, **section 40** of this bill states that the provisions of this bill do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016. As a result, although most public officers will be required to file a financial disclosure statement on or before January 15, 2016, which must disclose information for the 2015 calendar year, the provisions of this bill will not apply to the information that must be disclosed for the 2015 calendar year. (NRS 281.559, 281.561)

By contrast, most candidates for a public office in 2016 will be required to file a financial disclosure statement, not later than the 10th day after the last day to qualify as a candidate for the office, which must disclose information for: (1) the 2015 calendar year; and (2) the period between January 1, 2016, and the last day to qualify as a candidate for the office. (NRS 281.561) For these candidates, the provisions of this bill will not apply to the information that must be disclosed for the 2015 calendar year but will apply to the information that must be disclosed for the period between January 1, 2016, and the last day to qualify as a candidate for the office.

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

Section 1. Chapter 218H of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***"Domestic partner" means a person in a domestic partnership.***

Sec. 3. ***"Domestic partnership" means:***

1. A domestic partnership as defined in NRS 122A.040; or

2. A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

Sec. 4. ***1. "Educational or informational meeting, event or trip" means any meeting, event or trip undertaken or attended by a Legislator if, in connection with the meeting, event or trip:***

(a) The Legislator or a member of the Legislator's household receives anything of value from a lobbyist to undertake or attend the meeting, event or trip; and

(b) The Legislator provides or receives any education or information on matters relating to the legislative, administrative or political action of the Legislator.

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include a meeting, event or trip undertaken or attended by a Legislator for personal reasons or for reasons relating to any professional or occupational license held by the Legislator, unless the Legislator participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

4. For the purposes of this section, "anything of value" includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the Legislator or a member of the Legislator's household or reimbursement for any such actual expenses paid by the Legislator or a member of the Legislator's household, if the expenses are incurred on a day during which the Legislator or a member of the Legislator's household undertakes or attends the meeting, event or trip or during which the Legislator or a member of the Legislator's household travels to or from the meeting, event or trip.

Sec. 5. ***"Member of the Legislator's household" means a person who is a member of the Legislator's household for the purposes of NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.***

Sec. 6. ***"Registrant" means a person who is registered as a lobbyist pursuant to this chapter.***

Sec. 7. NRS 218H.030 is hereby amended to read as follows:

218H.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 218H.050 to 218H.100, inclusive, ***and sections 2 to 6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 218H.050 is hereby amended to read as follows:

218H.050 ***1. "***Expenditure" means any ~~[~~advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge or subscription~~]~~ ***of the following acts by a lobbyist while the Legislature is in a regular or special session:***

(a) Any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money ***, services*** or anything ***else*** of value ~~[~~, including cost of entertainment, except the payment of a membership fee otherwise exempted pursuant to NRS 218H.400, and any~~]~~ ***; or***

(b) Any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any ***such*** expenditure ***.*** ~~[~~while the Legislature is in a regular or special session.~~]~~

2. The term includes, without limitation:

(a) Anything of value provided for an educational or informational meeting, event or trip.

(b) The cost of a party, meal, function or other social event to which every Legislator is invited.

3. The term does not include:

(a) A prohibited gift.

(b) A lobbyist's personal expenditures for his or her own food, beverages, lodging, travel expenses or membership fees or dues.

Sec. 9. NRS 218H.060 is hereby amended to read as follows:

218H.060 1. "Gift" means ~~[~~a payment, subscription, advance,~~]~~ ***any payment, conveyance, transfer, distribution, deposit, advance, loan,*** forbearance, ***subscription, pledge or*** rendering ~~[~~or deposit~~]~~ of money, services or anything ***else*** of value ***,*** unless consideration of equal or greater value is received.

2. ~~[~~"Gift"~~]~~ ***The term*** does not include:

(a) ~~[~~A~~]~~ ***Any*** political contribution of money or services related to a political campaign ***.*** ~~[~~;

~~(b) A~~~~]~~

(b) Any commercially reasonable loan made in the ordinary course of business ***.*** ~~[~~;~~]~~

(c) ***Anything of value provided for an educational or informational meeting, event or trip.***

(d) The cost of ~~[~~entertainment,~~]~~ ***a party, meal, function or other social event to which every Legislator is invited,*** including ***, without limitation,*** the cost of food or beverages ~~[~~; or

~~(d)~~~~]~~ ***provided at the party, meal, function or other social event.***

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not a lobbyist.

(f) Anything of value received from ~~[~~**:**

~~(1) A member of the recipient's immediate family; or~~

~~(2) A relative of~~**]** ***a person who is:***

(1) Related to the recipient **,** or ~~[relative of the recipient's~~**]** ***to the*** spouse ***or domestic partner of the recipient, by blood, adoption, marriage or domestic partnership*** within the third degree of consanguinity or ~~[from the spouse of any such relative.~~**]** ***affinity; or***

(2) A member of the recipient's household.

Sec. 10. NRS 218H.210 is hereby amended to read as follows:

218H.210 The registration statement of a lobbyist must contain the following information:

1. The registrant's full name, permanent address, place of business and temporary address while lobbying.

2. The full name and complete address of each person, if any, by whom the registrant is retained or employed or on whose behalf the registrant appears.

3. A listing of any direct business associations or partnerships involving any current Legislator and the registrant or any person by whom the registrant is retained or employed. The listing must include any such association or partnership constituting a source of income or involving a debt or interest in real estate required to be disclosed in a ~~[statement of]~~ financial disclosure ***statement*** made by a ~~[candidate for public office or a]~~ public officer ***or candidate*** pursuant to NRS 281.571.

4. The name of any current Legislator for whom:

(a) The registrant; or

(b) Any person by whom the registrant is retained or employed,

➥ has, in connection with a political campaign of the Legislator, provided consulting, advertising or other professional services since the beginning of the preceding regular session.

5. A description of the principal areas of interest on which the registrant expects to lobby.

6. If the registrant lobbies or purports to lobby on behalf of members, a statement of the number of members.

7. A declaration under penalty of perjury that none of the registrant's compensation or reimbursement is contingent, in whole or in part, upon the production of any legislative action.

Sec. 11. NRS 218H.400 is hereby amended to read as follows:

218H.400 1. Each registrant shall file with the Director:

(a) Within 30 days after the close of a regular or special session, a final report signed under penalty of perjury concerning the registrant's lobbying activities; and

(b) Between the 1st and 10th day of the month after each month that the Legislature is in a regular or special session, a report concerning the

registrant's lobbying activities during the previous month, whether or not any expenditures were made.

2. Each report must:

(a) Be on a form prescribed by the Director; and

(b) Include the total of all expenditures, if any, made by the registrant on behalf of a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant's express or implied consent or were ratified by the registrant.

3. Except as otherwise provided in subsection 6, the report:

(a) Must identify each Legislator and each organization whose primary purpose is to provide support for Legislators of a particular political party and House on whose behalf expenditures were made;

(b) Must be itemized with respect to each such Legislator and organization; and

(c) Does not have to include any expenditure made on behalf of a person other than a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, unless the expenditure is made for the benefit of a Legislator or such an organization.

4. If expenditures made by or on behalf of a registrant during the previous month exceed $50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the Legislative Commission **.** ~~[, in the following categories:~~

~~(a) Entertainment;~~

~~(b) Expenditures made in connection with a party or similar event hosted by the organization represented by the registrant;~~

~~(c) Gifts and loans, including money, services and anything of value provided to a Legislator, to an organization whose primary purpose is to provide support for Legislators of a particular political party and House, or to any other person for the benefit of a Legislator or such an organization; and~~

~~(d) Other expenditures directly associated with legislative action, not including personal expenditures for food, lodging and travel expenses or membership dues.~~**]**

5. The Legislative Commission may authorize an audit or investigation by the Legislative Auditor that is proper and necessary to verify compliance with the provisions of this section. If the Legislative Commission authorizes such an audit or investigation:

(a) A lobbyist shall make available to the Legislative Auditor all books, accounts, claims, reports, vouchers and other records requested by the Legislative Auditor in connection with any such audit or investigation.

(b) The Legislative Auditor shall confine requests for such records to those which specifically relate to the lobbyist's compliance with the reporting requirements of this section.

6. A report filed pursuant to this section must not itemize with respect to each Legislator an expenditure if the expenditure is the cost of a ***party, meal,*** function ***or other social event*** to which every Legislator was invited. ~~[For the purposes of this subsection, "function" means a party, meal or other social event.]~~

Sec. 12. NRS 218H.930 is hereby amended to read as follows:

218H.930 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence the member in his or her official actions.

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not ***knowingly or willfully*** give ***any gift*** to a member of the Legislative Branch or a member of his or her ~~[staff or]~~ immediate family ~~[gifts that exceed $100 in value in the aggregate in any calendar year.]~~ ***, whether or not the Legislature is in a regular or special session.***

3. A member of the Legislative Branch or a member of his or her ~~[staff or]~~ immediate family shall not ***knowingly or willfully*** solicit ~~[anything of value from a registrant]~~ or accept any gift ~~[that exceeds $100 in aggregate value in any calendar year.]~~ ***from a lobbyist, whether or not the Legislature is in a regular or special session.***

4. A person who employs or uses a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

5. Except during the period permitted by NRS 218H.200, a person shall not knowingly act as a lobbyist without being registered as required by that section.

6. Except as otherwise provided in subsection 7, a member of the Legislative or Executive Branch of the State Government and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.

7. An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.

8. A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition to that legislation.

9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor or the Governor-elect during the period beginning:

(a) Thirty days before a regular session and ending 30 days after the final adjournment of a regular session;

(b) Fifteen days before a special session is set to commence and ending 15 days after the final adjournment of a special session, if:

(1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or

(2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

(c) The day after:

(1) The date on which the Governor issues the proclamation calling for the special session and ending 15 days after the final adjournment of the special session if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the date on which the Governor issues the proclamation calling for the special session; or

(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending 15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15 or fewer days after the date on which the Secretary of State receives the petitions.

Sec. 13. Chapter 281 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 23, inclusive, of this act.

Sec. 14. ***As used in NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 281.558 and sections 15 to 21, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 15. ***"Domestic partner" means a person in a domestic partnership.***

Sec. 16. ***"Domestic partnership" means:***

1. A domestic partnership as defined in NRS 122A.040; or

2. A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

Sec. 17. ***1. "Educational or informational meeting, event or trip" means any meeting, event or trip undertaken or attended by a public officer or candidate if, in connection with the meeting, event or trip:***

(a) The public officer or candidate or a member of the public officer's or candidate's household receives anything of value to undertake or attend the meeting, event or trip from an interested person; and

(b) The public officer or candidate provides or receives any education or information on matters relating to the legislative, administrative or political action of the public officer or the candidate if elected.

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include a meeting, event or trip undertaken or attended by a public officer or candidate for personal reasons or for reasons relating to any professional or occupational license held by the public officer or candidate, unless the public officer or candidate participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

4. For the purposes of this section, "anything of value" includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the public officer or candidate or a member of the public officer's or candidate's household or reimbursement for any such actual expenses paid by the public officer or candidate or a member of the public officer's or candidate's household, if the expenses are incurred on a day during which the public officer or candidate or a member of the public officer's or candidate's household undertakes or attends the meeting, event or trip or during which the public officer or candidate or a member of the public officer's or candidate's household travels to or from the meeting, event or trip.

Sec. 18. *"Financial disclosure statement" or "statement" means a financial disclosure statement in the electronic form or other authorized form prescribed by the Secretary of State pursuant to NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act or in the form approved by the Secretary of State for a specialized or local ethics committee pursuant to NRS 281A.350.*

Sec. 19. *1. "Gift" means any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value, unless consideration of equal or greater value is received.*

2. The term does not include:

(a) Any political contribution of money or services related to a political campaign.

(b) Any commercially reasonable loan made in the ordinary course of business.

(c) Anything of value provided for an educational or informational meeting, event or trip.

(d) Anything of value excluded from the term "gift" as defined in NRS 218H.060.

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not an interested person.

(f) Anything of value received from a person who is:

(1) Related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption,

marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the public officer's or candidate's household.

Sec. 20. ***1. "Interested person" means a person who has a substantial interest in the legislative, administrative or political action of a public officer or a candidate if elected.***

2. The term includes, without limitation:

(a) A lobbyist as defined in NRS 218H.080.

(b) A group of interested persons acting in concert, whether or not formally organized.

Sec. 21. ***1. "Member of the public officer's or candidate's household" means:***

(a) The spouse or domestic partner of the public officer or candidate;

(b) A relative who lives in the same home or dwelling as the public officer or candidate; or

(c) A person, whether or not a relative, who:

(1) Lives in the same home or dwelling as the public officer or candidate and who is dependent on and receiving substantial support from the public officer or candidate;

(2) Does not live in the same home or dwelling as the public officer or candidate but who is dependent on and receiving substantial support from the public officer or candidate; or

(3) Lived in the same home or dwelling as the public officer or candidate for 6 months or more during the immediately preceding calendar year or other period for which the public officer or candidate is filing the financial disclosure statement and who was dependent on and receiving substantial support from the public officer or candidate during that period.

2. For the purposes of this section, "relative" means a person who is related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 22. ***1. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure Internet website for the purpose of filing financial disclosure statements to each public officer or candidate who is required to file electronically with the Secretary of State a financial disclosure statement pursuant to NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.***

2. A financial disclosure statement that is filed electronically with the Secretary of State shall be deemed to be filed on the date that it is filed electronically if it is filed not later than 11:59 p.m. on that date.

Sec. 23. ***The Secretary of State may adopt regulations necessary to carry out the provisions of NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.***

Sec. 24. NRS 281.558 is hereby amended to read as follows:

281.558 ~~[As used in NRS 281.558 to 281.581, inclusive, "candidate"]~~

1. "Candidate" means any person ~~[~~:

~~1.]~~ ***who seeks to be elected to a public office and:***

(a) Who files a declaration of candidacy;

~~[2.]~~ ***(b)*** Who files an acceptance of candidacy; or

~~[3.]~~ ***(c)*** Whose name appears on an official ballot at any election.

2. The term does not include a candidate for judicial office who is subject to the requirements of the Nevada Code of Judicial Conduct.

Sec. 25. NRS 281.559 is hereby amended to read as follows:

281.559 1. Except as otherwise provided in ~~[~~subsections 2 and 3~~]~~ ***this section*** and NRS 281.572, if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of $6,000 or more for serving in that office or if the public officer was appointed to the office of Legislator, the public officer shall file electronically with the Secretary of State a ~~[~~statement of~~]~~ financial disclosure ~~[~~,~~]~~ ***statement,*** as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a ~~[~~statement of~~]~~ financial disclosure ***statement*** within 30 days after the public officer's appointment.

(b) Each public officer appointed to fill an office shall file a ~~[~~statement of~~]~~ financial disclosure ***statement*** on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a ~~[~~statement of~~]~~ financial disclosure ***statement*** pursuant to the requirements ~~[~~of Canon 4I~~]~~ of the Nevada Code of Judicial Conduct. ~~[~~Such~~]~~ ***To the extent practicable, such*** a statement ~~[~~of financial disclosure~~]~~ must include, without limitation, all information required to be included in a ~~[~~statement of~~]~~ financial disclosure ***statement*** pursuant to NRS 281.571.

~~[4. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~5. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.~~

~~6. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~]

Sec. 26. NRS 281.561 is hereby amended to read as follows:

281.561 1. Except as otherwise provided in [~~subsections 2 and 3~~] ***this section*** and NRS 281.572, each candidate [~~for public office~~] who will be entitled to receive annual compensation of $6,000 or more for serving in the office that the candidate is seeking, each candidate for the office of Legislator and [~~, except as otherwise provided in subsection 3,~~] each public officer who was elected to the office for which the public officer is serving shall file electronically with the Secretary of State a [~~statement of~~] financial disclosure [~~,~~] ***statement,*** as follows:

(a) A candidate for nomination, election or reelection to public office shall file a [~~statement of~~] financial disclosure [~~no~~] ***statement not*** later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a [~~statement of~~] financial disclosure ***statement*** for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a [~~statement of~~] financial disclosure ***statement*** for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.

(b) Each public officer shall file a [~~statement of~~] financial disclosure ***statement*** on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate [~~for public office~~] is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.559, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a [~~statement of~~] financial disclosure ***statement*** for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a [~~statement of~~] financial disclosure ***statement*** relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a ~~[statement of]~~ financial disclosure ***statement*** pursuant to the requirements ~~[of Canon 4I]~~ of the Nevada Code of Judicial Conduct. ~~[Such]~~ ***To the extent practicable, such*** a statement ~~[of financial disclosure]~~ must include, without limitation, all information required to be included in a ~~[statement of]~~ financial disclosure ***statement*** pursuant to NRS 281.571.

~~[5. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~6. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.~~

~~7. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.]~~

Sec. 27. NRS 281.571 is hereby amended to read as follows:

281.571 ~~[1. Statements of]~~ ***Each*** financial disclosure ~~[, as approved pursuant to NRS 281A.350 or in such electronic form as the Secretary of State otherwise prescribes,]~~ ***statement*** must contain the following information concerning the ~~[candidate for public office or]~~ public officer ~~[:~~

~~(a)]~~ ***or candidate:***

1. The ~~[candidate's or]~~ public officer's ***or candidate's*** length of residence in the State of Nevada and the district in which the ~~[candidate for public office or]~~ public officer ***or candidate*** is registered to vote.

~~[(b)]~~ ***2.*** Each source of the ~~[candidate's or]~~ public officer's ***or candidate's*** income, or that of any member of the ~~[candidate's or]~~ public officer's ***or candidate's*** household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.

~~[(c)]~~ ***3.*** A list of the specific location and particular use of real estate, other than a personal residence:

~~[(1)]~~ ***(a)*** In which the ~~[candidate for public office or]~~ public officer ***or candidate*** or a member of the ~~[candidate's or]~~ public officer's ***or candidate's*** household has a legal or beneficial interest;

~~[(2)]~~ ***(b)*** Whose fair market value is $2,500 or more; and

~~[(3)]~~ ***(c)*** That is located in this State or an adjacent state.

~~[(d)]~~ ***4.*** The name of each creditor to whom the ~~[candidate for public office or]~~ public officer ***or candidate*** or a member of the ~~[candidate's or]~~ public officer's ***or candidate's*** household owes $5,000 or more, except for:

~~[(1)]~~ ***(a)*** A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to ~~[paragraph (c);]~~ ***subsection 3;*** and

~~[(2)]~~ ***(b)*** A debt for which a security interest in a motor vehicle for personal use was retained by the seller.

~~[(e)]~~ ***5. If the public officer or candidate has undertaken or attended any educational or informational meetings, events or trips during the***

immediately preceding calendar year or other period for which the public officer or candidate is filing the financial disclosure statement, a list of all such meetings, events or trips, including:

(a) The purpose and location of the meeting, event or trip and the name of the organization conducting, sponsoring, hosting or requesting the meeting, event or trip;

(b) The identity of each interested person providing anything of value to the public officer or candidate or a member of the public officer's or candidate's household to undertake or attend the meeting, event or trip; and

(c) The aggregate value of everything provided by those interested persons to the public officer or candidate or a member of the public officer's or candidate's household to undertake or attend the meeting, event or trip.

6. If the ~~[candidate for public office or]~~ public officer ***or candidate*** has received ***any*** gifts in excess of an aggregate value of $200 from a donor during the ***immediately*** preceding ~~[taxable]~~ ***calendar*** year ~~[,]~~ ***or other period for which the public officer or candidate is filing the financial disclosure statement,*** a list of all such gifts, including the identity of the donor and ***the*** value of each gift ***.*** ~~[, except:~~

~~(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.~~

~~(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.~~

~~(f)~~ ***7.*** A list of each business entity with which the ~~[candidate for public office or]~~ public officer ***or candidate*** or a member of the ~~[candidate's or]~~ public officer's ***or candidate's*** household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.

~~[(g)]~~ ***8.*** A list of all public offices presently held by the ~~[candidate for public office or]~~ public officer ***or candidate*** for which this ~~[statement of]~~ financial disclosure ***statement*** is required.

~~[2. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~

~~3. As used in this section, "member of the candidate's or public officer's household" includes:~~

~~(a) The spouse of the candidate for public office or public officer;~~

~~(b) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and~~

~~(c) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding~~

~~the year in which the candidate for public office or public officer files the statement of financial disclosure.]~~

Sec. 28. NRS 281.572 is hereby amended to read as follows:

281.572 1. A ~~[candidate or]~~ public officer ***or candidate*** who is required to file a ~~[statement of]~~ financial disclosure ***statement*** with the Secretary of State pursuant to NRS 281.559 or 281.561 is not required to file the statement electronically if the ~~[candidate or]~~ public officer ***or candidate*** has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(a) The ~~[candidate or]~~ public officer ***or candidate*** does not own or have the ability to access the technology necessary to file electronically the ~~[statement of]~~ financial disclosure ~~[;]~~ ***statement;*** and

(b) The ~~[candidate or]~~ public officer ***or candidate*** does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the ~~[statement of]~~ financial disclosure ~~[.]~~ ***statement.***

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A ~~[candidate or]~~ public officer ***or candidate*** who signs the affidavit under an oath to God is subject to the same penalties as if the ~~[candidate or]~~ public officer ***or candidate*** had signed the affidavit under penalty of perjury.

(b) Except as otherwise provided in subsection 4, filed not less than 15 days before the ~~[statement of]~~ financial disclosure ***statement*** is required to be filed.

3. A ~~[candidate or]~~ public officer ***or candidate*** who is not required to file the ~~[statement of]~~ financial disclosure ***statement*** electronically may file the ~~[statement of]~~ financial disclosure ***statement*** by transmitting the statement by regular mail, certified mail, facsimile machine or personal delivery. A ~~[statement of]~~ financial disclosure ***statement*** transmitted pursuant to this subsection shall be deemed to be filed on the date that it was received by the Secretary of State.

4. A person who is appointed to fill the unexpired term of an elected or appointed public officer must file the affidavit described in subsection 1 not later than 15 days after his or her appointment to be exempted from the requirement of filing a ~~[report]~~ ***financial disclosure statement*** electronically.

Sec. 29. NRS 281.573 is hereby amended to read as follows:

281.573 1. Except as otherwise provided in subsection 2, ~~[statements of]~~ ***each*** financial disclosure ***statement*** required by the provisions of NRS 281.558 to 281.572, inclusive, ***and sections 14 to 23, inclusive, of this act*** must be retained by the Secretary of State for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last ~~[statement of]~~ financial disclosure ***statement*** for the last public office held.

Sec. 30. NRS 281.574 is hereby amended to read as follows:

281.574 1. A list of each public officer who is required to file a ~~[statement of]~~ financial disclosure ***statement*** must be submitted electronically to the Secretary of State, in a form prescribed by the Secretary of State, on or before December 1 of each year by:

(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;

(b) Each city clerk for all public officers of the city;

(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and

(d) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.

2. Each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the Secretary of State, a list of each candidate ~~[for public office]~~ who filed a declaration of candidacy or acceptance of candidacy with that officer within 10 days after the last day to qualify as a candidate for the applicable office.

Sec. 31. NRS 281.581 is hereby amended to read as follows:

281.581 1. If the Secretary of State receives information that a ~~[candidate for public office or]~~ public officer ***or candidate*** willfully fails to file a ~~[statement of]~~ financial disclosure ***statement*** or willfully fails to file a ~~[statement of]~~ financial disclosure ***statement*** in a timely manner pursuant to NRS 281.559, 281.561 or 281.572, the Secretary of State may, after giving notice to ~~[that person or entity,]~~ ***the public officer or candidate,*** cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a ~~[candidate for public office or]~~ public officer ***or candidate*** who willfully fails to file a ~~[statement of]~~ financial disclosure ***statement*** or willfully fails to file a ~~[statement of]~~ financial disclosure ***statement*** in a timely manner pursuant to NRS 281.559, 281.561 or 281.572 is subject to a civil penalty and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. The amount of the civil penalty is:

(a) If the statement is filed not more than 10 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $25.

(b) If the statement is filed more than 10 days but not more than 20 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $50.

(c) If the statement is filed more than 20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $100.

(d) If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $250.

(e) If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $2,000.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

5. As used in this section, "willfully" means intentionally and knowingly.

Sec. 32. NRS 281A.350 is hereby amended to read as follows:

281A.350 1. Any state agency or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of the public officer's or employee's own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer's or employee's inquiry to that committee instead of the Commission.

(c) Require the filing of ~~[statements of]~~ financial disclosure ***statements*** by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the Secretary of State for review; and

(2) Upon review, approved by the Secretary of State. The Secretary of State shall not approve the form unless the form contains all the information required to be included in a ~~[statement of]~~ financial disclosure ***statement*** pursuant to NRS 281.571.

2. The Secretary of State is not responsible for the costs of producing or distributing a form for filing a ~~[statement of]~~ financial disclosure ***statement*** pursuant to the provisions of subsection 1.

3. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

4. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

(a) The public officer or employee acts in contravention of the opinion; or

(b) The requester discloses the content of the opinion.

Sec. 33. NRS 293.186 is hereby amended to read as follows:

293.186 The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy, acceptance of candidacy or certificate of candidacy shall give to the candidate:

1. If the candidate is a candidate for judicial office, the form prescribed by the Administrative Office of the Courts for the making of a ~~[statement of]~~ financial disclosure ~~[,]~~ ***statement;***

2. If the candidate is not a candidate for judicial office and is required to file electronically the ~~[statement of]~~ financial disclosure ~~[,]~~ ***statement,*** access to the electronic form prescribed by the Secretary of State; or

3. If the candidate is not a candidate for judicial office, is required to submit the ~~[statement of]~~ financial disclosure ***statement*** electronically and has submitted an affidavit to the Secretary of State pursuant to NRS 281.572, the form prescribed by the Secretary of State,

➥ accompanied by instructions on how to complete the form and the time by which it must be filed.

Sec. 34. (Deleted by amendment.)

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. 39.1. **Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 39.2 and 39.3 of this act.**

Sec. 39.2. ***1. In addition to complying with any other requirements set forth in this chapter, a candidate shall report each monetary contribution received in excess of $100 not later than 72 hours after receiving the contribution.***

2. A report required pursuant to this section must include the name and address of the contributor and the date on which the contribution was received.

3. Except as otherwise provided in NRS 294A.3733, a report required pursuant to this section must be filed electronically with the Secretary of State. The report shall be deemed filed at the time that it is received by the Secretary of State.

4. A report required pursuant to this section must be submitted on the form designed and made available by the Secretary of State pursuant to

NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

Sec. 39.3. 1. The Secretary of State shall create and maintain application software that is designed for use on a mobile device, including, without limitation, a smartphone or tablet computer.

2. The application software must allow a person to use such a mobile device to file or otherwise submit electronically to the Secretary of State any information, form or report required by this chapter.

Sec. 40. The provisions of this act do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016.

Sec. 41. This act becomes effective:

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

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

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblymen Ohrenschall, Stewart, Carlton, Wheeler, and Spiegel.

ASSEMBLYMAN OHRENSCHALL:

This amendment has the chance to really move Nevada from the bottom of the heap in terms of transparency and campaign reporting to being a leader in the nation. Fourteen other states have what is called "fast-track reporting." Most of those states require, in varying forms, a candidate to disclose contributions between 24 and 48 hours, earlier than the 72 hours I am proposing in this amendment.

Mr. Speaker, for years Nevada has been chastised for our disclosure, for our transparency. All one needs to do is go to the website of the Center for Public Integrity. It is a national think tank that looks at these laws across the states. You will see that Nevada's grade is a D-. We are rated forty-second out of the fifty states in terms of our disclosure in campaign funding. Our constituents deserve to know who is funding the campaigns that send us here, that send the constitutional officers to their seats, that send their city councilmen, their county commissioners—every office in the state. People deserve to know who is funding these and they do not need to wait months—or in the off year, 12 months—to find out who is funding these races.

I urge adoptions of this amendment. This amendment will move us from the bottom of the heap to the leader in the nation in terms of transparency and disclosure.

ASSEMBLYMAN STEWART:

I rise in opposition to this amendment. My colleague has some good intentions, but I think Senate Bill 307, as it stands, will bring some great transparency to our campaign situation. I think this amendment puts an undue burden on the candidates to have to report within such a short period of time. I urge opposition to this amendment.

ASSEMBLYMAN OHRENSCHALL:

If you will look at the last page of the amendment, I have included language which asks the Secretary of State to develop an app for cell phones and tablets so that candidates in that 72-hour time frame could report any contribution over $100. Until that app is available, we have the Aurora system, which provides for online reporting. It has been very successful. All of us have used it and we realize it has made life a lot easier than the old days of filling out the reports by

hand or on a typewriter. Under the current system, it is not going to be onerous. Once the app is developed, it will be even less onerous. I think it is time. We are in the twenty-first century. People have a right to this kind of knowledge. They want that and we need to give this to our constituents.

ASSEMBLYMAN STEWART:

If I can respond to my colleague. He might be very apt in apps, but there are a lot of people who are not. I think this puts an undue burden. Again, three days—a person might be out of town or sick. All kinds of things could happen. There might be family problems. I think this puts an undue burden on a campaigner.

ASSEMBLYWOMAN CARLTON:

I rise in support of Amendment 903 to Senate Bill 307. I have been in this building since 1999. My first campaign was in 1998. I actually filled out those forms at the kitchen table with paper, Wite-Out, and a pen, trying to figure out how to do all this. We have made leaps and bounds. The Aurora system has made it so easy. I was one of the people standing in front of it and saying I do not want to do this. This is not going to work. But now with the autofill that is there, it is so easy. You pick the amount and insert it. I did not know how to turn on a computer when I came into this building in 1998, and I can handle that. It is very user-friendly.

As far as the three days go, it is all about when it is in your hand. Let us be reasonable. We are working towards full disclosure, full transparency. I believe three days is plenty of time. I wanted to take this further, and they reined me back. I would like to see us go even further with this and have even more disclosure during the interim, and I would love to see electronic funds transfer so I do not have to handle checks. I do not think there is any reason that any candidate or politician in the state should be handling a check anymore. They are outdated. We need to figure out a way to do electronic funds transfers so there is a true tracking mechanism for all these dollars. I see no problem with 72-hour reporting. If I can do it, anybody can do it.

ASSEMBLYMAN WHEELER:

While I agree with my colleague, the Chair of Legislative Operations and Elections, that my other colleagues have the best intentions here, I think one of the things that we are forgetting is that developing an app can cost anywhere from thousands of dollars to hundreds of thousands of dollars. I think the citizens of Nevada would like us to spend our money a little bit more wisely than that. I believe this bill without the amendment is a very good bill.

ASSEMBLYMAN OHRENSCHALL:

If I may respond to the concern of the Chair of Legislative Operations and Elections that someone might be out of town and not realize that a check has arrived in the mail. *Nevada Administrative Code* 294A.091 states that a contribution is not deemed to have been received until 14 days after a person has knowledge and actual physical possession of that contribution. That is the regulation now. Of course, the Secretary of State would have regulatory authority to promulgate new regulations under the bill as passed. The regulation now says you have to have knowledge and actual physical possession, so there would be no problem with a check that is sitting in the mail when you are out of town.

In terms of the development of the app, certainly the Secretary of State would not have to do that immediately. They could work it into their budget. The Aurora system is already a very good system, and I doubt that the app would be very costly to develop.

ASSEMBLYWOMAN SPIEGEL:

I rise in support of Amendment 903 to Senate Bill 307. The people of Nevada have told us time and time again that they want transparency in their government. They believe that good government requires an openness of government. This amendment goes a long way in helping to ensure transparency.

In response to my colleague from Assembly District 39, when you look at the value of transparency, even if it is $5,000 or $10,000 to develop an app—at this point, the prices are coming down and it probably would not even be that expensive—you are talking about pennies per person in Nevada. The cost of transparency, the value of transparency, is more than offset by

the minimal cost there might be. I urge my colleagues to stand up in support of transparency for the people of Nevada.

Assemblymen Hansen, Dickman, and Stewart moved the previous question.

The question being the motion to adopt Amendment No. 903 to Senate Bill No. 307.

Motion lost.

Senate Bill No. 307.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 307 aligns certain provisions in the Nevada Lobbying Disclosure Act and Nevada's Financial Disclosure Act. The bill revises the definitions of "expenditure" and "gift" as they relate to reporting by lobbyists and public officers. Pursuant to the measure, lobbyists are required to disclose expenditures made for educational or informational meetings, events, or trips provided to legislators and public officers. Furthermore, candidates must report on their financial disclosure statements such meetings, events, or trips that have been provided by interested persons, as defined in the bill. Categorical reporting of expenditures made by a registered lobbyist is replaced by the itemization of such expenditures as set forth in regulations adopted by the Legislative Commission.

Senate Bill 307 provides that a lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch and a member shall not accept any gift from a lobbyist. This prohibition applies whether or not the Legislature is in session. The bill clarifies which persons constitute members of the household of a public officer or candidate for public office. The Secretary of State is required to provide access through a secure website for the purpose of filing these statements electronically. Finally, Senate Bill 307 provides that the required nonelection year contribution and expense reports, as well as the disposition of unspent contributions reports, must be filed 15 days after the end of that nonelection year.

Of course, I would have liked to have seen my amendment added to the bill. The body did not see fit to do that. But even without the amendment, I think this bill improves the conditions in terms of our lobbying law and our financial disclosure. I urge its passage.

Roll call on Senate Bill No. 307:

YEAS—42.

NAYS—None.

Senate Bill No. 307 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 411.

Bill read third time.

The following amendment was proposed by Assemblywoman Seaman:

Amendment No. 947.

AN ACT relating to taxation; authorizing the board of trustees of a school district under specified circumstances to adopt a resolution establishing the formation of a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of certain taxes to fund the capital projects of the school district; providing that if such a Committee is formed and submits its recommendations to the board of county commissioners within the time prescribed, the board of county commissioners is required to submit a question

to the voters at the 2016 General Election asking whether the recommended taxes should be imposed in the county; requiring the board of county commissioners to adopt an ordinance imposing any such taxes that are approved by the voters; providing for the use of the proceeds of such taxes for certain school purposes; providing for the prospective expiration of the authority of a board of trustees to establish such a Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the board of trustees of a school district to establish by resolution a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of certain taxes for consideration by the voters at the 2016 General Election to fund the capital projects of the school district. Under this bill, a Committee may not be established by the board of trustees of a school district in a county in which there is imposed for the benefit of a school district a tax on the gross receipts from the rental of transient lodging or a tax on transfers of real property, or both (currently Clark County).

Sections 2 and 2.5 of this bill provide that if such a Committee is established, the Committee may recommend the imposition of one or more of the following taxes: (1) an additional tax on the gross receipts from the rental of transient lodging in the county; (2) a supplemental governmental services tax for the privilege of operating a vehicle upon the public streets, roads and highways of the county; (3) ~~[an additional tax on the transfer of real property in the county; (4)]~~ an additional sales and use tax in the county; and ~~[(5)]~~ **(4)** an additional property tax in the county. The recommendations of the Committee must specify the rate or rates for each of the recommended taxes and may specify the period during which the recommended taxes will be imposed. If the Committee submits its recommendations to the board of county commissioners by April 2, 2016, the board of county commissioners is required to submit a question to the voters at the November 8, 2016, General Election asking whether any of the taxes recommended by the Committee should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to impose the approved taxes at the rate specified in the question submitted to the voters. If a majority of the voters approve the imposition of an additional property tax, the additional rate is exempt from the partial abatement of property taxes on certain property and the requirement that taxes ad valorem not exceed $3.64 on each $100 of assessed valuation.

Section 3 of this bill provides that the proceeds resulting from the imposition of such taxes: (1) must be deposited in the fund for capital projects of the school district; and (2) may be pledged to the payment of the principal and interest on bonds or other obligations issued for certain school purposes.

Section 4 of this bill provides that the provisions of this bill authorizing the board of trustees of a school district to establish such a Public Schools Overcrowding and Repair Needs Committee expire by limitation on April 2, 2016.

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

Section 1. 1. The board of trustees of a school district, other than a school district located in a county in which there is imposed for the benefit of the school district a tax on the gross receipts from the rental of transient lodging or a tax on transfers of real property pursuant to chapter 375 of NRS, or both, may, by resolution, establish a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of one or more of the taxes described in section 2.5 of this act for consideration by the voters at the 2016 General Election to fund the capital projects of the school district. If such a resolution is adopted, the Committee must be appointed consisting of:

(a) The superintendent of schools of the school district, who serves ex officio, or his or her designee.

(b) One Senator whose legislative district includes all or part the school district. If the legislative district of more than one Senator includes the school district, those Senators shall jointly appoint the member to serve.

(c) One member of the Assembly whose legislative district includes all or part of the school district. If the legislative district of more than one member of the Assembly includes the school district, those members of the Assembly shall jointly appoint the member to serve.

(d) One member who is a representative of the Nevada Association of Realtors, appointed by that Association.

(e) One member who is a representative of the Retail Association of Nevada, appointed by that Association.

(f) One member appointed by the board of county commissioners.

(g) If the county includes one or more cities, the mayor of each such city shall appoint a member to serve.

(h) If applicable to the county, one member of the oversight panel for school facilities established pursuant to NRS 393.092 or 393.096, appointed by the chair of the panel.

(i) One member who is a representative of a labor organization, appointed by the State of Nevada AFL-CIO.

(j) One member who is a representative of the largest organization of licensed educators in the county, appointed by that organization.

(k) One member of the general public, appointed by the parent-teacher association with the largest membership in the county.

(l) One member who represents economic development in the county, appointed by the regional development authority, as defined in NRS 231.009, for that county.

(m) One member who represents gaming, appointed by the gaming association with the largest membership in the county or, if there are no members of a gaming association in the county, the board of trustees.

(n) One member who represents business or commercial interests, other than gaming, appointed by the local chamber of commerce with the largest

membership in the county or, if there is no local chamber of commerce in the county, the board of trustees.

(o) One member who represents homebuilders in the county, appointed by the association of homebuilders with the largest membership in the county or, if there are no members of an association of homebuilders in the county, the board of trustees.

2. The members appointed pursuant to paragraphs (d) to (o), inclusive, of subsection 1 must be residents of the county.

3. Any vacancy occurring in the appointed membership of a Committee established pursuant to subsection 1 must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. If a Committee is established pursuant to subsection 1, the Committee shall hold its first meeting upon the call of the superintendent of schools of the school district as soon as practicable after the appointments are made pursuant to subsection 1. At the first meeting of the Committee, the members of the Committee shall elect a chair.

5. A majority of a Committee established pursuant to subsection 1 constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Committee.

6. If a Committee is established pursuant to subsection 1, the superintendent of schools of the school district shall provide administrative support to the Committee.

Sec. 2. 1. If a Public Schools Overcrowding and Repair Needs Committee is established pursuant to subsection 1 of section 1 of this act, such a Committee shall, on or before April 2, 2016:

(a) Prepare recommendations for the imposition of one or more of the taxes described in section 2.5 of this act in the county to provide funding for the school district for the purposes set forth in subsection 1 of NRS 387.335. The recommendations must specify the proposed rate or rates for each of the recommended taxes and may specify the period during which one or more of the recommended taxes will be imposed.

(b) Submit the recommendations to the board of county commissioners.

2. Upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners shall, at the General Election on November 8, 2016, submit a question to the voters of the county asking whether any of the recommended taxes should be imposed in the county. The question submitted to the voters of the county must specify the proposed rate or rates for each of the recommended taxes and the period during which each of the recommended taxes will be imposed, if the period was specified in the recommendations submitted pursuant to subsection 1. If the question submitted to the voters pursuant to this subsection asks the voters of the county whether to impose the tax described in subsection ~~[5]~~ **4** of section 2.5 of this act, the question must state that any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

3. If a majority of the voters voting on the question submitted to the voters pursuant to subsection 2 vote affirmatively on the question:

(a) The board of county commissioners shall impose the recommended tax or taxes in accordance with the provisions of section 2.5 of this act and at the rate or rates specified in the question submitted to the voters pursuant to subsection 2.

(b) If the question recommended the imposition of the tax described in subsection ~~[5]~~ **4** of section 2.5 of this act:

(1) Any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

(2) The provisions of NRS 361.453 do not apply to any such tax imposed.

(c) The tax or taxes shall be imposed notwithstanding the provisions of any specific statute to the contrary and, except as otherwise specifically provided in sections 1 to 3, inclusive, of this act, such tax or taxes are not subject to any limitations set forth in any statute which authorizes the board of county commissioners to impose such tax or taxes including, without limitation, any limitations on the maximum rate or rates which may be imposed or the duration of the period during which such taxes may be imposed.

Sec. 2.5. 1. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on the gross receipts from the rental of transient lodging, in addition to all other taxes imposed on the revenue from the rental of transient lodging, the board of county commissioners shall impose a tax on the gross receipts from the rental of transient lodging at the rate specified in the question presented to the voters pursuant to section 2 of this act. The tax must be imposed throughout the county, including its incorporated cities, upon all persons in the business of providing transient lodging. The tax must be administered and enforced in the same manner as similar taxes imposed pursuant to chapter 244 of NRS on the revenue from the rental of transient lodging are administered and enforced.

2. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a supplemental governmental services tax for the privilege of operating a vehicle upon the public streets, roads and highways of the county, the board of county commissioners shall, in addition to any supplemental governmental services tax imposed pursuant to NRS 371.043 or 371.045, impose a supplemental governmental services tax at the rate specified in the question presented to the voters pursuant to section 2 of this act on each vehicle based in the county except:

(a) A vehicle exempt from the governmental services tax pursuant to chapter 371 of NRS; or

(b) A vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations.

➥ The tax must be administered and enforced in the same manner as the taxes imposed pursuant NRS 371.043 and 371.045 are administered and enforced.

3. ~~[Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on transfers of real property, in addition to all other taxes imposed on transfers of real property pursuant to chapter 375 of NRS, the board of county commissioners shall impose a tax at the rate specified in the question presented to the voters pursuant to section 2 of this act on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, or land sale installment contract, if the consideration or value of the interest or property conveyed exceeds $100. The amount of the tax must be computed on the basis of the value of the real property that is the subject of the transfer or land sale installment contract as declared pursuant to NRS 375.060. The county recorder shall collect the tax in the manner provided in NRS 375.030.~~

~~4.]~~ Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county, the board of county commissioners shall impose the tax at the rate specified in the question presented to the voters pursuant to section 2 of this act. The tax must be administered and enforced in the same manner as the taxes imposed pursuant to chapter 374 of NRS are administered and enforced.

~~[5.]~~ **4.** Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending an increase in the rate of the tax levied in accordance with NRS 387.195, the board of county commissioners shall, in addition to any tax levied in accordance with NRS 387.195, levy a tax on the assessed valuation of taxable property within the county in the amount described in the question presented to the voters pursuant to section 2 of this act. The tax must be administered and enforced in the same manner as the tax imposed pursuant to NRS 387.195 is administered and enforced.

Sec. 3. The proceeds of any tax or taxes imposed pursuant to sections 2 and 2.5 of this act:

1. Must be deposited in the school district's fund for capital projects established pursuant to NRS 387.328, to be held and, except as otherwise provided in subsection 2, expended in the same manner as other money deposited in that fund.

2. May be pledged to the payment of principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of the school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

3. May not be used:

(a) To settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations; or

(b) To adjust the district-wide schedule of salaries and benefits of the employees of a school district.

Sec. 4. 1. This act becomes effective upon passage and approval.

2. Section 1 of this act expires by limitation on April 2, 2016.

Assemblywoman Seaman moved the adoption of the amendment.

Remarks by Assemblymen Seaman, Elliot Anderson, Armstrong, Sprinkle, Joiner, and Benitez-Thompson.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 411 authorizes the board of trustees of a school district to establish by resolution a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of certain taxes to be placed on the 2016 General Election ballot to fund capital projects. Under the bill, the Committee may recommend increasing a series of taxes ranging from a tax on transient lodging, a supplemental governmental services tax on vehicles, and a sales and use tax. This amendment will eliminate one of those options: an additional tax on the transfer of real property in the county.

I urge all my colleagues to support this amendment.

ASSEMBLYMAN ELLIOT ANDERSON:

I have a question for my colleague from District 34. Is this a friendly amendment from the bill's sponsor? I want to know if you have had a chance to speak with her.

ASSEMBLYWOMAN SEAMAN:

I spoke with the Chair. I did hear that Senator Smith was okay with my amendment. Does my colleague want to answer that?

ASSEMBLYMAN ARMSTRONG:

Thank you, Assemblywoman from District 34. To my colleague from District 15, I was informed that the amendment was acceptable to the bill's sponsor.

ASSEMBLYMAN ELLIOT ANDERSON:

I am not sure that she has. She has not gotten in touch with us to say that she supports it, so I am wondering if we could try to get some information from her before we vote on this amendment.

ASSEMBLYMAN SPRINKLE:

To the last question, I also have not been given any indication that the sponsor of this bill has even been given the opportunity to discuss this amendment. I have not had a chance to see this amendment myself until just a little while ago. To the sponsor of the amendment, what is the intent of removing this one part of the tax? This is supposed to be an advisory panel that will then put something to the voters specifically in Washoe County. What was the rationale behind removing one of the questions the panel is going to be considering?

ASSEMBLYMAN ARMSTRONG:

I guess prior to the Assemblywoman speaking to the intent of that, I would say that the amendment was placed on your desk during the first floor session today.

ASSEMBLYMAN SPRINKLE:

Thank you, but I was looking for the justification, Mr. Speaker, because I have not had a chance to hear from anybody as to why this is being proposed.

ASSEMBLYWOMAN JOINER:

I believe my question is similar to my colleague's. As a co-sponsor on this measure, I did not know that this was coming. I would like to know why, specifically, this one tax out of the five that are in the bill was selected to be removed? What is the reason for that? How is it different from the other taxes and why was it selected?

ASSEMBLYWOMAN BENITEZ-THOMPSON:

My question comes as one of the primary joint sponsors of the bill. Many of the joint sponsors of the bill, including my colleague from Assembly District 30 and my colleague from Assembly District 24, were very supportive of this bill because what it sought to do was to put together an advisory board of local business community members to talk about the needs specific to Washoe County and whether or not our community would favor an advisory question regarding more revenue for capital needs for our schools. A lot of local work and effort was put into this language. As people who reside in the area and have to go back and answer to our constituents on this, the intent of this was local control and local conversation about a local need. The question remains: Why is such an amendment being proposed when the joint sponsors are not in support?

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

The Chair of Taxation has assured the floor that he has been in contact with the sponsor. Am I correct?

ASSEMBLYMAN ARMSTRONG:

Let me clarify. The sponsor of the bill did not directly contact me. I was told through indirect contact that the sponsor of the bill was amenable to this amendment.

Assemblymen Fiore, Seaman, and Wheeler moved the previous question.

The question being the motion to adopt Amendment No. 947 to Senate Bill No. 411.

Motion lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Armstrong moved that Senate Bill No. 411 be taken from General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 442.

Bill read third time.

The following amendment was proposed by Assemblyman Hansen:

Amendment No. 959.

AN ACT relating to arbitration; authorizing the removal of ~~[an arbitrator]~~ **certain arbitrators** from an arbitral proceeding under certain circumstances; prohibiting ~~[an arbitrator]~~ **certain arbitrators** from consolidating separate arbitral proceedings or other claims under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Uniform Arbitration Act of 2000. (NRS 38.206-38.248) Under existing law, a person who is requested to serve as an arbitrator must disclose to all parties to the agreement to arbitrate and arbitral proceeding and to any other arbitrators any facts that a reasonable person would consider

likely to affect the impartiality of the arbitrator in the proceeding. Existing law also authorizes a court, upon a timely objection by a party, to vacate an award made by an arbitrator who did not disclose such a fact. (NRS 38.227) **Section 1** of this bill prohibits ~~[an arbitrator]~~ **certain arbitrators** from consolidating separate arbitral proceedings or other claims unless all parties expressly agree to such consolidation. **Section 2** of this bill requires a court to remove ~~[an arbitrator]~~ **certain arbitrators** who did not disclose such a fact from the arbitral proceeding if an award has not yet been made.

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

Section 1. NRS 38.224 is hereby amended to read as follows:

38.224 1. Except as otherwise provided in subsection 3, upon motion of a party to an agreement to arbitrate or to an arbitral proceeding, the court may order consolidation of separate arbitral proceedings as to all or some of the claims if:

(a) There are separate agreements to arbitrate or separate arbitral proceedings between the same persons or one of them is a party to a separate agreement to arbitrate or a separate arbitral proceeding with a third person;

(b) The claims subject to the agreements to arbitrate arise in substantial part from the same transaction or series of related transactions;

(c) The existence of a common issue of law or fact creates the possibility of conflicting decisions in the separate arbitral proceedings; and

(d) Prejudice resulting from a failure to consolidate is not outweighed by the risk of undue delay or prejudice to the rights of or hardship to parties opposing consolidation.

2. The court may order consolidation of separate arbitral proceedings as to some claims and allow other claims to be resolved in separate arbitral proceedings.

3. The court may not order consolidation of the claims of a party to an agreement to arbitrate if the agreement prohibits consolidation.

4. ~~[An]~~ Except as otherwise provided in this subsection, an arbitrator may not consolidate separate arbitral proceedings or other claims unless all parties expressly agree to the consolidation. This subsection does not apply to an arbitral proceeding conducted or administered by a self-regulatory organization, as defined by the Securities Exchange Act of 1934, 15 U.S.C. § 78c(a)(26), the Commodity Exchange Act, 7 U.S.C. §§ 1 et seq., and any regulations adopted pursuant thereto.

Sec. 2. NRS 38.227 is hereby amended to read as follows:

38.227 1. Before accepting appointment, an individual who is requested to serve as an arbitrator, after making a reasonable inquiry, shall disclose to all parties to the agreement to arbitrate and arbitral proceeding and to any other arbitrators any known facts that a reasonable person would consider likely to affect the impartiality of the arbitrator in the proceeding, including:

(a) A financial or personal interest in the outcome of the arbitral proceeding; and

(b) An existing or past relationship with any of the parties to the agreement to arbitrate or the arbitral proceeding, their counsel or representatives, a witness or another arbitrator.

2. An arbitrator has a continuing obligation to disclose to all parties to the agreement to arbitrate and arbitral proceeding and to any other arbitrators any facts that the arbitrator learns after accepting appointment which a reasonable person would consider likely to affect the impartiality of the arbitrator.

3. If an arbitrator discloses a fact required by subsection 1 or 2 to be disclosed and a party timely objects to the appointment or continued service of the arbitrator based upon the fact disclosed, the objection may be a ground under paragraph (b) of subsection 1 of NRS 38.241 for vacating an award made by the arbitrator.

4. ~~[If]~~ ***Except as otherwise provided in this subsection, if*** the arbitrator did not disclose a fact as required by subsection 1 or 2, upon timely objection by a party ~~[,]~~ ***and a determination by*** the court under paragraph (b) of subsection 1 of NRS 38.241 ~~[may vacate]~~ ***that the nondisclosed fact is one that a reasonable person would consider likely to affect the impartiality of the arbitrator in the arbitral proceeding, the court shall:***

(a) Vacate an award ~~[,]~~ ***made before the objecting party discovered such fact; or***

(b) If an award has not been made before discovery of such fact, remove the arbitrator from the arbitral proceeding.

➥ This subsection does not apply to an arbitral proceeding conducted or administered by a self-regulatory organization, as defined by the Securities Exchange Act of 1934, 15 U.S.C. § 78c(a)(26), the Commodity Exchange Act, 7 U.S.C. §§ 1 et seq., and any regulations adopted pursuant thereto.

5. An arbitrator appointed as a neutral arbitrator who does not disclose a known, direct and material interest in the outcome of the arbitral proceeding or a known, existing and substantial relationship with a party is presumed to act with evident partiality for the purposes of paragraph (b) of subsection 1 of NRS 38.241.

6. If the parties to an arbitral proceeding ***expressly*** agree to the procedures of an arbitral organization or any other procedures for challenges to arbitrators before an award is made, substantial compliance with those procedures is a condition precedent to a motion to vacate an award on that ground under paragraph (b) of subsection 1 of NRS 38.241.

Sec. 3. NRS 38.241 is hereby amended to read as follows:

38.241 1. Upon motion to the court by a party to an arbitral proceeding, the court shall vacate an award made in the arbitral proceeding if:

(a) The award was procured by corruption, fraud or other undue means;

(b) There was:

(1) Evident partiality by an arbitrator appointed as a neutral arbitrator;

(2) Corruption by an arbitrator; or

(3) Misconduct by an arbitrator prejudicing the rights of a party to the arbitral proceeding;

(c) An arbitrator refused to postpone the hearing upon showing of sufficient cause for postponement, refused to consider evidence material to the controversy, or otherwise conducted the hearing contrary to NRS 38.231, so as to prejudice substantially the rights of a party to the arbitral proceeding;

(d) An arbitrator exceeded his or her powers;

(e) There was no agreement to arbitrate, unless the movant participated in the arbitral proceeding without raising the objection under subsection 3 of NRS 38.231 not later than the beginning of the arbitral hearing; or

(f) The arbitration was conducted without proper notice of the initiation of an arbitration as required in NRS 38.223 so as to prejudice substantially the rights of a party to the arbitral proceeding.

2. A motion under this section must be made within 90 days after the movant receives notice of the award pursuant to NRS 38.236 or within 90 days after the movant receives notice of a modified or corrected award pursuant to NRS 38.237, unless the movant alleges that the award was procured by ***evident partiality,*** corruption, fraud or other undue means, in which case the motion must be made within 90 days after the ground is known or by the exercise of reasonable care would have been known by the movant.

3. If the court vacates an award on a ground other than that set forth in paragraph (e) of subsection 1, it may order a rehearing. If the award is vacated on a ground stated in paragraph (a) or (b) of subsection 1, the rehearing must be before a new arbitrator. If the award is vacated on a ground stated in paragraph (c), (d) or (f) of subsection 1, the rehearing may be before the arbitrator who made the award or the arbitrator's successor. The arbitrator must render the decision in the rehearing within the same time as that provided in subsection 2 of NRS 38.236 for an award.

4. If the court denies a motion to vacate an award, it shall confirm the award unless a motion to modify or correct the award is pending.

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

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment prohibits certain arbitrators from consolidating separate arbitral proceedings or other claims unless all parties expressly agree to such consolidation. It requires a court to remove certain arbitrators who did not disclose certain facts from arbitral proceedings if an award has not yet been made. The provisions do not apply to an arbitral proceeding conducted or administered by a self-regulatory organization as defined by the Security and Exchange Act of 1934.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 447.

Bill read third time.

The following amendment was proposed by Assemblyman Gardner:

Amendment No. 953.

AN ACT relating to marijuana; revising the crime of counterfeiting or forging a registry identification card for the medical use of marijuana; defining certain terms, including "concentrated cannabis"; revising the definition of marijuana for certain purposes; making it unlawful to extract concentrated cannabis; **revising the provisions pertaining to trafficking in marijuana and concentrated cannabis;** providing for the issuance of a letter of approval to certain children that allows such children to engage in the medical use of marijuana; revising certain exemptions from state prosecution for marijuana related offenses; revising provisions governing the return of seized marijuana, paraphernalia or related property from certain persons; providing that certain records created by the Division of Public and Behavioral Health of the Department of Health and Human Services relating to the medical use of marijuana are not confidential; authorizing the Division to issue a registry identification card; revising provisions relating to the location and operation of medical marijuana establishments; authorizing law enforcement agencies to adopt policies and procedures governing the medical use of marijuana by employees; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime, punishable as a category E felony, for a person to counterfeit or forge or attempt to counterfeit or forge a registry identification card, which is the instrument that indicates a bearer is entitled to engage in the medical use of marijuana. (NRS 207.335) **Section 1** of this bill makes it unlawful to: (1) counterfeit or forge or attempt to counterfeit or forge a letter of approval; or (2) possess with the intent to use any such counterfeit or forged registry identification card or letter of approval. Existing law defines marijuana for the purposes of the regulation of controlled substances. (NRS 453.096) Existing law also provides criminal penalties for various acts involving a schedule I controlled substance, including, without limitation, possession, manufacture, compounding, importation, distribution, sale, transfer, trafficking or driving under the influence. (NRS 453.316-453.348, 484C.110, 484C.120, 488.410) In addition to criminal penalties, existing law provides for civil penalties against a person who engages in certain acts involving the unlawful manufacture, distribution or sale of a schedule I controlled substance. (NRS 453.553-453.5533)

Sections 1.2-1.5 and 2 of this bill define certain terms, including "concentrated cannabis," and revise the definition of marijuana for the purposes of regulating controlled substances. **Section 7 of this bill revises the quantities of marijuana and concentrated cannabis for the purposes of the prohibition against trafficking. Section 8** of this bill makes it unlawful to knowingly or intentionally extract concentrated cannabis. A person who violates such a provision is guilty of a category C felony.

Existing law exempts a person who holds a valid registry identification card from state prosecution for possession, delivery and production of marijuana. (NRS 453A.200) The Division of Public and Behavioral Health of the Department of Health and Human Services may either issue a registry identification card that has been prepared by the Department of Motor Vehicles to a person who meets certain qualifications or designate the Department of Motor Vehicles to issue a registry identification card to such a person. (NRS 453A.210, 453A.220, 453A.740) A person under the age of 18 years can obtain a registry identification card if the custodial parent or legal guardian with responsibility for health care decisions for the person agrees to serve as the designated primary caregiver for the person and the person meets certain other requirements. (NRS 453A.210) **Sections 17 and 18** of this bill require the Division to issue a letter of approval to an applicant who is under 10 years of age stating that the Division has approved the person's application to be exempted from state prosecution for engaging in the medical use of marijuana if the applicant meets these requirements instead of requiring the applicant to obtain a registry identification card that is prepared or issued by the Department. **Section 18** also prescribes the required contents of a letter of approval.

Section 13.3 of this bill provides that: (1) an employee of the State Department of Agriculture who possesses, delivers or produces marijuana in the course of his or her duties is exempt from certain offenses relating to marijuana; and (2) no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana.

Section 13 of this bill provides that a person who obtains a letter of approval is exempt from certain offenses relating to the possession of marijuana or paraphernalia, but not offenses relating to the delivery and production of marijuana. **Sections 17 and 22** of this bill require the custodial parent or legal guardian of a child under the age of 10 years who obtains a letter of approval to agree to serve as the designated primary caregiver for the child. **Section 18** requires the Division to issue a registry identification card to the designated primary caregiver of the holder of a letter of approval. **Sections 25-27** of this bill authorize a medical marijuana establishment to acquire marijuana from and dispense marijuana to the designated primary caregiver of a person who holds a letter of approval in the same manner as for a patient who holds a registry identification card.

Sections 19-23 of this bill make certain provisions concerning the revocation and expiration of a registry identification card, the designation of a primary caregiver and acts for which the holder of a registry identification card is not exempt from state prosecution applicable to the holder of a letter of approval. **Sections 29 and 30** of this bill authorize a patient who holds a valid letter of approval and his or her designated primary caregiver to select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary. **Sections 31-34** of this bill make certain rights and

protections for persons who hold a registry identification card and persons who assist such persons in the medical use of marijuana applicable to a person who holds a letter of approval and a person who assists a person who holds a letter of approval as well.

Section 26.5 of this bill allows a medical marijuana establishment to move to a new location under the jurisdiction of the same local government if the local government approves the new location. **Section 27** of this bill allows a medical marijuana establishment to use certain pesticides in the cultivation and production of marijuana, edible marijuana products and marijuana-infused products. **Section 36.7** of this bill requires the Division to revise its regulations to conform with the provisions of **sections 26.5 and 27**.

Section 27.5 of this bill allows a medical marijuana establishment to transport medical marijuana or enter into a contract with a third party to transport medical marijuana to another medical marijuana establishment or between the buildings of the medical marijuana establishment.

Existing law provides certain acts for which the holder of a registry identification card is not exempt from state prosecution for certain offenses relating to marijuana. (NRS 453A.300) **Section 23** provides that such a person is not exempt from state prosecution for possessing marijuana or paraphernalia on school property.

The Nevada Constitution requires the Legislature to provide by law for protection of the plant of the genus *Cannabis* for medical purposes and property related to its use from forfeiture except upon conviction or plea of guilty or nolo contendere. (Nev. Const. Art. 4 38) Existing law requires a district attorney of the county in which marijuana, drug paraphernalia or other related property was seized, or the district attorney's designee, to make a determination that a person is engaging in or assisting in the medical use of marijuana under certain circumstances. (NRS 453A.400) **Section 31** removes the requirement to make such a determination and instead requires law enforcement to return any usable marijuana, marijuana plants, drug paraphernalia and other related property that was seized upon: (1) a decision not to prosecute; (2) the dismissal of the charges; or (3) acquittal.

Section 34 also provides that the Division shall not disclose the contents of any tool used by the Division to evaluate an applicant or affiliate or certain other information regarding an applicant or affiliate.

Section 35 of this bill authorizes the Division to issue a registry identification card rather than requiring that the card be prepared by the Department of Motor Vehicles. **Section 35** further provides that the Division will issue a letter of approval to a qualified person and authorizes a fee for providing an application and processing a letter of approval in the same amount as for a registry identification card.

Existing law does not require an employer to modify the job or working conditions of an employee who engages in the medical use of marijuana, but does require that an employer must attempt to make reasonable accommodations for the employee under certain circumstances.

(NRS 453A.800) **Section 36** of this bill provides that a law enforcement agency is not prohibited from adopting policies or procedures that preclude an employee from engaging in the medical use of marijuana.

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

Section 1. NRS 207.335 is hereby amended to read as follows:

207.335 1. It is unlawful for any person to ~~[counterfeit]~~ ***:***

(a) Counterfeit or forge or attempt to counterfeit or forge a registry identification card ~~[.]~~ ***or letter of approval; or***

(b) Have in his or her possession with the intent to use any counterfeit or forged registry identification card or letter of approval.

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

3. As used in this section ~~[, "registry]~~ ***:***

(a) "Letter of approval" has the meaning ascribed to it in section 12 of this act.

(b) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

Sec. 1.1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 to 1.5, inclusive, of this act.

Sec. 1.2. ***"CBD" means cannabidiol, which is a primary phytocannabinoid compound found in marijuana.***

Sec. 1.3. ***"Concentrated cannabis" means the extracted or separated resin, whether crude or purified, containing THC or CBD from marijuana.***

Sec. 1.4. ***"Extraction" means the process or act of extracting THC or CBD from marijuana, including, without limitation, pushing, pulling or drawing out THC or CBD from marijuana.***

Sec. 1.5. ***"THC" means:***

1. Delta-9-tetrahydrocannabinol;

2. Delta-8-tetrahydrocannabinol; and

3. The optical isomers of such substances.

Sec. 1.6. NRS 453.016 is hereby amended to read as follows:

453.016 As used in this chapter, the words and terms defined in NRS 453.021 to 453.141, inclusive, ***and sections 1.2 to 1.5, inclusive, of this act*** have the meanings ascribed to them in those sections except in instances where the context clearly indicates a different meaning.

Sec. 2. NRS 453.096 is hereby amended to read as follows:

453.096 1. "Marijuana" means:

(a) All parts of any plant of the genus Cannabis, whether growing or not;

(b) The seeds thereof;

(c) The resin extracted from any part of the plant ~~[.]~~ ***, including concentrated cannabis;*** and

(d) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

2. "Marijuana" does not include the mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 453.3353 is hereby amended to read as follows:

453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:

(a) A person violates NRS 453.322, 453.3385 or 453.3395, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,

➥ the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.

2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:

(a) A person violates NRS 453.322, 453.3385 or 453.3395, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,

➥ the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. As used in this section ***:*** ~~**[**, "premises" means:**]**~~

(a) ***"Marijuana" does not include concentrated cannabis.***

(b) "Premises" means:

(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

~~[(b)]~~ ***(2)*** Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

➥ whether located aboveground or underground and whether inhabited or not.

Sec. 5. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 5, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive ~~.~~ ***, and sections 1.2 to 1.5, inclusive, of this act.***

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, 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.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug

addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

6. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) ***"Marijuana" does not include concentrated cannabis.***

(c) **"**Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 6. NRS 453.3385 is hereby amended to read as follows:

453.3385 ***1.*** Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, ***and sections 1.2 to 1.5, inclusive, of this act,*** a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I, except marijuana, or any mixture which contains any such controlled substance, shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

~~[1.]~~ ***(a)*** Is 4 grams or more, but less than 14 grams, for a category B felony 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 by a fine of not more than $50,000.

~~[2.]~~ ***(b)*** Is 14 grams or more, but less than 28 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than $100,000.

~~[3.]~~ ***(c)*** Is 28 grams or more, for a category A felony by imprisonment in the state prison:

~~[(a)]~~ ***(1)*** For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

~~[(b)]~~ ***(2)*** For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

➥ and by a fine of not more than $500,000.

2. As used in this section, "marijuana" does not include concentrated cannabis.

Sec. 7. NRS 453.339 is hereby amended to read as follows:

453.339 1. Except as otherwise provided in NRS 453.011 to 453.552, inclusive, ***and sections 1.2 to 1.5, inclusive, of this act,*** a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of marijuana ***or concentrated cannabis*** shall be punished, if the quantity involved:

(a) Is ~~[100]~~ ***50*** pounds or more, but less than ~~[2,000]~~ ***1,000*** pounds, ***of marijuana or 1 pound or more, but less than 20 pounds, of concentrated cannabis,*** for a category C felony as provided in NRS 193.130 and by a fine of not more than $25,000.

(b) Is ~~[2,000]~~ ***1,000*** pounds or more, but less than ~~[10,000]~~ ***5,000*** pounds, ***of marijuana or 20 pounds or more, but less than 100 pounds, of concentrated cannabis,*** for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than $50,000.

(c) Is ~~[10,000]~~ ***5,000*** pounds or more ~~[,]~~ ***of marijuana or 100 pounds or more of concentrated cannabis,*** for a category A felony by imprisonment in the state prison:

(1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or

(2) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,

➥ and by a fine of not more than $200,000.

2. For the purposes of this section:

(a) "Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not. ***The term does not include concentrated cannabis.***

(b) The weight of marijuana ***or concentrated cannabis*** is its weight when seized or as soon as practicable thereafter. ***If marijuana and concentrated cannabis are seized together, each must be weighed separately and treated as separate substances.***

Sec. 8. NRS 453.3393 is hereby amended to read as follows:

453.3393 1. A person shall not knowingly or intentionally manufacture, grow, plant, cultivate, harvest, dry, propagate or process marijuana, except as specifically authorized by the provisions of this chapter or chapter 453A of NRS.

2. Unless a greater penalty is provided in ***subsection 3 or*** NRS 453.339, a person who violates subsection 1, if the quantity involved is more than 12 marijuana plants, irrespective of whether the marijuana plants are mature or

immature, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. ***A person shall not knowingly or intentionally extract concentrated cannabis, except as specifically authorized by the provisions of chapter 453A of NRS. Unless a greater penalty is provided in NRS 453.339, a person who violates this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.***

4. In addition to any punishment imposed pursuant to ~~[~~subsection 2,~~]~~ ***this section,*** the court shall order a person convicted of a violation of ~~[~~subsection 1~~]~~ ***this section*** to pay all costs associated with any necessary cleanup and disposal related to the manufacturing, growing, planting, cultivation, harvesting, drying, propagation or processing of the marijuana ~~[.]~~ ***or the extraction of concentrated cannabis.***

Sec. 9. NRS 453.401 is hereby amended to read as follows:

453.401 1. Except as otherwise provided in subsections 3 and 4, if two or more persons conspire to commit an offense which is a felony under the Uniform Controlled Substances Act or conspire to defraud the State of Nevada or an agency of the State in connection with its enforcement of the Uniform Controlled Substances Act, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator:

(a) For a first offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the conspirator has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or of any state, territory or district which if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(c) For a third or subsequent offense, or if the conspirator has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, 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 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

2. Except as otherwise provided in subsection 3, if two or more persons conspire to commit an offense in violation of the Uniform Controlled Substances Act and the offense does not constitute a felony, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator shall be punished by imprisonment, or by imprisonment and fine, for not more than

the maximum punishment provided for the offense which they conspired to commit.

3. If two or more persons conspire to possess more than 1 ounce of marijuana unlawfully, except for the purpose of sale, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator is guilty of a gross misdemeanor.

4. If the conspiracy subjects the conspirators to criminal liability under NRS 207.400, the persons so conspiring shall be punished in the manner provided in NRS 207.400.

5. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 1.

6. As used in this section, "marijuana" does not include concentrated cannabis.

Sec. 10. NRS 453.5531 is hereby amended to read as follows:

453.5531 1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.

(b) Not to exceed $700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.

(c) Not to exceed $1,000,000, if the quantity involved is 10,000 pounds or more.

2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 4 grams or more, but less than 14 grams.

(b) Not to exceed $700,000, if the quantity involved is 14 grams or more, but less than 28 grams.

(c) Not to exceed $1,000,000, if the quantity involved is 28 grams or more.

3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 28 grams or more, but less than 200 grams.

(b) Not to exceed $700,000, if the quantity involved is 200 grams or more, but less than 400 grams.

(c) Not to exceed $1,000,000, if the quantity involved is 400 grams or more.

4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed $350,000.

5. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.324, 453.354, 453.355 or 453.357, to a civil penalty in an amount not to exceed $250,000 for each violation.

6. As used in this section, "marijuana" does not include concentrated cannabis.

Sec. 11. Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 13.7, inclusive, of this act.

Sec. 12. ***"Letter of approval" means a document issued by the Division to an applicant who is under 10 years of age pursuant to NRS 453A.220 which provides that the applicant is exempt from state prosecution for engaging in the medical use of marijuana.***

Sec. 13. ***1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid letter of approval issued pursuant to NRS 453A.220 is exempt from state prosecution for:***

(a) Possession of marijuana;

(b) Possession of paraphernalia;

(c) Any combination of the acts described in paragraphs (a) and (b); and

(d) Any other criminal offense in which the possession of marijuana or paraphernalia is an element.

2. The exemption from state prosecution set forth in subsection 1 applies only to the extent that the person who holds a letter of approval:

(a) Engages in the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and

(b) Does not, at any one time, collectively possess with his or her designated primary caregiver an amount of marijuana for medical purposes that exceeds the limits set forth in NRS 453A.200.

3. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 13.3. ***1. An employee of the State Department of Agriculture who, in the course of his or her duties:***

(a) Possesses, delivers or produces marijuana;

(b) Aids and abets another in the possession, delivery or production of marijuana;

(c) Performs any combination of the acts described in paragraphs (a) and (b); or

(d) Performs any other criminal offense in which the possession, delivery or production of marijuana is an element,

↪ is exempt from state prosecution for the offense. The persons described in this subsection must ensure that the marijuana described in this subsection is safeguarded in an enclosed, secure location.

2. In addition to the provisions of subsection 1, no person may be subject to state prosecution for constructive possession, conspiracy or any other

criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 13.7. ***The Division may enter into an interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive, to carry out the provisions of NRS 453A.320 to 453A.370, inclusive.***

Sec. 14. NRS 453A.010 is hereby amended to read as follows:

453A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, ***and section 12 of this act*** have the meanings ascribed to them in those sections.

Sec. 15. NRS 453A.116 is hereby amended to read as follows:

453A.116 "Medical marijuana establishment" means:

1. An independent testing laboratory;
2. A cultivation facility;
3. A facility for the production of edible marijuana products or marijuana-infused products; ***or***
4. A medical marijuana dispensary **.** ~~[; or~~

~~5. A business that has registered with the Division and paid the requisite fees to act as more than one of the types of businesses listed in subsections 2, 3 and 4.]~~

Sec. 16. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

(a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of ~~[the]~~ ***a*** person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess ~~[,]~~ ***with another who is authorized to possess,*** deliver or produce more than:

(1) Two and one-half ounces of usable marijuana in any one 14-day period;

(2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.

➥ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to NRS 453A.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to NRS 453A.332, and who confines his or her activities to those authorized by NRS 453A.320 to 453A.370, inclusive, and the regulations adopted by the Division pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card ~~[or his or her]~~ ***, including, without limitation, a*** designated primary caregiver, ~~[if~~

~~any,~~] such ~~[persons are]~~ ***a person is*** not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

(a) The person who holds the registry identification card ~~[or his or her designated primary caregiver, if any,]~~ was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;

(b) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card ~~[or his or her designated primary caregiver, if any,]~~ close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;

(c) Because of illness or lack of transportation, the person who holds the registry identification card ~~[and his or her designated primary caregiver, if any, are]~~ ***is*** unable reasonably to travel to a medical marijuana dispensary; or

(d) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 17. NRS 453A.210 is hereby amended to read as follows:

453A.210 1. The Division shall establish and maintain a program for the issuance of registry identification cards ***and letters of approval*** to persons who meet the requirements of this section.

2. Except as otherwise provided in subsections 3 and 5 and NRS 453A.225, the Division or its designee shall issue a registry identification card to a person who is a resident of this State and who submits an application on a form prescribed by the Division accompanied by the following:

(a) Valid, written documentation from the person's attending physician stating that:

(1) The person has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(3) The attending physician has explained the possible risks and benefits of the medical use of marijuana;

(b) The name, address, telephone number, social security number and date of birth of the person;

(c) Proof satisfactory to the Division that the person is a resident of this State;

(d) The name, address and telephone number of the person's attending physician;

(e) If the person elects to designate a primary caregiver at the time of application:

(1) The name, address, telephone number and social security number of the designated primary caregiver; and

(2) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver; and

(f) If the person elects to designate a medical marijuana dispensary at the time of application, the name of the medical marijuana dispensary.

3. The Division or its designee shall issue a registry identification card to a person who is ~~[under]~~ ***at least 10 years of age but less than*** 18 years of age ***or a letter of approval to a person who is less than 10 years of age*** if:

(a) The person submits the materials required pursuant to subsection 2; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:

(1) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. The form prescribed by the Division to be used by a person applying for a registry identification card ***or letter of approval*** pursuant to this section must be a form that is in quintuplicate. Upon receipt of an application that is completed and submitted pursuant to this section, the Division shall:

(a) Record on the application the date on which it was received;

(b) Retain one copy of the application for the records of the Division; and

(c) Distribute the other four copies of the application in the following manner:

(1) One copy to the person who submitted the application;

(2) One copy to the applicant's designated primary caregiver, if any;

(3) One copy to the Central Repository for Nevada Records of Criminal History; and

(4) One copy to:

(I) If the attending physician of the applicant is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners; or

(II) If the attending physician of the applicant is licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.

➥ The Central Repository for Nevada Records of Criminal History shall report to the Division its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c). The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall report to the Division its findings as to the licensure and standing of the applicant's attending physician within 15 days after receiving a copy of an application pursuant to subparagraph (4) of paragraph (c).

5. The Division shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within 30 days after receiving the application. The Division may contact an applicant, the applicant's attending physician and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Division may deny an application only on the following grounds:

(a) The applicant failed to provide the information required pursuant to subsections 2 and 3 to:

(1) Establish the applicant's chronic or debilitating medical condition; or

(2) Document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with that condition;

(b) The applicant failed to comply with regulations adopted by the Division, including, without limitation, the regulations adopted by the Administrator pursuant to NRS 453A.740;

(c) The Division determines that the information provided by the applicant was falsified;

(d) The Division determines that the attending physician of the applicant is not licensed to practice medicine or osteopathic medicine in this State or is not in good standing, as reported by the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable;

(e) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has been convicted of knowingly or intentionally selling a controlled substance;

(f) The Division has prohibited the applicant from obtaining or using a registry identification card ***or letter of approval*** pursuant to subsection 2 of NRS 453A.300;

(g) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card ***or letter of approval*** revoked pursuant to NRS 453A.225; or

(h) In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph (b) of subsection 3.

6. The decision of the Division to deny an application for a registry identification card ***or letter of approval*** is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the

case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the Division. A judicial review authorized pursuant to this subsection must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card ***or letter of approval*** pursuant to this section and the Division has not yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card ***or letter of approval*** upon the presentation to a law enforcement officer of the copy of the application provided to him or her pursuant to subsection 4.

9. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.

Sec. 18. NRS 453A.220 is hereby amended to read as follows:

453A.220 1. If the Division approves an application pursuant to subsection 5 of NRS 453A.210, the Division or its designee shall, as soon as practicable after the Division approves the application:

(a) Issue a ***letter of approval or*** serially numbered registry identification card ***, as applicable,*** to the applicant; and

(b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver.

2. A registry identification card issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name, address, photograph and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant's designated primary caregiver, if any;

(d) The name of the applicant's designated medical marijuana dispensary, if any;

(e) Whether the applicant is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

3. ***A letter of approval issued pursuant to paragraph (a) of subsection 1 must set forth:***

(a) The name, address and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card of the designated primary caregiver;

(c) The name and address of the applicant's designated primary caregiver;

(d) The name of the applicant's designated medical marijuana dispensary, if any; and

(e) Any other information prescribed by regulation of the Division.

4. A registry identification card issued pursuant to paragraph (b) of subsection 1 must set forth:

(a) The name, address and photograph of the designated primary caregiver;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant for whom the person is the designated primary caregiver;

(d) The name of the designated primary caregiver's designated medical marijuana dispensary, if any;

(e) Whether the designated primary caregiver is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

~~[4.]~~ ***5.*** Except as otherwise provided in NRS 453A.225, subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300, a registry identification card ***or letter of approval*** issued pursuant to this section is valid for a period of 1 year and may be renewed in accordance with regulations adopted by the Division.

Sec. 19. NRS 453A.225 is hereby amended to read as follows:

453A.225 1. If, at any time after the Division or its designee has issued a registry identification card ***or letter of approval*** to a person pursuant to paragraph (a) of subsection 1 of NRS 453A.220, the Division determines, on the basis of official documents or records or other credible evidence, that the person:

(a) Provided falsified information on his or her application to the Division or its designee, as described in paragraph (c) of subsection 5 of NRS 453A.210; or

(b) Has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210,

➥ the Division shall immediately revoke the registry identification card ***or letter of approval*** issued to that person and shall immediately revoke the registry identification card issued to that person's designated primary caregiver, if any.

2. If, at any time after the Division or its designee has issued a registry identification card to a person pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250, the Division determines, on the basis of official documents or records or other credible evidence, that the person has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210, the Division shall immediately revoke the registry identification card issued to that person.

3. Upon the revocation of a registry identification card ***or letter of approval*** pursuant to this section:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card ***or letter of approval*** has been revoked, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card ***or letter of approval*** to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

4. The decision of the Division to revoke a registry identification card ***or letter of approval*** pursuant to this section is a final decision for the purposes of judicial review.

5. A person whose registry identification card ***or letter of approval*** has been revoked pursuant to this section may not reapply for a registry identification card ***or letter of approval*** pursuant to NRS 453A.210 for 12 months after the date of the revocation, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

Sec. 20. NRS 453A.230 is hereby amended to read as follows:

453A.230 1. A person to whom the Division or its designee has issued a registry identification card ***or letter of approval*** pursuant to paragraph (a) of subsection 1 of NRS 453A.220 shall, in accordance with regulations adopted by the Division:

(a) Notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary, attending physician or designated primary caregiver, if any; and

(b) Submit annually to the Division:

(1) Updated written documentation from the person's attending physician in which the attending physician sets forth that:

(I) The person continues to suffer from a chronic or debilitating medical condition;

(II) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(III) The attending physician has explained to the person the possible risks and benefits of the medical use of marijuana; and

(2) If the person elects to designate a primary caregiver for the subsequent year and the primary caregiver so designated was not the person's designated primary caregiver during the previous year:

(I) The name, address, telephone number and social security number of the designated primary caregiver; and

(II) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver.

2. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in accordance with regulations adopted by the Division, notify the Division of any change in the person's name, address,

telephone number, designated medical marijuana dispensary or the identity of the person for whom he or she acts as designated primary caregiver.

3. If a person fails to comply with the provisions of subsection 1 or 2, the registry identification card ***or letter of approval*** issued to the person shall be deemed expired. If the registry identification card ***or letter of approval*** of a person to whom the Division or its designee issued the card ***or letter*** pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is deemed expired pursuant to this subsection, a registry identification card issued to the person's designated primary caregiver, if any, shall also be deemed expired. Upon the deemed expiration of a registry identification card ***or letter of approval*** pursuant to this subsection:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card ***or letter of approval*** has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card ***or letter of approval*** to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

Sec. 21. NRS 453A.240 is hereby amended to read as follows:

453A.240 If a person to whom the Division or its designee has issued a registry identification card ***or letter of approval*** pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is diagnosed by the person's attending physician as no longer having a chronic or debilitating medical condition, the person ***shall return his or her registry identification card or letter of approval*** and his or her designated primary caregiver, if any, shall return ~~[their]~~ ***his or her*** registry identification ~~[cards]~~ ***card*** to the Division within 7 days after notification of the diagnosis.

Sec. 22. NRS 453A.250 is hereby amended to read as follows:

453A.250 1. If a person who applies to the Division for a registry identification card ***or letter of approval*** or to whom the Division or its designee has issued a registry identification card ***or letter of approval*** pursuant to paragraph (a) of subsection 1 of NRS 453A.220 desires ***or is required*** to designate a primary caregiver, the person must:

(a) To designate a primary caregiver at the time of application, submit to the Division the information required pursuant to paragraph (e) of subsection 2 of NRS 453A.210; or

(b) To designate a primary caregiver after the Division or its designee has issued a registry identification card ***or letter of approval*** to the person, submit to the Division the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 453A.230.

2. A person may have only one designated primary caregiver at any one time.

3. If a person designates a primary caregiver after the time that the person initially applies for a registry identification card ~~[,]~~ ***or letter of approval,*** the Division or its designee shall, except as otherwise provided in subsection 5 of

NRS 453A.210, issue a registry identification card to the designated primary caregiver as soon as practicable after receiving the information submitted pursuant to paragraph (b) of subsection 1.

Sec. 23. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who holds a registry identification card ***or letter of approval*** issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566 ~~[, if]~~ ***:***

(1) If the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

~~[(1)]~~ ***(I)*** Any public place or in any place open to the public or exposed to public view; or

~~[(2)]~~ ***(II)*** Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders ~~[.]~~ ***; or***

(2) If the possession of the marijuana or paraphernalia occurs on school property.

(e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card ***or letter of approval*** issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card ***or letter of approval*** issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card ***or letter of approval*** for a period of up to 6 months.

3. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 24. NRS 453A.310 is hereby amended to read as follows:

453A.310 1. Except as otherwise provided in this section and NRS 453A.300, it is an affirmative defense to a criminal charge of possession,

delivery or production of marijuana, or any other criminal offense in which possession, delivery or production of marijuana is an element, that the person charged with the offense:

(a) Is a person who:

(1) Has been diagnosed with a chronic or debilitating medical condition within the 12-month period preceding his or her arrest and has been advised by his or her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that chronic or debilitating medical condition;

(2) Is engaged in the medical use of marijuana; and

(3) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the person's attending physician to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; or

(b) Is a person who:

(1) Is assisting a person described in paragraph (a) in the medical use of marijuana; and

(2) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the assisted person's attending physician to mitigate the symptoms or effects of the assisted person's chronic or debilitating medical condition.

2. A person need not hold a registry identification card ***or letter of approval*** issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250 to assert an affirmative defense described in this section.

3. Except as otherwise provided in this section and in addition to the affirmative defense described in subsection 1, a person engaged or assisting in the medical use of marijuana who is charged with a crime pertaining to the medical use of marijuana is not precluded from:

(a) Asserting a defense of medical necessity; or

(b) Presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition,

➥ if the amount of marijuana at issue is not greater than the amount described in paragraph (b) of subsection 3 of NRS 453A.200 and the person has taken steps to comply substantially with the provisions of this chapter.

4. A defendant who intends to offer an affirmative defense described in this section shall, not less than 5 days before trial or at such other time as the court directs, file and serve upon the prosecuting attorney a written notice of the defendant's intent to claim the affirmative defense. The written notice must:

(a) State specifically why the defendant believes he or she is entitled to assert the affirmative defense; and

(b) Set forth the factual basis for the affirmative defense.

➥ A defendant who fails to provide notice of his or her intent to claim an affirmative defense as required pursuant to this subsection may not assert the affirmative defense at trial unless the court, for good cause shown, orders otherwise.

Sec. 25. NRS 453A.340 is hereby amended to read as follows:

453A.340 The following acts constitute grounds for immediate revocation of a medical marijuana establishment registration certificate:

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment, a ~~[~~patient~~]~~ ***person*** who holds a valid registry identification card ~~[~~or the~~]~~ ***, including, without limitation, a*** designated primary caregiver ***.*** ~~[~~of such a patient.~~]~~

2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment, a ~~[~~patient~~]~~ ***person*** who holds a valid registry identification card ~~[~~or the~~]~~ ***, including, without, limitation, a*** designated primary caregiver ***.*** ~~[~~of such a patient.~~]~~

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.

Sec. 26. NRS 453A.342 is hereby amended to read as follows:

453A.342 The following acts constitute grounds for the immediate revocation of the medical marijuana establishment agent registration card of a medical marijuana establishment agent:

1. Having committed or committing any excluded felony offense.

2. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment ~~[~~,~~]~~ ***or*** a ~~[~~patient~~]~~ ***person*** who holds a valid registry identification card ~~[~~or the~~]~~ ***, including, without limitation, a*** designated primary caregiver ***.*** ~~[~~of such a patient.~~]~~

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

Sec. 26.5. NRS 453A.350 is hereby amended to read as follows:

453A.350 ***1.*** Each medical marijuana establishment must:

~~[~~1.~~]~~ ***(a)*** Be located in a separate building or facility that is located in a commercial or industrial zone or overlay;

~~[~~2.~~]~~ ***(b)*** Comply with all local ordinances and rules pertaining to zoning, land use and signage;

~~[~~3.~~]~~ ***(c)*** Have an appearance, both as to the interior and exterior, that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices; and

~~[4.]~~ ***(d)*** Have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.

2. A medical marijuana establishment may move to a new location under the jurisdiction of the same local government as its original location and regardless of the distance from its original location if the operation of the medical marijuana establishment at the new location has been approved by the local government.

Sec. 27. NRS 453A.352 is hereby amended to read as follows:

453A.352 1. The operating documents of a medical marijuana establishment must include procedures:

(a) For the oversight of the medical marijuana establishment; and

(b) To ensure accurate recordkeeping, including, without limitation, the provisions of NRS 453A.354 and 453A.356.

2. Except as otherwise provided in this subsection, a medical marijuana establishment:

(a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

(b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

➥ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. A medical marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:

(a) Directly or indirectly assist patients who possess valid registry identification cards; and

(b) Assist patients who possess valid registry identification cards ***or letters of approval*** by way of those patients' designated primary caregivers.

➥ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card ***or letter of approval*** if he or she qualifies for nonresident reciprocity pursuant to NRS 453A.364.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Division during the registration process for the cultivation facility. Such an enclosed, locked facility must be accessible only by medical marijuana establishment agents who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.

5. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a ~~[patient]~~ ***person*** who holds a valid registry identification card, ~~[or the]~~ ***, including, without limitation, a*** designated primary caregiver ***.*** ~~[of such a patient.]~~ Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the marijuana. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, ***or the designated primary caregiver of a person who holds a letter of approval*** may sell usable marijuana to a medical marijuana dispensary one time and may sell marijuana plants to a cultivation facility one time.

6. ***A medical marijuana establishment may use a pesticide in the cultivation and production of marijuana, edible marijuana products and marijuana-infused products if the pesticide:***

(a) Is exempt from registration pursuant to 40 C.F.R. § 152.25 or allowed to be used on Crop Group 19, as defined in 40 C.F.R. § 180.41(c)26, hops or unspecified crops or plants;

(b) Has affixed a label which allows the pesticide to be used at the intended site of application; and

(c) Has affixed a label which allows the pesticide to be used on crops and plants intended for human consumption.

7. The State Department of Agriculture shall, in accordance with the provisions of subsection 1 and NRS 586.010 to 586.450, inclusive, establish and publish a list of pesticides allowed to be used on medical marijuana pursuant to this section and accept requests from pesticide manufacturers and medical marijuana establishments, or a representative thereof, to add pesticides to the list.

8. A medical marijuana establishment shall not allow any person to consume marijuana on the property or premises of the establishment.

~~[7.]~~ ***9.*** Medical marijuana establishments are subject to reasonable inspection by the Division at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the Division of the establishment.

Sec. 27.5. NRS 453A.362 is hereby amended to read as follows:

453A.362 1. At each medical marijuana establishment, medical marijuana must be stored only in an enclosed, locked facility.

2. Except as otherwise provided in subsection 3, at each medical marijuana dispensary, medical marijuana must be stored in a secure, locked device, display case, cabinet or room within the enclosed, locked facility. The secure, locked device, display case, cabinet or room must be protected by a lock or locking mechanism that meets at least the security rating established by Underwriters Laboratories for key locks.

3. At a medical marijuana dispensary, medical marijuana may be removed from the secure setting described in subsection 2:

(a) Only for the purpose of dispensing the marijuana;

(b) Only immediately before the marijuana is dispensed; and

(c) Only by a medical marijuana establishment agent who is employed by or volunteers at the dispensary.

4. A medical marijuana establishment may:

(a) Transport medical marijuana to another medical marijuana establishment or between the buildings of the medical marijuana establishment; and

(b) Enter into a contract with a third party to transport medical marijuana to another medical marijuana establishment or between the buildings of the medical marijuana establishment.

Sec. 28. NRS 453A.364 is hereby amended to read as follows:

453A.364 1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and

(e) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.

3. As used in this section, "nonresident card" means a card or other identification that:

(a) Is issued by a state or jurisdiction other than Nevada; and

(b) Is the functional equivalent of a registry identification card ~~[.]~~ ***or letter of approval,*** as determined by the Division.

Sec. 29. NRS 453A.366 is hereby amended to read as follows:

453A.366 1. A patient who holds a valid registry identification card ***or letter of approval*** and his or her designated primary caregiver, if any, may

select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary at any one time.

2. A patient who designates a medical marijuana dispensary as described in subsection 1:

(a) Shall communicate the designation to the Division within the time specified by the Division.

(b) May change his or her designation not more than once in a 30-day period.

Sec. 29.5. NRS 453A.368 is hereby amended to read as follows:

453A.368 1. The Division shall establish standards for and certify one or more private and independent testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in this State.

2. Such an independent testing laboratory must be able to determine accurately, with respect to marijuana, edible marijuana products and marijuana-infused products that are sold or will be sold at medical marijuana dispensaries in this State:

(a) The concentration therein of THC and cannabidiol.

(b) ~~[Whether the tested material is organic or non-organic.~~

~~(c)~~**]** The presence and identification of molds and fungus.

[~~(d)~~**]** ***(c)*** The ~~[presence and concentration of fertilizers and other nutrients.]~~ ***composition of the tested material.***

(d) The presence of chemicals in the tested material, including, without limitation, pesticides, herbicides or growth regulators.

3. To obtain certification by the Division on behalf of an independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 453A.322.

(b) Pay the fees required pursuant to NRS 453A.344.

Sec. 30. NRS 453A.370 is hereby amended to read as follows:

453A.370 The Division shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 453A.320 to 453A.370, inclusive. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to NRS 453A.322 and 453A.332.

2. Set forth rules pertaining to the safe and healthful operation of medical marijuana establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the confidentiality of the holders of registry identification cards **[**~~.~~**]** ***and letters of approval.***

(b) Minimum requirements for the oversight of medical marijuana establishments.

(c) Minimum requirements for the keeping of records by medical marijuana establishments.

(d) Provisions for the security of medical marijuana establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each medical marijuana establishment.

(e) Procedures pursuant to which medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to end users are tested for content, quality and potency in accordance with standards established by the Division.

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the Division if a patient who holds a valid registry identification card ***or letter of approval*** has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 453A.344 may be reduced over time:

(a) To ensure that the fees imposed pursuant to NRS 453A.344 are, insofar as may be practicable, revenue neutral; and

(b) To reflect gifts and grants received by the Division pursuant to NRS 453A.720.

4. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, ~~[or the]~~ ***including, without limitation, a*** designated primary caregiver ***,*** ~~[of such a person,]~~ in any one 14-day period. Such an amount must not exceed the limits set forth in NRS 453A.200.

5. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter.

6. In cooperation with the Board of Medical Examiners and the State Board of Osteopathic Medicine, establish a system to:

(a) Register and track attending physicians who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending physician described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending physicians who advise the medical use of marijuana at a rate at which the Division and Board determine and agree to be unreasonably high.

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer.

8. Provide for the maintenance of a log by the Division of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200. The Division shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.

9. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive.

Sec. 31. NRS 453A.400 is hereby amended to read as follows:

453A.400 1. The fact that a person possesses a registry identification card ***or letter of approval*** issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250, a medical marijuana establishment registration certificate issued to the person by the Division or its designee pursuant to NRS 453A.322 or a medical marijuana establishment agent registration card issued to the person by the Division or its designee pursuant to NRS 453A.332 does not, alone:

(a) Constitute probable cause to search the person or the person's property; or

(b) Subject the person or the person's property to inspection by any governmental agency.

2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize marijuana, paraphernalia or other related property from a person engaged in, facilitating or assisting in the medical use of marijuana:

(a) The law enforcement agency shall ensure that the marijuana, paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(b) Any property interest of the person from whom the marijuana, paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.

(c) Upon ~~[a determination by the district attorney of the county in which the marijuana, paraphernalia or other related property was seized, or the district attorney's designee, that the person from whom the marijuana, paraphernalia or other related property was seized is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter, the]~~ ***:***

(1) A decision not to prosecute;

(2) The dismissal of charges; or

(3) Acquittal,

the law enforcement agency shall ~~[immediately]~~ ***, to the extent permitted by law,*** return to that person any usable marijuana, marijuana plants, paraphernalia or other related property that was seized.

~~[~~***the***~~]~~ The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

~~[3. For the purposes of paragraph (c) of subsection 2, the determination of a district attorney or the district attorney's designee that a person is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter shall be deemed to be evidenced by:~~

~~(a) A decision not to prosecute;~~

~~(b) The dismissal of charges; or~~

~~(c) Acquittal.]~~

Sec. 32. NRS 453A.500 is hereby amended to read as follows:

453A.500 The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall not take any disciplinary action against an attending physician on the basis that the attending physician:

1. Advised a person whom the attending physician has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending physician knows has been so diagnosed by another physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS or licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS:

(a) About the possible risks and benefits of the medical use of marijuana; or

(b) That the medical use of marijuana may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,

➥ if the advice is based on the attending physician's personal assessment of the person's medical history and current medical condition.

2. Provided the written documentation required pursuant to paragraph (a) of subsection 2 of NRS 453A.210 for the issuance of a registry identification card ***or letter of approval*** or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230 for the renewal of a registry identification card ~~[,]~~ ***or letter of approval*** if:

(a) Such documentation is based on the attending physician's personal assessment of the person's medical history and current medical condition; and

(b) The physician has advised the person about the possible risks and benefits of the medical use of marijuana.

Sec. 33. NRS 453A.510 is hereby amended to read as follows:

453A.510 A professional licensing board shall not take any disciplinary action against a person licensed by the board on the basis that:

1. The person engages in or has engaged in the medical use of marijuana in accordance with the provisions of this chapter; or

2. The person acts as or has acted as the designated primary caregiver of a person who holds a registry identification card ***or letter of approval*** issued to him or her pursuant to paragraph (a) of subsection 1 of NRS 453A.220.

Sec. 34. NRS 453A.700 is hereby amended to read as follows:

453A.700 1. Except as otherwise provided in this section, NRS 239.0115 and subsection 4 of NRS 453A.210, the Division ~~[and any designee of the Division shall maintain the confidentiality of and]~~ shall not disclose:

(a) The contents of any ~~[applications, records or other written documentation that]~~ ***tool used by*** the Division ~~[or its designee creates or receives pursuant to the provisions of this chapter; or]~~ ***to evaluate an applicant or its affiliate.***

(b) ***Any information, documents or communications provided to the Division by an applicant or its affiliate pursuant to the provisions of this chapter, without the prior written consent of the applicant or affiliate or***

pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant or affiliate.

(c) The name or any other identifying information of:

(1) An attending physician; or

(2) A person who has applied for or to whom the Division or its designee has issued a registry identification card ~~[.]~~ ***or letter of approval.***

➥ Except as otherwise provided in NRS 239.0115, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the Division or its designee may release the name and other identifying information of a person to whom the Division or its designee has issued a registry identification card ***or letter of approval*** to:

(a) Authorized employees of the Division or its designee as necessary to perform official duties of the Division; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card ***or letter of approval*** issued to him or her pursuant to NRS 453A.220 or 453A.250.

Sec. 35. NRS 453A.740 is hereby amended to read as follows:

453A.740 The Administrator of the Division shall adopt such regulations as the Administrator determines are necessary to carry out the provisions of this chapter. The regulations must set forth, without limitation:

1. Procedures pursuant to which the Division will ~~[,]~~ ***issue a registry identification card or letter of approval or,*** in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the Division will:

(a) Issue a registry identification card ***or letter of approval*** to a qualified person ***;*** ~~[~~~~after the card has been prepared by the Department of Motor Vehicles;~~~~]~~ or

(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:

(1) The person presents to the Department of Motor Vehicles valid documentation issued by the Division indicating that the Division has approved the issuance of a registry identification card to the person; and

(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the Division has approved the issuance of a registry identification card to the person.

2. ***That if the Division issues a registry identification card pursuant to subsection 1, the Division may charge and collect any fee authorized for the issuance of an identification card described in NRS 483.810 to 483.890, inclusive.***

3. Fees for:

(a) Providing to an applicant an application for a registry identification card ~~[,]~~ ***or letter of approval,*** which fee must not exceed $25; and

(b) Processing and issuing a registry identification card ~~[,]~~ ***or letter of approval,*** which fee must not exceed $75.

Sec. 36. NRS 453A.800 is hereby amended to read as follows:

453A.800 The provisions of this chapter do not:

1. Require an insurer, organization for managed care or any person or entity who provides coverage for a medical or health care service to pay for or reimburse a person for costs associated with the medical use of marijuana.

2. Require any employer to allow the medical use of marijuana in the workplace.

3. ~~[Require]~~ ***Except as otherwise provided in subsection 4, require*** an employer to modify the job or working conditions of a person who engages in the medical use of marijuana that are based upon the reasonable business purposes of the employer but the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the medical use of marijuana if the employee holds a valid registry identification card, provided that such reasonable accommodation would not:

(a) Pose a threat of harm or danger to persons or property or impose an undue hardship on the employer; or

(b) Prohibit the employee from fulfilling any and all of his or her job responsibilities.

4. Prohibit a law enforcement agency from adopting policies and procedures that preclude an employee from engaging in the medical use of marijuana.

5. As used in this section, "law enforcement agency" means:

(a) The Office of the Attorney General, the office of a district attorney within this State or the State Gaming Control Board and any attorney, investigator, special investigator or employee who is acting in his or her professional or occupational capacity for such an office or the State Gaming Control Board; or

(b) Any other law enforcement agency within this State and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency.

Sec. 36.3. Section 26 of chapter 374, Statutes of Nevada 2013, at page 3729, is hereby amended to read as follows:

Sec. 26. 1. This section and section 25.5 of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 22.35 to 24.7, inclusive, and 25 of this act become effective upon passage and approval for the purpose of adopting regulations and carrying out other preparatory administrative acts, and on April 1, 2014, for all other purposes.

3. Sections 22.3 and 24.9 of this act become effective on April 1, ~~[2016.]~~ ***2018.***

4. Sections 14 and 15 of this act expire by limitation 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.

Sec. 36.7. 1. The provisions of any regulation adopted by the Division of Public and Behavioral Health of the Department of Health and Human Services which conflict with the provisions of NRS 453A.350 or 453A.352, as amended by sections 26.5 and 27 of this act, are void and must not be given effect to the extent of the conflict.

2. The Division of Public and Behavioral Health shall amend or repeal any of its existing regulations that conflict or are inconsistent with the provisions of NRS 453A.350 and 453A.352, as amended by sections 26.5 and 27 of this act, as soon as practicable after July 1, 2015.

Sec. 37. This act becomes effective on July 1, 2015.

Assemblyman Gardner moved the adoption of the amendment.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

This amendment adds concentrated cannabis weights. This amendment has been agreed to by the medical marijuana industry, law enforcement, and the public defenders.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 458.

Bill read third time.

The following amendment was proposed by Assemblyman Ohrenschall:

Amendment No. 956.

AN ACT relating to mammography; revising the language of certain notices provided to patients who undergo mammography; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that a patient who undergoes mammography must be given a notice which includes a report of the patient's breast density and which may include, without limitation, a statement regarding the relationship between breast density, breast cancer and the impact of breast density on the effectiveness of mammography. (NRS 457.1857) Pursuant to existing law, the State Board of Health adopted a regulation prescribing the language of such a notification. (LCB File No. R100-13 which became effective on January 1,

2014) This bill provides new language which must be used in such notification if the report indicates that the breast tissue is dense.

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

Section 1. NRS 457.1857 is hereby amended to read as follows:

457.1857 1. If a patient undergoes mammography, the owner, lessee or other person responsible for the radiation machine for mammography that was used to perform the mammography must ensure that each report provided to the patient pursuant to 42 U.S.C. § 263b(f)(1)(G)(ii)(IV) includes, without limitation, a statement of the category of the patient's breast density which is determined based on the Breast Imaging Reporting and ~~[~~Database~~]~~ ***Data*** System or such other guidelines as required by the State Board of Health by regulation, and ***, if applicable,*** the notice ~~[~~prescribed by the State Board of Health pursuant to~~]~~ ***provided in*** subsection 2.

2. ~~[~~The State Board of Health shall prescribe by regulation the notice to be included in a report pursuant to subsection 1. The notice must include:

~~(a) A statement regarding the benefits, risks and limitations of mammograms;~~

~~(b) A description of factors that may affect the accuracy of a mammogram, including, without limitation, the density of breast tissue or the presence of breast implants;~~

~~(c) A statement that encourages the patient to discuss with his or her provider of health care the patient's specific risk factors for developing breast cancer; and~~

~~(d) A statement that encourages the patient to discuss with his or her provider of health care whether the patient should adjust his or her schedule for mammograms or consider other appropriate screening options as a result of the patient's breast density.~~

~~3. The notice prescribed by regulation pursuant to subsection 2 may include, without limitation:~~

~~(a) A statement regarding the prevalence of dense breast tissue, the relationship between breast density and breast cancer and the manner in which breast density may change over time; and~~

~~(b) A description of the factors that affect the risk of developing breast cancer.~~

~~4.~~~~]~~ ***If the statement of the category of the patient's breast density which is provided pursuant to subsection 1 indicates that the breast tissue is dense, the report described in subsection 1 must also include a notice in the following form:***

> ***Your mammogram shows that your breast tissue is dense. Dense breast tissue is common and is not abnormal. However, dense breast tissue can make it harder to evaluate the results of your mammogram and may also be associated with ~~[a modestly]~~ an increased risk of breast***

cancer. This information about the results of your mammogram is given to you to raise your awareness and to inform your conversations with your physician. Together, you can decide which screening options are right for you. A report of your results was sent to your physician.

3. Nothing in this section shall be construed to:

(a) Create a duty of care or other legal obligation beyond the duty to provide the notice as set forth in this section.

(b) Require a notice to be provided to a patient that is inconsistent with the notice required by the provisions of 42 U.S.C. § 263b or any regulations promulgated pursuant thereto.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

The amendment removes one word from the bill: "modestly." I have consulted with both the Chair of Health and Human Services and the Senators who sponsored this bill, and both were amenable to this amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 68 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 114.

Bill read third time.

Remarks by Assemblymen Trowbridge, Elliot Anderson, O'Neill, Thompson, Fiore, Titus, and Oscarson.

ASSEMBLYMAN TROWBRIDGE:

Senate Bill 114 requires the State Board of Pharmacy to allow a law enforcement officer to have Internet access to the prescription drug monitoring program database if the employer of the officer approves and submits certification to the Board that the officer meets certain requirements. The officer is limited to accessing the database to investigate a crime related to prescription drugs. The employer is required to monitor the use of the database by the officer and establish appropriate disciplinary action for any misuse. The Board, the Investigation Division of the Department of Public Safety, or a law enforcement agency must notify any person whose information has been intentionally accessed by an improper person or for an improper purpose.

The bill is effective October 1, 2015.

ASSEMBLYMAN ELLIOT ANDERSON:

I have a question for my colleague from Assembly District 37. I am looking at this, and this is pretty sensitive prescription information. I am wondering, Do the police have to have any probable cause or a search warrant or anything before they get this very private information? It seems edgy to me without having some probable cause because this is certainly getting into people's private lives.

ASSEMBLYMAN TROWBRIDGE:

It has to be in the course of a normal criminal investigation relating to drugs.

ASSEMBLYMAN ELLIOT ANDERSON:

To follow up, Mr. Speaker, in the course of a normal criminal investigation, I feel like you should have some sort of probable cause that there is a crime there and have this signed off on by a judge before they can take it.

ASSEMBLYMAN O'NEILL:

Mr. Speaker, may I add some additional information to assist on that question? To my esteemed colleague from the south, the requirement is that the officer has to have a drawn case number, which means paper has to be written and verified. Currently, the Department of Public Safety's Investigation Division has this authority. It has had it for several years. They go ask the pharmacists to look at specific individuals. They cannot go on a fishing expedition. It is recorded. The information is available. I think it has been happening; it has been covered. We have not had any problems. This just expands to allow other law enforcement agencies, under certain guidelines, to go forward with it.

ASSEMBLYMAN THOMPSON:

I want to state for the record that this was heard in Judiciary and I had concerns about the fact that there does not seem to be an outlined auditing trail. We talked to the bill sponsors. Hopefully, there will be some type of frequent auditing system to ensure that an auditing trail becomes a deterrent so there is less abuse of the system. It is very confidential information. When you are dealing with prescription drugs, that is a person's personal issue they may be going through. We do not want to use this as another form of persecuting somebody or trying to make someone guilty of something just because they might be on prescription drugs. I will be supporting this; however, I hope that we will have this in the statute.

ASSEMBLYWOMAN FIORE:

I rise in extremely strong opposition to Senate Bill 114. Being in the health care industry, I cannot see how this complies with HIPAA [Health Insurance Portability and Accountability Act]. Nevertheless, once our law enforcement is actually in the database, they can look at other things. I urge all my colleagues to vote no on this measure. This is not kosher.

ASSEMBLYWOMAN TITUS:

I rise in very strong opposition to Senate Bill 114. I am disappointed it has been brought this far. I have voiced my opinion and my concerns all along. My noted colleague from the Carson area is correct. Law enforcement has been doing this for a number of years, then it was brought to their attention that this may not be legal so now this bill comes forward to allow them to access patient data. I am quite concerned about it. I do think they should have a search warrant to do this, more than just a number. I would urge everyone to vote against this bill.

ASSEMBLYMAN OSCARSON:

I rise in support of Senate Bill 114. This bill was vetted in your Committee on Health and Human Services. We were assured that people were going to be screened and how they got into this plan would be monitored. In addition, it was Title 40, so that is why it went to our committee. We were assured by our legal team here in the building that it was HIPAA-compliant. We are not in violation of HIPAA.

Assemblymen Wheeler, Silberkraus, and Stewart moved the previous question.

The question being the passage of Senate Bill No. 114.

Roll call on Senate Bill No. 114:

YEAS—23.

NAYS—Elliot Anderson, Armstrong, Bustamante Adams, Carlton, Carrillo, Diaz, Dickman, Dooling, Ellison, Fiore, Flores, Jones, Moore, Ohrenschall, Shelton, Swank, Titus, Trowbridge, Woodbury—19.

Senate Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 941.

AN ACT relating to local governments; revising provisions relating to the reopening of a collective bargaining agreement during a period of fiscal emergency; excluding certain money from collective bargaining negotiations and from consideration in determining the ability of local governments **[**~~, other than school districts,~~**]** to pay compensation and monetary benefits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain mandatory subjects of bargaining in the negotiation of a collective bargaining agreement between a local government employer and a recognized employee organization. Among these mandatory subjects is a requirement that the parties bargain over procedures and requirements for the reopening and renegotiation of the agreement during periods of fiscal emergency. Currently, the existence of such an emergency is determined on the basis of revenue shortfalls or other criteria agreed to by the parties. (NRS 288.150) **Section** ~~**[1]**~~ **1.5** of this bill authorizes a local government to reopen a collective bargaining agreement during a fiscal emergency and sets forth the circumstances under which such an emergency shall be deemed to exist. The procedural requirements relating to the reopening of the agreement **generally** remain a mandatory subject of bargaining. **Before a local government may reopen an agreement, section 1 of this bill requires that the local government notify each affected employee organization and the Committee on Local Government Finance, and the Committee must concur that such an emergency exists.**

Existing law provides for the resolution of an impasse in collective bargaining through fact-finding, arbitration or both, but imposes limitations on the money that a fact finder or arbitrator may consider in determining the financial ability of a local government employer to pay compensation or monetary benefits. (NRS 288.200, 288.215, 288.217, 354.6241) **Section 2** of this bill provides **[**~~, for certain governmental funds of a local government other than a school district,~~**]** that **[**~~a budgeted~~**]** **an amount equal to an** ending fund balance of not more than **[**~~25~~**]** **16.6** percent of the **[**~~total budgeted expenditures, less capital outlay,~~**]** **general fund and all the other funds and accounts of a local government, combined,** is not subject to negotiation and cannot be considered by a fact finder or arbitrator in determining ability to pay.

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

Section 1. **Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a local government employer determines that a fiscal emergency exists as defined by paragraph (a) of subsection 4 of NRS 288.150, it shall give written notice of its determination to the recognized employee organization, if any, for each bargaining unit among its employees and to the Committee on Local Government Finance. The notice must be accompanied by a copy of any audit report or other document on which the local government employer has relied in making its determination.

2. The Committee on Local Government Finance shall promptly conduct a public hearing on the matter and determine whether a fiscal emergency exists as described in subsection 1. Not later than 10 days after the close of the hearing, the Committee shall give written notice of its determination to the local government employer and each recognized employee organization, if any. If the Committee determines that a fiscal emergency exists, the local government employer may proceed as provided in subsection 4 of NRS 288.150.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as ***otherwise*** provided in subsection 4 ~~[,]~~ ***and NRS 354.6241,*** every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) The policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures ~~[and requirements]~~ ***consistent with the provisions of subsection 4*** for the reopening of collective bargaining agreements ~~[that exceed 1 year in duration]~~ for additional, further, new or supplementary negotiations during periods of fiscal emergency. ~~[The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.]~~

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to ~~[take]~~ ***:***

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer ~~[notifies the]~~ and employee organization receive notice pursuant to section 1 of this act of the determination of the Committee on Local Government Finance that a fiscal emergency exists. For the purposes of this section ~~[,]~~ and section 1 of this act, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➥ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

7. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

Sec. 2. NRS 354.6241 is hereby amended to read as follows:

354.6241 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:

(a) Whether the fund is being used in accordance with the provisions of this chapter.

(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.

(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.

(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.

(e) The statutory and regulatory requirements applicable to the fund.

(f) The balance and retained earnings of the fund.

2. Except as otherwise provided in ***subsection 3 and*** NRS 354.59891 and 354.613, to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.

3. For ~~[any local government other than a school district, for]~~ the purposes of chapter 288 of NRS, ~~[a budgeted]~~ an amount equal to an ending fund balance of not more than ~~[25]~~ 16.6 percent of the ~~[total budgeted expenditures, less capital outlay, for a]~~ general fund ~~[.]~~ and all the other funds and accounts of the local government, combined:

(a) Is not subject to negotiations with an employee organization; and

(b) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits.

Sec. 3. The amendatory provisions of this act do not apply during the current term of any collective bargaining agreement entered into before the effective date of this act, but do apply to any extension or renewal of such an agreement and to any such agreement entered into on or after the effective date of this act.

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

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Section 1 of this amendment allows for the Committee on Local Government Finance to promptly conduct a public hearing to ensure that all of the fiscal needs are met before the emergency happens. Section 2 puts back the schools and still allows for the reopening of any collective bargaining agreement. I would ask the body to support it.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 193.

Bill read third time.

Remarks by Assemblymen Kirner, Kirkpatrick, Carlton, Jones, Ohrenschall, Diaz, and Dickman.

ASSEMBLYMAN KIRNER:

Senate Bill 193 removes provisions requiring compensation for overtime for hours worked in excess of 8 hours in any workday, while retaining provisions requiring that compensation for overtime be paid to certain employees for hours worked in excess of 40 hours in any week of work. This will be effective October 1, 2015.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in opposition to Senate Bill 193. There have been a lot of things that we have done this session, but I do not know that we have ever taken away the 8-hour workday from many folks who are in this building. What I will tell you is, this is a true change to our state. I get that in

committee they talked about 47 other states that do something similar, but I would tell you that trying to work on amendments that were amenable so we could address the issues in construction—sure, you put back one piece of the construction, but now construction workers will no longer be able to work after the 8 hours in one day and get that overtime unless, of course, they have 40 hours.

Let us talk about the service industry. They do not always get 40 hours per week, but now they will be asked to work 10- and 12-hour days? That is a true thing that happens every single day in the service industry. If somebody calls out, somebody else has to stay. By the way, we are a state that relies on the service industry.

I am disappointed that we are having this discussion. I am disappointed that we could not work on an amendment that made sense for business and that made sense for the constituents we all represent. I will not support this and go home and tell my constituents that I think it is okay they do not get paid time and a half after 8 hours.

The one point I brought up in committee that was not addressed was many of our state workers make $10 an hour. They would not be subject to overtime unless they worked 40 hours in a week. If you do not believe me, all you have to do is go on the job website and you can see what they get paid. We have talked about this all session long. At the very least, the people who stay here late into the night to help us, and they do not make one and a half times the rate to be allowed to have overtime? I think it is terrible that we would even consider something like this. I hope that business is happy.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Senate Bill 193. I take this bill personally. I work an 8-hour shift. I have worked in an at-will state. I was lucky enough to get a good union job where I did not have to worry about being taken advantage of by my employer. The 8-hour day is one of the few things that a minimum wage worker in the service industry has to protect them from being abused. I can tell you that in the 16 years I have knocked on doors—and I will tell you what, I will make that 18 years because I have worked on other people's campaigns—I have not heard one person say to me, Go to the Legislature and take away my overtime.

I had a conversation with my husband today on the phone. He had a probationer in his office who has to show his paycheck. The only thing that was keeping that guy alive was his overtime. When you looked at his regular hours, it was one thing. But when you looked at the overtime pay, that is what allowed him to survive. He only works maybe 30 or 32 hours a week, but he is getting overtime and he is just making it. He is happy to have a job. What is going to happen when we take that extra money away from him? Mr. Speaker, I cannot support this. My constituents did not send me here to lower their paychecks.

ASSEMBLYMAN JONES:

I rise in support of this bill. I can speak from personal experience. I am an employer. I am a job creator. The people who work in my production facility prefer four 10-hour days because it gives them a three-day workweek. I am sure we can all find examples of potential abuse, but if somebody feels they are being abused, they can always find another job if they so please. But my employees appreciate the four 10-hour days because it gives them an extra day off for the weekend.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Senate Bill 193. In response to my colleague from the southwest Clark County, this is not about the four-day, 10-hour workweek. I think the Democrats on the committee were willing to look at the 4/10 issue. This is about people who are trying to make ends meet. They may work for a temporary agency or a day labor agency. They get sent out and maybe get 15 or 20 hours at one job, work another 15 or 20 hours at a different job, and will put in those 12-hour days. A lot of those workers are single parents, single moms, who are trying to support a family. I do not think we came to the Legislature to kick them in the shins. We are going to be hurting the people who are most vulnerable and who are really struggling to survive. I urge this bill's defeat.

ASSEMBLYWOMAN DIAZ:

I rise in opposition to Senate Bill 193. I stand in opposition today because this affects people in my district. When I walked my district during the election cycle, I heard time and time again that my constituents had to have two part-time jobs for years. Not for one month, not six months—for years. There are some who have been working two part-time jobs for three years now because the employers are not giving them 40-hour weeks. If we take this overtime away, what you are telling my constituents is, Get a third job because now we are going to make you work 10-hour shifts. You do not have any recourse because you are a part-timer, plus we are not going to pay you what we should be paying you.

What we complain the most about is our constituents having to put their hands out for state services. So if we want to continue to have more of our folks on state services instead of being able to pay for themselves, if we want to make them dependent on our social services, I think this is the right way to go. So please, my constituents need the overtime, especially in this day and age when getting a 40-hour workweek—I commend my colleague from the south who says he gives his employees 40 hours a week. My constituents do not have that luxury and because of that, I am a firm no. I urge opposition to this measure.

ASSEMBLYWOMAN DICKMAN:

I rise in strong support of Senate Bill 193. We are one of the few states that has a more stringent overtime law than the federal government. This is very hard on small businesses, like many of us in this body have. We cannot afford to pay our employees overtime for more than 8 hours. When they work more than 40 hours, we do. A lot of times our people like to work 10 hours, maybe 9 hours. Sometimes we need them for more hours and sometimes we do not. They are very happy for an opportunity to work over 40 and get their overtime. Many of the employees that I know have asked for this. I appreciate your support on this bill and I urge a yes.

Assemblymen O'Neill, Jones, and Trowbridge moved the previous question.

The question being the passage of Senate Bill No. 193.

Roll call on Senate Bill No. 193:

YEAS—22.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Hansen, Joiner, Kirkpatrick, Moore, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson, Trowbridge—20.

Senate Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 229.

Bill read third time.

Remarks by Assemblywomen Dickman, Seaman, and Carlton.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 229 provides for the issuance of special license plates indicating support for the rights guaranteed by the Second Amendment to the *United States Constitution*. The fees generated by such special license plates, in addition to all other applicable registration and license fees and governmental services taxes, must be deposited with the State Treasurer and distributed to the Nevada Firearms Coalition or its successor on a quarterly basis. Such funds are to be used only to provide or pay for firearm training or firearm safety education. These special license plates must be approved by the Commission on Special License Plates and, after approval, will not be issued until one of the 30 design slots for special license plates becomes available. A surety bond must be posted with the Department of Motor Vehicles.

I would like to urge a yes vote on this bill. I think we have been waiting a long time to honor our Second Amendment, and a lot of people are waiting in line for these plates.

ASSEMBLYWOMAN SEAMAN:

I urge all of my colleagues to vote for this. As my colleague from the north has said, we have been waiting a long time. Please support these license plates.

ASSEMBLYWOMAN CARLTON:

On Senate Bill 229, I have the same question I asked earlier in the session about Girl Scouts and Boy Scouts license plates. My understanding is that this plate will go into the queue, and I am receiving a "yes" nod from the Assemblywoman who proposed the bill.

Even with that, I rise in opposition to Senate Bill 229. I was in opposition to the Boy Scouts/Girl Scouts bill. If we are going to have a Commission on Special License Plates, let us use it. There is no reason to bring costly legislation and to take time and energy away from the Legislature in the mere 120 days we have to get our work done. They simply have to place the application with the Special License Plate Commission and go through the process like everyone else. No one is special. Everyone should be treated the same.

If I can tell the Girl Scouts and Boy Scouts no, I can say no to this one also. It is not against the Second Amendment; it is the fact that we have a process in place and it is being circumvented this session for the first time since that Commission was established. I voted no against the Commission, but still we are all supposed to play by the rules.

Roll call on Senate Bill No. 229:

YEAS—30.

NAYS—Elliot Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Flores, Joiner, Munford, Neal, Spiegel, Swank, Thompson—12.

Senate Bill No. 229 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 481.

Bill read third time.

The following amendment was proposed by Assemblyman Paul Anderson:

Amendment No. 952.

AN ACT relating to local governments; prohibiting a county, incorporated city or regional transportation commission from creating, maintaining or displaying a comprehensive model or map of the physical location of all or a substantial portion of the facilities of a public utility, public water system or video service provider; providing that the prohibition does not limit the authority of a county, city or regional transportation commission to require a public utility, public water system or video service provider to disclose information relating to the physical location of the facilities of the public utility, public water system or video service provider to facilitate certain public projects; **revising provisions relating to municipal utilities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This bill prohibits]~~ **Sections 1, 3 and 3.5 of this bill prohibit** a county, incorporated city or regional transportation commission, respectively, from creating, maintaining or displaying a comprehensive model or map of the location of all or a substantial portion of the facilities of a public utility, public water system or video service provider. This ~~[bill further provides that the]~~ prohibition does not limit the authority of a county, city or regional transportation system to require a public utility, public water system or video

service provider to provide information to the county, city or commission relating to the physical location of the facilities of the public utility, public water system or video service provider to facilitate certain public projects.

Sections 2.3 and 3.3 of this bill provide that if real property is located within the service area of a municipal utility, the provision of services by the municipal utility to the property may not be conditioned upon the property owner agreeing to annexation of the real property to the city.

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

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

1. A county, including, without limitation, any board or planning agency of the county, shall not create, maintain or display a comprehensive model or map of the physical location of all or a substantial portion of the facilities of a public utility, public water system or video service provider.

2. The provisions of subsection 1 do not limit the authority of a county, including, without limitation, any board or planning agency of the county, to require a public utility, public water system, video service provider to provide information about the physical location of the facilities of the public utility, public water system or video service provider for the purpose of facilitating a public work.

3. As used in this section:

(a) "Public utility" has the meaning ascribed to it in NRS 704.020.

(b) "Public water system" has the meaning ascribed to it in NRS 445A.235, except the term does not include a water system that is owned or operated by the county.

(c) "Public work" has the meaning ascribed to it in NRS 338.010.

(d) "Video service provider" has the meaning ascribed to it in NRS 711.151.

Sec. 2. (Deleted by amendment.)

Sec. 2.3. **Chapter 266 of NRS is hereby amended by adding thereto a new section to read as follows:**

If real property is located within the service area of a public utility acquired or established by a city council pursuant to NRS 266.290, the provision of services by the public utility to the property may not be conditioned upon the property owner agreeing to annexation of the real property to the city.

Sec. 2.5. **Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 3.3 of this act.**

Sec. 3. ~~[Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. An incorporated city, including, without limitation, any board or planning agency of the city, shall not create, maintain or display a comprehensive model or map of the physical location of all or a substantial

portion of the facilities of a public utility, public water system or video service provider.

2. The provisions of subsection 1 do not limit the authority of an incorporated city, including, without limitation, any board or planning agency of the city, to require a public utility, public water system or video service provider to provide information about the physical location of the facilities of the public utility, public water system or video service provider for the purpose of facilitating a public work or a public improvement project pursuant to a franchise agreement.

3. As used in this section:

(a) "Public utility" has the meaning ascribed to it in NRS 704.020, except the term does not include a sewer system that is owned or operated by the city.

(b) "Public water system" has the meaning ascribed to it in NRS 445A.235, except the term does not include a sewer system that is owned or operated by the city.

(c) "Public work" has the meaning ascribed to it in NRS 338.010.

(d) "Video service provider" has the meaning ascribed to it in NRS 711.151.

Sec. 3.3. If real property is located within the service area of a municipal utility, the provision of services by the municipal utility to the property may not be conditioned upon the property owner agreeing to annexation of the real property to the city.

Sec. 3.5. Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A commission shall not create, maintain or display a comprehensive model or map of the physical location of all or a substantial portion of the facilities of a public utility, public water system or video service provider.

2. The provisions of subsection 1 do not limit the authority of a commission to require a public utility, public water system or video service provider to provide information about the physical location of the facilities of the public utility, public water system or video service provider for the purpose of facilitating a project.

3. As used in this section:

(a) "Public utility" has the meaning ascribed to it in NRS 704.020.

(b) "Public water system" has the meaning ascribed to it in NRS 445A.235.

(c) "Video service provider" has the meaning ascribed to it in NRS 711.151.

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

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblymen Paul Anderson and Kirkpatrick.

ASSEMBLYMAN PAUL ANDERSON:

Sections 2.3 and 3.3 of this bill provide that if real property is located within a service area of a municipal utility, the provisions of services by the municipal utility to the property may not be conditioned upon the property owner agreeing to annexation of the real property.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of this amendment. In southern Nevada, we truly have an issue where people are feeling like they are being forced to annex their property in order to receive utility services. For as long as I have been in this building, we have had that discussion. Everybody promises that it does not really happen, but I can tell you that there are constituents that border District 13 and District 1 that are constantly being caught in that battle. They have been calling for months asking us to address it. I reached out to the local government, and they said, Oh, well, too bad. You want our water and sewer? You have to annex.

This will give the constituents one more opportunity to make sure they do not have to annex just to have the utilities they should be provided.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 286.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 286 revises various provisions governing funeral and cemetery services. The measure authorizes the Nevada Funeral and Cemetery Services Board to issue permits for the operation of direct cremation facilities and licenses to persons to engage in the business as a funeral arranger.

This last interim, I had the privilege of being the chair of the Sunset Subcommittee of the Legislative Commission. The previous session, we had put the Nevada Funeral and Cemetery Services Board on the chopping block to be terminated, but they have done an amazing job in turning themselves around. The bipartisan effort to bring forth the Sunset Subcommittee has proven itself worthy. I ask for your support on Senate Bill 286.

Roll call on Senate Bill No. 286:

YEAS—42.

NAYS—None.

Senate Bill No. 286 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 294.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 294 allows the Department of Corrections to enter into a contract with an offender granting the offender use of telecommunication devices for the purposes of employment and education. An offender who resides at a Department of Corrections restitution center or transitional housing facility, which has approved the offender's use of the device, may access a network for the purpose of obtaining approved educational or vocational training, looking or applying for work, performing essential job functions, or for other purposes required by an employer to perform essential job functions.

I urge our body to support this bill. It truly helps the transition from the restitution center or transitional housing facility to be more fluid so the offenders can start rebuilding their lives and

contributing back to the community immediately upon release. If we do not do this, we are going to continue to see an increase in people accessing social services. We are going to see increased homelessness and recidivism. I strongly urge our body to support this bill.

Roll call on Senate Bill No. 294:

YEAS—42.

NAYS—None.

Senate Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 305.

Bill read third time.

Remarks by Assemblymen Araujo and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYMAN ARAUJO:

Senate Bill 305 authorizes an institution of higher education or the State Department of Agriculture to grow or cultivate industrial hemp under an agricultural pilot program or for other agricultural or academic research and requires that each site used to grow industrial hemp be certified and registered with the Department. The bill also authorizes the State Board of Agriculture to adopt regulations to carry out the provisions of the bill, including, if necessary, regulations relating to cannabidiol. Finally, S.B. 305 excludes industrial hemp, which is grown or cultivated pursuant to the provisions of the bill, from certain crimes relating to marijuana.

ASSEMBLYMAN OHRENSCHALL:

Because we are considering Senate Bill 305 which makes changes relating to marijuana and potentially could affect marijuana establishments, I would like to advise this body that my wife lobbies on behalf of marijuana dispensary owners. Although Senate Bill 305 does not affect her clients any differently than any other dispensary owners, pursuant to Rule No. 23 of the Assembly Standing Rules, I am making this disclosure and am abstaining from voting on Senate Bill 305 out of an abundance of caution.

Roll call on Senate Bill No. 305:

YEAS—41.

NAYS—None.

NOT VOTING—Ohrenschall.

Senate Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 314.

Bill read third time.

Remarks by Assemblymen Thompson, Woodbury, Kirkpatrick, and Armstrong.

ASSEMBLYMAN THOMPSON:

Senate Bill 314 revises the composition of a health district in a county whose population is 700,000 or more, currently Clark County, to include a chief medical officer and a public health advisory board. Certain members of the district board of health no longer serve as voting members and instead comprise the public health advisory board. Members of the advisory board serve as nonvoting members of the district board of health and include one resident of each city in the county and three other members, each of whom is to be selected based on his or her specific background or expertise. Members of the district board of health are prohibited from designating

another person to vote, participate in a discussion, or otherwise serve on his or her behalf. The bill provides for the appointment, job description, qualifications, and compensation of a chief medical officer and revises provisions relating to a district health officer.

Senate Bill 314 was the combined efforts of the Governance Reform Committee of the Southern Nevada Forum, a topic that has been studied by this Legislature over several sessions. It streamlines the current board of health and creates a separate and distinct advisory board that will contain both subject matter experts and community members who can advise the board of health on those public health matters of importance to southern Nevada. I truly urge this body to support this bill.

ASSEMBLYWOMAN WOODBURY:

I rise in opposition to Senate Bill 314. This bill adds an extra layer of bureaucracy that does not make governance simpler, more efficient, or more transparent. Quite the opposite. The public does not need an administrative CEO making emergency public health decisions based primarily on the bottom line. Rather, they need a medical professional making those decisions based on the most up-to-date health knowledge and data, just like their chief health officer does now. Having two heads with differing opinions and priorities would only cause indecision, delays, and dissention. It is an unfunded mandate. If passed, this will cost the health district another $300,000 to $500,000, which means they will have to cut staff or programs or both out of an already strained budget.

The current size and composition of the health district board provides checks and balances that protect the interests of various industries, the smaller jurisdictions like Boulder City and Mesquite, and underserved minorities. Everyone has a voice. Removing three of the appointed members from the board—one physician, one in nursing, and one in environmental health—will take away their voice. Elected officials, unless they happen to be in the health care industry, are not the experts, so why do we want to take away the power of the appointed board members and give more power to the elected officials who play an important role but have little, if any, expertise in these areas? And by reducing the number of board members, the smaller jurisdictions like Boulder City, Mesquite, and even Henderson and North Las Vegas, all of whom already only have one representative and one vote compared to the two votes of Clark County and the City of Las Vegas, will have even less of a voice. This would reduce the checks and balances and diminish the voice of the industries and smaller jurisdictions even further than they already are.

If another voice is needed, I would support the provision in this bill that establishes an advisory council to make recommendations to the board. But why make such sweeping changes to the make-up of the board and add another layer of bureaucracy without having provided the board with a report of the findings that led to this legislation or any specifics about complaints or changes that need to be made? They have informed me they have requested this on multiple occasions so they can first work to address the alleged issues. I strongly oppose this measure based on these procedural and policy issues and appeal to my colleagues to please join me in voting no.

ASSEMBLYMAN THOMPSON:

In response to the statement of my colleague, first of all, I want to say this is not increasing bureaucracy. It is actually creating efficiencies that are needed. Our community in southern Nevada has grown significantly since we have made any type of changes to this board. We have a plethora of health and regulatory issues we need to deal with. In order to do so, we need to have adequate administration and, yes, we do need to have a chief medical officer. That is the rationale for the changes we need to make for our community.

Secondly, I want to say that even though you only see two sponsors on this bill, this bill is on the backs of over 300 people representing many industries that deal with the health district. This was done through the Southern Nevada Forum. It was carefully vetted. It was an extremely transparent process. We had numerous meetings—anybody could have come to those meetings to express their opinions at that point.

As far as saying that we are reducing the voices, we are actually increasing the voices. It was mentioned that Boulder City would only have one representative when in actuality there would be two or more; you would have an elected official who sits on the board and, because we want to expand it and get that community effort, you would have a person from the community that would actually be speaking. Those are the people that go in the doors of the health district daily. Even

though they may not be medical doctors, their voice and their experience counts. I know there has been a lot of opposition to this, but I really want you to think about this. This is something we need for southern Nevada. We have lots of issues. Please vote yes for this bill.

ASSEMBLYWOMAN KIRKPATRICK:

My colleague from Assembly District 17 did such an eloquent job, but I would like to put some real perspective on this, so I rise in support of Senate Bill 314. Quite frankly, this might cost me my job when I get home, but what the heck. Our job here is to write good policy for this state to ensure that everybody has a voice.

We started the Southern Nevada Forum and met for well over one year. We had close to 44 elected officials from just Clark County who participated. Frankly, there were three county commissioners who participated in that who sit on the health district board. There were two city council people who participated who also sit on that health district board. They, too, agreed with us that it has become a rubber stamp situation.

Mr. Speaker, we serve food to over 44 million people in Clark County in one year. We have an amazing rate of what our health violations are when it comes to ensuring that people have good, safe food to eat. One of the reasons that people come to Clark County is for the food experience. This is the real thing that goes on in Clark County. To say that it is going to be an unfunded mandate—maybe they should give back that property tax fee they get that is a guaranteed mandate for Clark County, which goes from Clark County to the health district.

The health district has been trying to work with folks, but only because we put in legislation and only because well over 300 people said in a secret ballot that they wanted to address this issue. I would like to ask my colleagues if they think that it is fair that the health district can put in things that say, Hey, I know you have this amazing buffet and I know you have 15 stations, but you only get 10 points. But here is the thing: If you give me $2,000 for every single permit, I will let you have 10 points for every single permit you get.

Why not change the code? You know why? Because they do not want to. And you know why? Because there is nobody who actually has to work. There are real chefs who are losing their jobs over these things, but they do not want to change it. They adopted 165 pages of regulations with no input. They got input from somebody in Laughlin on what works on the Strip. I do not understand how that works. They are totally different things.

They started addressing it. They started reaching out to the restaurant association, so we dialed back what we wanted. It was much more egregious and, quite frankly, maybe we should have gone there anyway. We need to be focusing on immunizations to make sure that kids are safe and healthy in school. We talk about how we had a measles outbreak in Washoe County. What if we had had one in Clark County? Who would we have gone to? The board does not let you discuss that. There is no real representation on the board.

Think about the people who were involved. It is more than just one or two issues; there are a lot of issues. You want to shut down Bouchon because the handwashing sink is not in the same place? The health district approved that but, Oh, I changed my mind. We met with all the health inspectors and all of those folks and asked, What does a chef do if they want to debate this, because every health inspector does things differently? Guess what they said? Challenge them. I will tell you what—challenging a health inspector is like challenging a cop on a DUI. I do not know if that ever works out well for you. If you have to challenge a health inspector, you take the chance of losing your job. Not only the hotel or the restaurant who is going to get a black label on them for not doing something right, based on something that is not always black and white. That is one portion of what the health district should be doing. All we are asking is that they divide their duties so that people can make real decisions that affect those 44 million people who come to Clark County who help fund this state by. I urge you to support this.

ASSEMBLYMAN ARMSTRONG:

I have a question for my colleague from Assembly District 17. For me, the issue that has been raised is that the health district does not support this. So my question is, Do you know if the health district supports this? There is a question of the transparency of this process that has occurred because there were a lot of complaints, and they were never provided any information regarding those complaints.

ASSEMBLYMAN THOMPSON:

I want to reiterate that this was not done in a vacuum. The head of the health district attended two of our meetings, so it is incumbent upon that person to inform their board. Secondly, no, the health district has not made a statement as to whether they support or reject this. There were statements on both ends of representatives on the board representing themselves as a private citizen but not as a voice of the health district.

ASSEMBLYMAN ARMSTRONG:

I have a follow-up question to my colleague regarding the transparency. There were a lot of complaints that came up throughout this process. Was information about the complaints given to the health district so they could cure those items?

ASSEMBLYMAN THOMPSON:

To my colleague, this was not complaint-focused. This was not the impetus of this bill. I want to make that clear. This was not one complaint, two complaints, a thousand complaints. This was a group of stakeholders who came together collectively and said this is what is necessary for us to have a highly efficient and effective health district.

ASSEMBLYMAN ARMSTRONG:

Mr. Speaker, one more follow-up question. If we are saying they are not efficient at this point, were they provided the information as to why they are not efficient or how they could cure that themselves? Or are we just saying that we as the Southern Nevada Forum, or however that was decided, know how to do the job more efficiently than the health district itself?

ASSEMBLYMAN THOMPSON:

What I am saying is that there were stakeholders that worked daily with the health district and through their experience, which is very valid, they came together with us—and another thing, we looked at best practices. We did not just say, This sounds about right. We looked at and talked to people in other states and at models within our state that were highly effective. So that is how we looked at that.

Assemblymen Hansen, Fiore, and Stewart moved the previous question.

The question being the passage of Senate Bill No. 314.

Roll call on Senate Bill No. 314:

YEAS—22.

NAYS—Armstrong, Dickman, Dooling, Ellison, Fiore, Hambrick, Hansen, Hickey, Jones, Kirner, Moore, Nelson, Ohrenschall, Seaman, Shelton, Stewart, Titus, Trowbridge, Wheeler, Woodbury—20.

Senate Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 327.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 327 provides for the minimum number of attendants and qualifications for those attendants aboard an air ambulance. The bill revises the training requirements for a licensed physician, registered nurse, or licensed physician assistant to be certified as an attendant. Also, an emergency medical services registered nurse is authorized to perform certain procedures.

Roll call on Senate Bill No. 327:

YEAS—42.

NAYS—None.

Senate Bill No. 327 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 329.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 329 exempts a person from liability for the use of certain words or conduct relating to partnerships, joint ventures, or other similar relationships if the words or conduct are used for the sole purpose of a business development undertaken by a corporation or limited-liability company. This bill, in essence, preserves the rights and protections of the members of a limited-liability company or a corporation, otherwise known as the corporate veil.

Roll call on Senate Bill No. 329:

YEAS—29.

NAYS—Elliot Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Swank—13.

Senate Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 330.

Bill read third time.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Senate Bill 330 authorizes a student or school to appeal a final decision or order of the Nevada Interscholastic Activities Association, NIAA, to a hearing officer appointed by the Executive Director of the NIAA and prescribes certain procedures for the disposition of the appeal.

Roll call on Senate Bill No. 330:

YEAS—42.

NAYS—None.

Senate Bill No. 330 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 341.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 341 requires a medical discount plan that contracts directly with a dentist to notify the dentist whether the contract may be assigned to a third party and maintain a toll-free telephone number for the dentist to obtain information about the medical discount plan. The bill also allows a contract between a medical discount plan and a dentist to be assigned only if expressly authorized by the contract. A dentist must be notified of inclusion in any contract that has been assigned.

Roll call on Senate Bill No. 341:

YEAS—41.

NAYS—Carlton.

Senate Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 370.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 370 requires the State Barbers' Health and Sanitation Board to oversee the examination for a license as a barbering instructor but prohibits the Board from administering any part of the examination. The bill provides that the examination for a license as an instructor must include a practical demonstration and written test. The Board must contract with a national organization to administer the examination for such a license and use only proctors who are licensed barbers in Nevada and approved by a national organization to administer the practical demonstration portion of the examination.

The measure provides that an applicant for license as an instructor who fails to pass the examination may retake the examination as many times as it is offered within one year of the initial examination without completing further study in a barber school. If after one year of taking the initial examination the applicant does not pass, he or she must complete 250 hours of further study.

The bill revises the ratio of students enrolled in a barber school to instructors required to be on the premises of the barber school and requires a barber school to have at least one barber's chair for each student present during instruction in the barber school. Finally, the bill requires an applicant for a license to operate a barber school to submit information to the Board demonstrating that the barber school will be owned and operated by at least two instructors.

I strongly urge our body to support this bill. Barbering is a high-demand profession in Nevada. It yields entrepreneurs, and this bill encourages and supports the opportunity for additional barber schools in Nevada. I just want to share with you the fact that there is only one barber school in our great state of Nevada. In comparison, there are a few hundred in our neighboring state, California, and a few in Arizona. We lose out because our students have to go outside of this state for this profession. This is a great opportunity for us to expand this business in our state, so I totally urge your support of this bill.

Roll call on Senate Bill No. 370:

YEAS—31.

NAYS—Armstrong, Carlton, Dooling, Fiore, Jones, Moore, Ohrenschall, Shelton, Titus, Wheeler, Woodbury—11.

Senate Bill No. 370 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 388.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 388 provides for the imposition of additional fees to be charged by a county clerk when a party to a jointly filed divorce action files for the first time a motion to modify or enforce a final order or an opposition, answer, or response to such a motion. Funds from these charges are to be used only for specific purposes that benefit the court, including, but not limited to, land acquisition, renovation or construction of court facilities, advanced technology acquisition, and establishing or supporting a civil family law self-help center.

Roll call on Senate Bill No. 388:

YEAS—33.

NAYS—Dickman, Dooling, Fiore, Jones, Moore, Seaman, Shelton, Titus, Wheeler—9.

Senate Bill No. 388 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 393.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Senate Bill 393 exempts a practitioner of acupuncture from the licensing requirements of Chapter 634A, Doctors of Oriental Medicine, of *Nevada Revised Statutes* if the practitioner is employed by a school of Oriental medicine that is located in Nevada and has received at least candidacy status for institutional accreditation from the Accreditation Commission for Acupuncture and Oriental Medicine; licensed in another state or jurisdiction; and limited in his or her practice to teaching, supervising, or demonstrating the methods and practice of acupuncture in a clinical setting and does not accept payments from any patients relating to his or her practice of acupuncture.

Roll call on Senate Bill No. 393:

YEAS—42.

NAYS—None.

Senate Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 395.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 395 authorizes a county whose population is 100,000 or more to provide a space outside each office and branch office of the county clerk in which a commercial wedding chapel, a licensed business that operates principally for the performance of weddings in the county, or a church or religious organization may place informational brochures for display.

The bill also authorizes a board of county commissioners in a county whose population is 700,000 or more, currently Clark County, to adopt an ordinance imposing a fee of not more than $14 on the issuance of a wedding license, the proceeds of which must be used to promote marriage tourism.

Roll call on Senate Bill No. 395:

YEAS—32.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Titus, Wheeler—10.

Senate Bill No. 395 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 404.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 404 requires the owner of a moped to register the vehicle with the Department of Motor Vehicles [DMV] before operating the moped on state highways. A one-time $33 registration fee is required, as is a nontransferable, nonrefundable government services tax. Upon registration, the DMV must issue a license plate distinct from a motorcycle license plate. Moped registration is effective until the owner transfers ownership or cancels the registration and surrenders the license plate to the DMV.

Roll call on Senate Bill No. 404:

YEAS—30.

NAYS—Dickman, Dooling, Ellison, Fiore, Gardner, Jones, Kirner, Moore, Seaman, Shelton, Titus, Wheeler—12.

Senate Bill No. 404 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 405.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 405 provides for the expansion of the Zoom schools program. Funding approved by the 2015 Legislature from the Account for Programs for Innovation and the Prevention of Remediation is designated for the Clark and Washoe County School Districts, and the remainder will be available for the Department of Education to fund grants as proposed by the remaining school districts and the State Public Charter School Authority.

The bill funds existing Zoom schools, allows additional elementary schools to receive funding, and expands the program to a limited number of middle schools and high schools in Clark and Washoe Counties. Additional services concerning the recruitment and retention of personnel, parental engagement, and professional development are added to the program, but no more than 2 percent of the funding provided may be used for such purposes.

This bill requires the State Board of Education to prescribe statewide performance levels and outcome indicators for Zoom schools and requires the Department to contract for an independent evaluation of the effectiveness of Zoom schools. It further requires the State Board of Education to recommend legislation for the 79th Session of the Nevada Legislature defining "long-term limited English proficient" and prescribing a procedure for districts and charter schools to separately count and report data concerning students so defined.

Roll call on Senate Bill No. 405:

YEAS—35.

NAYS—Dickman, Ellison, Fiore, Moore, Shelton, Titus, Wheeler—7.

Senate Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 406.

Bill read third time.

Remarks by Assemblymen Silberkraus, Carlton, and Ellison.

ASSEMBLYMAN SILBERKRAUS:

Senate Bill 406 makes various changes to the Public Employees' Retirement System, PERS, the Judicial Retirement Plan, and the Legislators' Retirement System for persons who become members on or after July 1, 2015. Among other things, the bill revises certain factors used to calculate retirement benefits; requires the forfeiture of retirement benefits for a member convicted

of certain felonies committed on the job; revises the manner in which postretirement increases and benefit payments are calculated; provides an additional survivor benefit option for current and future members; changes the age of eligibility to receive retirement benefits for members, other than police officers or firefighters; requires members of the Judicial Retirement Plan to pay 50 percent of the required contributions to the plan; and repeals the June 30, 2015, expiration of certain provisions relating to retired public employees who fill positions for which there are critical labor shortages.

ASSEMBLYWOMAN CARLTON:

I had a question on Senate Bill 406 which I did discuss with the Chair of the committee earlier in the day, and I want to share these concerns with the body. When we look at the yellow document that we have, section 2, page 5, we are talking about the conviction portion and the return of the retirement money. The concern I have is that families make retirement investments together. There could be a spouse and children impacted by this. I know this is on employees going forward, so I hope that no one will be harmed by this in the future.

I have to be honest with you, when I am getting married, I am not planning on marrying a felon, but sometimes that happens. I would hate to see the spouse and children lose the time value of that money which the family has invested and planned for in their retirement. If that person does go to prison, the other spouse is left to deal with the family issues. As we move forward with this, I hope we will address this. I hope it does not hurt anyone in the future. We will have time to do this, but I think it is something we really should consider. We are penalizing a whole family for one person's misdeeds.

ASSEMBLYMAN ELLISON:

I agree with my colleague from down south. An individual convicted of a felony in the course of his or her work should not receive the benefits of taxpayer contributions. They will get all the individual contributions made to the system, so they will receive whatever they paid in. It just will not be the match. Only new employees starting after July 1, 2015, will be part of a deal going forward, which does not affect existing employees.

Roll call on Senate Bill No. 406:

YEAS—41.

NAYS—Trowbridge.

Senate Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 409.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 409 creates an exception in state law similar to that in federal law with regard to credit reporting. The bill allows a credit reporting agency to report on bankruptcies older than ten years, and other civil judgments older than seven years, incurred by a person who is seeking employment with a gaming licensee or employment in a position that is directly connected to the licensee's operations. The bill also clarifies that credit reporting agencies are not required to delete records of felony convictions.

Roll call on Senate Bill No. 409:

YEAS—39.

NAYS—Moore, Seaman, Shelton—3.

Senate Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Paul Anderson moved that Senate Bill No. 411 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Senate Bill No. 443.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Senate Bill 443 enables the Nevada Gaming Commission to adopt regulations on business entity race book and sports pool wagering as it deems appropriate and adds criminal penalties for the failure to disclose persons involved with a business entity's wagering.

Roll call on Senate Bill No. 443:

YEAS—41.

NAYS—None.

EXCUSED—Seaman.

Senate Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 444.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 444 revises provisions governing a special motion to dismiss a claim that is based upon a good faith communication concerning the right to petition or the right to free speech in direct connection with an issue of public concern.

The timeline for a response and ruling on a special motion to dismiss is increased from 7 days to 20 judicial days. Any discovery is limited to the purposes of allowing a party to obtain information necessary to meet or oppose the burden of the party who brought the claim to establish by clear and convincing evidence a probability of prevailing on the claim. Lastly, the court may modify any briefing or hearing deadlines relating to a complaint if such modification would serve the interests of justice.

Roll call on Senate Bill No. 444:

YEAS—38.

NAYS—Fiore, Neal, Ohrenschall—3.

EXCUSED—Seaman.

Senate Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 445.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 445 requires the Nevada Gaming Commission to adopt regulations governing the operation by a licensed race book or sports pool operator of a global risk management system through the use of communications technology between and among various jurisdictions.

Roll call on Senate Bill No. 445:

YEAS—42.

NAYS—None.

Senate Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 446.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 446 establishes a framework for the ratification of certain corporate actions and clarifies the ability to establish various powers, designations, limitations, and restrictions for classes and series of stock. The measure provides that stockholder meetings may be held remotely; revises incorporation language across *Nevada Revised Statutes* for consistency; eliminates the provision of effective dates for the formation of limited-liability companies and limited partnerships; and aligns the effect of a conversion with that of a merger.

I think one of the striking things Senate Bill 446 does is provide for these virtual meetings so that the officers will not necessarily have to physically fly here to the state. I did have some concerns as to what that would do to our economy, and they were alleviated. There are still many things that will bring those officers to the state, so I do urge support of this bill.

Roll call on Senate Bill No. 446:

YEAS—42.

NAYS—None.

Senate Bill No. 446 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 453.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 453 makes technical changes to eliminate duplications and provide for consistency in Nevada's laws governing the enforcement of loans secured by deeds of trust or mortgages on real property and related proceedings.

Roll call on Senate Bill No. 453:

YEAS—40.

NAYS—Moore, Shelton—2.

Senate Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 464.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 464 exempts a person under 21 years of age from criminal liability for possession or consumption of alcohol if the person requests emergency medical assistance for himself, herself, or another person.

The exemption applies, however, only if the person making the request reasonably believes that the person for whom emergency medical assistance is requested is under 21 years of age; reasonably believes the person needs such assistance; is the first person to request emergency medical assistance for the person; remains with the person requiring such assistance; and cooperates with providers of emergency medical assistance, health care providers, and law enforcement.

The bill also prohibits the sale, purchase, possession, or use of powdered alcohol and makes a violation of these provisions a misdemeanor.

Roll call on Senate Bill No. 464:

YEAS—34.

NAYS—Dickman, Edwards, Ellison, Fiore, Gardner, Moore, Shelton, Titus—8.

Senate Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 471.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 471 provides an exception to the requirement that eligibility for the monthly Health Reimbursement Arrangement contribution and basic group life insurance benefit otherwise provided by PEBP [Public Employees' Benefits Program] to Medicare-eligible retirees requires enrolling in an individual Medicare medical plan through the state's individual Medicare market exchange.

Specifically, the PEBP Board and the Governor recommend that participating retirees who are veterans and eligible for and/or enrolled in TRICARE receive an exemption to the NRS [*Nevada Revised Statutes*] requirement to enroll in a Medicare medical insurance plan. The cost to the plan is estimated at $2,238 per TRICARE-eligible retiree per year. The cost of implementing Senate Bill 471 was included in the Governor's recommended budget for PEBP, which was approved by the Senate Committee on Finance and Assembly Committee on Ways and Means Subcommittees on General Government on April 30, 2015.

Senate Bill 471 is effective July 1, 2015.

Roll call on Senate Bill No. 471:

YEAS—42.

NAYS—None.

Senate Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 472.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Bill 472, as amended, amends NRS [*Nevada Revised Statutes*] 287.045 to revise the effective date of coverage for eligible participants to be either the first day of full-time

employment, if that date is the first day of the month; or the first day of the month immediately following the first day of full-time employment of the eligible participant.

The intent of Senate Bill 472 is to ensure compliance with two aspects of health care reform under the federal Affordable Care Act: compliance with the requirement that the waiting period for health insurance coverage not exceed 90 days, and to ensure that highly compensated employees are not treated more favorably than lower-compensated employees.

Historically, NSHE [Nevada System of Higher Education] professional staff have been eligible for coverage either on the first day of employment, if employment begins on the first of the month, or on the first day of the following month. Senate Bill 472, as amended, creates equal treatment for all eligible participants.

Roll call on Senate Bill No. 472:

YEAS—42.

NAYS—None.

Senate Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 477.

Bill read third time.

Remarks by Assemblymen Moore, Sprinkle, Kirkpatrick, Seaman, and Ellison.

ASSEMBLYMAN MOORE:

Senate Bill 477 authorizes a governing body of any county or incorporated city to adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new residential dwelling unit that has an area of livable space of 5,000 square feet or more. On or after July 1, 2015, such a governing body may adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new residential dwelling unit that has an area of livable space of less than 5,000 square feet only if the governing body conducts an independent cost-benefit analysis of the proposed requirement to install an automatic fire sprinkler system and makes certain findings at a public hearing.

ASSEMBLYMAN SPRINKLE:

I rise in opposition to Senate Bill 477. In the end, this bill is about public safety. Residential sprinklers save people's lives. As someone who goes into these buildings and tries to get people out, eight minutes is a long time for me to be responding. These sprinklers save lives. I am opposed to this bill because many jurisdictions are currently already carved out of this bill. They already have code in place, and they are exempt from what this is trying to do. However, certain major jurisdictions in southern Nevada do not have that. So with this bill, what is going to happen is they are going to have to spend money—a lot of money—to get these analyses done if they want to have residential sprinkler systems in their code. On top of that, they are also going to have to do the same analysis every time they want to change their code. It is going to make it incredibly cumbersome for the counties or the jurisdictions to do this, which ultimately is going to lead to no residential sprinkler systems in these houses and the potential for people to die. I strongly oppose this bill.

ASSEMBLYWOMAN KIRKPATRICK:

I, too, rise in opposition to Senate Bill 477. I remember a time in this building when we actually thought about constituents, we thought about public safety, and we thought about things that mattered back home. However, with this bill, I am perplexed. If you have a house over 5,000 square feet, then you have to follow the fire sprinkler code. But if you do not have a house of that size, then you can go to the county and you can lobby your way through; you can change the codes. I do not know about most of you in here, but I live in a house under 5,000 square feet, and if I do not have a fire department close to me, I want those sprinklers.

For people to say that insurance rates are going to go up, it is quite the contrary. Back in the day in North Las Vegas, when we were a bedroom community, we were way out in the desert in the dirt and nobody wanted to be out there; there were no fire stations and there were no police stations. So we put in sprinklers and it did not cost any more because at the end of the day, it helped ensure that that house fire could be put out in a much quicker manner.

What I do have a problem with are all the folks in this room who always want to talk about regulation and talk about being inefficient as a government, and here we are allowing them to continue to spend money to go out and get public comment from everybody on public safety. I cannot figure out for the life of me this session which way we are supposed to go. I am consistent, and I would like to stay with the tone I had in 2009 when we adopted some of these codes. We made sure they worked across the board, and we allowed local government to do what was best for them rather than putting in all these hoops they have to jump through.

I would just like to put that on the record, Mr. Speaker. Public safety comes above and beyond all costs. No matter how much money you get in the world, you cannot replace someone's life. If we have not thought that through, then we are here for all the wrong reasons.

ASSEMBLYWOMAN SEAMAN:

I rise in support of Senate Bill 477. This bill will help lower housing costs without jeopardizing safety by eliminating unnecessary regulations. Homebuilders will still be allowed to include any features they desire in their product. All we are doing is freeing these builders from regulations that impose costs far in excess of any benefits. I will be voting yes, and I encourage all of you to vote yes as well.

ASSEMBLYMAN ELLISON:

I stand in support of Senate Bill 477. We worked quite a bit on this, and we are trying to get through all the loops. We did find out a lot of things. This is not a one-system-fits-all. Mostly in the state of Nevada, we have areas with low water pressure, we have stuff with large tanks, stuff that is up on the side of a mountain that you could not get these systems into. One of the things that is a problem is not just the cost, but that it will not fit everywhere.

Mr. Speaker, if you will look back through, we are having trouble with the 2009 and the 2012 codes. What we are asking for is to take a look at this and bring it back. That is going to be the big thing. This is enabling for some of these cities. Right now, if you want to build a house with a fire sprinkler, I do not care if it is 900 square feet, you can do that. Nobody says you cannot. We are just saying, let us look at all the options that are out there. One of the big costs a lot of people are not looking at is going to be for the insurance for those with sprinkler systems. I urge all my colleagues to please stand strong and support Senate Bill 477.

Roll call on Senate Bill No. 477:

YEAS—22.

NAYS—Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Edwards, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Silberkraus, Spiegel, Sprinkle, Swank, Thompson—20.

Senate Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 482.

Bill read third time.

Remarks by Assemblywoman Dooling.

ASSEMBLYWOMAN DOOLING:

Senate Bill 482 eliminates the authority of boards of county commissioners to set the annual salaries of their members and establishes those salaries by statute. The bill provides that the salaries for county commissioners and certain other elected county officials increase by 3 percent in each fiscal year for each of the next four fiscal years beginning with Fiscal Year 2015-2016, unless the board of county commissioners determines that insufficient financial resources are

available to pay the increased salaries. Finally, Senate Bill 482 authorizes an elected officer, including a county commissioner, to elect not to receive any part of the salary to which he or she is entitled.

Roll call on Senate Bill No. 482:

YEAS—22.

NAYS—Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Edwards, Flores, Joiner, Jones, Kirkpatrick, Munford, Neal, Spiegel, Sprinkle, Swank, Thompson, Titus, Trowbridge—20.

Senate Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate

Senate Bill No. 484.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 484 makes both technical and substantive revisions relating to issues of personal financial administration including, but not limited to, termination of life estates; nonprobate transfers; definitions, including "domestic partner" and "interested person"; prenuptial agreements related to estate planning; predeath declaratory judgments regarding the validity of wills; appointment of executors and administrators of estates; sale of property in an estate; filing of inventories and appraisals of estates; distribution of probate assets; trustee liability; trustee investor responsibilities; binding arbitration regarding trusts and wills; judicial and nonjudicial settlements; and termination of uneconomical estates.

This bill is the biennial omnibus measure submitted by the Probate and Trust Law Section of the State Bar of Nevada with the approval of the State Bar's Board of Governors.

Roll call on Senate Bill No. 484:

YEAS—42.

NAYS—None.

Senate Bill No. 484 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. 68 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 68.

Bill read third time.

The following amendment was proposed by Assemblyman Kirner:

Amendment No. 962.

AN ACT relating to professions; authorizing certain qualified professionals who hold a license in the District of Columbia or another state or territory of the United States to apply for the issuance of an expedited license by endorsement to practice in this State; revising provisions relating to certain

limited licenses to practice medicine as a resident physician; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1.3, 1.5, 6.3, 6.4, 6.7, 7, 8.5, 11, 13.1, 14, 18, 19, 25, 28, 32, 35, 36, 41, 45 and 50-54 of this bill authorize certain qualified physicians, podiatrists, other providers of health care and professionals to obtain an expedited license by endorsement to practice their respective professions in this State if the physician, podiatrist, other provider of health care or professional holds a valid and unrestricted license to practice in the District of Columbia or another state or territory of the United States and meets certain other requirements. Specifically, an expedited license by endorsement may be obtained from the Board of Medical Examiners, the State Board of Nursing, the State Board of Osteopathic Medicine, the State Board of Podiatry, the State Board of Optometry, the Board of Examiners for Audiology and Speech Pathology, the State Board of Pharmacy, the State Board of Physical Therapy Examiners, the Board of Occupational Therapy, the Board of Massage Therapists, the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors. **Sections 1.3 and 8.5** require a physician or osteopathic physician to be certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association, as applicable, to obtain such an expedited license by endorsement.

Existing law authorizes the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue a limited license to practice medicine as a resident physician to an applicant who meets certain requirements. (NRS 630.265, 633.401) **Sections 5 and 9** of this bill require, with limited exceptions, the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue those limited licenses.

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

Section 1. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act:

Sec. 1.3. ***1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:***

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

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

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license to practice medicine; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

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

(d) Any other information required by the Board.

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

(a) Forty-five days after receiving the application; or

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

↪ whichever occurs later.

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

Sec. 1.5. *1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:*

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

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

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license to practice as a physician assistant; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

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

(d) Any other information required by the Board.

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

(a) Forty-five days after receiving the application; or

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

↪ whichever occurs later.

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

Sec. 2. NRS 630.160 is hereby amended to read as follows:

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

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, ***and section 1.3 of this act,*** a license may be issued to any person who:

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

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

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

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

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

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

(2) All parts of the Federation Licensing Examination;

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

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

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

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

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

(1) Has completed 36 months of progressive postgraduate:

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

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

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

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education ***,*** ~~**[**or**]**~~ the ~~**[**Coordinating Council of Medical Education of the Canadian Medical Association,**]**~~ ***Royal College of Physicians and Surgeons of Canada, the College des medecins du Quebec, the College of Family Physicians of Canada or, as applicable, their successor organizations,*** has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

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

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

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

(a) Temporarily suspend the license;

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

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

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

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

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

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

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

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

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

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

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

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

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

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

5. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the

Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 3. NRS 630.165 is hereby amended to read as follows:

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

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

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

2. An applicant for a license by endorsement to practice medicine pursuant to NRS 630.1605 ***or section 1.3 of this act*** must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

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

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

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

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

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

Sec. 3.5. NRS 630.195 is hereby amended to read as follows:

630.195 1. ~~[In]~~ ***Except as otherwise provided in section 1.3 of this act, in*** addition to the other requirements for licensure, an applicant for a license to practice medicine who is a graduate of a foreign medical school shall submit to the Board proof that the applicant has received:

(a) The degree of doctor of medicine or its equivalent, as determined by the Board; and

(b) The standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by the Commission.

2. The proof of the degree of doctor of medicine or its equivalent must be submitted directly to the Board by the medical school that granted the degree. If proof of the degree is unavailable from the medical school that granted the degree, the Board may accept proof from any other source specified by the Board.

Sec. 4. NRS 630.258 is hereby amended to read as follows:

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

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

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

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

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

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

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

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~[.]~~ ***or section 1.3 of this act;***

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

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

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

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

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

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

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

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

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

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

Sec. 5. NRS 630.265 is hereby amended to read as follows:

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

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

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

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

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

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

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

Sec. 6. NRS 630.268 is hereby amended to read as follows:

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

For application for and issuance of a license to practice as a physician, including a license by endorsement	$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license	400

For renewal of a limited, restricted, authorized facility or special license 400
For application for and issuance of a license as a physician assistant ***, including a license by endorsement***..... 400
For biennial registration of a physician assistant..... 800
For biennial registration of a physician 800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care 400
For biennial renewal of a license as a perfusionist 600
For biennial registration of a practitioner of respiratory care 600
For biennial registration for a physician who is on inactive status 400
For written verification of licensure 50
For a duplicate identification card..... 25
For a duplicate license..... 50
For computer printouts or labels..... 500
For verification of a listing of physicians, per hour..... 20
For furnishing a list of new physicians..... 100

2. ~~[In]~~ ***Except as otherwise provided in subsection 4, in*** addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

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

4. If an applicant submits an application for a license by endorsement pursuant to section 1.3 or 1.5 of this act, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1 for the application for and initial issuance of a license.

Sec. 6.1. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. ***The procedures deemed necessary by the Board for applications for and the initial issuance of licenses by endorsement pursuant to section 1.5 of this act.***
5. The tests or examinations of applicants by the Board.
~~[5.]~~ ***6.*** The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and

duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians and optometrists under chapters 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.

~~[6.]~~ ***7.*** The duration, renewal and termination of licenses ~~[.~~ ~~7.]~~ ***, including licenses by endorsement.***

8. The grounds and procedures respecting disciplinary actions against physician assistants.

~~[8.]~~ ***9.*** The supervision of medical services of a physician assistant by a supervising physician, including, without limitation, supervision that is performed electronically, telephonically or by fiber optics from within or outside this State or the United States.

~~[9.]~~ ***10.*** A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.

Sec. 6.2. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 6.3 and 6.4 of this act.

Sec. 6.3. ***1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a professional nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice as a professional nurse in the District of Columbia or any state or territory of the United States.***

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license to practice as a professional nurse; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

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

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a professional nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application.

Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a professional nurse to the applicant not later than:

(a) Forty-five days after receiving the application; or

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

↳ whichever occurs later.

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

Sec. 6.4. ***1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a practical nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice as a practical nurse in the District of Columbia or any state or territory of the United States.***

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license to practice as a practical nurse; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

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

(d) Any other information required by the Board.

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

(a) Forty-five days after receiving the application; or

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

➥ ***whichever occurs later.***

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

Sec. 6.5. NRS 632.140 is hereby amended to read as follows:

632.140 ***Except as otherwise provided in section 6.3 of this act:***

1. Every applicant for a license to practice as a professional nurse in the State of Nevada must submit to the Board written evidence under oath that the applicant:

(a) Is of good moral character.

(b) Is in good physical and mental health.

(c) Has completed a course of study in:

(1) An accredited school of professional nursing and holds a diploma therefrom; or

(2) An approved school of professional nursing in the process of obtaining accreditation and holds a diploma therefrom.

(d) Meets such other reasonable preliminary qualification requirements as the Board may from time to time prescribe.

2. Each applicant must remit the fee required by this chapter with the application for a license to practice as a professional nurse in this State.

Sec. 6.6. NRS 632.150 is hereby amended to read as follows:

632.150 1. ~~[Each]~~ ***Except as otherwise provided in NRS 632.160, 632.237 and section 6.3 of this act, each*** applicant who is otherwise qualified for a license to practice nursing as a professional nurse shall be required to write and pass an examination on such subjects and in such form as the Board may from time to time determine. Such written examination may be supplemented by an oral or practical examination in the discretion of the Board.

2. The Board shall issue a license to practice nursing as a professional nurse in the State of Nevada to each applicant who successfully passes such examination or examinations.

Sec. 6.7. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may issue a license to practice as an advanced practice registered nurse to a registered nurse ***:*** ~~[who:]~~

(a) ***Who is licensed by endorsement pursuant to section 6.3 of this act and holds a corresponding valid and unrestricted license to practice as an advanced practice registered nurse in the District of Columbia or any other state or territory of the United States; or***

(b) Who:

(1) Has completed an educational program designed to prepare a registered nurse to:

~~[(1)]~~ ***(I)*** Perform designated acts of medical diagnosis;

~~[(2)]~~ ***(II)*** Prescribe therapeutic or corrective measures; and

~~[(3)]~~ ***(III)*** Prescribe controlled substances, poisons, dangerous drugs and devices;

~~[(b)]~~ ***(2)*** Except as otherwise provided in subsection 5, submits proof that he or she is certified as an advanced practice registered nurse by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

~~[(c)]~~ ***(3)*** Meets any other requirements established by the Board for such licensure.

2. An advanced practice registered nurse may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351 and subject to the limitations set forth in subsection 3, prescribe controlled substances, poisons, dangerous drugs and devices.

➥ An advanced practice registered nurse shall not engage in any diagnosis, treatment or other conduct which the advanced practice registered nurse is not qualified to perform.

3. An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:

(a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or

(b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

4. An advanced practice registered nurse may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.

5. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for licensure as an advanced practice registered nurse.

(b) Delineating the authorized scope of practice of an advanced practice registered nurse.

(c) Establishing the procedure for application for licensure as an advanced practice registered nurse.

6. The provisions of ***subparagraph (2) of*** paragraph (b) of subsection 1 do not apply to an advanced practice registered nurse who obtains a license before July 1, 2014.

Sec. 6.8. NRS 632.270 is hereby amended to read as follows:

632.270 ~~[Each]~~ ***Except as otherwise provided in section 6.4 of this act, each*** applicant for a license to practice as a practical nurse must submit to the Board written evidence, under oath, that the applicant:

1. Is of good moral character.

2. Has a high school diploma or its equivalent as determined by the State Board of Education.

3. Is at least 18 years of age.

4. Has:

(a) Successfully completed the prescribed course of study in an accredited school of practical nursing or an accredited school of professional nursing, and been awarded a diploma by the school;

(b) Successfully completed the prescribed course of study in an approved school of practical nursing in the process of obtaining accreditation or an approved school of professional nursing in the process of obtaining accreditation, and been awarded a diploma by the school; or

(c) Been registered or licensed as a registered nurse under the laws of another jurisdiction.

5. Meets any other qualifications prescribed in regulations of the Board.

Sec. 6.9. NRS 632.345 is hereby amended to read as follows:

632.345 1. The Board shall establish and may amend a schedule of fees and charges for the following items and within the following ranges:

	Not less than	Not more than
Application for license to practice professional nursing (registered nurse) ***, including a license by endorsement***	$45	$100
Application for license to practice practical nursing ***, including a license by endorsement***	30	90
Application for temporary license to practice professional nursing or practical nursing pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular license, if the applicant applies for a license	15	50
Application for a certificate to practice as a nursing assistant or medication aide - certified	15	50
Application for a temporary certificate to practice as a nursing assistant pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular certificate, if the applicant applies for a certificate	5	40
Biennial fee for renewal of a license	40	100
Biennial fee for renewal of a certificate	20	50
Fee for reinstatement of a license	10	100

Application for a license to practice as an advanced practice registered nurse **, *including a license by endorsement***	50	200
Application for recognition as a certified registered nurse anesthetist	50	200
Biennial fee for renewal of a license to practice as an advanced practice registered nurse or certified registered nurse anesthetist	50	200
Examination fee for license to practice professional nursing	20	100
Examination fee for license to practice practical nursing	10	90
Rewriting examination for license to practice professional nursing	20	100
Rewriting examination for license to practice practical nursing	10	90
Duplicate license	5	30
Duplicate certificate	5	30
Proctoring examination for candidate from another state	25	150
Fee for approving one course of continuing education	10	50
Fee for reviewing one course of continuing education which has been changed since approval	5	30
Annual fee for approval of all courses of continuing education offered	100	500
Annual fee for review of training program	60	100
Certification examination	10	90
Approval of instructors of training programs	50	100
Approval of proctors for certification examinations	20	50
Approval of training programs	150	250
Validation of licensure or certification	5	25

2. The Board may collect the fees and charges established pursuant to this section, and those fees or charges must not be refunded.

Sec. 7. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

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

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

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

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license to practice as a physician assistant; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

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

(d) The application and initial license fee specified in this chapter; and

(e) Any other information required by the Board.

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

(a) Forty-five days after receiving the application; or

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

↪ whichever occurs later.

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

Sec. 7.5. NRS 633.305 is hereby amended to read as follows:

633.305 ***Except as otherwise provided in section 7 of this act and NRS 633.400:***

1. Every applicant for a license shall:

(a) File an application with the Board in the manner prescribed by regulations of the Board;

(b) Submit verified proof satisfactory to the Board that the applicant meets any age, citizenship and educational requirements prescribed by this chapter; and

(c) Pay in advance to the Board the application and initial license fee specified in NRS 633.501.

2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.

3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1, may take such further evidence and require such other documents or proof of qualifications as it deems proper.

4. The Board may reject an application if the Board has cause to believe that any credential or information submitted by the applicant is false, misleading, deceptive or fraudulent.

Sec. 8. NRS 633.311 is hereby amended to read as follows:

633.311 Except as otherwise provided in NRS 633.315 ~~[,]~~ ***and 633.381 to 633.419, inclusive,*** an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

1. The applicant is 21 years of age or older;

2. The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;

3. The applicant is a graduate of a school of osteopathic medicine;

4. The applicant:

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

(1) A hospital internship; or

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

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

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

5. The applicant applies for the license as provided by law;

6. The applicant passes:

(a) All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

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

(c) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by

a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

(d) A combination of the parts of the licensing examinations specified in paragraphs (a), (b) and (c) that is approved by the Board;

7. The applicant pays the fees provided for in this chapter; and

8. The applicant submits all information required to complete an application for a license.

Sec. 8.5. NRS 633.400 is hereby amended to read as follows:

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

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

(b) The applicant:

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

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

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

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

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

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

2. Any person applying for a license ***by endorsement*** pursuant to this section shall ~~[pay in]~~ ***submit:***

(a) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

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

(c) In advance to the Board the application and initial license fee specified in this chapter ~~[.]~~ ***; and***

(d) Any other information required by the Board.

3. ***Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application***

for good cause, the Board shall approve the application and issue a license by endorsement to the applicant not later than:

(a) Forty-five days after receiving the application; or

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

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

Sec. 9. NRS 633.401 is hereby amended to read as follows:

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

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

(b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of paragraph (c) of subsection 4 of NRS 633.311.

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

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

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

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

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

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

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

Sec. 10. (Deleted by amendment.)

Sec. 10.5. NRS 633.434 is hereby amended to read as follows:

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.

4. ***The procedures deemed necessary by the Board for applications for and the issuance of initial licenses by endorsement pursuant to section 7 of this act.***

5. The tests or examinations of applicants by the Board.

~~[5.]~~ 6. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and 637A, respectively, of NRS.

~~[6.]~~ ***7.*** The grounds and procedures respecting disciplinary actions against physician assistants.

~~[7.]~~ ***8.*** The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 11. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 635.073, the Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States.

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

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

(1) Satisfies the requirements of subsection 1;

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

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

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

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

(c) A fee in the amount of the fee for an application for a license required pursuant to paragraph (a) of subsection 3 of NRS 635.050; and

(d) Any other information required by the Board.

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

application and issue a license by endorsement to practice podiatry to the applicant not later than:

(a) Forty-five days after receiving the application; or

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

➥ whichever occurs later.

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

Sec. 12. NRS 635.050 is hereby amended to read as follows:

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

2. ~~[A]~~ ***Except as otherwise provided in section 11 of this act, a*** license to practice podiatry may be issued by the Board to any person who:

(a) Is of good moral character.

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

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

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

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

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

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

(a) The fee for an application for a license ***, including a license by endorsement,*** of not more than $600;

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

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

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

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

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

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

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

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

Sec. 13. NRS 635.065 is hereby amended to read as follows:

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

(a) An affidavit signed by the applicant that:

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

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

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

2. ~~[The]~~ ***Except as otherwise provided in section 11 of this act, the*** Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:

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

(b) Submit satisfactory proof that:

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

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

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

Sec. 13.1. Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to engage in the practice of optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States.

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

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

(1) Satisfies the requirements of subsection 1;

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

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

(4) Has been continuously and actively engaged in the practice of optometry for the past 5 years;

(5) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license to engage in the practice of optometry; and

(6) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

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

(c) Any other information required by the Board.

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

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

Sec. 13.3. NRS 636.143 is hereby amended to read as follows:

636.143 The Board shall establish within the limits prescribed a schedule of fees for the following purposes:

	Not less than	Not more than
Examination	$100	$500
Reexamination	100	500
Issuance of each license or duplicate license ***, including a license by endorsement***	35	75
Renewal of each license or duplicate license	100	500
Issuance of a license for an extended clinical facility	100	500
Issuance of a replacement renewal card for a license	10	50

Sec. 13.5. NRS 636.150 is hereby amended to read as follows:

636.150 ~~[Any]~~ ***Except as otherwise provided in section 13.1 of this act, any*** person applying for a license to practice optometry in this State must:

1. File proof of his or her qualifications;
2. Make application for an examination;
3. Take and pass the examination;
4. Pay the prescribed fees; and

5. Verify that all the information he or she has provided to the Board or to any other entity pursuant to the provisions of this chapter is true and correct.

Sec. 13.7. NRS 636.155 is hereby amended to read as follows:

636.155 ~~[An]~~ ***Except as otherwise provided in section 13.1 of this act, an*** applicant must file with the Executive Director satisfactory proof that the applicant:

1. Is at least 21 years of age;

2. Is a citizen of the United States or is lawfully entitled to reside and work in this country;

3. Is of good moral character;

4. Has been certified or recertified as completing a course of cardiopulmonary resuscitation within the 12-month period immediately preceding the examination for licensure; and

5. Has graduated from a school of optometry accredited by the established professional agency and the Board, maintaining a standard of 6 college years, and including, as a prerequisite to admission to the courses in optometry, at least 2 academic years of study in a college of arts and sciences accredited by the Association of American Universities or a similar regional accrediting agency.

Sec. 13.9. NRS 636.215 is hereby amended to read as follows:

636.215 The Board shall execute a license for each person who has satisfied the requirements of NRS 636.150 ***or section 13.1 of this act*** and submitted all information required to complete an application for a license. A license must:

1. Certify that the licensee has been examined and found qualified to practice optometry in this State; and

2. Be signed by each member of the Board.

Sec. 14. Chapter 637B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to engage in the practice of audiology or speech pathology to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in the practice of audiology or speech pathology, as applicable, in the District of Columbia or any state or territory of the United States.

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory

in which the applicant currently holds or has held a license to engage in the practice of audiology or speech pathology, as applicable; and

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

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

(c) Any other information required by the Board.

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

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

Sec. 15. NRS 637B.160 is hereby amended to read as follows:

637B.160 1. ~~[An]~~ ***Except as otherwise provided in section 14 of this act, an*** applicant for a license to engage in the practice of audiology or speech pathology must be issued a license by the Board if the applicant:

(a) Is over the age of 21 years;

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

(c) Is of good moral character;

(d) Meets the requirements for education or training and experience provided by subsection 2;

(e) Has completed at least 300 clock hours of supervised clinical experience in audiology or speech pathology, or both;

(f) Applies for the license in the manner provided by the Board;

(g) Passes any examination required by this chapter;

(h) Pays the fees provided for in this chapter; and

(i) Submits all information required to complete an application for a license.

2. An applicant must possess a master's degree in audiology or in speech pathology from an accredited educational institution or possess equivalent training and experience. If an applicant seeks to qualify on the basis of equivalent training and experience, the applicant must submit to the Board satisfactory evidence that he or she has obtained at least 60 semester credits, or equivalent quarter credits, in courses related to the normal development, function and use of speech and language or hearing, including, but not limited to, the management of disorders of speech or hearing and the legal, professional and ethical practices of audiology or speech pathology. At least

24 of the 60 credits, excluding any credits obtained for a thesis or dissertation, must have been obtained for courses directly relating to audiology or speech pathology.

Sec. 16. NRS 637B.230 is hereby amended to read as follows:

637B.230 1. The Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

Application fee for a license to practice speech pathology ***, including a license by endorsement***	$100
Application fee for a license to practice audiology ***, including a license by endorsement***	100
Annual fee for the renewal of a license	50
Reinstatement fee	75

2. All fees are payable in advance and may not be refunded.

Sec. 17. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 and 19 of this act.

Sec. 18. ***1. The Board may issue a certificate by endorsement as a registered pharmacist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as a registered pharmacist in the District of Columbia or any state or territory of the United States.***

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a certificate as a registered pharmacist; and

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

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

(c) Any other information required by the Board.

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

4. A certificate by endorsement as a registered pharmacist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 19. ***1. The Board may issue a license by endorsement to conduct a pharmacy to an applicant who is a natural person and who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to conduct a pharmacy in the District of Columbia or any state or territory of the United States.***

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~***[the]***~~ ***any state or territory in which the applicant currently holds or has held a license to conduct a pharmacy; and***

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

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

(c) Any other information required by the Board.

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

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

Sec. 20. NRS 639.015 is hereby amended to read as follows:

639.015 "Registered pharmacist" means:

1. A person registered in this State as such on July 1, 1947;

2. A person registered in this State as such in compliance with the provisions of paragraph (c) of section 3 of chapter 195, Statutes of Nevada 1951; or

3. A person who has complied with the provisions of NRS 639.120 ***, 639.134 or section 18 of this act*** and whose name has been entered in the registry of pharmacists of this State by the Executive Secretary of the Board and to whom a valid certificate ***or certificate by endorsement*** as a registered pharmacist or valid renewal thereof has been issued by the Board.

Sec. 21. NRS 639.120 is hereby amended to read as follows:

639.120 1. ~~[An]~~ ***Except as otherwise provided in NRS 639.134 and section 18 of this act, an*** applicant to become a registered pharmacist in this State must:

(a) Be of good moral character.

(b) Be a graduate of a college of pharmacy or department of pharmacy of a university accredited by the Accreditation Council for Pharmacy Education or Canadian Council for Accreditation of Pharmacy Programs and approved by the Board or a graduate of a foreign school who has passed an examination for foreign graduates approved by the Board to demonstrate that his or her education is equivalent.

(c) Except as otherwise provided in NRS 622.090:

(1) Pass an examination approved and given by the Board with a grade of at least 75 on the examination as a whole and a grade of at least 75 on the examination on law.

(2) If he or she is an applicant for registration by reciprocity, pass the examination on law with at least a grade of 75.

(d) Complete not less than 1,500 hours of practical pharmaceutical experience as an intern pharmacist under the direct and immediate supervision of a registered pharmacist.

2. The practical pharmaceutical experience required pursuant to paragraph (d) of subsection 1 must relate primarily to the selling of drugs, poisons and devices, the compounding and dispensing of prescriptions, preparing prescriptions and keeping records and preparing reports required by state and federal statutes.

3. The Board may accept evidence of compliance with the requirements set forth in paragraph (d) of subsection 1 from boards of pharmacy of other states in which the experience requirement is equivalent to the requirements in this State.

Sec. 22. NRS 639.127 is hereby amended to read as follows:

639.127 1. An applicant for registration as a pharmacist in this State must submit an application to the Executive Secretary of the Board on a form furnished by the Board and must pay the fee fixed by the Board. The fee must be paid at the time the application is submitted and is compensation to the Board for the investigation and the examination of the applicant. Under no circumstances may the fee be refunded.

2. Proof of the qualifications of any applicant must be made to the satisfaction of the Board and must be substantiated by affidavits, records or such other evidence as the Board may require.

3. An application is only valid for 1 year after the date it is received by the Board unless the Board extends its period of validity.

4. A certificate of registration as a pharmacist must be issued to each person who the Board determines is qualified pursuant to the provisions of NRS 639.120 and 639.134 ~~[.]~~ ***and section 18 of this act.*** The certificate entitles the person to whom it is issued to practice pharmacy in this State.

Sec. 23. NRS 639.170 is hereby amended to read as follows:

639.170 1. The Board shall charge and collect not more than the following fees for the following services:

For the examination of an applicant for registration as a pharmacist	Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist ***, including a certificate by endorsement***	$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity	300
For the investigation or issuance of an original license to conduct a retail pharmacy ***, including a license by endorsement***	600
For the biennial renewal of a license to conduct a retail pharmacy	500
For the investigation or issuance of an original license to conduct an institutional pharmacy ***, including a license by endorsement***	600
For the biennial renewal of a license to conduct an institutional pharmacy	500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist ***, including a certificate by endorsement***	50
For the biennial renewal of registration as a registered pharmacist	200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse)	100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the investigation or registration of an intern pharmacist	50
For the biennial renewal of registration as an intern pharmacist	40
For investigation or issuance of an original license to a manufacturer or wholesaler	500
For the biennial renewal of a license for a manufacturer or wholesaler	500

For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon 100
For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both 300
For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both 300

2. ***If an applicant submits an application for a certificate of registration or license by endorsement pursuant to section 18 or 19 of this act, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1, respectively, for:***

(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.

(b) The issuance of an original license to conduct a retail or an institutional pharmacy.

3. If a person requests a special service from the Board or requests the Board to convene a special meeting, the person must pay the actual costs to the Board as a condition precedent to the rendition of the special service or the convening of the special meeting.

~~[3.]~~ ***4.*** All fees are payable in advance and are not refundable.

~~[4.]~~ ***5.*** The Board may, by regulation, set the penalty for failure to pay the fee for renewal for any license, permit, authorization or certificate within the statutory period, at an amount not to exceed 100 percent of the fee for renewal for each year of delinquency in addition to the fees for renewal for each year of delinquency.

Sec. 24. NRS 639.231 is hereby amended to read as follows:

639.231 1. An application to conduct a pharmacy must be made on a form furnished by the Board and must state the name, address, usual occupation and professional qualifications, if any, of the applicant. If the applicant is other than a natural person, the application must state such information as to each person beneficially interested therein.

2. As used in subsection 1, and subject to the provisions of subsection 3, the term "person beneficially interested" means:

(a) If the applicant is a partnership or other unincorporated association, each partner or member.

(b) If the applicant is a corporation, each of its officers, directors and stockholders, provided that no natural person shall be deemed to be beneficially interested in a nonprofit corporation.

3. If the applicant is a partnership, unincorporated association or corporation and the number of partners, members or stockholders, as the case may be, exceeds four, the application must so state, and must list each of the four partners, members or stockholders who own the four largest interests in

the applicant entity and state their percentages of interest. Upon request of the Executive Secretary of the Board, the applicant shall furnish the Board with information as to partners, members or stockholders not named in the application or shall refer the Board to an appropriate source of such information.

4. The completed application form must be returned to the Board with the fee prescribed by the Board, which may not be refunded. ~~[Any]~~ ***Except as otherwise provided in section 19 of this act, any*** application which is not complete as required by the provisions of this section may not be presented to the Board for consideration.

5. ~~[Upon]~~ ***Except as otherwise provided in section 19 of this act, upon*** compliance with all the provisions of this section and upon approval of the application by the Board, the Executive Secretary shall issue a license to the applicant to conduct a pharmacy. Any other provision of law notwithstanding, such a license authorizes the holder to conduct a pharmacy and to sell and dispense drugs and poisons and devices and appliances that are restricted by federal law to sale by or on the order of a physician.

Sec. 25. Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement as a physical therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a physical therapist in the District of Columbia or any state or territory of the United States.

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license as a physical therapist; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

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

(d) A fee in the amount of the fee set by a regulation of the Board pursuant to subsection 3 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

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

(a) Forty-five days after receiving the application; or

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

↪ whichever occurs later.

4. A license by endorsement as a physical therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 26. NRS 640.080 is hereby amended to read as follows:

640.080 ~~[To]~~ ***Except as otherwise provided in section 25 of this act, to*** be eligible for licensure by the Board as a physical therapist, an applicant must:

1. Be of good moral character;
2. Have graduated from a school in which he or she completed a curriculum of physical therapy approved by the Board; and
3. Pass to the satisfaction of the Board an examination designated by the Board, unless he or she is entitled to licensure without examination as provided in NRS 640.120 or 640.140.

Sec. 27. NRS 640.090 is hereby amended to read as follows:

640.090 Unless he or she is entitled to licensure under NRS 640.120 or 640.140, ***or section 25 of this act,*** a person who desires to be licensed as a physical therapist must:

1. Apply to the Board, in writing, on a form furnished by the Board;
2. Include in the application evidence, under oath, satisfactory to the Board, that the person possesses the qualifications required by NRS 640.080 other than having passed the examination;
3. Pay to the Board at the time of filing the application a fee set by a regulation of the Board in an amount not to exceed $300;
4. Submit to the Board with the application a complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;
5. Submit other documentation and proof the Board may require; and
6. Submit all other information required to complete the application.

Sec. 28. Chapter 640A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement as an occupational therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as an

occupational therapist in the District of Columbia or any state or territory of the United States.

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license as an occupational therapist; and

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

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

(c) A fee in the amount of the fee set by a regulation of the Board pursuant to NRS 640A.190 for the initial issuance of a license; and

(d) Any other information required by the Board.

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

4. A license by endorsement as an occupational therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 29. NRS 640A.120 is hereby amended to read as follows:

640A.120 ~~[To]~~ ***Except as otherwise provided in section 28 of this act, to*** be eligible for licensing by the Board as an occupational therapist or occupational therapy assistant, an applicant must:

1. Be a natural person of good moral character.

2. Except as otherwise provided in NRS 640A.130, have satisfied the academic requirements of an educational program approved by the Board. The Board shall not approve an educational program designed to qualify a person to practice as an occupational therapist or an occupational therapy assistant unless the program is accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Inc., or its successor organization.

3. Except as otherwise provided in NRS 640A.130, have successfully completed:

(a) If the application is for licensing as an occupational therapist, 24 weeks; or

(b) If the application is for licensing as an occupational therapy assistant, 16 weeks,

➥ of supervised fieldwork experience approved by the Board. The Board shall not approve any supervised experience unless the experience was sponsored by the American Occupational Therapy Association, Inc., or its successor organization, or the educational institution at which the applicant satisfied the requirements of subsection 2.

4. Except as otherwise provided in NRS 640A.160 and 640A.170, pass an examination approved by the Board.

Sec. 30. NRS 640A.140 is hereby amended to read as follows:

640A.140 1. ~~[A]~~ ***Except as otherwise provided in section 28 of this act, a*** person who desires to be licensed by the Board as an occupational therapist or occupational therapy assistant must:

(a) Submit an application to the Board on a form furnished by the Board; and

(b) Provide evidence satisfactory to the Board that he or she possesses the qualifications required pursuant to subsections 1, 2 and 3 of NRS 640A.120.

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

Sec. 31. NRS 640A.190 is hereby amended to read as follows:

640A.190 1. The Board may by regulation establish reasonable fees for:

(a) The examination of an applicant for a license;

(b) The initial issuance of a license ~~[.]~~ ***, including a license by endorsement;***

(c) The issuance of a temporary license;

(d) The renewal of a license; and

(e) The late renewal of a license.

2. The fees must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter.

Sec. 32. Chapter 640C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice massage therapy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice massage therapy in the District of Columbia or any state or territory of the United States.

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory

in which the applicant currently holds or has held a license to practice massage therapy; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640C.400;

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

(d) The fees prescribed by the Board pursuant to NRS 640C.520 for the application for and initial issuance of a license; and

(e) Any other information required by the Board.

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

(a) Forty-five days after receiving the application; or

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

↪ whichever occurs later.

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

Sec. 33. NRS 640C.400 is hereby amended to read as follows:

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) ~~[Submit]~~ ***Except as otherwise provided in section 32 of this act, submit*** to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of massage therapy recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and

(II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending;

(5) Except as otherwise provided in NRS 640C.440, a complete set of fingerprints and written permission authorizing the Board to forward the

fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(6) The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;

(7) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(8) If required by the Board, a financial questionnaire; and

(c) In addition to any examination required pursuant to NRS 640C.320 ~~[.]~~ ***and except as otherwise provided in section 32 of this act:***

(1) Except as otherwise provided in subsection 3, pass a written examination administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists; or

(2) At the applicant's discretion and in lieu of a written examination, pass an oral examination prescribed by the Board.

3. If the Board determines that the examinations being administered pursuant to subparagraph (1) of paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.

4. The Board shall recognize a program of massage therapy that is:

(a) Approved by the Commission on Postsecondary Education; or

(b) Offered by a public college in this State or any other state.

➥ The Board may recognize other programs of massage therapy.

5. ~~[The]~~ ***Except as otherwise provided in section 32 of this act, the*** Board or its designee shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant;

(b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;

(c) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320; and

(d) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 34. Chapter 641 of NRS is hereby amended by adding thereto the provisions set forth as sections 35 and 36 of this act.

Sec. 35. ***1. The Board may issue a license by endorsement as a psychologist or behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a psychologist or behavior analyst, as applicable, in the District of Columbia or any state or territory of the United States.***

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license as a psychologist or behavior analyst, as applicable; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

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

(d) The fee prescribed by the Board pursuant to NRS 641.370 for the issuance of an initial license; and

(e) Any other information required by the Board.

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

(a) Forty-five days after receiving the application; or

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

➥ whichever occurs later.

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

Sec. 36. ***1. The Board may issue a certificate by endorsement as an autism behavior interventionist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as an autism behavior interventionist in the District of Columbia or any state or territory of the United States.***

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a certificate as an autism behavior interventionist; and

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

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

(c) The fee prescribed by the Board pursuant to NRS 641.370 for the issuance of an initial certificate; and

(d) Any other information required by the Board.

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

4. A certificate by endorsement as an autism behavior interventionist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 37. NRS 641.170 is hereby amended to read as follows:

641.170 1. ~~[Each]~~ ***Except as otherwise provided in section 35 of this act, each*** application for licensure as a psychologist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

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

(d) Has earned a doctorate in psychology from an accredited educational institution approved by the Board, or has other doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training.

(e) Has at least 2 years of experience satisfactory to the Board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the Board.

2. ~~[Each]~~ ***Except as otherwise provided in section 35 of this act, each*** application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

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

(d) Has earned a master's degree from an accredited college or university in a field of social science or special education and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.

(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

3. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

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

(d) Has earned a bachelor's degree from an accredited college or university in a field of social science or special education approved by the Board and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.

(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

4. ~~[Within]~~ ***Except as otherwise provided in section 35 of this act, within*** 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure; and

(b) Issue a written statement to the applicant of its determination.

5. The written statement issued to the applicant pursuant to subsection 4 must include:

(a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.

(b) If the applicant for licensure as a psychologist has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that the doctorate-level training from an accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.

Sec. 38. NRS 641.172 is hereby amended to read as follows:

641.172 1. ~~[Each]~~ ***Except as otherwise provided in section 36 of this act, each*** application for certification as an autism behavior interventionist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character as determined by the Board.

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

(d) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

(e) Has completed satisfactorily a standardized practical examination developed and approved by the Board. The examination must be conducted by the applicant's supervisor, who shall make a videotape or other audio and visual recording of the applicant's performance of the examination for submission to the Board. The Board may review the recording as part of its evaluation of the applicant's qualifications.

2. ~~[Within]~~ ***Except as otherwise provided in section 36 of this act, within*** 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for certification as an autism behavior interventionist; and

(b) Issue a written statement to the applicant of its determination.

3. If the Board determines that the qualifications of the applicant are insufficient for certification, the written statement issued to the applicant pursuant to subsection 2 must include a detailed explanation of the reasons for that determination.

Sec. 39. NRS 641.180 is hereby amended to read as follows:

641.180 1. Except as otherwise provided in this section and NRS 641.190, ***and section 35 of this act,*** each applicant for a license as a psychologist must pass the national examination. In addition to the national examination, the Board may require an examination in whatever applied or theoretical fields it deems appropriate.

2. The Board shall notify each applicant of the results of the national examination and any other examination required pursuant to subsection 1.

3. The Board may waive the requirement of the national examination for a person who:

(a) Is licensed in another state;

(b) Has at least 10 years' experience; and

(c) Is a diplomate in the American Board of Professional Psychology or a fellow in the American Psychological Association, or who has other equivalent status as determined by the Board.

Sec. 40. NRS 641.370 is hereby amended to read as follows:

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

For the national examination, in addition to the actual cost to the Board of the examination	$100
For any other examination required pursuant to the provisions of subsection 1 of NRS 641.180, in addition to the actual costs to the Board of the examination	100
For the issuance of an initial license or certificate ***, including a license or certificate by endorsement***	25
For the biennial renewal of a license of a psychologist	500
For the biennial renewal of a license of a licensed behavior analyst	400
For the biennial renewal of a license of a licensed assistant behavior analyst	275
For the biennial renewal of a certificate of a certified autism behavior interventionist	175
For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license	100
For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology	300
For the registration of a nonresident to practice as a consultant	100

2. An applicant who passes the national examination and any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who is eligible for a license as a psychologist shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

3. An applicant who passes the examination and is eligible for a license as a behavior analyst or assistant behavior analyst or a certificate as a autism

behavior interventionist shall pay the biennial fee for the renewal of a license or certificate, which must be prorated for the period from the date the license or certificate is issued to the end of the biennium.

4. ~~[In]~~ ***Except as otherwise provided in subsection 5 and sections 35 and 36 of this act, in*** addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

5. If an applicant submits an application for a license or certificate by endorsement pursuant to section 35 or 36 of this act, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1 for the issuance of an initial license or certificate.

Sec. 41. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States.

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license as a marriage and family therapist or clinical professional counselor, as applicable; and

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

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

(c) The fees prescribed by the Board pursuant to NRS 641A.290 for the application for and initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a marriage and family therapist

or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 42. NRS 641A.220 is hereby amended to read as follows:

641A.220 ~~[Each]~~ ***Except as otherwise provided in section 41 of this act, each*** applicant for a license to practice as a marriage and family therapist must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;
2. Is of good moral character;
3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;
4. Has completed residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;
5. Has:

(a) At least 2 years of postgraduate experience in marriage and family therapy; and

(b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and

6. Holds an undergraduate degree from an accredited institution approved by the Board.

Sec. 43. NRS 641A.230 is hereby amended to read as follows:

641A.230 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 41 of this act,*** each qualified applicant for a license to practice as a marriage and family therapist must pass a written examination given by the Board on his or her knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine.

2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the Association of Marital and Family Therapy Regulatory Boards in lieu of requiring a written examination pursuant to subsection 1.

3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine applicants in whatever applied or theoretical fields it deems appropriate.

Sec. 44. NRS 641A.231 is hereby amended to read as follows:

641A.231 ~~[Each]~~ ***Except as otherwise provided in section 41 of this act, each*** applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;

2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has:

(a) Completed residency training in psychiatry from an accredited institution approved by the Board;

(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or

(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and

5. Has:

(a) At least 2 years of postgraduate experience in professional counseling;

(b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:

(1) At least 1,500 hours of direct contact with clients; and

(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and

(c) Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.

Sec. 45. Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to engage in social work to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in social work in the District of Columbia or any state or territory of the United States.

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license to engage in social work;

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

(5) Has been continuously and actively engaged in social work for the past 5 years;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641B.202;

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

(d) Any other information required by the Board.

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

(a) Forty-five days after receiving the application; or

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

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

Sec. 46. NRS 641B.250 is hereby amended to read as follows:

641B.250 1. Except as otherwise provided in NRS ***641B.270 and*** 641B.275, ***and section 45 of this act,*** before the issuance of a license, each applicant, otherwise eligible for licensure, who has paid the fee and presented the required credentials, other than an applicant for a license to engage in social work as an associate in social work, must appear personally and pass an examination concerning his or her knowledge of the practice of social work.

2. Any such examination must be fair and impartial, practical in character with questions designed to discover the applicant's fitness.

3. The Board may employ specialists and other professional consultants or examining services in conducting the examination.

4. The member of the Board who is the representative of the general public shall not participate in the grading of the examination.

5. The Board shall examine applicants for licensure at least twice a year.

Sec. 47. NRS 641B.300 is hereby amended to read as follows:

641B.300 ***1.*** The Board shall charge and collect fees not to exceed the following amounts for:

Initial application	$40
Provisional license	75
Initial issuance of a license ***, including a license by endorsement***	100
Annual renewal of a license	150

Restoration of a suspended license or reinstatement of a revoked license 150
Restoration of an expired license 200
Renewal of a delinquent license 100
Reciprocal license without examination 100

2. If an applicant submits an application for a license by endorsement pursuant to section 45 of this act, the Board shall charge and collect not more than the fees specified in subsection 1 for the initial application for and initial issuance of a license.

Sec. 48. Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 49 to 53, inclusive, of this act.

Sec. 49. ***1. The Board may issue a license by endorsement as a clinical alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a clinical alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.***

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license as a clinical alcohol and drug abuse counselor; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

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

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

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

(a) Forty-five days after receiving the application; or

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

↪ whichever occurs later.

4. A license by endorsement as a clinical alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 50. *1. The Board may issue a license by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.*

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license as an alcohol and drug abuse counselor; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

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

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

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

(a) Forty-five days after receiving the application; or

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

↪ whichever occurs later.

4. A license by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the

President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 51. ***1. The Board may issue a certificate by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.***

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a certificate as an alcohol and drug abuse counselor; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

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

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

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

↳ whichever occurs later.

4. A certificate by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 52. ***1. The Board may issue a certificate by endorsement as a problem gambling counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application***

for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as a problem gambling counselor in the District of Columbia or any state or territory of the United States.

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a certificate as a problem gambling counselor; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

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

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

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

(a) Forty-five days after receiving the application; or

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

➥ whichever occurs later.

4. A certificate by endorsement as a problem gambling counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 53. *1. Notwithstanding any regulations adopted pursuant to NRS 641C.500, the Board may issue a certificate by endorsement as a detoxification technician to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as a detoxification technician in the District of Columbia or any state or territory of the United States.*

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a certificate as a detoxification technician; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided pursuant to NRS 641C.500;

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

(d) Any fee prescribed by the Board pursuant to NRS 641C.500 for the issuance of a certificate; and

(e) Any other information required by the Board.

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

(a) Forty-five days after receiving the application; or

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

↪ whichever occurs later.

4. A certificate by endorsement as a detoxification technician may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 54. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. ~~[Each]~~ ***Except as otherwise provided in section 49 of this act, each*** applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the clinical practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

2. ~~[Each]~~ ***Except as otherwise provided in section 50 or 51 of this act, each*** applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

3. ~~[Each]~~ ***Except as otherwise provided in section 52 of this act, each*** applicant for a certificate as a problem gambling counselor must pass a written examination concerning his or her knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

4. The Board shall:

(a) Examine applicants at least two times each year.

(b) Establish the time and place for the examinations.

(c) Provide such books and forms as may be necessary to conduct the examinations.

(d) Except as otherwise provided in NRS 622.090, establish, by regulation, the requirements for passing the examination.

5. The Board may employ other persons to conduct the examinations.

Sec. 55. NRS 641C.470 is hereby amended to read as follows:

641C.470 1. The Board shall charge and collect not more than the following fees:

For the initial application for a license or certificate ***, including a license or certificate by endorsement***	$150
For the issuance of a provisional license or certificate	125
For the issuance of an initial license or certificate ***, including a license or certificate by endorsement***	60
For the renewal of a license or certificate as an alcohol and drug abuse counselor, a license as a clinical alcohol and drug abuse counselor or a certificate as a problem gambling counselor	300
For the renewal of a certificate as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern or a problem gambling counselor intern	75
For the renewal of a delinquent license or certificate	75
For the restoration of an expired license or certificate	150
For the restoration or reinstatement of a suspended or revoked license or certificate	300
For the issuance of a license or certificate without examination	150
For an examination	150
For the approval of a course of continuing education	150

2. ***If an applicant submits an application for a license or certificate by endorsement pursuant to section 49, 50, 51, 52 or 53 of this act, the Board shall charge and collect not more than the fees specified in subsection 1 for the initial application for and issuance of an initial license or certificate, as applicable.***

3. The fees charged and collected pursuant to this section are not refundable.

Sec. 56. This act becomes effective upon passage and approval.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 962 to Senate Bill 68 provides that an applicant for licensure by endorsement is not eligible for licensure if he or she has been disciplined in any state or territory in which the applicant currently holds or has previously held a license to practice.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 490.

Bill read third time.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Senate Bill 490, as amended, requires the State Controller to transfer the current balance of $28,061,106 from the Account to Stabilize the Operation of the State Government to the State General Fund for purposes of addressing the Fiscal Year 2015 General Fund shortfall.

Roll call on Senate Bill No. 490:

YEAS—42.

NAYS—None.

Senate Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 499.

Bill read third time.

Remarks by Assemblyman Moore.

ASSEMBLYMAN MOORE:

Senate Bill 499 extends the deadlines by which petitions from minor political parties and independent candidates must be filed and shortens the deadlines by which the county clerks must verify the signatures on those petitions. The dates by which challenges to the qualification of a minor party to place names of candidates on the ballot and for challenges to the candidacy of an independent candidate are revised. The bill also provides that the district court in which the challenge is filed must give priority to the proceedings.

Roll call on Senate Bill No. 499:

YEAS—27.

NAYS—Armstrong, Dickman, Dooling, Edwards, Ellison, Hickey, Jones, Kirner, Moore, Neal, Nelson, O'Neill, Seaman, Titus, Wheeler—15.

Senate Bill No. 499 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 56.

Bill read third time.

Remarks by Assemblymen Hansen, Elliot Anderson, and Thompson.

ASSEMBLYMAN HANSEN:

Senate Bill 56 adds "estrays" and "livestock" to the list of property to which offensive graffiti can be committed. It also grants the governing body of a city the authority to adopt ordinances pursuant to which officers, employees, or other designees of the city may cover or remove graffiti.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Senate Bill 56. Primarily, I have a problem with section 7 of this bill. It adds to the definition of "graffiti implement" specifically anything that can etch. That is a fairly broad description. It does not describe specific implements that the City of Reno is having problems with. Because of that, this could criminalize something as simple as fingernail clippers if you are in the wrong part of town.

The way the existing law works is you need intent to vandalize, and you have to be in possession of a graffiti implement. That made sense when you were talking about graffiti implements like a spray paint can—what are you doing with a spray paint can walking down the side of the road? That is something you usually keep in your garage. But people could be carrying other types of things. I do not even know how you would be able to distinguish this. It is just creating a mess; it is too broad. We could have either gotten rid of section 7 and voted for the bill or described specific implements that the City of Reno is having problems with. But we were not able to get an amendment, so for that reason, I am a no. This will give the police too much power.

ASSEMBLYMAN THOMPSON:

I rise in opposition to Senate Bill 56. This is a stop-and-frisk type of bill. This will have a disproportionate effect on juveniles and people of color. Instead of trying to penalize our way out of this situation, we really need to analyze it. We need to get to the root of the problem and go on from there. I stand in opposition, and I hope others will follow suit.

Roll call on Senate Bill No. 56:

YEAS—23.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Edwards, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Shelton, Stewart, Swank, Thompson—18.

EXCUSED—Trowbridge.

Senate Bill No. 56 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 348.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 348 exempts proceeds paid to the state or a political subdivision of the state for the purpose of providing security for or funding the construction of certain intersection improvement projects from the requirement that certain abandoned property be delivered to the State Treasurer in his or her capacity as Administrator of Unclaimed Property. These provisions apply only to certain intersection improvement project proceeds that are in the control of the state or a political subdivision of the state on or after July 1, 2015.

The bill also enacts an exception to the Uniform Unclaimed Property Act for business-to-business transfers which are limited to credit memoranda, overpayments, credit balances, deposits, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates due or owing from one business association to another business association. The businesses in question must have had an ongoing business relationship within the last three years.

Roll call on Senate Bill No. 348:

YEAS—42.

NAYS—None.

Senate Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 463.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

This bill limits the ability of a provider of an Internet website, online service, or mobile application that is used in public schools, primarily for educational purposes and at the direction of teachers or other educational personnel, to collect or maintain personally identifiable information concerning a student. It also allows students or their parents to review, as well as request correction or deletion of, any personally identifiable information collected by the provider.

Roll call on Senate Bill No. 463:

YEAS—32.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Titus, Wheeler—10.

Senate Bill No. 463 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

Remarks by Assemblymen Kirkpatrick and Kirner.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Senate Bill 168. I would like to thank the body for adopting the amendment earlier. The one piece that I left out in my remarks about the amendment is that it takes the ending fund balance to 16.6 percent of the General Fund. I hope that, if nothing else, this will further some discussion in a conference committee if it is fortunate enough to get out this way. I urge your support.

ASSEMBLYMAN KIRNER:

I join my colleague in rising in support of Senate Bill 168. I believe we have worked through some issues across the aisle, between unions and non-unions and I think this is a fair deal.

Roll call on Senate Bill No. 168:

YEAS—41.

NAYS—None.

EXCUSED—Wheeler.

Senate Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 304.

Bill read third time.

Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:

Senate Bill 304 expressly allows a violation of the existing requirement to wear a seatbelt while riding in a taxicab to be considered as negligence or as causation in any civil action, as negligent or reckless driving, as misuse or abuse of a product, or as causation in any action brought to recover

damages for injury to a person or property resulting from the manufacture, distribution, sale, or use of a product.

Additionally, Senate Bill 304 creates the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice. This bill requires the Subcommittee to consider issues concerning Nevada's existing statutes on violations of traffic laws and laws related to drivers' licenses, motor vehicle registration, motor vehicle insurance, and the treatment of violations as criminal offenses. The Subcommittee must consider the related laws of other states, the elements of systems necessary to treat violations as civil infractions, and the anticipated fiscal effects of those systems.

The bill further requires the Subcommittee to submit its report to the Advisory Commission at least 30 days before the meeting at which the Advisory Commission considers findings and recommendations for proposed legislation for the 2017 Legislative Session.

Roll call on Senate Bill No. 304:

YEAS—34.

NAYS—Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Joiner, Neal, Nelson, Swank—8.

Senate Bill No. 304 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 442.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 442 requires a court to remove an arbitrator who fails to disclose to the involved parties any facts a reasonable person would consider likely to affect the arbitrator's impartiality in the proceeding if an award has not yet been made. The bill also prohibits the consolidation of separate arbitration proceedings or other claims unless expressly agreed to by all parties. Arbitral proceedings conducted or administered by a self-regulatory organization as defined under federal law are excluded from the provisions of the bill.

Roll call on Senate Bill No. 442:

YEAS—42.

NAYS—None.

Senate Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 447.

Bill read third time.

Remarks by Assemblymen Elliot Anderson and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYMAN ELLIOT ANDERSON:

Let me be blunt, Mr. Speaker. The hour is late. This floor statement is about two pages, so I do not think anyone wants me to get into the weeds. Instead, I am just going to roll right through it. I can tell you that I am really high on this bill. It was a joint effort among many parties, and I feel there is consensus.

ASSEMBLYMAN OHRENSCHALL:

I want to refer to my earlier disclosure. Due to my wife's employment on behalf of marijuana dispensary associations, pursuant to Rule No. 23, I am disclosing. I do not believe this affects me

or her any differently than others similarly situated; however, out of an abundance of caution, I am disclosing and I will be abstaining on Senate Bill 447.

Roll call on Senate Bill No. 447:
YEAS—35.
NAYS—Dickman, Ellison, Kirner, Moore, Shelton, Titus—6.
NOT VOTING—Ohrenschall.

Senate Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 458.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Senate Bill 458. This is kind of a compromise between Senator Hardy over in the other house and what we put in last session. It basically takes the notification for patients who have dense breast tissue—after they get their mammogram—out of regulation and puts it in statute. The language is a good compromise, and I urge its support.

Roll call on Senate Bill No. 458:
YEAS—42.
NAYS—None.

Senate Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Bustamante Adams moved that Senate Joint Resolution No. 21 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 481.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Senate Bill 481 prohibits a county, incorporated city, or regional transportation commission from creating, maintaining, or displaying a comprehensive model or map of the physical location of all or a substantial portion of the facilities of a public utility, public water system, or video service provider. The bill does not limit the authority of a county, city, or regional transportation system to require a public utility, public water system, or a video service provider to disclose information relating to the physical location of the facilities of a public utility, public water system, or video service provider to facilitate certain public projects.

The bill also provides that if the real property is located within the service area of the municipal utility, the provision of services by the municipal utility to the property may not be conditioned upon the property owner agreeing to annex the real property to the city.

What this means is, they can ask for a portion, but not the whole thing, to keep it protected from terrorists or other unsavory characters.

Roll call on Senate Bill No. 481:

YEAS—42.

NAYS—None.

Senate Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 411.

Bill read third time.

Remarks by Assemblymen Hickey, Fiore, and Kirkpatrick.

ASSEMBLYMAN HICKEY:

Senate Bill 411 allows the board of trustees of certain school districts to establish by resolution a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of one or more taxes for consideration by the voters at the 2016 General Election to fund the capital projects of the school district. If a majority of the voters approve the question, the board of county commissioners is required to adopt an ordinance to impose the approved tax or taxes and the proceeds must be deposited in the fund for capital projects of the school district. The provisions of this bill authorizing the board of trustees of a school district to establish such a committee expire by limitation on April 2, 2016.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Senate Bill 411. They tried to pass this bill last session, Assembly Bill 46, and they left it up to the Washoe County Board of Commissioners. The Board did not act on it, and now they are trying to bypass the county commissioners. This is a violation of the tax pledge, and I strongly urge your no vote on this bill.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Senate Bill 411. Since I have been in this building, this poor issue has been a political football. Politics has gotten in the way of it since the late 1990s, and still we have Washoe schools that will never ever get up to par at this rate. This bill is a compromise among all that allows for an advisory committee.

I will tell you something about northern Nevadans. You all are so conservative, it is ridiculous. I have a hard time believing that anything is going to get passed without the majority of people having a say.

Let us talk about the process. A conservative group of people are going to come together and decide what is reasonable. Then they are going to say to the Washoe County Board of Commissioners, You have to put it on the ballot so it goes to a vote. The people are always going to be part of the process, but the kids are actually going to get a chance for once.

I would hate to see in the late hour of the day that this, again, becomes a political football because folks from the south want to get involved in it. I implore us, as the southerners, to count on what the northerners need and what they can live with. At the end of the day, they have to go back to their constituents, and they have to go back to this super conservative group who are actually going to put together an idea that might work. I hope that we can finally do this after 15 years of trying.

Roll call on Senate Bill No. 411:

YEAS—28.

NAYS—Armstrong, Dickman, Dooling, Edwards, Ellison, Fiore, Gardner, Jones, Moore, Nelson, Seaman, Shelton, Titus, Wheeler—14.

Senate Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Moore moved that Senate Joint Resolution No. 21 be taken from the General File and placed on the Chief Clerk's desk.

Motion lost.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 21.

Resolution read third time.

Remarks by Assemblymen Thompson, Fiore, Gardner, and Dickman.

ASSEMBLYMAN THOMPSON:

Senate Joint Resolution 21 urges Congress to enact comprehensive immigration reform.

This is not just a brown or Latino issue and concern. It is a concern of many diverse backgrounds. It will make families whole, and it will strengthen our economy through taxpayers. I urge everybody to vote in favor of this joint resolution.

ASSEMBLYWOMAN FIORE:

Senate Joint Resolution 21 basically is a warm and fuzzy feel-good resolution used for political benefit for the next election. Since it basically does nothing, I urge my colleagues to support S.J.R. 21.

ASSEMBLYMAN GARDNER:

I am for comprehensive immigration reform. I did not like that resolution, as it seemed to call for immigration that is against our laws. I am fully in agreement with immigration according to our laws, and that is why I had to vote against it.

ASSEMBLYWOMAN DICKMAN:

I want to say ditto to the comments of my friend from the south.

Assemblywomen Benitez-Thompson, Spiegel, and Swank moved the previous question.

The question being the passage of the Senate Joint Resolution No. 21.

Roll call on Senate Joint Resolution No. 21:

YEAS—31.

NAYS—Dickman, Dooling, Ellison, Fiore, Gardner, Jones, Moore, Seaman, Shelton, Titus, Wheeler—11.

Senate Joint Resolution No. 21 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced that upon concurrence of the Senate, the time by which final action may be taken by the second House has been extended to 6 a.m. of the 111th calendar day of the legislative session.

GENERAL FILE AND THIRD READING

Senate Bill No. 68.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 68 authorizes certain qualified physicians, osteopaths, podiatrists, and other providers of health care and professionals to obtain a license by endorsement to practice in Nevada if they hold a valid and unrestricted license to practice in the District of Columbia or another state or territory of the United States; are certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association, as applicable; and meet certain other requirements. The measure also requires, with limited exceptions, the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue a limited license to practice medicine as a resident physician to an applicant who meets certain requirements. This bill is effective upon passage and approval.

I would like to thank the Chair of Commerce and Labor for working so hard with those of us on the committee who have a passion about professional licensure and addressing all of our issues to bring good professionals into our state.

Roll call on Senate Bill No. 68:

YEAS—42.

NAYS—None.

Senate Bill No. 68 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:06 a.m.

ASSEMBLY IN SESSION

At 1:38 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 176, Amendment No. 965, and respectfully requests your honorable body to concur in said amendment.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

WAIVER OF JOINT STANDING RULES

A Waiver requested by Senator Roberson.
For: Assembly Bill No. 167.
To Waive:

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 22, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

A Waiver requested by Senator Roberson.
For: Assembly Bill No. 172.
To Waive:

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: May 22, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

Assemblyman Wheeler moved that Senate Bill No. 340 be taken from the Chief Clerk's desk and be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 340.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 340, if I remember correctly, deals with the disbarment of contractors at the federal level and basically makes the state disbar as well when found out. Good bill. Pass it.

Roll call on Senate Bill No. 340:

YEAS—40.

NAYS—Shelton.

EXCUSED—Thompson.

Senate Bill No. 340 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 175.

The following Senate amendment was read:

Amendment No. 678.

SUMMARY—Revises provisions relating to ~~[the use of safety belts in taxicabs.]~~ **transportation.** (BDR 43-703)

AN ACT relating to ~~[motor vehicles;]~~ **transportation;** revising provisions relating to the use of safety belts in taxicabs; **providing for the regulation by the Public Utilities Commission of Nevada of transportation network companies; requiring the establishment of fees and annual assessments for a transportation network company; authorizing a transportation network company that holds a valid permit issued by the Commission to make its digital network or software application service available to one or more drivers to receive connections to passengers from the company; establishing requirements concerning the qualifications of, the provision of insurance for and the operation and maintenance of motor vehicles operated by drivers who provide transportation services; prohibiting a local government from imposing on a transportation network company or a driver for such a company any additional tax or fee or requirement as a condition of providing transportation services; providing that a transportation network company or driver who provides transportation**

services pursuant to a valid permit issued by the Commission is not subject to certain provisions of law governing motor carriers; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, with certain exceptions, each adult passenger who rides in a taxicab in this State is required to wear a safety belt. Existing law also provides that a violation of this requirement may not be considered: (1) as negligence or as causation in any civil action or as negligent or reckless driving; or (2) as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product. (NRS 484D.500) ~~[This]~~ **Section 1 of this** bill removes the preceding legal limitations and expressly allows a violation of the requirement to wear a safety belt while riding in a taxicab to be considered for those purposes.

Sections 2-46, 51-53, 55 and 56 of this bill provide for the permitting by the Public Utilities Commission of Nevada of transportation network companies and the regulation by the Commission of the provision of transportation services. Section 18 defines a "transportation network company" as an entity that uses a digital network or software application service to connect passengers to drivers who can provide transportation services to passengers. Section 19 defines "transportation services" as the transportation by motor vehicle of one or more passengers between points chosen by the passenger or passengers and prearranged with a driver through the use of the digital network or software application service of a transportation network company. Section 20 provides that it is the purpose and policy of the Legislature in enacting this bill to ensure the safety, reliability and cost-effectiveness of the transportation services provided by drivers affiliated with transportation network companies in this State.

Sections 2-13 of this bill establish certain requirements concerning the provision of insurance for the payment of tort liabilities arising from the operation of a motor vehicle by a driver who provides transportation services.

Section 24 of this bill prohibits any person from doing business in this State as a transportation network company unless the person holds a valid permit issued by the Commission pursuant to the provisions of this bill. Section 25 of this bill provides for the submission to the Commission of an application for a permit. Section 26 of this bill requires the Commission to issue a permit to an applicant upon a determination by the Commission that the applicant meets all the applicable requirements for the issuance of the permit. Section 26 of this bill further provides that a permit issued by the Commission authorizes a transportation network company to: (1) connect passengers to a driver who can provide transportation services through the use of a digital network or software application service; and (2) make its digital network or software application service available to

one or more drivers to receive connections from the company. Additionally, section 26 of this bill provides that a permit issued by the Commission does not authorize a transportation network company to engage in any activity regulated pursuant to chapter 706 of NRS, relating to motor carriers. Section 27 of this bill requires the Commission to establish a fee for the issuance of a permit to operate a transportation network company. Section 27 of this bill also requires the payment of an annual assessment by each transportation network company in this State beginning in the year after the company receives a permit. Section 28 of this bill requires the Commission to collect from a company an excise tax on the use of a digital network or software application service to connect a passenger to a driver at the rate of 3 percent of the total fare charged for transportation services for deposit with the State Treasurer. Sections 51 and 52 of this bill impose a similar excise tax on the connection made by a common motor carrier or certificate holder, respectively, of a passenger to a person or operator or taxicab, respectively. Section 53 of this bill requires the State Treasurer to credit the first $5,000,000 of the combined amount of such excise taxes collected in each biennium to the State Highway Fund and to credit the remainder to the State General Fund.

Section 30 of this bill authorizes a transportation network company to enter into agreements with one or more drivers to receive connections to potential passengers from the company. Section 30 also establishes the minimum qualifications for drivers and requires a transportation network company to conduct an investigation of the background of each driver, which must include a criminal background check, a search of a database containing information from the sex offender website maintained by each state and a review of the complete driving history of the driver. Further, section 30 sets forth the conditions for which a transportation network company must terminate an agreement with a driver.

Section 31 of this bill: (1) provides that a transportation network company may, on behalf of a driver, charge a fare for the provision of transportation services by the driver; and (2) places certain requirements on the company concerning the fares and the information which must be provided to passengers concerning the amount and the calculation of fares.

Section 32 of this bill: (1) prohibits a transportation network company from allowing any driver who operates a motor vehicle that is not in compliance with all federal, state and local laws governing the operation and maintenance of a motor vehicle to be connected to potential passengers; and (2) requires annual inspections of each motor vehicle operated by a driver.

Section 33 of this bill prohibits discrimination on account of national origin, religion, age, disability, sex, race, color, sexual orientation or

gender identity or expression by a transportation network company or driver. Section 34 of this bill requires a transportation network company to provide to passengers certain information relating to the identification of a driver. Section 35 of this bill requires a transportation network company to provide an electronic receipt to each passenger. Section 36 of this bill imposes on transportation network companies certain recordkeeping requirements. Section 37 of this bill imposes on transportation network companies certain reporting requirements.

Section 38 of this bill establishes certain requirements relating to the provision of transportation services by a driver. Section 38 also prohibits a driver from soliciting passengers or providing transportation services except to persons who have arranged for such transportation services through the digital network or software application service of a transportation network company. Section 39 of this bill prohibits a driver from consuming, using or being under the influence of any intoxicating liquor or controlled substance during any period when the driver is providing transportation services or is logged into the digital network or software application service of a transportation network company. With certain exceptions, section 40 of this bill prohibits a transportation network company from releasing the personally identifying information of passengers.

Section 41 of this bill provides for the investigation of complaints against a transportation network company or driver. Section 42 of this bill: (1) authorizes the Commission to impose certain penalties for any violation of the provisions of this bill by a transportation network company or driver; and (2) provides that a person who violates any provision of this bill is not subject to a criminal penalty.

Section 43 of this bill provides that this bill does not exempt any person from any other laws governing the operation of a motor vehicle upon the highways of this State, except that a transportation network company or a driver who provides transportation services within the scope of a permit issued by the Commission is not subject to the provisions of existing law governing motor carriers or public utilities.

Section 44 of this bill prohibits a local government from: (1) imposing any tax or fee on a transportation network company, a driver who has entered into an agreement with such a company or a vehicle operated by such a driver or for transportation services provided by such a driver; (2) requiring a transportation network company or driver to obtain from the local government any certificate, license or permit to provide transportation services; or (3) imposing any other requirement on the operation of a motor vehicle by a transportation network company or driver which is not of general applicability. Section 44 does not prohibit a local government from requiring a transportation network company or driver to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to

any other business that operates within the jurisdiction of the local government. Section 44 does not prohibit an airport from requiring a transportation network company or driver to obtain a permit or certification to operate at the airport, pay a fee to operate at the airport or comply with any other requirement to operate at the airport. Section 44 also states that this bill does not exempt any person from the requirement to obtain a state business license.

Section 45 of this bill requires each transportation network company to provide the Commission with reports at certain times containing certain information about damages resulting from accidents involving drivers who are providing transportation services or logged into the digital network or software application service of the company and available to receive requests for transportation services. Section 45 also requires the Commission to collect these reports, determine whether the limits of coverage required pursuant to section 10 are sufficient and report to the Legislative Commission or Director of the Legislative Counsel Bureau.

Section 55 of this bill requires the Commission to: (1) investigate and compare the efficacy, efficiency and effect on public safety of background checks performed pursuant to paragraph (b) of section 30 of this bill and those performed by submitting the fingerprints of a person to the Central Repository for Nevada Records of Criminal History to be forwarded to the Federal Bureau of Investigation for its report; and (2) report the results of the investigation to the Legislative Commission.

Section 56 of this bill provides that: (1) a transportation network company may commence operations within this state immediately upon being issued a permit; and (2) any regulation adopted by the Commission pursuant to this bill on or before July 1, 2017, shall not be effective for at least 30 days after filing with the Secretary of State.

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

Section 1. NRS 484D.500 is hereby amended to read as follows:

484D.500 1. Any passenger 18 years of age or older who rides in the front or back seat of any taxicab on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the passenger, except that this subsection does not apply:

(a) To a passenger who possesses a written statement by a physician certifying that the passenger is unable to wear a safety belt for medical or physical reasons; or

(b) If the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

2. A citation must be issued to any passenger who violates the provisions of subsection 1. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions

of subsection 1 shall be punished by a fine of not more than $25 or by a sentence to perform a certain number of hours of community service.

3. A violation of subsection 1:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May ~~[not]~~ be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.

(c) May ~~[not]~~ be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

4. An owner or operator of a taxicab shall post a sign within each of his or her taxicabs advising passengers that they must wear safety belts while being transported by the taxicab. Such a sign must be placed within the taxicab so as to be visible to and easily readable by passengers, except that this subsection does not apply if the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

Sec. 2. **Chapter 690B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 13, inclusive, of this act.**

Sec. 3. ***As used in sections 3 to 13, inclusive, of this act, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Driver" has the meaning ascribed to it in section 17 of this act.***

Sec. 5. ***"Transportation network company" has the meaning ascribed to it in section 18 of this act.***

Sec. 6. ***"Transportation network company insurance" means a policy of insurance that includes coverage specifically for the use of a vehicle by a driver pursuant to sections 3 to 13, inclusive, of this act.***

Sec. 7. ***"Transportation services" has the meaning ascribed to it in section 19 of this act.***

Sec. 8. ***The provisions of sections 3 to 13, inclusive, of this act do not apply to a person who is regulated pursuant to chapter 704 or 706 of NRS.***

Sec. 9. ***Before allowing a natural person to be connected to a potential passenger using the digital network or software application service of a transportation network company to provide transportation services as a driver, a transportation network company shall, in writing:***

1. Disclose the insurance coverage and limits of liability that the transportation network company provides for a driver while the driver is providing transportation services; and

2. Notify the person that:

(a) His or her insurance for the operation of a motor vehicle required pursuant to NRS 485.185 may not provide coverage for the use of a motor vehicle to provide transportation services.

(b) If comprehensive or collision coverage was purchased in addition to such insurance, the comprehensive or collision coverage may not apply to any damage which results from the use of the motor vehicle while a driver is providing transportation services or logged into the digital network or

software application service of a transportation network company and available to receive requests for transportation services.

3. Disclose to the person that, if there is a lien against a vehicle used by a driver to provide transportation services, the driver must notify the lienholder that the vehicle is being used to provide transportation services.

4. Disclose to the person that the use of a vehicle to provide transportation services may violate the contract between a driver and a lienholder.

Sec. 10. 1. Every transportation network company or driver shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375:

(a) In an amount of not less than $1,500,000 for bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident that occurs while the driver is providing transportation services;

(b) In an amount of not less than $50,000 for bodily injury to or death of one person in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services;

(c) Subject to the minimum amount for one person required by paragraph (b), in an amount of not less than $100,000 for bodily injury to or death of two or more persons in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services; and

(d) In an amount of not less than $25,000 for injury to or destruction of property of others in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services,

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

2. The transportation network company insurance required by subsection 1 may be provided through one or a combination of insurance policies provided by the transportation network company or the driver, or both.

3. Every transportation network company shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance

company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, which meets the requirements of subsection 1 as primary insurance if the insurance provided by the driver:

(a) Lapses; or

(b) Fails to meet the requirements of subsection 1.

4. Notwithstanding the provisions of NRS 485.185 and 485.186 which require the owner or operator of a motor vehicle to provide insurance, transportation network company insurance shall be deemed to satisfy the requirements of NRS 485.185 or 485.186, as appropriate, regardless of whether the insurance is provided by the transportation network company or the driver, or both, if the transportation network company insurance otherwise satisfies the requirements of NRS 485.185 or 485.186, as appropriate.

5. In addition to the coverage required pursuant to subsection 1, a policy of transportation network company insurance may include additional coverage, including, without limitation, coverage for medical payments, coverage for uninsured or underinsured motorists, comprehensive coverage and collision coverage.

6. An insurer who provides transportation network company insurance shall not require a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, to deny a claim before the transportation network company insurance provides coverage for a claim.

7. An insurer who provides transportation network company insurance has a duty to defend and indemnify the driver and the transportation network company.

8. An insurer who provides transportation network company insurance which includes comprehensive coverage or collision coverage for the operation of a motor vehicle against which a lienholder holds a lien shall issue any payment for a claim under such coverage:

(a) Directly to the person who performs repairs upon the vehicle; or

(b) Jointly to the owner of the vehicle and the lienholder.

9. A transportation network company that provides transportation network company insurance for a motor vehicle is not deemed to be the owner of the motor vehicle.

Sec. 11. 1. A policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, is not required to include transportation network company insurance. An insurer providing a policy which excludes transportation network company insurance does not have a duty to defend or indemnify a driver for any claim arising during any period in which the driver is logged into the digital network or software application service of the transportation network

company, available to receive requests for transportation services or providing transportation services.

2. An insurer who provides a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, may include transportation network company insurance in such a policy. An insurer may charge an additional premium for the inclusion of transportation network company insurance in such a policy.

3. An insurer who:

(a) Defends or indemnifies a driver for a claim arising during any period in which the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services; and

(b) Excludes transportation network company insurance from the policy of insurance for the operation of a motor vehicle provided to the driver,

➥ has the right of contribution against other insurers who provide coverage to the driver to satisfy the coverage required by section 10 of this act at the time of the loss.

Sec. 12. In any investigation relating to tort liability arising from the operation of a motor vehicle, each transportation network company and driver, and each insurer providing transportation network company insurance to a transportation network company or driver, who is involved in the underlying incident shall cooperate with any other party to the incident and any other insurer involved in the investigation and share information, including, without limitation:

1. The date and time of an accident involving a driver.

2. The dates and times that the driver involved in an accident logged into the digital network or software application service of the transportation network company for a period of 12 hours immediately preceding and 12 hours immediately following the accident.

3. The dates and times that the driver involved in an accident logged out of the digital network or software application service of the transportation network company for a period of 12 hours immediately preceding and 12 hours immediately following the accident.

4. A clear description of the coverage, exclusions and limits provided under any policy of transportation network company insurance which applies.

Sec. 13. 1. A driver shall carry proof of coverage under a policy of transportation network company insurance at all times when the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services.

2. A driver shall provide proof of coverage under a policy of transportation network company insurance and disclose whether he or she was logged into the digital network or software application service of the transportation network company, available to receive requests for

transportation services or providing transportation services at the time of an accident upon request to a law enforcement officer and to any party with whom the driver is involved in an accident.

Sec. 14. **Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 15 to 46, inclusive, of this act.**

Sec. 15. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 16 to 19, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 16. "Commission" means the Public Utilities Commission of Nevada.

Sec. 17. "Driver" means a natural person who:

1. Operates a motor vehicle that is owned, leased or otherwise authorized for use by the person; and

2. Enters into an agreement with a transportation network company to receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee to the transportation network company.

Sec. 18. "Transportation network company" or "company" means an entity that uses a digital network or software application service to connect a passenger to a driver who can provide transportation services to the passenger.

Sec. 19. "Transportation services" means the transportation by a driver of one or more passengers between points chosen by the passenger or passengers and prearranged through the use of the digital network or software application service of a transportation network company. The term includes only the period beginning when a driver accepts a request by a passenger for transportation through the digital network or software application service of a transportation network company and ending when the last such passenger fully disembarks from the motor vehicle operated by the driver.

Sec. 20. It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter to ensure the safety, reliability and cost-effectiveness of the transportation services provided by drivers affiliated with transportation network companies in this State.

Sec. 21. The provisions of this chapter do not apply to:

1. Common motor carriers or contract motor carriers that are providing transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.2705.

2. A person who provides a digital network or software application service to enable persons who are interested in sharing expenses for transportation to a destination, commonly known as carpooling, to connect with each other, regardless of whether a fee is charged by the person who provides the digital network or software application service.

Sec. 22. ***Nothing in this chapter shall be construed to deem a motor vehicle operated by a driver to provide transportation services to be a commercial motor vehicle.***

Sec. 23. ***Except as otherwise provided in this chapter and the regulations adopted pursuant thereto or by a written contract between a transportation network company and a driver, a company shall not control, direct or manage a driver or the motor vehicle operated by a driver.***

Sec. 24. ***1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Commission pursuant to this chapter.***

2. A driver shall not provide transportation services unless the company with which the driver is affiliated holds a valid permit issued by the Commission pursuant to this chapter.

Sec. 25. ***A person who desires to operate a transportation network company in this State must submit to the Commission an application for the issuance of a permit to operate a transportation network company. The application must be in the form required by the Commission, must be accompanied by the fee required by section 27 of this act and must include such information as reasonably required by the Commission by regulation.***

Sec. 26. ***1. Upon receipt of a completed application and payment of the required fee and upon a determination by the Commission that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Commission shall issue to the applicant within 120 days a permit to operate a transportation network company in this State.***

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) Does not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by sections 15 to 46, inclusive, of this act.

Sec. 27. ***1. The Commission shall charge and collect a fee in an amount established by the Commission by regulation from each applicant for a permit to operate a transportation network company in this State. The fee required by this subsection is not refundable. The Commission shall not issue a permit to operate a transportation network company in this State unless the applicant has paid the fee required by this subsection.***

2. For each year after the year in which the Commission issues a permit to a transportation network company, the Commission shall levy and collect an annual assessment from the transportation network company at a rate determined by the Commission based on the gross operating revenue derived from the intrastate operations of the transportation network company in this State.

3. The annual assessment levied and collected by the Commission pursuant to subsection 2 must be used by the Commission for the regulation of transportation network companies.

Sec. 28. 1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the use of a digital network or software application service of a transportation network company to connect a passenger to a driver for the purpose of providing transportation services at the rate of 3 percent of the total fare charged for transportation services, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The Commission shall charge and collect from each transportation network company the excise tax imposed by this subsection.

2. The excise tax collected by the Commission pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section 53 of this act.

Sec. 29. A transportation network company shall appoint and keep in this State a registered agent as provided in NRS 14.020.

Sec. 30. 1. A transportation network company may enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

2. Before a transportation network company allows a person to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company, the company must:

(a) Require the person to submit an application to the company, which must include, without limitation:

(1) The name, age and address of the applicant.

(2) A copy of the driver's license of the applicant.

(3) A record of the driving history of the applicant.

(4) A description of the motor vehicle of the applicant and a copy of the motor vehicle registration.

(5) Proof that the applicant has complied with the requirements of NRS 485.185.

(6) Any other information required by the company or any regulations adopted by the Commission pursuant to section 46 of this act.

(b) At the time of application and not less than once every 3 years thereafter, conduct or contract with a third party to conduct an investigation

of the criminal history of the applicant, which must include, without limitation:

(1) A review of a commercially available database containing criminal records from each state which are validated using a search of the primary source of each record.

(2) A search of a database containing the information available in the sex offender registry maintained by each state.

(c) At the time of application and not less than once every year thereafter, obtain and review a complete record of the driving history of the applicant.

3. A transportation network company may enter into an agreement with a driver if:

(a) The applicant is at least 19 years of age.

(b) The applicant possesses a valid driver's license issued by the Department of Motor Vehicles unless the applicant is exempt from the requirement to obtain a Nevada driver's license pursuant to NRS 483.240.

(c) The applicant provides proof that the motor vehicle operated by him or her is registered with the Department of Motor Vehicles unless the applicant is exempt from the requirement to register the motor vehicle in this State pursuant to NRS 482.385.

(d) The applicant provides proof that the motor vehicle operated by him or her is operated and maintained in compliance with all applicable federal, state and local laws.

(e) The applicant provides proof that he or she currently is in compliance with the provisions of NRS 485.185.

(f) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of three or more violations of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a misdemeanor.

(g) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a gross misdemeanor or felony.

(h) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of federal, state or local law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.

(i) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any crime involving an act of terrorism, an act of violence, a sexual offense, fraud, theft, damage to property of another or the use of a motor vehicle in the commission of a felony.

(j) The name of the applicant does not appear in the database searched pursuant to subparagraph (2) of paragraph (b) of subsection 2.

4. A transportation network company shall terminate an agreement with any driver who:

(a) Fails to submit to the transportation network company a change in his or her address, driver's license, motor vehicle registration or automobile liability insurance information within 30 days after the date of the change.

(b) Fails to immediately report to the transportation network company any change in his or her driving history or criminal history.

(c) Refuses to authorize the transportation network company to obtain and review an updated complete record of his or her driving history not less than once each year and an investigation of his or her criminal history not less than once every 3 years.

(d) Is determined by the transportation network company to be ineligible for an agreement pursuant to subsection 3 on the basis of any updated information received by the transportation network company.

Sec. 31. *1. In accordance with the provisions of this chapter, a transportation network company which holds a valid permit issued by the Commission pursuant to this chapter may, on behalf of a driver, charge a fare for transportation services provided to a passenger by the driver.*

2. If a fare is charged, the company must disclose the rates charged by the company and the method by which the amount of a fare is calculated:

(a) On an Internet website maintained by the company; or

(b) Within the digital network or software application service of the company.

3. If a fare is charged, the company must offer to each passenger the option to receive, before the passenger enters the motor vehicle of a driver, an estimate of the amount of the fare that will be charged to the passenger.

4. A transportation network company may accept payment of a fare only electronically. A transportation network company or a driver shall not solicit or accept cash as payment of a fare.

5. A transportation network company shall not impose any additional charge for a driver who provides transportation services to a person with a physical disability because of the disability.

6. The Commission may adopt regulations establishing a maximum fare that may be charged during an emergency, as defined in NRS 414.0345.

Sec. 32. *1. A transportation network company shall not allow a driver to be connected to potential passengers using the digital network or software application service of the company if the motor vehicle operated by the driver to provide transportation services:*

(a) Is not in compliance with all federal, state and local laws concerning the operation and maintenance of the motor vehicle.

(b) Has less than four doors.

(c) Is designed to carry more than eight passengers, including the driver.

(d) Is a farm tractor, mobile home, recreational vehicle, semitractor, semitrailer, trailer, bus or tow car.

2. A transportation network company shall inspect or cause to be inspected every motor vehicle used by a driver to provide transportation services to ensure that the vehicle complies with the provisions of subsection 1 and any regulations adopted by the Commission before allowing the driver to use the motor vehicle to provide transportation services and not less than once each year thereafter.

Sec. 33. 1. A transportation network company shall adopt a policy which prohibits discrimination against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

2. A driver shall not discriminate against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

3. A transportation network company shall provide to each passenger an opportunity to indicate whether the passenger requires transportation in a motor vehicle that is wheelchair accessible. If the company cannot provide the passenger with transportation services in a motor vehicle that is wheelchair accessible, the company must direct the passenger to an alternative provider or means of transportation that is wheelchair accessible, if available.

Sec. 34. For each instance in which a driver provides transportation services to a passenger, the transportation network company which connected the passenger to the driver shall provide to the passenger, before the passenger enters the motor vehicle of a driver, a photograph of the driver who will provide the transportation services and the license plate number of the motor vehicle operated by the driver. The information required by this section must be provided to the passenger:

1. On an Internet website maintained by the company; or

2. Within the digital network or software application service of the company.

Sec. 35. A transportation network company which connected a passenger to a driver shall, within a reasonable period following the provision of transportation services by the driver to the passenger, transmit to the passenger an electronic receipt, which must include, without limitation:

1. A description of the point of origin and the destination of the transportation services;

2. The total time for which transportation services were provided;

3. The total distance traveled; and

4. An itemization of the fare, if any, charged for the transportation services.

Sec. 36. 1. A transportation network company shall maintain the following records relating to the business of the company for a period of at least 3 years after the date on which the record is created:

(a) Trip records;

(b) Driver records and vehicle inspection records;

(c) Records of each complaint and the resolution of each complaint; and

(d) Records of each accident or other incident that involved a driver and was reported to the transportation network company.

2. Each transportation network company shall make its records available for inspection by the Commission and the Regulatory Operations Staff of the Commission upon request to investigate complaints, promote public safety and ensure compliance with the provisions of this chapter.

Sec. 37. 1. Each transportation network company shall:

(a) Keep uniform and detailed accounts of all business transacted in this State and provide such accounts to the Commission upon request; and

(b) On or before May 15 of each year, provide an annual report to the Commission regarding all business conducted by the company in this State during the preceding calendar year.

2. The Commission shall adopt regulations setting forth the form and contents of the information required to be provided pursuant to subsection 1.

3. If the Commission determines that a transportation network company has failed to include information in its accounts or report required pursuant to subsection 1, the Commission shall notify the company to provide such information. A company which receives a notice pursuant to this subsection shall provide the specified information within 15 days after receipt of such a notice.

4. All information required to be provided pursuant to this section must be signed by an officer or agent of, or other person authorized by, the transportation network company under oath.

Sec. 38. 1. A driver shall not solicit or accept a passenger or provide transportation services to any person unless the person has arranged for the transportation services through the digital network or software application service of the transportation network company.

2. With respect to a passenger's destination, a driver shall not:

(a) Deceive or attempt to deceive any passenger who rides or desires to ride in the driver's motor vehicle.

(b) Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

(c) Take a longer route to the passenger's destination than is necessary, unless specifically requested to do so by the passenger.

(d) Fail to comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

3. A driver shall not, at the time the driver picks up a passenger, refuse or neglect to provide transportation services to any orderly passenger unless the driver can demonstrate to the satisfaction of the Commission that:

(a) The driver has good reason to fear for the driver's personal safety; or

(b) The driver is prohibited by law or regulation from carrying the person requesting transportation services.

Sec. 39. ***1. A driver is prohibited from consuming, using or being under the influence of any intoxicating liquor or controlled substance during any period in which the driver is providing transportation services on behalf of the transportation network company and any period in which the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not providing transportation services.***

2. Each transportation network company shall:

(a) Provide notice of the provisions of subsection 1:

(1) On an Internet website maintained by the company; or

(2) Within the digital network or software application service of the company; and

(b) Provide for the submission to the company of a complaint by a passenger who reasonably believes that a driver is operating a motor vehicle in violation of the provisions of subsection 1.

3. Upon receipt of a complaint submitted by a passenger who reasonably believes that a driver is operating a motor vehicle in violation of the provisions of subsection 1, a transportation network company shall immediately suspend the access of the driver to the digital network or software application service of the company and conduct an investigation of the complaint. The company shall not allow the driver to access the digital network or software application service of the company or provide transportation services in affiliation with the company until after the investigation is concluded.

4. If a transportation network company determines, pursuant to an investigation conducted pursuant to subsection 3, that a driver has violated the provisions of subsection 1, the company shall terminate the agreement entered into with the driver and shall not allow the driver to access the digital network or software application service of the company.

5. Each transportation network company shall maintain a record of each complaint described in subsection 3 and received by the company for a period of not less than 3 years after the date on which the complaint is received. The record must include, without limitation, the name of the driver, the date on which the complaint was received, a summary of the investigation conducted by the company and the results of the investigation.

Sec. 40. ***1. Except as otherwise provided in this section, a transportation network company shall not disclose to any person the personally identifiable information of a passenger who received services from the company unless:***

(a) The disclosure is otherwise required by law;

(b) The company determines that disclosure is required to protect or defend the terms of use of the services or to investigate violations of those terms of use; or

(c) The passenger consents to the disclosure.

2. A transportation network company may disclose to a driver the name and telephone number of a passenger for the purposes of facilitating correct identification of the passenger and facilitating communication between the driver and the passenger.

Sec. 41. 1. Each transportation network company shall:

(a) Provide notice of the contact information of the Division of Consumer Complaint Resolution of the Commission on an Internet website maintained by the company or within the digital network or software application service of the company; and

(b) Create a system to receive and address complaints from consumers which is available during normal business hours in this State.

2. The Division of Consumer Complaint Resolution of the Commission shall accept, promptly investigate and attempt to resolve each complaint submitted to the Division by a person who alleges that a transportation network company or driver has violated the provisions of this chapter.

3. The Commission shall adopt regulations to establish procedures for investigating a complaint, holding a hearing and imposing disciplinary action, including, without limitation, the imposition of the penalties described in section 42 of this act, for a violation of this chapter.

Sec. 42. 1. If the Commission determines that a transportation network company or driver has violated the terms of a permit issued pursuant to this chapter or any provision of this chapter or any regulations adopted pursuant thereto, the Commission may, depending on whether the violation was committed by the company, the driver, or both:

(a) Suspend or revoke the permit issued to the transportation network company;

(b) Impose against the transportation network company an administrative fine in an amount not to exceed $100,000 per violation;

(c) Prohibit a person from operating as a driver; or

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

2. To determine the amount of an administrative fine imposed pursuant to paragraph (b) or (d) of subsection 1, the Commission shall consider:

(a) The size of the transportation network company;

(b) The severity of the violation;

(c) Any good faith efforts by the transportation network company to remedy the violation;

(d) The history of previous violations by the transportation network company; and

(e) Any other factor that the Commission determines to be relevant.

3. Notwithstanding the provisions of NRS 193.170, a person who violates any provision of sections 15 to 46, inclusive, of this act is not subject to any criminal penalty for such a violation.

Sec. 43. ***1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.***

2. A transportation network company which holds a valid permit issued by the Commission pursuant to this chapter, a driver who has entered into an agreement with such a company and a vehicle operated by such a driver are exempt from:

(a) The provisions of chapter 706 of NRS; and

(b) The provisions of chapter 704 relating to public utilities,

➥ to the extent that the services provided by the company or driver are within the scope of the permit.

Sec. 44. ***1. Except as otherwise provided in subsection 2, a local governmental entity shall not:***

(a) Impose any tax or fee on a transportation network company operating within the scope of a valid permit issued by the Commission pursuant to this chapter, a driver who has entered into an agreement with such a company or a vehicle operated by such a driver or for transportation services provided by such a driver.

(b) Require a transportation network company operating within the scope of a valid permit issued by the Commission pursuant to this chapter to obtain from the local government any certificate, license or permit to operate within that scope or require a driver who has entered into an agreement with such a company to obtain from the local government any certificate, license or permit to provide transportation services.

(c) Impose any other requirement upon a transportation network company or a driver which is not of general applicability to all persons who operate a motor vehicle within the jurisdiction of the local government.

2. Nothing in this section:

(a) Prohibits a local governmental entity from requiring a transportation network company or driver to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.

(b) Prohibits an airport or its governing body from requiring a transportation network company or a driver to:

(1) Obtain a permit or certification to operate at the airport;

(2) Pay a fee to operate at the airport; or

(3) Comply with any other requirement to operate at the airport.

(c) Exempts a vehicle operated by a driver from any tax imposed pursuant to NRS 354.705, 371.043 or 371.045.

3. The provisions of this chapter do not exempt any person from the requirement to obtain a state business license issued pursuant to chapter 76 of NRS.

Sec. 45. ***1. Each transportation network company shall provide to the Commission reports containing information relating to motor vehicle***

accidents involving drivers affiliated with the company which occurred in this State while the driver was providing transportation services or logged into the digital network or software application service of the company and available to receive requests for transportation services. The reports required by this subsection must contain the information identified in subsection 2 and be submitted:

(a) For all accidents that occurred during the first 6 months that the company operates within this State, on or before the date 7 months after the company was issued a permit.

(b) For all accidents that occurred during the first 12 months that the company operates within this State, on or before the date 13 months after the company was issued a permit.

2. The reports submitted pursuant to subsection 1 must include, for the period of time specified in subsection 1:

(a) The number of motor vehicle accidents which occurred in this state involving such a driver;

(b) The highest, lowest and average amount paid for bodily injury or death to one or more persons that occurred as a result of such an accident; and

(c) The highest, lowest and average amount paid for damage to property that occurred as a result of such an accident.

3. The Commission shall collect the reports submitted by transportation network companies pursuant to subsection 1 and determine whether the limits of coverage required pursuant to section 10 of this act are sufficient. The Commission shall submit a report stating whether the limits of coverage required pursuant to section 10 of this act are sufficient and containing the information, in an aggregated format which does not reveal the identity of any person, submitted by transportation network companies pursuant to subsection 1 since the last report of the Commission pursuant to this subsection:

(a) To the Legislative Commission on or before December 1 of each odd-numbered year.

(b) To the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature on or before December 1 of each even-numbered year,

Sec. 46. ***The Commission shall adopt such regulations as are necessary to carry out the provisions of this chapter.***

Sec. 47. **NRS 703.150 is hereby amended to read as follows:**

703.150 The Commission shall supervise and regulate the operation and maintenance of public utilities and other persons named and defined in chapters 704, 704A and 708 of NRS ***and sections 15 to 46, inclusive, of this act*** pursuant to the provisions of those chapters.

Sec. 48. **NRS 703.164 is hereby amended to read as follows:**

703.164 1. The Commission may employ, or retain on a contract basis, legal counsel who shall:

(a) Except as otherwise provided in subsection 2, be counsel and attorney for the Commission in all actions, proceedings and hearings.

(b) Prosecute in the name of the Commission all civil actions for the enforcement of NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705 and 708 of NRS ***and sections 15 to 46, inclusive, of this act*** and for the recovery of any penalty or forfeiture provided for therein.

(c) Generally aid the Commission in the performance of its duties and the enforcement of NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705 and 708 of NRS ~~,~~ ***and sections 15 to 46, inclusive, of this act.***

2. Each district attorney shall:

(a) Prosecute any violation of chapter 704, 704A, 705, 708 or 711 of NRS for which a criminal penalty is provided and which occurs in the district attorney's county.

(b) Aid in any investigation, prosecution, hearing or trial held under the provisions of chapter 704, 704A, 705, 708 or 711 of NRS and, at the request of the Commission or its legal counsel, act as counsel and attorney for the Commission.

3. The Attorney General shall, if the district attorney fails or refuses to do so, prosecute all violations of the laws of this state by public utilities under the jurisdiction of the Commission and their officers, agents and employees.

4. The Attorney General is not precluded from appearing in or moving to intervene in any action and representing the interest of the State of Nevada in any action in which the Commission is a party and is represented by independent counsel.

Sec. 49. **NRS 703.380 is hereby amended to read as follows:**

703.380 1. Unless another administrative fine is specifically provided, a person, including, without limitation, a public utility, alternative seller, provider of discretionary natural gas service, provider of new electric resources or holder of any certificate of registration, license or permit issued by the Commission, or any officer, agent or employee of a public utility, alternative seller, provider of discretionary natural gas service, provider of new electric resources or holder of any certificate of registration, license or permit issued by the Commission who:

(a) Violates any applicable provision of this chapter or chapter 704, 704B, 705 or 708 of NRS, ***or sections 15 to 46, inclusive, of this act,*** including, without limitation, the failure to pay any applicable tax, fee or assessment;

(b) Violates any rule or regulation of the Commission; or

(c) Fails, neglects or refuses to obey any order of the Commission or any order of a court requiring compliance with an order of the Commission,

➥ is liable for an administrative fine, to be assessed by the Commission after notice and the opportunity for a hearing, in an amount not to exceed $1,000 per day for each day of the violation and not to exceed $100,000 for any related series of violations.

2. In determining the amount of the administrative fine, the Commission shall consider the appropriateness of the fine to the size of the business of the

person charged, the gravity of the violation, the good faith of the person charged in attempting to achieve compliance after notification of a violation and any repeated violations committed by the person charged.

3. An administrative fine assessed pursuant to this section is not a cost of service of a public utility and may not be included in any new application by a public utility for a rate adjustment or rate increase.

4. All money collected by the Commission as an administrative fine pursuant to this section must be deposited in the State General Fund.

5. The Commission may bring an appropriate action in its own name for the collection of any administrative fine that is assessed pursuant to this section. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this subsection.

6. The administrative fine prescribed by this section is in addition to any other remedies, other than a monetary fine, provided by law, including, without limitation, the authority of the Commission to revoke a certificate of public convenience and necessity, license or permit pursuant to NRS 703.377.

Sec. 50. **Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 51, 52 and 53 of this act.**

Sec. 51. 1. Except as otherwise provided in subsection 2 and in addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the connection, whether by dispatch or other means, made by a common motor carrier of a passenger to a person or operator willing to transport the passenger at the rate of 3 percent of the total fare charged for the transportation, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The Authority shall charge and collect from each common motor carrier of passengers the excise tax imposed by this subsection.

2. The provisions of subsection 1 do not apply to an airport transfer service.

3. The excise tax collected by the Authority pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section 53 of this act.

4. As used in this section, "airport transfer service" means the transportation of passengers and their baggage in the same vehicle, except by taxicab, for a per capita charge between airports or between an airport and points and places in this State. The term does not include charter services by bus, charter services by limousine, scenic tours or special services.

Sec. 52. 1. Except as otherwise provided in subsection 2 and in addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the connection, whether by dispatch or other means, made by a certificate holder of a passenger to a taxicab willing to transport the passenger at the rate of 3 percent of the total fare charged for the transportation, which must include, without limitation, all fees,

surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The Taxicab Authority shall charge and collect from each certificate holder the excise tax imposed by this subsection.

2. The excise tax collected by the Taxicab Authority pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section 53 of this act.

Sec. 53. ***The State Treasurer shall deposit any money the State Treasurer receives from the Public Utilities Commission of Nevada pursuant to section 28 of this act, the Authority pursuant to section 51 of this act and the Taxicab Authority pursuant to section 52 of this act:***

1. For the first $5,000,000 of the combined amount of such money received in each biennium, for credit to the State Highway Fund.

2. For any additional amount of such money received in each fiscal year, for credit to the State General Fund.

Sec. 54. **NRS 706.881 is hereby amended to read as follows:**

706.881 1. The provisions of NRS 706.8811 to 706.885, inclusive, ***and section 52 of this act*** apply to any county:

(a) Whose population is 700,000 or more; or

(b) For whom regulation by the Taxicab Authority is not required, if the board of county commissioners of the county has enacted an ordinance approving the inclusion of the county within the jurisdiction of the Taxicab Authority.

2. Upon receipt of a certified copy of such an ordinance from a county for whom regulation by the Taxicab Authority is not required, the Taxicab Authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, within that county.

3. Within any such county, the provisions of this chapter which confer regulatory authority over taxicab motor carriers upon the Nevada Transportation Authority do not apply.

Sec. 55. **1. The Public Utilities Commission of Nevada shall investigate and compare the efficacy, efficiency and effect on public safety of background checks performed pursuant to paragraph (b) of subsection 2 of section 30 of this act and background checks performed by submitting the fingerprints of a person by the Central Repository for Nevada Records of Criminal History to the Federal Bureau of Investigation for its report.**

2. The Public Utilities Commission of Nevada shall, on or before the date 6 months after the effective date of this section, report the results of its investigation to the Legislative Commission.

Sec. 56. **1. Notwithstanding any regulation adopted by the Public Utilities Commission of Nevada pursuant to sections 15 to 46, inclusive, of this act, a transportation network company, as defined in section 18 of this act, which is issued a permit by the Public Utilities Commission of Nevada pursuant to section 26 of this act on or before July 1, 2017, may commence operations in this State immediately upon being issued a permit.**

2. Notwithstanding the effective date of any regulation adopted by the Public Utilities Commission of Nevada pursuant to sections 15 to 46, inclusive, of this act on or before July 1, 2017, a transportation network company must not be required to comply with the provisions of the regulation until 30 days after the regulation is filed with the Secretary of State.

Sec. 57. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 58. **1. This section and sections 2 to 50, inclusive, and 53 to 57, inclusive, of this act become effective upon passage and approval.**

2. Sections 51 and 52 of this act become effective on the 90th day after the effective date described in subsection 1.

3. Section 1 of this act becomes effective on October 1, 2015.

Assemblyman Wheeler moved that the Assembly concur in the Senate Amendment No. 678 to Assembly Bill No. 175.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 175 provides for the permitting and regulation by the Public Utilities Commission of Nevada [PUCN] of transportation network companies [TNCs], which are entities that use digital network or software application services to connect passengers and drivers who can provide transportation services to those passengers. This measure establishes the minimum requirements for TNC drivers, requires a TNC to perform a background check of each driver, requires a TNC to provide certain notices and disclosures relating to insurance coverage before a person may become a driver, establishes insurance requirements for the operation and maintenance of motor vehicles operated by the TNC drivers, and requires the TNC to report certain information about accidents involving its drivers.

The measure requires the PUCN to collect certain information related to the sufficiency of insurance coverage limits and background check requirements and report that information to the Legislature. The measure does not exempt any person from a requirement to obtain a state business license.

In addition, the bill does not prohibit an airport from requiring that a TNC or driver obtain a permit or certification to operate at the airport, pay a fee at the airport, or comply with any other requirements to operate at the airport. The TNC or driver who provides transportation services within the scope of a permit issued by the PUCN is not subject to the provisions of existing law governing motor carriers or public utilities.

Assembly Bill 175 also creates an excise tax of 3 percent of the total fare charged when a TNC connects a passenger and driver on the connection of a passenger and on a common motor carrier taxiway. The first $5 million of revenue raised in each biennium is directed to the State Highway Fund. The remainder is directed to the State General Fund. The bill allows the TNC to begin operating in Nevada immediately upon receipt of a permit from the PUCN, and any regulation adopted on or before July 1, 2017, shall not be effective for at least 30 days after filing.

Motion carried by a constitutional two-thirds majority.

Bill ordered to enrollment.

Assembly Bill No. 176.

The following Senate amendment was read:

Amendment No. 965.

ASSEMBLYMEN ARMSTRONG, **PAUL ANDERSON**, SILBERKRAUS, EDWARDS; DICKMAN, ELLISON, ~~[FLORES,]~~ KIRNER, OSCARSON AND TITUS

SUMMARY— ~~[Requires the regional transportation commission in certain counties to establish and administer the Nevada Yellow Dot Program.]~~ **Revises various provisions relating to transportation.** (BDR 22-649)

AN ACT relating to transportation; requiring the regional transportation commission in certain counties to establish and administer the Nevada Yellow Dot Program; setting forth the requirements of the Program; requiring the commission in those counties to establish a campaign to raise public awareness of the Program; conferring immunity from civil liability for damages for a first responder under certain circumstances; **revising provisions relating to casualty insurance for certain uses of motor vehicles; providing for the regulation of transportation network companies by the Nevada Transportation Authority; establishing requirements concerning drivers and motor vehicles operated by drivers who provide transportation services; prohibiting a local government from imposing any additional tax, fee or requirement for providing transportation services; exempting a transportation network company or driver who provides transportation services from certain provisions of law governing motor carriers; transferring responsibility for certain fees, assessments and excise taxes from the Public Utilities Commission of Nevada to the Authority; requiring an investigation and comparison of certain types of background checks; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

Sections 3-46 of this bill provide for the permitting by the Nevada Transportation Authority of transportation network companies and the regulation by the Authority of the provision of transportation services. Section 19 of this bill defines a "transportation network company" as an entity that uses a digital network or software application service to connect passengers to drivers who can provide transportation services to passengers. Section 20 of this bill defines "transportation services" as the transportation by motor vehicle of one or more passengers between points chosen by the passenger or passengers and prearranged with a driver

through the use of the digital network or software application service of a transportation network company. Section 21 of this bill provides that it is the purpose and policy of the Legislature in enacting this bill to ensure the safety, reliability and cost-effectiveness of the transportation services provided by drivers affiliated with transportation network companies in this State.

Sections 4-14 of this bill establish certain requirements concerning the provision of insurance for the payment of tort liabilities arising from the operation of a motor vehicle by a driver who provides transportation services.

Section 25 of this bill prohibits any person from doing business in this State as a transportation network company unless the person holds a valid permit issued by the Authority pursuant to the provisions of sections 4-14 and 16-46 of this bill. Section 25 also: (1) empowers the Authority to regulate, pursuant to the provisions of this bill, all transportation network companies and drivers who operate or wish to operate within this State; and (2) prohibits the Authority from applying any provision of chapter 706 of NRS, relating to motor carriers, to a transportation network company or driver who operates within the provisions of sections 4-14 and 16-46 of this bill. Section 26 of this bill provides for the submission to the Authority of an application for a permit. Section 27 of this bill requires the Authority to issue a permit to an applicant upon a determination by the Authority that the applicant meets all the applicable requirements for the issuance of the permit. Section 27 of this bill further provides that a permit issued by the Authority authorizes a transportation network company to: (1) connect passengers to a driver who can provide transportation services through the use of a digital network or software application service; and (2) make its digital network or software application service available to one or more drivers to receive connections from the company. Section 27 of this bill provides that a permit issued by the Authority does not authorize a transportation network company to engage in any activity regulated pursuant to chapter 706 of NRS, relating to motor carriers. Additionally, section 27 provides that a person who is regulated pursuant to chapter 706 of NRS may be issued a permit to operate a transportation network company if the person meets the requirements for the issuance of a permit.

Section 29 of this bill authorizes a transportation network company to enter into agreements with one or more drivers to receive connections to potential passengers from the company. Section 29 also establishes the minimum qualifications for drivers and requires a transportation network company to conduct an investigation of the background of each driver, which must include a criminal background check, a search of a database containing information from the sex offender website maintained by each state and a review of the complete driving history of the driver. Further, section 29 sets forth the conditions for which a

transportation network company must terminate an agreement with a driver.

Section 30 of this bill: (1) provides that a transportation network company may, on behalf of a driver, charge a fare for the provision of transportation services by the driver; and (2) places certain requirements on the company concerning the fares and the information which must be provided to passengers concerning the amount and the calculation of fares.

Section 31 of this bill: (1) prohibits a transportation network company from allowing any driver who operates a motor vehicle that is not in compliance with all federal, state and local laws governing the operation and maintenance of a motor vehicle to be connected to potential passengers; and (2) requires annual inspections of each motor vehicle operated by a driver.

Section 32 of this bill prohibits discrimination on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression by a transportation network company or driver. Section 33 of this bill requires a transportation network company to provide to passengers certain information relating to the identification of a driver. Section 34 of this bill requires a transportation network company to provide an electronic receipt to each passenger. Section 35 of this bill allows a transportation network company to enter into certain contracts with the Department of Health and Human Services. Section 36 of this bill imposes on transportation network companies certain recordkeeping requirements. Section 37 of this bill imposes on transportation network companies certain reporting requirements.

Section 38 of this bill establishes certain requirements relating to the provision of transportation services by a driver. Section 38 also prohibits a driver from soliciting passengers or providing transportation services except to persons who have arranged for such transportation services through the digital network or software application service of a transportation network company. Section 39 of this bill prohibits a driver from consuming, using or being under the influence of any intoxicating liquor or controlled substance during any period when the driver is providing transportation services or is logged into the digital network or software application service of a transportation network company. With certain exceptions, section 40 of this bill prohibits a transportation network company from releasing the personally identifiable information of passengers.

Section 41 of this bill provides for the investigation of complaints against a transportation network company or driver. Section 42 of this bill: (1) authorizes the Authority to impose certain penalties for any violation of the provisions of sections 4-14 and 16-46 of this bill by a transportation network company or driver; and (2) provides that a person

who violates any provision of sections 4-14 and 16-46 of this bill is not subject to a criminal penalty.

Section 43 of this bill provides that this bill does not exempt any person from any other laws governing the operation of a motor vehicle upon the highways of this State, except that a transportation network company or a driver who provides transportation services within the scope of a permit issued by the Authority is not subject to the provisions of existing law governing motor carriers or public utilities.

Section 44 of this bill prohibits a local government from: (1) imposing any tax or fee on a transportation network company, a driver who has entered into an agreement with such a company or a vehicle operated by such a driver or for transportation services provided by such a driver; (2) requiring a transportation network company or driver to obtain from the local government any certificate, license or permit to provide transportation services; or (3) imposing any other requirement on the operation of a motor vehicle by a transportation network company or driver which is not of general applicability. Section 44 does not prohibit a local government from requiring a transportation network company or driver to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government. Section 44 does not prohibit an airport from requiring a transportation network company or driver to obtain a permit or certification to operate at the airport, pay a fee to operate at the airport or comply with any other requirement to operate at the airport. Section 44 also states that sections 4-14 and 16-46 of this bill do not exempt any person from the requirement to obtain a state business license and requires a transportation network company to notify each driver of the requirement.

Section 45 of this bill requires each transportation network company to provide the Authority with reports at certain times containing certain information about damages resulting from accidents involving drivers who are providing transportation services or logged into the digital network or software application service of the company and available to receive requests for transportation services. Section 45 also requires the Authority to collect these reports, determine whether the limits of coverage required pursuant to section 11 of this bill are sufficient and report to the Legislative Commission or Director of the Legislative Counsel Bureau.

Sections 47-53 and 58 of this bill revise the provisions of Assembly Bill No. 175 of this session to make the Authority, rather than the Public Utilities Commission of Nevada, responsible for carrying out the provisions of that bill relating to fees, assessments and excise taxes for transportation network companies.

Section 54 of this bill provides that: (1) a transportation network company may commence operations within this State immediately upon being issued a permit; (2) any regulation adopted by the Authority pursuant to sections 4-14 and 16-46 of this bill on or before July 1, 2017, shall not be effective for at least 30 days after filing with the Secretary of State; (3) the Authority must begin to accept applications for permits within 30 days after the effective date of section 26 of this bill; and (4) the Authority shall not issue a permit until July 1, 2015.

Section 55 of this bill requires the Nevada Transportation Authority to investigate and compare specific types of background checks to determine the efficacy, efficiency and effect on public safety and report the results of its investigation to the Legislative Commission.

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

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

1. In a county whose population is 700,000 or more, the commission shall establish and administer the Nevada Yellow Dot Program for the purpose of improving traffic safety.

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

3. The Program must:

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

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

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

(3) By mail, upon request.

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

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

(1) The participant's name;

(2) A recent photograph of the participant;

(3) Emergency contact information;

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

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

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

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

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

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

7. A first responder is not liable for any civil damages as a result of any act or omission taken by the first responder relating to a collision or other emergency, not amounting to gross negligence, including, without limitation, failure to observe a decal, failure or inability to locate an information card, or reliance on incomplete, incorrect or outdated information on an information card.

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

Sec. 2. (Deleted by amendment.)

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

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335,

250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 ***and section 36 of this act*** and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the

records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 3. **Chapter 690B of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 14, inclusive, of this act.**

Sec. 4. ***As used in sections 4 to 14, inclusive, of this act, the words and terms defined in sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 5. ***"Driver" has the meaning ascribed to it in section 18 of this act.***

Sec. 6. ***"Transportation network company" has the meaning ascribed to it in section 19 of this act.***

Sec. 7. ***"Transportation network company insurance" means a policy of insurance that includes coverage specifically for the use of a vehicle by a driver pursuant to sections 4 to 14, inclusive, of this act.***

Sec. 8. ***"Transportation services" has the meaning ascribed to it in section 20 of this act.***

Sec. 9. ***The provisions of sections 4 to 14, inclusive, of this act do not apply to a person who is regulated pursuant to chapter 704 or 706 of NRS unless the person holds a permit issued pursuant to section 27 of this act.***

Sec. 10. ***Before allowing a natural person to be connected to a potential passenger using the digital network or software application service of a transportation network company to provide transportation services as a driver, a transportation network company shall, in writing:***

1. Disclose the insurance coverage and limits of liability that the transportation network company provides for a driver while the driver is providing transportation services.

2. Notify the person that:

(a) His or her insurance for the operation of a motor vehicle required pursuant to NRS 485.185 may not provide coverage for the use of a motor vehicle to provide transportation services.

(b) If comprehensive or collision coverage was purchased in addition to such insurance, the comprehensive or collision coverage may not apply to any damage which results from the use of the motor vehicle while a driver is providing transportation services or logged into the digital network or software application service of a transportation network company and available to receive requests for transportation services.

3. Disclose to the person that, if there is a lien against a vehicle used by a driver to provide transportation services, the driver must notify the lienholder that the vehicle is being used to provide transportation services.

4. Disclose to the person that the use of a vehicle to provide transportation services may violate the contract between a driver and a lienholder.

Sec. 11. 1. Every transportation network company or driver shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375:

(a) In an amount of not less than $1,500,000 for bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident that occurs while the driver is providing transportation services;

(b) In an amount of not less than $50,000 for bodily injury to or death of one person in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services;

(c) Subject to the minimum amount for one person required by paragraph (b), in an amount of not less than $100,000 for bodily injury to or death of two or more persons in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services; and

(d) In an amount of not less than $25,000 for injury to or destruction of property of others in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation

network company and available to receive requests for transportation services but is not otherwise providing transportation services,

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

2. The transportation network company insurance required by subsection 1 may be provided through one or a combination of insurance policies provided by the transportation network company or the driver, or both.

3. Every transportation network company shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, which meets the requirements of subsection 1 as primary insurance if the insurance provided by the driver:

(a) Lapses; or

(b) Fails to meet the requirements of subsection 1.

4. Notwithstanding the provisions of NRS 485.185 and 485.186 which require the owner or operator of a motor vehicle to provide insurance, transportation network company insurance shall be deemed to satisfy the requirements of NRS 485.185 or 485.186, as appropriate, regardless of whether the insurance is provided by the transportation network company or the driver, or both, if the transportation network company insurance otherwise satisfies the requirements of NRS 485.185 or 485.186, as appropriate.

5. In addition to the coverage required pursuant to subsection 1, a policy of transportation network company insurance may include additional coverage, including, without limitation, coverage for medical payments, coverage for uninsured or underinsured motorists, comprehensive coverage and collision coverage.

6. An insurer who provides transportation network company insurance shall not require a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, to deny a claim before the transportation network company insurance provides coverage for a claim.

7. An insurer who provides transportation network company insurance has a duty to defend and indemnify the driver and the transportation network company.

8. An insurer who provides transportation network company insurance which includes comprehensive coverage or collision coverage for the operation of a motor vehicle against which a lienholder holds a lien shall issue any payment for a claim under such coverage:

(a) Directly to the person who performs repairs upon the vehicle; or

(b) Jointly to the owner of the vehicle and the lienholder.

9. A transportation network company that provides transportation network company insurance for a motor vehicle is not deemed to be the owner of the motor vehicle.

Sec. 12. 1. A policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, is not required to include transportation network company insurance. An insurer providing a policy which excludes transportation network company insurance does not have a duty to defend or indemnify a driver for any claim arising during any period in which the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services.

2. An insurer who provides a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, may include transportation network company insurance in such a policy. An insurer may charge an additional premium for the inclusion of transportation network company insurance in such a policy.

3. An insurer who:

(a) Defends or indemnifies a driver for a claim arising during any period in which the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services; and

(b) Excludes transportation network company insurance from the policy of insurance for the operation of a motor vehicle provided to the driver,

➥ has the right of contribution against other insurers who provide coverage to the driver to satisfy the coverage required by section 11 of this act at the time of the loss.

Sec. 13. In any investigation relating to tort liability arising from the operation of a motor vehicle, each transportation network company and driver, and each insurer providing transportation network company insurance to a transportation network company or driver, who is involved in the underlying incident shall cooperate with any other party to the incident and any other insurer involved in the investigation and share information, including, without limitation:

1. The date and time of an accident involving a driver.

2. The dates and times that the driver involved in an accident logged into the digital network or software application service of the transportation network company for a period of 12 hours immediately preceding and 12 hours immediately following the accident.

3. The dates and times that the driver involved in an accident logged out of the digital network or software application service of the transportation network company for a period of 12 hours immediately preceding and 12 hours immediately following the accident.

4. A clear description of the coverage, exclusions and limits provided under any policy of transportation network company insurance which applies.

Sec. 14. 1. A driver shall carry proof of coverage under a policy of transportation network company insurance at all times when the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services.

2. A driver shall provide proof of coverage under a policy of transportation network company insurance and disclose whether he or she was logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services at the time of an accident upon request to a law enforcement officer and to any party with whom the driver is involved in an accident.

Sec. 15. **Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 16 to 46, inclusive, of this act.**

Sec. 16. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 17 to 20, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 17. "Authority" means the Nevada Transportation Authority.

Sec. 18. "Driver" means a natural person who:

1. Operates a motor vehicle that is owned, leased or otherwise authorized for use by the person; and

2. Enters into an agreement with a transportation network company to receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee to the transportation network company.

Sec. 19. "Transportation network company" or "company" means an entity that uses a digital network or software application service to connect a passenger to a driver who can provide transportation services to the passenger.

Sec. 20. "Transportation services" means the transportation by a driver of one or more passengers between points chosen by the passenger or passengers and prearranged through the use of the digital network or software application service of a transportation network company. The term includes only the period beginning when a driver accepts a request by a passenger for transportation through the digital network or software application service of a transportation network company and ending when the last such passenger fully disembarks from the motor vehicle operated by the driver.

Sec. 21. It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter to ensure the safety, reliability and cost-

effectiveness of the transportation services provided by drivers affiliated with transportation network companies in this State.

Sec. 22. The provisions of this chapter do not apply to:

1. Common motor carriers or contract motor carriers that are providing transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.2705.

2. A person who provides a digital network or software application service to enable persons who are interested in sharing expenses for transportation to a destination, commonly known as carpooling, to connect with each other, regardless of whether a fee is charged by the person who provides the digital network or software application service.

Sec. 23. Nothing in this chapter shall be construed to deem a motor vehicle operated by a driver to provide transportation services to be a commercial motor vehicle.

Sec. 24. Except as otherwise provided in this chapter and the regulations adopted pursuant thereto or by a written contract between a transportation network company and a driver, a company shall not control, direct or manage a driver or the motor vehicle operated by a driver.

Sec. 25. 1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.

2. A driver shall not provide transportation services unless the company with which the driver is affiliated holds a valid permit issued by the Authority pursuant to this chapter.

3. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all transportation network companies and drivers who operate or wish to operate within this State. The Authority shall not apply any provision of chapter 706 of NRS to a transportation network company or a driver who operates within the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 26. A person who desires to operate a transportation network company in this State must submit to the Authority an application for the issuance of a permit to operate a transportation network company. The application must be in the form required by the Authority and must include such information as the Authority, by regulation, determines is necessary to prove the person meets the requirements of this chapter for the issuance of a permit.

Sec. 27. 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Authority shall issue to the applicant within 30 days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) Does not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to section 26 of this act and meets the requirements for the issuance of a permit.

Sec. 28. A transportation network company shall appoint and keep in this State a registered agent as provided in NRS 14.020.

Sec. 29. 1. A transportation network company may enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

2. Before a transportation network company allows a person to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company, the company must:

(a) Require the person to submit an application to the company, which must include, without limitation:

(1) The name, age and address of the applicant.

(2) A copy of the driver's license of the applicant.

(3) A record of the driving history of the applicant.

(4) A description of the motor vehicle of the applicant and a copy of the motor vehicle registration.

(5) Proof that the applicant has complied with the requirements of NRS 485.185.

(b) At the time of application and not less than once every 3 years thereafter, conduct or contract with a third party to conduct an investigation of the criminal history of the applicant, which must include, without limitation:

(1) A review of a commercially available database containing criminal records from each state which are validated using a search of the primary source of each record.

(2) A search of a database containing the information available in the sex offender registry maintained by each state.

(c) At the time of application and not less than once every year thereafter, obtain and review a complete record of the driving history of the applicant.

3. A transportation network company may enter into an agreement with a driver if:

(a) The applicant is at least 19 years of age.

(b) The applicant possesses a valid driver's license issued by the Department of Motor Vehicles unless the applicant is exempt from the requirement to obtain a Nevada driver's license pursuant to NRS 483.240.

(c) The applicant provides proof that the motor vehicle operated by him or her is registered with the Department of Motor Vehicles unless the applicant is exempt from the requirement to register the motor vehicle in this State pursuant to NRS 482.385.

(d) The applicant provides proof that the motor vehicle operated by him or her is operated and maintained in compliance with all applicable federal, state and local laws.

(e) The applicant provides proof that he or she currently is in compliance with the provisions of NRS 485.185.

(f) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of three or more violations of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a misdemeanor.

(g) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a gross misdemeanor or felony.

(h) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of federal, state or local law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.

(i) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any crime involving an act of terrorism, an act of violence, a sexual offense, fraud, theft, damage to property of another or the use of a motor vehicle in the commission of a felony.

(j) The name of the applicant does not appear in the database searched pursuant to subparagraph (2) of paragraph (b) of subsection 2.

4. A transportation network company shall terminate an agreement with any driver who:

(a) Fails to submit to the transportation network company a change in his or her address, driver's license or motor vehicle registration within 30 days after the date of the change.

(b) Fails to immediately report to the transportation network company any change in his or her driving history or criminal history.

(c) Refuses to authorize the transportation network company to obtain and review an updated complete record of his or her driving history not less

than once each year and an investigation of his or her criminal history not less than once every 3 years.

(d) Is determined by the transportation network company to be ineligible for an agreement pursuant to subsection 3 on the basis of any updated information received by the transportation network company.

Sec. 30. 1. In accordance with the provisions of this chapter, a transportation network company which holds a valid permit issued by the Authority pursuant to this chapter may, on behalf of a driver, charge a fare for transportation services provided to a passenger by the driver.

2. If a fare is charged, the company must disclose the rates charged by the company and the method by which the amount of a fare is calculated:

(a) On an Internet website maintained by the company; or

(b) Within the digital network or software application service of the company.

3. If a fare is charged, the company must offer to each passenger the option to receive, before the passenger enters the motor vehicle of a driver, an estimate of the amount of the fare that will be charged to the passenger.

4. A transportation network company may accept payment of a fare only electronically. A transportation network company or a driver shall not solicit or accept cash as payment of a fare.

5. A transportation network company shall not impose any additional charge for a driver who provides transportation services to a person with a physical disability because of the disability.

6. The Authority may adopt regulations establishing a maximum fare that may be charged during an emergency, as defined in NRS 414.0345.

Sec. 31. 1. A transportation network company shall not allow a driver to be connected to potential passengers using the digital network or software application service of the company if the motor vehicle operated by the driver to provide transportation services:

(a) Is not in compliance with all federal, state and local laws concerning the operation and maintenance of the motor vehicle.

(b) Has less than four doors.

(c) Is designed to carry more than eight passengers, including the driver.

(d) Is a farm tractor, mobile home, recreational vehicle, semitractor, semitrailer, trailer, bus, motorcycle or tow car.

2. A transportation network company shall inspect or cause to be inspected every motor vehicle used by a driver to provide transportation services before allowing the driver to use the motor vehicle to provide transportation services and not less than once each year thereafter.

3. The inspection required by subsection 2 must include, without limitation, an inspection of the foot and emergency brakes, steering, windshield, rear window, other glass, windshield wipers, headlights, tail lights, turn indicator lights, braking lights, front seat adjustment mechanism, doors, horn, speedometer, bumpers, muffler, exhaust, tires, rear

view mirrors and safety belts of the vehicle which ensures the proper functioning of each component.

Sec. 32. 1. A transportation network company shall adopt a policy which prohibits discrimination against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

2. A driver shall not discriminate against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

3. A transportation network company shall provide to each passenger an opportunity to indicate whether the passenger requires transportation in a motor vehicle that is wheelchair accessible. If the company cannot provide the passenger with transportation services in a motor vehicle that is wheelchair accessible, the company must direct the passenger to an alternative provider or means of transportation that is wheelchair accessible, if available.

Sec. 33. For each instance in which a driver provides transportation services to a passenger, the transportation network company which connected the passenger to the driver shall provide to the passenger, before the passenger enters the motor vehicle of a driver, a photograph of the driver who will provide the transportation services and the license plate number of the motor vehicle operated by the driver. The information required by this section must be provided to the passenger:

1. On an Internet website maintained by the company; or

2. Within the digital network or software application service of the company.

Sec. 34. A transportation network company which connected a passenger to a driver shall, within a reasonable period following the provision of transportation services by the driver to the passenger, transmit to the passenger an electronic receipt, which must include, without limitation:

1. A description of the point of origin and the destination of the transportation services;

2. The total time for which transportation services were provided;

3. The total distance traveled; and

4. An itemization of the fare, if any, charged for the transportation services.

Sec. 35. A transportation network company may enter into a contract with any agency of the Department of Health and Human Services to provide assistance in transportation pursuant to the programs administered by the agency.

Sec. 36. 1. A transportation network company shall maintain the following records relating to the business of the company for a period of at least 3 years after the date on which the record is created:

(a) Trip records;

(b) Driver records and vehicle inspection records;

(c) Records of each complaint and the resolution of each complaint; and

(d) Records of each accident or other incident that involved a driver and was reported to the transportation network company.

2. Each transportation network company shall make its records available for inspection by the Authority upon request and only as necessary for the Authority to investigate complaints. This subsection does not require a company to make any proprietary information available to the Authority. Any records provided to the Authority are confidential and must not be disclosed other than to employees of the Authority.

Sec. 37. 1. Each transportation network company shall:

(a) Keep uniform and detailed accounts of all business transacted in this State and provide such accounts to the Authority upon request;

(b) On or before May 15 of each year, provide an annual report to the Authority regarding all business conducted by the company in this State during the preceding calendar year; and

(c) Provide the information determined by the Authority to be necessary to verify the collection of money owed to the State.

2. The Authority shall adopt regulations setting forth the form and contents of the information required to be provided pursuant to subsection 1.

3. If the Authority determines that a transportation network company has failed to include information in its accounts or report required pursuant to subsection 1, the Authority shall notify the company to provide such information. A company which receives a notice pursuant to this subsection shall provide the specified information within 15 days after receipt of such a notice.

4. All information required to be provided pursuant to this section must be signed by an officer or agent of, or other person authorized by, the transportation network company under oath.

Sec. 38. 1. A driver shall not solicit or accept a passenger or provide transportation services to any person unless the person has arranged for the transportation services through the digital network or software application service of the transportation network company.

2. With respect to a passenger's destination, a driver shall not:

(a) Deceive or attempt to deceive any passenger who rides or desires to ride in the driver's motor vehicle.

(b) Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

(c) Take a longer route to the passenger's destination than is necessary, unless specifically requested to do so by the passenger.

(d) Fail to comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

3. A driver shall not, at the time the driver picks up a passenger, refuse or neglect to provide transportation services to any orderly passenger unless the driver can demonstrate to the satisfaction of the Authority that:

(a) The driver has good reason to fear for the driver's personal safety; or

(b) The driver is prohibited by law or regulation from carrying the person requesting transportation services.

Sec. 39. 1. A driver is prohibited from consuming, using or being under the influence of any intoxicating liquor or controlled substance during any period in which the driver is providing transportation services on behalf of the transportation network company and any period in which the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not providing transportation services.

2. Each transportation network company shall:

(a) Provide notice of the provisions of subsection 1:

(1) On an Internet website maintained by the company; or

(2) Within the digital network or software application service of the company; and

(b) Provide for the submission to the company of a complaint by a passenger who reasonably believes that a driver is operating a motor vehicle in violation of the provisions of subsection 1.

3. Upon receipt of a complaint submitted by a passenger who reasonably believes that a driver is operating a motor vehicle in violation of the provisions of subsection 1, a transportation network company shall immediately suspend the access of the driver to the digital network or software application service of the company and conduct an investigation of the complaint. The company shall not allow the driver to access the digital network or software application service of the company or provide transportation services in affiliation with the company until after the investigation is concluded.

4. If a transportation network company determines, pursuant to an investigation conducted pursuant to subsection 3, that a driver has violated the provisions of subsection 1, the company shall terminate the agreement entered into with the driver and shall not allow the driver to access the digital network or software application service of the company.

5. Each transportation network company shall maintain a record of each complaint described in subsection 3 and received by the company for a period of not less than 3 years after the date on which the complaint is received. The record must include, without limitation, the name of the driver, the date on which the complaint was received, a summary of the investigation conducted by the company and the results of the investigation.

Sec. 40. 1. Except as otherwise provided in this section, a transportation network company shall not disclose to any person the personally identifiable information of a passenger who received services from the company unless:

(a) The disclosure is otherwise required by law;

(b) The company determines that disclosure is required to protect or defend the terms of use of the services or to investigate violations of those terms of use; or

(c) The passenger consents to the disclosure.

2. A transportation network company may disclose to a driver the name and telephone number of a passenger for the purposes of facilitating correct identification of the passenger and facilitating communication between the driver and the passenger.

Sec. 41. Each transportation network company shall:

1. Provide notice of the contact information of the Authority on an Internet website maintained by the company or within the digital network or software application service of the company; and

2. Create a system to receive and address complaints from consumers which is available during normal business hours in this State.

Sec. 42. 1. If the Authority determines that a transportation network company or driver has violated the terms of a permit issued pursuant to this chapter or any provision of this chapter or any regulations adopted pursuant thereto, the Authority may, depending on whether the violation was committed by the company, the driver, or both:

(a) If the Authority determines that the violation is willful and endangers public safety, suspend or revoke the permit issued to the transportation network company;

(b) If the Authority determines that the violation is willful and endangers public safety, impose against the transportation network company an administrative fine in an amount not to exceed $100,000 per violation;

(c) Prohibit a person from operating as a driver; or

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

2. To determine the amount of an administrative fine imposed pursuant to paragraph (b) or (d) of subsection 1, the Authority shall consider:

(a) The size of the transportation network company;

(b) The severity of the violation;

(c) Any good faith efforts by the transportation network company to remedy the violation;

(d) The history of previous violations by the transportation network company; and

(e) Any other factor that the Authority determines to be relevant.

3. Notwithstanding the provisions of NRS 193.170, a person who violates any provision of this chapter is not subject to any criminal penalty for such a violation.

Sec. 43. 1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.

2. A transportation network company which holds a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an

agreement with such a company and a vehicle operated by such a driver are exempt from:

(a) The provisions of chapter 704 relating to public utilities; and

(b) The provisions of chapter 706 of NRS,

to the extent that the services provided by the company or driver are within the scope of the permit.

Sec. 44. 1. Except as otherwise provided in subsection 2, a local governmental entity shall not:

(a) Impose any tax or fee on a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an agreement with such a company or a vehicle operated by such a driver or for transportation services provided by such a driver.

(b) Require a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter to obtain from the local government any certificate, license or permit to operate within that scope or require a driver who has entered into an agreement with such a company to obtain from the local government any certificate, license or permit to provide transportation services.

(c) Impose any other requirement upon a transportation network company or a driver which is not of general applicability to all persons who operate a motor vehicle within the jurisdiction of the local government.

2. Nothing in this section:

(a) Prohibits a local governmental entity from requiring a transportation network company or driver to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.

(b) Prohibits an airport or its governing body from requiring a transportation network company or a driver to:

(1) Obtain a permit or certification to operate at the airport;

(2) Pay a fee to operate at the airport; or

(3) Comply with any other requirement to operate at the airport.

(c) Exempts a vehicle operated by a driver from any tax imposed pursuant to NRS 354.705, 371.043 or 371.045.

3. The provisions of this chapter do not exempt any person from the requirement to obtain a state business license issued pursuant to chapter 76 of NRS. A transportation network company shall notify each driver of the requirement to obtain a state business license issued pursuant to chapter 76 of NRS and the penalties for failing to obtain a state business license.

Sec. 45. 1. Each transportation network company shall provide to the Authority reports containing information relating to motor vehicle accidents involving drivers affiliated with the company which occurred in this State while the driver was providing transportation services or logged into the digital network or software application service of the company and available

to receive requests for transportation services. The reports required by this subsection must contain the information identified in subsection 2 and be submitted:

(a) For all accidents that occurred during the first 6 months that the company operates within this State, on or before the date 7 months after the company was issued a permit.

(b) For all accidents that occurred during the first 12 months that the company operates within this State, on or before the date 13 months after the company was issued a permit.

2. The reports submitted pursuant to subsection 1 must include, for the period of time specified in subsection 1:

(a) The number of motor vehicle accidents which occurred in this State involving such a driver;

(b) The highest, lowest and average amount paid for bodily injury or death to one or more persons that occurred as a result of such an accident; and

(c) The highest, lowest and average amount paid for damage to property that occurred as a result of such an accident.

3. The Authority shall collect the reports submitted by transportation network companies pursuant to subsection 1 and determine whether the limits of coverage required pursuant to section 11 of this act are sufficient. The Authority shall submit a report stating whether the limits of coverage required pursuant to section 11 of this act are sufficient and containing the information, in an aggregated format which does not reveal the identity of any person, submitted by transportation network companies pursuant to subsection 1 since the last report of the Authority pursuant to this subsection:

(a) To the Legislative Commission on or before December 1 of each odd-numbered year.

(b) To the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature on or before December 1 of each even-numbered year.

Sec. 46. The Authority shall adopt such regulations as are necessary to carry out the provisions of this chapter.

***Sec. 47.* Section 14 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 14. Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 15 to ~~[46,]~~ ***28,*** inclusive, of this act.

***Sec. 48.* Section 25 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 25. A person who desires to operate a transportation network company in this State must submit to the ~~[Commission]~~ ***Authority*** an application for the issuance of a permit to operate a transportation network company. The application must be in the form required by the

~~[Commission,]~~ ***Authority,*** must be accompanied by the fee required by section 27 of this act and must include such information as ~~[reasonably required by]~~ the ~~[Commission]~~ ***Authority,*** by regulation ~~[.]~~ ***, determines is necessary to prove the person meets the requirements of this chapter for the issuance of a permit.***

Sec. 49. **Section 26 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 26. 1. Upon receipt of a completed application and payment of the required fee and upon a determination by the ~~[Commission]~~ ***Authority*** that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the ~~[Commission]~~ ***Authority*** shall issue to the applicant within ~~[120]~~ ***30*** days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) Does not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by ~~[sections 15 to 46, inclusive, of]~~ this ~~[act.]~~ ***chapter.***

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to section 25 of this act and meets the requirements for the issuance of a permit.

Sec. 50. **Section 27 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 27. 1. The ~~[Commission]~~ ***Authority*** shall charge and collect a fee in an amount established by the ~~[Commission]~~ ***Authority*** by regulation from each applicant for a permit to operate a transportation network company in this State. The fee required by this subsection is not refundable. The ~~[Commission]~~ ***Authority*** shall not issue a permit to operate a transportation network company in this State unless the applicant has paid the fee required by this subsection.

2. For each year after the year in which the ~~[Commission]~~ ***Authority*** issues a permit to a transportation network company, the ~~[Commission]~~ ***Authority*** shall levy and collect an annual assessment from the transportation network company at a rate determined by the ~~[Commission]~~ ***Authority*** based on the gross operating revenue derived

from the intrastate operations of the transportation network company in this State.

3. The annual assessment levied and collected by the ~~[Commission]~~ ***Authority*** pursuant to subsection 2 must be used by the ~~[Commission]~~ ***Authority*** for the regulation of transportation network companies.

Sec. 51. **Section 28 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 28. 1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the use of a digital network or software application service of a transportation network company to connect a passenger to a driver for the purpose of providing transportation services at the rate of 3 percent of the total fare charged for transportation services, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The ~~[Commission]~~ ***Authority*** shall charge and collect from each transportation network company the excise tax imposed by this subsection.

2. The excise tax collected by the ~~[Commission]~~ ***Authority*** pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section 53 of this act.

Sec. 52. **Section 53 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 53. The State Treasurer shall deposit any money the State Treasurer receives from the ~~[Public Utilities Commission of]~~ Nevada ***Transportation Authority*** pursuant to ~~[section]~~ ***sections*** 28 ~~[of this act, the Authority pursuant to section]~~ ***and*** 51 of this act and the Taxicab Authority pursuant to section 52 of this act:

1. For the first $5,000,000 of the combined amount of such money received in each biennium, for credit to the State Highway Fund.

2. For any additional amount of such money received in each fiscal year, for credit to the State General Fund.

Sec. 53. **Section 58 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 58. 1. This section and sections ~~[2]~~ ***14, 15, 17, 18, 19, 25*** to ~~[50,]~~ ***28,*** inclusive, ***50, 53*** and ~~[53 to 57, inclusive,]~~ ***54*** of this act become effective upon passage and approval.

2. Sections 51 and 52 of this act become effective on the 90th day after the effective date described in subsection 1.

3. Section 1 of this act becomes effective on October 1, 2015.

Sec. 54. **1. Notwithstanding any regulation adopted by the Nevada Transportation Authority pursuant to sections 16 to 46, inclusive, of this act, a transportation network company, as defined in section 19 of this act, which is issued a permit by the Nevada Transportation Authority pursuant to section 27 of this act on or before July 1, 2017, may commence operations in this State immediately upon being issued a permit.**

2. Notwithstanding the effective date of any regulation adopted by the Nevada Transportation Authority pursuant to sections 16 to 46, inclusive, of this act on or before July 1, 2017, a transportation network company must not be required to comply with the provisions of the regulation until 30 days after the regulation is filed with the Secretary of State.

3. The Nevada Transportation Authority shall accept applications for a permit to operate a transportation network company within 30 days after the effective date of section 26 of this act.

4. Notwithstanding the provisions of section 27 of this act, the Nevada Transportation Authority shall not, before July 1, 2015, issue a permit to operate a transportation network company.

Sec. 55. **1. The Nevada Transportation Authority shall investigate and compare the efficacy, efficiency and effect on public safety of background checks performed pursuant to paragraph (b) of subsection 2 of section 29 of this act and background checks performed by submitting the fingerprints of a person by the Central Repository for Nevada Records of Criminal History to the Federal Bureau of Investigation for its report.**

2. The Nevada Transportation Authority shall, on or before the date 6 months after the effective date of this section, report the results of its investigation to the Legislative Commission.

Sec. 56. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

~~[Sec. 2.5.]~~ ***Sec. 57.*** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 58. **Sections 2 to 13, inclusive, 16, 20 to 24, inclusive, 29 to 49, inclusive, 55, 56 and 57 of Assembly Bill No. 175 of this session are hereby repealed.**

~~[Sec. 3.]~~ ***Sec. 59.*** **1.** This **section, sections 2 to 46, inclusive, 54, 55 and 56 of this** act ~~[becomes]~~ **become** effective **upon passage and approval.**

2. Sections 47 to 53, inclusive, and 58 of this act become effective upon passage and approval of Assembly Bill No. 175 of this session.

3. Sections 1 and 57 of this act become effective on January 1, 2016.

Assemblyman Wheeler moved that the Assembly concur in the Senate Amendment No. 965 to Assembly Bill No. 176.

Remarks by Assemblyman Wheeler, Trowbridge, Carlton, and Fiore.

ASSEMBLYMAN WHEELER:

Assembly Bill 176 requires the Regional Transportation Commission in a county whose population is 700,000 or more, currently Clark County, to establish and administer the Nevada Yellow Dot Program in coordination with each regional transportation commission in this state. The bill also requires the Regional Transportation Commission to disseminate information about the program to the public and to public safety agencies. The Commission is authorized to obtain grants or sponsorships for the program, and first responders are immune from civil liability for

damages as a result of any act or omission that they take related to an emergency in connection with the program.

The measure provides for the permitting by the Nevada Transportation Authority [NTA] of transportation network companies [TNCs] and the regulation by the NTA of the transportation services. The bill establishes certain requirements for drivers of TNCs, requires a background check of each driver, and establishes a requirement of insurance for the operation and maintenance of motor vehicles operated by the TNC drivers. A person is prohibited from doing business as a TNC unless the person holds a valid permit issued by the NTA. A permit issued by the NTA is not subject to the provisions of existing law governing motor carriers or public utilities. Further, a TNC may commence operations in this state immediately upon being issued a permit. The measure does not exempt any person from a requirement to obtain a state or local business license.

In addition, the bill does not permit an airport requiring a TNC or driver to obtain a permit or certification to operate at the airport, pay a fee to operate at the airport, or comply with any other requirement to operate at the airport. Each TNC must provide the NTA with reports about accidents involving any TNC driver. The NTA must collect these reports, determine whether the limits of insurance coverage required are sufficient, and report to the Director of the Legislative Counsel Bureau. The NTA must also investigate and report on and compare specific types of background checks to determine the effect on public safety and report the results to the Legislative Commission.

ASSEMBLYMAN TROWBRIDGE:

What this proposal provides is cheap competition against our long-standing and very successful system of transportation industry. This competition will be made by private taxis driven by nonprofessional drivers getting approximately $9 an hour, resulting in increased demand for our social services in the valley. It is clearly a race to the bottom in terms of quality of service and the quality of those who provide it. This obvious result will be a reduction in our transportation services for our tourists and a significant reduction in the earnings of our professional drivers. Lower earnings for drivers and lower-quality service for our lifeline—is this really what we want? Is this the best we want for Las Vegas? I would urge everyone to speak out loudly against this proposal as it is not in the best interest of our drivers or our tourists.

ASSEMBLYWOMAN CARLTON:

In the informational hearing that we had about this particular issue, since we have never really had jurisdiction over a bill that deals with this, I brought up concerns about background checks and fingerprinting, and I would like to ask the sponsor of the bill to address that issue. That was my line in the sand. As a waitress for over 15 years in Las Vegas, I had to be background checked and fingerprinted to serve eggs, Bloody Marys, coffee, and club sandwiches. I just want to know: Will those background checks and fingerprints be done?

ASSEMBLYMAN WHEELER:

As the author of the bill, the bill originally said you had to have a seatbelt on. I was not the author of this part of the bill. From what I understand, from what I have been able to read very quickly, I do not believe fingerprints are taken. There is a background check done on these drivers through the TNC.

ASSEMBLYWOMAN FIORE:

I have a question for my colleague in Assembly District 39. Are there taxes attached to this bill?

ASSEMBLYMAN WHEELER:

There are no taxes attached to this bill. Mr. Speaker, I am sorry. Something was just pointed out to me. While there are no taxes attached to this bill, they are still subject to business license fees.

Assemblymen Moore, Shelton, and Trowbridge requested a roll call vote.

YEAS—19.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Fiore, Flores, Joiner, Kirkpatrick, Moore, Munford, Neal, Ohrenschall, Shelton, Spiegel, Sprinkle, Swank, Thompson, Titus, Trowbridge, Woodbury—23.

Motion lost.

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 the following students, chaperones, and teachers from Cartwright Elementary School: Prince Davis, Aditya Dagar, Sydney Randall, Mary Pallett, Rachel Grant, Will Cox, Jayme Cajudoy, Anthony Bell, Garrett Cox, Juan Lopez, Carmine Aitala, Rachel Gehien, Karli Brooks, Cameron Green, Seth Klein, Ryan Walker, Kody Opipari, Arianna Himmelsbach, Janlyah Hunsaker, Bailey Kachinsky, Jessica Reimer, Emily Lee, Anahis Mora, Janelle Millan, Jimena Cervantes, Catherine Parise, Amberlee Cruz, Samantha Rodriguez, Cassidy Smith, Kaweihilani Takizawa, Skyler Blades, Tristaney Church, Valelia Ah You, Gina Vogt, Nicolai Sarkis, Juliano Saade, Joshua Manago, Jayda Tavares, Alexis Galvez, Gracie Weeks, Jessica Metz, Amber Martin, John Lynch, Christopher Juan, Erick Miller, Jordynn Armstrong, Kristen Poselero, Stephanie Robinson, Jessica Henderson, Marlon Melu, Bonnita Gallagher, Stacie Warnshoiz, Tonia Moniz, Patrick Moniz, Denise Miller, Tonya Simmons, Janelle Flores, Sahmaya Henderson, Alondra Vasquez, Collin Morville, Anthony Morris, Khol Nguyen, Destanee Henderson Hosley, Madison Canida, Madilynn Crispin, Gianna Craner, Ananya Dagar, Shelby Goetzelman, Brooks Evans, Meli'ala Moniz, Annila Perez, Ryan Brzozowski, Cain Mireles, Avery Thompson, Payce Weight, Alberto Chavez, and Joey Harper.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Geri McHam, Lori Teakle, Erin McHam, and Cindy Cutler.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Mayita Cocio and Rudy Cocio.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Seale.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Darlin Camacho.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Renee Plain.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Rose Fudenberg.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Walter M. Nowosad.

Assemblyman Paul Anderson moved that the Assembly adjourn until Tuesday, May 26, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:03 a.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly