

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), May 28, 2015

Assembly called to order at 1:34 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Our heavenly Father, as this body approaches deadlines and this legislative session winds down, stress and pressure increase. We may feel like the Apostle Paul who wrote, "We are hard pressed on every side, but not crushed; perplexed, but not in despair; persecuted, but not abandoned; struck down, but not destroyed." Grant to these legislators inner strength and enable them to remain focused upon the work which must be completed. I pray in Jesus' Name.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Education, to which were referred Senate Bills Nos. 133, 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 291, 292, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 486; Senate Bill No. 511.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 128, 163, 269, 302, 321, 467, 497, 506, 508.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 845 to Senate Bill No. 6; Assembly Amendment No. 891 to Senate Bill No. 15; Assembly Amendment No. 741 to Senate Bill No. 58; Assembly Amendment No. 757 to Senate Bill No. 67; Assembly Amendments Nos. 756, 962 to Senate Bill No. 68; Assembly Amendment No. 807 to Senate Bill No. 110; Assembly Amendment No. 788 to Senate Bill No. 138; Assembly Amendment No. 846 to Senate Bill No. 148; Assembly Amendment No. 723 to Senate Bill No. 153; Assembly Amendment No. 853 to Senate Bill No. 160; Assembly Amendment No. 735 to Senate Bill No. 172; Assembly Amendment No. 759 to Senate Bill No. 194; Assembly Amendment No. 865 to Senate Bill No. 224; Assembly Amendment No. 724 to Senate Bill No. 233; Assembly Amendment No. 857 to Senate Bill No. 239; Assembly Amendment No. 758 to Senate Bill No. 250; Assembly Amendment No. 683 to Senate Bill No. 261; Assembly Amendment No. 858 to Senate Bill No. 262; Assembly Amendment No. 726 to Senate Bill No. 273; Assembly Amendment No. 787 to Senate Bill No. 305; Assembly Amendment No. 894 to Senate Bill No. 327; Assembly Amendment No. 750 to Senate Bill No. 330; Assembly Amendment No. 838 to Senate Bill No. 370; Assembly Amendment No. 887 to Senate Bill No. 404; Assembly Amendment No. 959 to Senate Bill No. 442; Assembly Amendments Nos. 866, 956 to Senate Bill No. 458; Assembly Amendment No. 738 to Senate Bill No. 477.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 941 to Senate Bill No. 168; Assembly Amendment No. 839 to Senate Bill No. 193; Assembly Amendment No. 824 to Senate Bill No. 340; Assembly Amendment No. 791 to Senate Bill No. 348; Assembly Amendment No. 861 to Senate Bill No. 444; Assembly Amendment No. 930 to Senate Bill No. 482.

SHERRY RODRIGUEZ

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hansen moved that Assembly Bill No. 487, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 197 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 488—AN ACT relating to statutes; making technical corrections to certain measures passed by the 78th Legislative Session; 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. 128.

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

Motion carried.

Senate Bill No. 163.

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

Motion carried.

Senate Bill No. 269.

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

Motion carried.

Senate Bill No. 302.

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

Motion carried.

Senate Bill No. 321.

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

Motion carried.

Senate Bill No. 467.

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

Motion carried.

Senate Bill No. 497.

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

Motion carried.

Senate Bill No. 506.

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

Motion carried.

Senate Bill No. 508.

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

Motion carried.

Senate Bill No. 511.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 60.

Bill read second time and ordered to third reading.

Senate Bill No. 89.

Bill read second time and ordered to third reading.

Senate Bill No. 230.

Bill read second time and ordered to third reading.

Senate Bill No. 332.

Bill read second time and ordered to third reading.

Senate Bill No. 374.

Bill read second time.

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

Amendment No. 981.

AN ACT relating to energy; revising provisions relating to certain energy conservation standards adopted by the Director of the Office of Energy and the governing body of a local government; providing that certain design professionals are not subject to disciplinary action for complying with certain energy conservation standards; providing that the adoption of certain energy conservation standards by the Director and the governing body of a local government shall not be deemed to prohibit the Director or governing body from approving and implementing certain energy efficiency programs; revising provisions relating to net metering systems; requiring electric utilities in this State to submit to the Public Utilities Commission of Nevada certain proposed tariffs pursuant to which an electric utility is required to offer net metering to certain customers of the electric utility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Office of Energy and the governing body of a local government to adopt certain standards for the conservation of energy in buildings. (NRS 701.220) **Section 1** of this bill prohibits the Director and a governing body from adopting certain standards mandating requirements for air changes per hour. **Sections 1, 3 and 4** of this bill provide that certain design professionals are not subject to disciplinary action by their respective licensing boards for complying with the energy conservation standards adopted by a governing body pursuant to **section 1**. **Section 1** further provides that the adoption of certain energy conservation standards by the Director and a governing body shall not be deemed to prohibit the Director or governing body from approving and implementing certain energy efficiency programs related to new residential construction.

Existing law requires electric utilities to offer net metering to the customer-generators operating within the service area of the utility until the cumulative capacity of all net metering systems operating in this State is equal to 3 percent of the total peak capacity of all electric utilities in this State. (NRS 704.773) **Section 2.95 of this bill revises the amount of cumulative capacity for which utilities are required to offer net metering in accordance with existing law. Section 2.3 of this bill requires each electric utility to offer net metering to customers who submit an application to the utility to install net metering systems ~~for or~~ after the date on which such revised cumulative capacity requirement is met in accordance with a tariff filed by the electric utility and approved by the Public Utilities Commission of Nevada. Section 2.3 sets forth the authority of the Commission relative to the approval of such tariffs. ~~It~~ and authorizes the Commission to determine whether and the extent to which any tariff is applicable to existing customer-generators. Section 4.5 of this bill requires each electric utility to submit to the Commission the proposed tariff required by section 2.3 not later than July 31, 2015, and requires the Commission to review and approve or disapprove each such proposed tariff not later than December 31, 2015. Section 4.5 provides that a tariff approved by the Commission cannot take effect until after the date on which the cumulative capacity requirement prescribed by section 2.95 is met. Section 4.5 also requires an electric utility, in the event that the Commission does not approve a tariff on or before December 31, 2015, to offer net metering to customer-generators in accordance with applicable provisions of law as such provisions existed before the effective date of this bill for the period beginning January 1, 2016, and ending on the date on which the Commission approves a tariff, unless a court has issued an order staying or prohibiting the enforcement or issuance of a written order or tariff approved by the Commission.**

Existing law prohibits an electric utility from making changes in any schedule or imposing any rate on residential customers which is based on the time of day, day of the week or time of year during which the electricity is used or which otherwise varies based upon the time during which the

electricity is used. (NRS 704.085) **Section 2.5** of this bill provides that this prohibition does not apply to residential customers who are users of net metering systems.

Existing law requires each electric utility to submit to the Commission every 3 years a plan to increase the utility's supply of electricity or decrease the demands made on its system by its customers. Existing law provides that the plan must include certain components, including: (1) an energy efficiency program for residential customers; and (2) a comparison of a diverse set of scenarios to address issues relating to customer demand, which must include at least one scenario of low carbon intensity. (NRS 704.741) **Section 2.7** of this bill requires that the scenario of low carbon intensity must include the deployment of distributed generation. Additionally, **section 2.7** requires that the plan include an analysis of the effects of net metering on the reliability of the distribution system of the electric utility and the costs to the electric utility to provide electric service to all customers.

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

Section 1. NRS 701.220 is hereby amended to read as follows:

701.220 1. The Director shall adopt regulations for the conservation of energy in buildings, including manufactured homes. ~~{Such}~~ ***Except as otherwise provided in subsection 5, such*** regulations must include the adoption of the most recent version of the International Energy Conservation Code, issued by the International Code Council, and any amendments to the Code that will not materially lessen the effective energy savings requirements of the Code and are deemed necessary to support effective compliance and enforcement of the Code, and must establish the minimum standards for:

- (a) The construction of floors, walls, ceilings and roofs;
- (b) The equipment and systems for heating, ventilation and air-conditioning;
- (c) Electrical equipment and systems;
- (d) Insulation; and
- (e) Other factors which affect the use of energy in a building.

➔ The regulations must provide for the adoption of the most recent version of the International Energy Conservation Code, and any amendments thereto, every third year.

2. The Director may exempt a building from a standard if the Director determines that application of the standard to the building would not accomplish the purpose of the regulations.

3. The regulations must authorize allowances in design and construction for sources of renewable energy used to supply all or a part of the energy required in a building.

4. The standards adopted by the Director are the minimum standards for the conservation of energy and energy efficiency in buildings in this State. The

governing body of a local government that is authorized by law to adopt and enforce a building code:

(a) Except as otherwise provided in paragraph (b), shall incorporate the standards adopted by the Director in its building code;

(b) ~~May~~ **Except as otherwise provided in subsection 5, may** adopt higher or more stringent standards and must report any such higher or more stringent standards, along with supporting documents, to the Director; and

(c) Shall enforce the standards adopted.

5. ***The Director or the governing body of a local government shall not adopt a standard ~~for code~~ which mandates a requirement for air changes per hour that is outside the following ranges:***

(a) ***Less than 4 1/2 or more than 7 air changes per hour for an attached residence or any residence for which fire sprinklers are installed; or***

(b) ***Less than 4 or more than 7 air changes per hour for any residence other than a residence described in paragraph (a).***

6. ***A design professional who complies with the standards adopted by the Director or the governing body of a local government pursuant to this section is not subject to disciplinary action by the State Board of Architecture, Interior Design and Residential Design pursuant to paragraph (f) of subsection 1 of NRS 623.270 or the State Board of Professional Engineers and Land Surveyors pursuant to NRS 625.410.***

7. ***Nothing in this section shall be deemed to prohibit the Director or the governing body of a local government from approving and implementing a program for the purpose of increasing energy efficiency in new residential construction through the use of sample inspections.***

8. The Director shall solicit comments regarding the adoption of regulations pursuant to this section from:

(a) Persons in the business of constructing and selling homes;

(b) Contractors;

(c) Public utilities;

(d) Local building officials; and

(e) The general public,

➔ before adopting any regulations. The Director must conduct at least three hearings in different locations in the State, after giving 30 days' notice of each hearing, before the Director may adopt any regulations pursuant to this section.

9. ***As used in this section, "design professional" means a person who holds a professional license or certificate issued pursuant to chapter 623 or 625 of NRS.***

Sec. 2. (Deleted by amendment.)

Sec. 2.3. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ***Except as otherwise provided in subsection 3, each ~~electric~~ utility shall, in accordance with a tariff filed by the ~~electric~~ utility and approved by the Commission, offer net metering to customer-generators who ~~from or~~ submit applications to install net metering systems within its service territory***

after the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met. ~~It, install net metering systems within its service territory.~~

2. For the purposes of evaluating and approving any tariff filed with the Commission pursuant to subsection 1 and otherwise carrying out the provisions of this section, the Commission:

(a) May establish one or more rate classes for customer-generators.

(b) May establish terms and conditions for the participation by customer-generators in net metering, including, without limitation, limitations on enrollment in net metering which the Commission determines are appropriate to further the public interest.

(c) May close to new customer-generators a tariff filed pursuant to subsection 1 and approved by the Commission if the Commission determines that closing the tariff to new customer-generators is in the public interest.

(d) May authorize ~~for an electric~~ a utility to establish just and reasonable rates and charges to avoid, reduce or eliminate an unreasonable shifting of costs from customer-generators to other customers of the ~~electric~~ utility.

(e) Shall not approve a tariff filed pursuant to subsection 1 or authorize any rates or charges for net metering that unreasonably shift costs from customer-generators to other customers of the ~~electric~~ utility.

3. ~~{To avoid a significant disruption of the net metering market, the Commission may, in its discretion and without a hearing, approve a tariff submitted pursuant to subsection 1 subject to any requirements relating to adjustments which the Commission may impose. In approving a tariff pursuant to this subsection, the Commission may solicit comments from any interested parties and may substitute for any rates, terms or conditions contained in the tariff submitted by the electric utility such rates, terms and conditions as the Commission determines are just and reasonable.~~

~~4. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.~~ In approving any tariff submitted pursuant to subsection 1, the Commission shall determine whether and the extent to which any tariff approved or rates or charges authorized pursuant to this section are applicable to customer-generators who, on or before the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met, submitted a complete application to install a net metering system within the service territory of a utility.

Sec. 2.5. NRS 704.085 is hereby amended to read as follows:

704.085 1. ~~{An}~~ Except as otherwise provided in subsection 2, an electric utility shall not make changes in any schedule or impose any rate, and the Commission shall not approve any changes in any schedule or authorize the imposition of any rate by an electric utility, which requires a residential customer to purchase electric service at a rate which is based on the time of day, day of the week or time of year during which the electricity is used or which otherwise varies based upon the time during which the electricity is used, except that the Commission may approve such a change in a schedule or

authorize the imposition of such a rate if the approval or authorization is conditioned upon an election by a residential customer to purchase electric service at such a rate.

2. ***The provisions of subsection 1 do not apply to any changes in a schedule or rates imposed on a customer-generator.***

3. As used in this section ~~["electric"]~~ :

(a) ***"Customer-generator" has the meaning ascribed to it in NRS 704.768.***

(b) ***"Electric utility" has the meaning ascribed to it in NRS 704.187.***

Sec. 2.7. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before July 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission.

2. The Commission shall, by regulation:

(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility to:

(1) Forecast the future demands; and

(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; and

(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary.

3. The Commission shall require the utility to include in its plan:

(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources ~~["and"]~~

(b) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon intensity ~~[""]~~ ***that includes the deployment of distributed generation.***

(c) ***An analysis of the effects of the requirements of NRS 704.766 to 704.775, inclusive, and section 2.3 of this act on the reliability of the distribution system of the ~~["electric"]~~ utility and the costs to the ~~["electric"]~~ utility to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.***

4. The Commission shall require the utility to include in its plan a plan for construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility in meeting the portfolio standard established by NRS 704.7821.

5. As used in this section:

(a) "Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.

(b) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and

where transmission constrains the delivery of electricity from those resources to customers.

Sec. 2.8. NRS 704.766 is hereby amended to read as follows:

704.766 It is hereby declared to be the purpose and policy of the Legislature in enacting NRS 704.766 to 704.775, inclusive, **and section 2.3 of this act** to:

1. Encourage private investment in renewable energy resources;
2. Stimulate the economic growth of this State;
3. Enhance the continued diversification of the energy resources used in this State; and
4. Streamline the process for customers of a utility to apply for and install net metering systems.

Sec. 2.9. NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS 704.766 to 704.775, inclusive, **and section 2.3 of this act**, unless the context otherwise requires, the words and terms defined in NRS 704.7675 to 704.772, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.95. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering ~~as set forth in~~ :

(a) In accordance with the provisions of this section, NRS 704.774 and 704.775, to the customer-generators operating within its service area until the date on which the cumulative capacity of all net metering systems ~~operating in this State is equal to 3 percent of the total peak capacity of~~ for which all utilities in this State ~~have accepted or approved completed applications for~~ net metering is equal to 235 megawatts.

(b) After the date on which the cumulative capacity requirement described in paragraph (a) is met, in accordance with a tariff filed by the utility and approved by the Commission pursuant to section 2.3 of this act.

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 25 kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Except as otherwise provided in subsection 5, shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 25 kilowatts, the utility:

(a) May require the customer-generator to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (c) and subsection 5, may charge the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.

(c) Shall not charge the customer-generator any standby charge.

➔ At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by this subsection to pay the entire cost of the installation or upgrade of the portion of the net metering system.

4. If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

➔ the net metering system ceases to be eligible to participate in net metering.

5. A utility shall assess against a customer-generator:

(a) If applicable, the universal energy charge imposed pursuant to NRS 702.160; ~~and~~

(b) Any charges imposed pursuant to chapter 701B of NRS or NRS 704.7827 or 704.785 which are assessed against other customers in the same rate class as the customer-generator ~~;~~ **and**

(c) The charges or rates, if any, which the Commission determines must be assessed against the customer-generator pursuant to any tariff submitted to and approved by the Commission pursuant to section 2.3 of this act.

➔ For any such charges calculated on the basis of a kilowatt-hour rate, the customer-generator must only be charged with respect to kilowatt-hours of energy delivered by the utility to the customer-generator.

6. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➔ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive ~~1.4~~, **and section 2.3 of this act.**

Sec. 3. NRS 623.270 is hereby amended to read as follows:

623.270 1. ~~{The}~~ ***Except as otherwise provided in subsection 6 of NRS 701.220, the*** Board may place the holder of any certificate of registration issued pursuant to the provisions of this chapter on probation, publicly reprimand the holder of the certificate, impose a fine of not more than \$10,000 against him or her, suspend or revoke his or her license, impose the costs of investigation and prosecution upon him or her or take any combination of these disciplinary actions for any of the following acts:

- (a) The certificate was obtained by fraud or concealment of a material fact.
- (b) The holder of the certificate has been found guilty by the Board or found guilty or guilty but mentally ill by a court of justice of any fraud, deceit or concealment of a material fact in his or her professional practice, or has been convicted by a court of justice of a crime involving moral turpitude.
- (c) The holder of the certificate has been found guilty by the Board of incompetency, negligence or gross negligence in:
 - (1) The practice of architecture or residential design; or
 - (2) His or her practice as a registered interior designer.
- (d) The holder of a certificate has affixed his or her signature or seal to plans, drawings, specifications or other instruments of service which have not been prepared by the holder of the certificate or in his or her office, or under his or her responsible control, or has permitted the use of his or her name to assist any person who is not a registered architect, registered interior designer or residential designer to evade any provision of this chapter.
- (e) The holder of a certificate has aided or abetted any unauthorized person to practice:
 - (1) Architecture or residential design; or
 - (2) As a registered interior designer.
- (f) The holder of the certificate has violated any law, regulation or code of ethics pertaining to:
 - (1) The practice of architecture or residential design; or
 - (2) Practice as a registered interior designer.
- (g) The holder of a certificate has failed to comply with an order issued by the Board or has failed to cooperate with an investigation conducted by the Board.

2. The conditions for probation imposed pursuant to the provisions of subsection 1 may include, but are not limited to:

- (a) Restriction on the scope of professional practice.
- (b) Peer review.
- (c) Required education or counseling.
- (d) Payment of restitution to each person who suffered harm or loss.

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

4. The Board shall not privately reprimand the holder of any certificate of registration issued pursuant to this chapter.

5. As used in this section:

(a) "Gross negligence" means conduct which demonstrates a reckless disregard of the consequences affecting the life or property of another person.

(b) "Incompetency" means conduct which, in:

(1) The practice of architecture or residential design; or

(2) Practice as a registered interior designer,

↪ demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation.

(c) "Negligence" means a deviation from the normal standard of professional care exercised generally by other members in:

(1) The profession of architecture or residential design; or

(2) Practice as a registered interior designer.

Sec. 4. NRS 625.410 is hereby amended to read as follows:

625.410 ~~[The]~~ ***Except as otherwise provided in subsection 6 of NRS 701.220, the*** Board may take disciplinary action against a licensee, an applicant for licensure, an intern or an applicant for certification as an intern for:

1. The practice of any fraud or deceit in obtaining or attempting to obtain or renew a license or cheating on any examination required by this chapter.

2. Any gross negligence, incompetency or misconduct in the practice of professional engineering as a professional engineer or in the practice of land surveying as a professional land surveyor.

3. Aiding or abetting any person in the violation of any provision of this chapter or regulation adopted by the Board.

4. Conviction of or entry of a plea of nolo contendere to any crime an essential element of which is dishonesty or which is directly related to the practice of engineering or land surveying.

5. A violation of any provision of this chapter or regulation adopted by the Board.

6. Discipline by another state or territory, the District of Columbia, a foreign country, the Federal Government or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

7. Practicing after the license of the professional engineer or professional land surveyor has expired or has been suspended or revoked.

8. Failing to comply with an order issued by the Board.

9. Failing to provide requested information within 30 days after receipt of a request by the Board or its investigators concerning a complaint made to the Board.

Sec. 4.5. 1. Each ~~electric~~ utility shall, on or before July 31, 2015, file with the Public Utilities Commission of Nevada a tariff required by section 2.3 of this act and a cost-of-service study.

2. The tariff filed pursuant to subsection 1 must establish the terms and conditions for net metering service for customer-generators who **submit an application to the utility to** install net metering systems within the service territory of the ~~electric~~ utility ~~on or~~ after the date on which the ~~cumulative capacity requirement of subsection 1 of NRS 704.773 is met.~~ **tariff takes effect.** The terms and conditions of service must include, without limitation, the rates the ~~electric~~ utility must charge for providing electric service to customer-generators.

3. The rates included in the terms and conditions of service established pursuant to subsection 2 may include, without limitation:

(a) A basic service charge that reflects marginal fixed costs incurred by the ~~electric~~ utility to provide service to customer-generators;

(b) A demand charge that reflects the marginal demand costs incurred by the ~~electric~~ utility to provide service to customer-generators; and

(c) An energy charge that reflects the marginal energy costs incurred by the ~~electric~~ utility to provide service to customer-generators.

➔ The charges included pursuant to this subsection must adequately reflect the marginal costs of providing service to customer-generators.

4. The Public Utilities Commission of Nevada shall, in accordance with the provisions of section 2.3 of this act, conduct a review of each tariff filed by ~~an electric~~ a utility pursuant to subsection 1 and issue a written order approving or disapproving, in whole or in part, the proposed tariff not later than December 31, 2015. The Commission may make modifications to the tariff, including modifications to the rate design and the terms and conditions of net metering services to customer-generators. **A tariff approved pursuant to this section must not take effect until after the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met.**

5. **Except as otherwise provided in subsection 6, if for any reason the Commission does not approve a tariff as required by subsection 4 on or before December 31, 2015, and notwithstanding the amendatory provisions of this act to the contrary, for the period beginning January 1, 2016, and ending on the date on which the Commission approves a tariff pursuant to section 2.3 of this act, a utility shall offer net metering to customer-generators in a manner consistent with the provisions of NRS 704.773, 704.774 and 704.775 as those sections existed before the effective date of this act.**

6. **If a court of competent jurisdiction issues an order prohibiting the Commission from issuing a written order or approving a tariff as required by subsection 4, or staying or prohibiting the enforcement of a written order or tariff issued or approved pursuant thereto, an electric utility is not required to offer net metering after the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met until after the date on which the order of the court has been lifted.**

7. As used in this section:

(a) “Customer-generator” has the meaning ascribed to it in NRS 704.768.

(b) “Demand costs” means those costs associated with the maximum load requirement of a customer, such as kilowatt or kilo-volt amperes, and which are typically represented by the electric utility’s investment in generating units, transmission facilities and the distribution system.

~~(c) “Electric utility” has the meaning ascribed to it in NRS 704.187.~~

~~(d)~~ “Energy costs” means those costs associated with a customer’s requirement for a volume of energy, such as fuel and purchased power costs.

~~(e)~~ **(d)** “Fixed costs” means those investments and expenses that do not vary with output and which typically reflect the electric utility’s investment in back office systems, customer facilities, customer-related expenses and labor costs.

~~(f)~~ **(e)** “Net metering” has the meaning ascribed to it in NRS 704.769.

~~(g)~~ **(f)** “Net metering system” has the meaning ascribed to it in NRS 704.771.

(g) “Utility” has the meaning ascribed to it in NRS 704.772.

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 981 to Senate Bill 374 removes the requirement that the utility offer net metering to customer-generators until the cumulative capacity of all net metering systems operating in the state is equal to 3 percent of the total peak capacity of all utilities. Instead, the amendment requires the utility to offer net metering to customer-generators until the cumulative capacity of all net metering systems, for which all utilities in this state have accepted or approved completed applications for net metering, is equal to 235 megawatts. After the date on which the cumulative capacity requirement is met, the utility is required to offer net metering in accordance with a tariff filed by the utility pursuant to the bill and approved by the Public Utilities Commission of Nevada.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 414.

Bill read second time and ordered to third reading.

Assembly Bill No. 487.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 992.

ASSEMBLYMEN OSCARSON, WHEELER, WOODBURY, ARMSTRONG, EDWARDS; **DICKMAN, DOOLING, GARDNER, KIRNER, MOORE, O’NEILL, SEAMAN, SILBERKRAUS** ~~AND~~ **STEWART, TITUS AND TROWBRIDGE**

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.

Legislative Counsel's Digest:

Existing law generally makes it a gross misdemeanor to carry or possess certain weapons while on the property of the Nevada System of Higher Education, a private or public school or a child care facility, or while in a vehicle of a private or public school or a child care facility except in certain circumstances. (NRS 202.265) **Section 2** of this bill adds an exception so that a person who holds a permit to carry a concealed firearm is not prohibited from possessing a firearm capable of being concealed upon the person on the property of the Nevada System of Higher Education, a private or public school or a child care facility, if the firearm remains out of public view and if the firearm is: (1) inside a motor vehicle that is occupied or, if the motor vehicle is unoccupied, the motor vehicle is locked; or (2) stored in a locked container that is affixed securely to the motor vehicle.

Existing law also prohibits a person from carrying a concealed firearm while on the property of the Nevada System of Higher Education, a private or public school or a child care facility, unless the person holds a permit to carry a concealed firearm and has written permission from the president of a branch or facility of the System, the principal of the school or the person designated by the child care facility to give permission to carry or possess a weapon to carry the concealed firearm. (NRS 202.265, 202.3673) **Sections 2 and 3** of this bill authorize a person who holds such a permit to carry a concealed firearm while on the property of the System.

Existing law requires the Board of Regents of the University of Nevada to prescribe rules for the granting of permission to carry or possess a weapon on the property of the Nevada System of Higher Education. (NRS 396.110) **Section 4** of this bill provides that: (1) the rules prescribed by the Board must not require a person who is authorized to carry a concealed firearm to obtain permission to carry a concealed firearm; and (2) any rules prescribed by the Board before, on or after July 1, 2015, that require such a person to obtain such permission are void.

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

Section 1. NRS 62C.060 is hereby amended to read as follows:

62C.060 1. If a child is taken into custody for an unlawful act that involves the possession, use or threatened use of a firearm, the child must not be released before a detention hearing is held pursuant to NRS 62C.040.

2. At the detention hearing, the juvenile court shall, if the child was taken into custody for:

(a) Carrying or possessing a firearm while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility, order the child to:

- (1) Be evaluated by a qualified professional; and
- (2) Submit to a test to determine whether the child is using any controlled substance.

(b) Committing an unlawful act involving a firearm other than the act described in paragraph (a), determine whether to order the child to be evaluated by a qualified professional.

3. If the juvenile court orders the child to be evaluated by a qualified professional or to submit to a test to determine whether the child is using any controlled substance, the evaluation or the results from the test must be completed not later than 14 days after the detention hearing. Until the evaluation or the test is completed, the child must be:

- (a) Detained at a facility for the detention of children; or
- (b) Placed under a program of supervision in the home of the child that may include electronic surveillance of the child.

4. If a child is evaluated by a qualified professional pursuant to this section, the statements made by the child to the qualified professional during the evaluation and any evidence directly or indirectly derived from those statements may not be used for any purpose in a proceeding which is conducted to prove that the child committed a delinquent act or criminal offense. The provisions of this subsection do not prohibit the district attorney from proving that the child committed a delinquent act or criminal offense based upon evidence obtained from sources or by means that are independent of the statements made by the child to the qualified professional during the evaluation.

5. As used in this section, "child care facility" has the meaning ascribed to it in paragraph (a) of subsection ~~5~~ 6 of NRS 202.265.

Sec. 2. NRS 202.265 is hereby amended to read as follows:

202.265 1. Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education, a private or public school or **a** child care facility, or while in a vehicle of a private or public school or **a** child care facility:

- (a) An explosive or incendiary device;
- (b) A dirk, dagger or switchblade knife;
- (c) A nunchaku or trefoil;
- (d) A blackjack or billy club or metal knuckles;
- (e) A pistol, revolver or other firearm; or
- (f) Any device used to mark any part of a person with paint or any other substance.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of a weapon listed in subsection 1 **while** on the property of:

(a) ~~1A~~ **The Nevada System of Higher Education**, a private or public school or **a** child care facility by a:

- (1) Peace officer;
- (2) School security guard; or

(3) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.

(b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.

4. ***This section does not prohibit the possession of a firearm capable of being concealed upon the person by a person who is authorized to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, if:***

(a) The person is carrying upon his or her person a concealed firearm on the property of the Nevada System of Higher Education; or

(b) The motor vehicle that is or was being operated by the person or in which the person is or was a passenger is located on the property of the Nevada System of Higher Education, a private or public school or a child care facility, the firearm remains out of common observation, and the firearm is:

(1) Inside a motor vehicle, other than a school bus, that is:

(I) Occupied; or

(II) Unoccupied and locked; or

(2) Stored in a locked container that is affixed securely to a motor vehicle, other than a school bus.

5. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

~~5.1~~ 6. For the purposes of this section:

(a) “Child care facility” means any child care facility that is licensed pursuant to chapter 432A of NRS or licensed by a city or county.

(b) “Firearm” includes any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

(c) “Nunchaku” has the meaning ascribed to it in NRS 202.350.

(d) ***“School bus” has the meaning ascribed to it in NRS 484A.230.***

(e) “Switchblade knife” has the meaning ascribed to it in NRS 202.350.

~~{(e)}~~ (f) “Trefoil” has the meaning ascribed to it in NRS 202.350.

~~{(f)}~~ ***“Vehicle” has the meaning ascribed to “school bus” in NRS 484A.230.***

Sec. 3. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while the permittee is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while the permittee is on the premises of:

(a) A public building that is located on the property of a public school or a child care facility , ~~for the property of the Nevada System of Higher Education,~~ unless the permittee has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265.

If a public school or a child care facility is located on the property of the Nevada System of Higher Education, this paragraph must be construed to prohibit only the carrying of a concealed firearm in that portion of a public building and on that portion of the property of the Nevada System of Higher Education that is occupied by the public school or child care facility, assuming that the permittee has not obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265 from the principal of the public school or the person designated by the child care facility to give such permission.

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he or she is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which the judge presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he or she is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he or she is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he or she is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. As used in this section:

(a) “Child care facility” has the meaning ascribed to it in paragraph (a) of subsection ~~5~~ 6 of NRS 202.265. ***If only part of the building is occupied by a child care facility, the term means only that portion of the building which is so occupied.***

(b) “Public building” means any building or office space occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or

(2) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

↪ If only part of the building is occupied by an entity described in this ~~subsection~~ **paragraph**, the term means only that portion of the building which is so occupied.

Sec. 4. NRS 396.110 is hereby amended to read as follows:

396.110 1. The Board of Regents may prescribe rules for:

(a) Its own government; and

(b) The government of the System.

2. The Board of Regents shall prescribe rules for the granting of permission to carry or possess a weapon pursuant to NRS 202.265. ***The rules prescribed by the Board of Regents pursuant to this subsection must not require a person who is authorized to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, to obtain permission to carry a concealed firearm.***

3. Any rules prescribed by the Board of Regents pursuant to subsection 2 before, on or after July 1, 2015, that are inconsistent with the provisions of subsection 2 are void.

Sec. 5. The Board of Regents of the University of Nevada shall, on or before September 1, 2015, prescribe the rules for the granting of permission to carry or possess a weapon pursuant to NRS 202.265 required by subsection 2 of NRS 396.110, as amended by section 4 of this act.

Sec. 6. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment simply adds additional co-sponsors.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 203.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 203 adds to the list of permissible deductions from the governmental services fee the amount of any fee or charge that is imposed by a governmental entity and is paid by a short-term lessor of vehicles. The bill also provides an exemption from the governmental services fee for any passenger car leased by or on behalf of this state, its unincorporated agencies and instrumentalities, and any county, city, district, or other political subdivision of this state.

Finally, the bill replaces the term “passenger car” with the term “vehicle” to allow an employee of a short-term lessor who holds a limited license as a producer of insurance to solicit and sell insurance requested by a short-term lessee. Assembly Bill 203 becomes effective on July 1, 2015.

Roll call on Assembly Bill No. 203:

YEAS—42.

NAYS—None.

Assembly Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 221.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 919.

AN ACT relating to education; making various changes concerning policies governing data which includes information about pupils that is maintained by the Department of Education; requiring certain contracts that require disclosure of personally identifiable information concerning pupils to include provisions concerning the protection of such information; requiring the Department to adopt a data security plan for collecting, maintaining and transferring data concerning pupils; requiring the annual report of the state of public education to include certain information concerning the collection, maintenance and transfer of data concerning pupils; requiring certain entities to adopt policies concerning data which includes information concerning pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for an automated system of accountability information for the State of Nevada. (NRS 386.650) **Section 2** of this bill requires the Department of Education to establish, publish and make publicly available on its Internet website: (1) an index of data elements that the Department maintains or proposes to include in the automated system of accountability information for Nevada; (2) an explanation of the index of data elements that must include a description of each data element and the reason for collecting or proposing to collect such an element; and (3) the third-party service providers, organizations and agencies that have access to the data about individual pupils maintained by the Department in this system. **Section 2** also requires the Department to update this information at least once each biennium.

Existing law requires a public school to comply with federal law governing: (1) access to the education records of a pupil; (2) requesting an amendment or other change to the education records of a pupil; and (3) confidentiality of the education records of a pupil. (NRS 392.029) **Section 3** of this bill requires the Department to adopt any policies and procedures necessary to ensure the privacy of data about pupils which are consistent with relevant state and federal privacy laws. **Section 3** also requires the Department to review these policies and procedures at least once each biennium and revise them as necessary.

Section 4 of this bill requires any contract entered into by the Department, a school district, a charter school, a university school for profoundly gifted pupils or any public school that provides for the disclosure of data that includes any personally identifiable information of a pupil to include: (1) express provisions to protect the privacy and security of such information; **and** (2) ~~the prohibition on the use of such information for any purpose other than those required or specifically authorized by the contract;~~ (3) ~~a prohibition on selling the information and using the information to market products or services to pupils;~~ and (4) a penalty for intentional or grossly negligent noncompliance with the terms of the contract.

Section 5 of this bill requires the Department, in consultation with each school district, ~~and the [State Public Charter School Authority],~~ **sponsor of a charter school and the governing body of a university school for profoundly gifted pupils** to adopt a detailed plan to provide for the security of data that is collected, maintained and transferred by the Department. **Section 5** also requires the board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to carry out this plan.

Existing law requires the Department, in conjunction with the State Board of Education, to prepare an annual report of the state of public education in this State. (NRS 385.230) **Section 5** requires each school district, sponsor of a charter school and university school for profoundly gifted pupils to prepare and submit to the Department an annual report concerning any significant changes to the manner in which the school district, charter school or university school for profoundly gifted pupils collects, maintains or transfers data concerning pupils for inclusion in the annual report prepared by the Department. **Section 6** of this bill requires the annual report to include: (1) a description of any significant changes made to the collection, maintenance or transfer of data concerning pupils; and (2) any new data elements proposed for inclusion in the automated system of accountability information for Nevada.

Section 8 of this bill requires the board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to establish, publish and make publicly available an index **of categories** of data ~~elements~~ transferred to the automated system of accountability information for Nevada. **Section 8** also requires the board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to establish, publish and make publicly available a list of third-party service providers, organizations and agencies that have access to such information.

Section 9 of this bill requires the board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to adopt policies and procedures governing: (1) the use by teachers and other educational personnel of certain software; and (2) the manner in which data concerning pupils may be provided

to any person when the provision of such data is not expressly authorized by the board of trustees or the governing body, as applicable.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. *The Department shall establish, publish and make publicly available on its Internet website:*

(a) An index of the data elements that the Department maintains or proposes to include in the automated system of accountability information for Nevada established pursuant to NRS 386.650, including, without limitation:

(1) Data concerning individual pupils; and

(2) Aggregated data concerning pupils within a defined group.

(b) An explanation of the index of data elements established pursuant to paragraph (a), which must include, without limitation:

(1) A description of each data element concerning each individual pupil;

(2) The reason for collecting or proposing to collect each data element concerning each individual pupil; and

(3) The third-party service providers, organizations and agencies that have access to the data concerning individual pupils maintained by the Department in the automated system of accountability information for Nevada established pursuant to NRS 386.650.

2. At least once each biennium, the Department shall update the information described in subsection 1.

Sec. 3. 1. *The Department shall adopt any policies and procedures necessary to ensure the privacy of data concerning pupils which are consistent with relevant state and federal privacy laws, including, without limitation, the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto.*

2. At least once each biennium, the Department shall review and revise as necessary the policies and procedures described in subsection 1.

Sec. 4. 1. *Any contract entered into by the Department, a school district, a sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or ~~for~~ any public school, ~~including, without limitation, a charter school,~~ that provides for the disclosure of data that includes any personally identifiable information of a pupil must include, without limitation:*

(a) Provisions specifically to protect the privacy and security of the personally identifiable information; and

(b) ~~A prohibition on the use of the personally identifiable information for any purpose other than those required or specifically authorized by the terms of the contract;~~

~~—(c) A prohibition on selling the personally identifiable information and using the personally identifiable information to market products or services to pupils, except that information which includes only aggregated data concerning pupils may be used to demonstrate the effectiveness of the product or service; and~~

~~—(d) A penalty for intentional or grossly negligent noncompliance with the terms of the contract, including, without limitation, provisions for termination of the contract and for the payment of monetary damages for any breach of the terms of the contract.~~

2. As used in this section, “personally identifiable information” has the meaning ascribed to it in 34 C.F.R. § 99.3.

Sec. 5. 1. The Department, in consultation with each school district, ~~and the State Public Charter School Authority,~~ sponsor of each charter school and the governing body of a university school for profoundly gifted pupils shall adopt a detailed plan to provide for the security of any data concerning pupils that is collected, maintained and transferred by the Department.

2. The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall comply with and carry out the data security plan adopted by the Department pursuant to subsection 1.

3. Each school district, sponsor of a charter school and university school for profoundly gifted pupils shall prepare and submit to the Department an annual report concerning any significant changes to the manner in which the school district, charter school or university school for profoundly gifted pupils collects, maintains or transfers data concerning pupils for inclusion in the annual report prepared by the Department pursuant to NRS 385.230.

Sec. 6. NRS 385.230 is hereby amended to read as follows:

385.230 1. The Department shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385.3572;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.3593;

(e) *A description of any significant changes made to the collection, maintenance or transfer of data concerning pupils by the Department, a school district, a sponsor of a charter school or a university school for profoundly gifted pupils;*

(f) Any new data elements, including, without limitation, data about individual pupils and aggregated data about pupils within a defined group, proposed for inclusion in the automated system of accountability information for Nevada established pursuant to NRS 386.650;

(g) An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

~~[(f)]~~ **(h)** An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

~~[(g)]~~ **(i)** An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

~~[(h)]~~ **(j)** An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 386.650 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

~~[(i)]~~ **(k)** An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

~~[(j)]~~ **(l)** A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board; and

~~[(k)]~~ **(m)** A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report prepared pursuant to subsection 1 in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of the report prepared pursuant to subsection 1 to the Governor and to the Legislative Committee on Education.

Sec. 7. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall establish, publish and make publicly available:

1. An index of categories of data, ~~elements,~~ including, without limitation, data concerning individual pupils and aggregated data concerning pupils within a defined group transferred to the automated system of accountability information for Nevada established pursuant to NRS 386.650; and

2. A list of the third-party service providers, organizations and agencies that have access to data concerning individual pupils maintained by the Department in the automated system of accountability information for Nevada established pursuant to NRS 386.650.

Sec. 9. The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall adopt policies and procedures governing:

1. The use by teachers and other educational personnel of software offered to users free of charge for basic services, but that requires users to pay for any additional or premium proprietary features, functionality or virtual goods; and

2. The manner in which data concerning pupils may be provided to a person when the provision of such data is not expressly authorized by the board of trustees or governing body, as applicable.

Sec. 10. NRS 218E.625 is hereby amended to read as follows:

218E.625 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division. The Fiscal Analysts shall appoint to the Legislative Bureau of Educational Accountability and Program Evaluation a Chief and such other personnel as the Fiscal Analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.

2. The Bureau shall, as the Fiscal Analysts determine is necessary or at the request of the Committee:

(a) Collect and analyze data and issue written reports concerning:

(1) The effectiveness of the provisions of NRS 385.3455 to 385.3891, inclusive, **and section 2 of this act** in improving the accountability of the schools of this State;

(2) The statewide program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(3) The statewide program to educate persons with disabilities that is set forth in chapter 395 of NRS;

(4) The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to NRS 389.012; and

(5) Any program or legislative measure, the purpose of which is to reform the system of education within this State.

(b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this State. Such studies and analyses may be conducted:

- (1) As the Fiscal Analysts determine are necessary; or
- (2) At the request of the Legislature.

➔ This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies and analyses on behalf of the Bureau.

(c) On or before October 1 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the next regular session. The Bureau shall, on or before October 1 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the Legislative Commission and to the Legislative Committee on Education.

3. The Bureau may, pursuant to NRS 218F.620, require a school, a school district, the Nevada System of Higher Education or the Department of Education to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.

4. Except as otherwise provided in this subsection and NRS 239.0115, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Bureau may, at the discretion of the Chief and after submission to the Legislature or Legislative Commission, as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.

5. This section does not prohibit the Department of Education or the State Board of Education from conducting analyses, submitting reports or otherwise reviewing educational programs in this State.

Sec. 11. The provisions of section 4 of this act do not apply to any contract entered into before July 1, 2015, until extended or renewed.

Sec. 12. This act becomes effective on July 1, 2015.

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

This amendment does a number of things, but the key here is that this provides for certain contracts that involve personally identifiable data about pupils. The Department of Education and public school boards of trustees are required to include in a contract provisions that meet certain privacy and security requirements, including prohibiting the sale of personally identifiable information and providing corresponding penalties for noncompliance.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 388.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 972.

AN ACT relating to public employment; revising provisions governing certain leaves of absence for military duty for public officers and employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, public officers and employees who are active members of the National Guard or a reserve component of the Armed Forces of the United States are required to be relieved from their duties as a public officer or employee to serve under orders without loss of their regular compensation for a period of not more than 15 working days in a calendar year. In addition to these 15 working days of leave, such public officers and employees who are employed by the State of Nevada and whose work schedules include Saturday or Sunday are required to be relieved from their duties as a public officer or employee to serve under orders without loss of their regular compensation for an additional 24 working days in a calendar year. (NRS 281.145)

This bill changes the period during which a public officer or employee is eligible to take the specified number of days of leave of absence for military duty each year from a calendar year to a 12-month period selected by the officer's or employee's public employer. This bill requires: (1) the Personnel Commission within the Division of Human Resource Management of the Department of Administration to prescribe this 12-month period by regulation for each state agency; and (2) each political subdivision to prescribe this 12-month period for its agencies.

Under existing law, a public officer or employee who is on leave of absence for military duty receives his or her regular compensation and his or her military pay during that period of leave. With respect to a state officer or employee whose work schedule includes a Saturday or Sunday, this bill limits the officer's or employee's compensation for those additional 24 working days of leave as follows, for each hour during any such period of leave: (1) if the officer's or employee's military pay exceeds his or her regular compensation, the officer or employee receives only his or her military pay and not his or her regular compensation; or (2) if the officer's or employee's military pay does not exceed his or her regular compensation, the officer or employee receives his or her military pay and his or her regular compensation is reduced by an amount equal to his or her military pay. **This bill provides that for any hours in which an officer or employee receives such compensation, the officer or employee is not entitled to receive any additional compensation for which he or she would otherwise be eligible or use any paid or certain unpaid leave.** This bill also limits the use of the additional 24 working days of leave from service under any type of orders to only service under orders for training that is scheduled on a Saturday or Sunday.

Finally, this bill clarifies the terms "work schedule" and "working day" for purposes of accounting for officers' and employees' leave of absence for

military duty and clarifies that the leave must be accounted for on an hourly basis instead of a daily basis.

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

Section 1. NRS 281.145 is hereby amended to read as follows:

281.145 1. Except as otherwise provided in subsection 2, any public officer or employee of the State or any agency thereof, or of a political subdivision or an agency of a political subdivision, who is an active member of the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Air Force Reserve or the Nevada National Guard must be relieved from the officer's or employee's duties, upon the officer's or employee's request, to serve under orders ***including, without limitation, orders for training or deployment,*** without loss of the officer's or employee's regular compensation for a period of not more than ***the number of hours equivalent to 15*** working days in any ~~{1-calendar-year}~~ ***12-month period, as prescribed in subsection 3 or 4, as applicable.*** No such absence may be a part of the officer's or employee's annual vacation provided for by law.

2. ~~{Any}~~ ***In addition to the leave authorized pursuant to subsection 1, any*** public officer or employee of the State or any agency thereof whose work schedule includes Saturday or Sunday and who is an active member of the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Air Force Reserve or the Nevada National Guard must be relieved from the officer's or employee's duties, upon the officer's or employee's request, ~~{to serve under orders without loss of the officer's or employee's regular compensation}~~ for a period of not more than ~~{39}~~ ***the number of hours equivalent to 24*** working days in any ~~{1-calendar-year}~~ ***12-month period, as prescribed in subsection 3, to serve under orders for training that is scheduled on a Saturday or Sunday, including, without limitation, monthly and annual training.*** No such absence may be a part of the officer's or employee's annual vacation provided for by law. ***An officer or employee is not entitled to receive his or her regular compensation for any hours in a working day in which the officer or employee serves under orders for training pursuant to this subsection if his or her military pay for the service is equal to or exceeds his or her regular compensation for those hours. If the officer's or employee's military pay does not exceed his or her regular compensation for those hours, the officer or employee is entitled to receive, in addition to his or her military pay for those hours, the difference between the regular compensation that the officer or employee would have otherwise received as an officer or employee and his or her military pay for those hours. An officer or employee is not entitled to:***

(a) Receive any other compensation for which he or she would otherwise be eligible, including, without limitation, compensation pursuant to NRS 284.358; or

(b) Use any annual leave, compensatory time or other paid leave or any unpaid leave that is required as a result of statewide economic conditions, for any hours for which the officer or employee receives compensation pursuant to this subsection.

3. The Personnel Commission created by NRS 284.030 shall adopt regulations prescribing for each agency of the State the 12-month period during which an officer or employee of the agency is eligible to take the number of working days of leave set forth in subsections 1 and 2.

4. A political subdivision shall establish the 12-month period during which an officer or employee of an agency of the political subdivision or an agency thereof is eligible to take the number of working days of leave set forth in subsection 1.

5. As used in this section:

(a) “Work schedule” means the working days that an officer or employee is regularly assigned to work. The term does not include, without limitation, any temporary change in assigned working days unless the change becomes permanent.

(b) “Working day” means a period of work consisting of the number of hours that a public officer or employee is regularly scheduled to work. The term does not include, without limitation, overtime, or any time in which the officer or employee is on standby status or has been called back to work during his or her scheduled time off.

Sec. 2. This act becomes effective:

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

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

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 388, as amended, changes the period which a public officer or employee is eligible to take the specified number of days of leave of absence for military duties each year from a calendar year to a 12-month period selected by the officer’s or employee’s public employer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 389.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Assembly Bill 389 deems the client company of an employee leasing company to be the employer of the employees it leases for purposes of unemployment insurance. The measure also revises the definition of “employee leasing company,” allows such a company to submit consolidated financial statements for purposes of applying for a certificate of registration, and repeals provisions requiring an employee leasing company to maintain a physical presence in this state.

Roll call on Assembly Bill No. 389:

YEAS—41.

NAYS—Shelton.

Assembly Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 436.

Bill read third time.

Remarks by Assemblymen Kirkpatrick, Fiore, Seaman, Carlton, and Kirner.

ASSEMBLYWOMAN KIRKPATRICK:

Assembly Bill 436, as amended, repeals NRS [*Nevada Revised Statutes*] 284.177 and NRS 284.179, which provide for longevity payments to state employees. Assembly Bill 436, as amended, enacts recommendations included in the *Executive Budget* and is effective upon passage and approval.

It is very hard for many of us to have to vote to get rid of longevity pay, but it is even harder to vote for a budget to give our state employees something more. I urge the body to support this in hopes that we can pass something in the next five days and ensure that our state employees are taken care of as they should be.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Assembly Bill 436. Our state employees get hammered every session, and I would urge this body not to take away our state employees’ longevity pay and stand up for our state employees.

ASSEMBLYWOMAN SEAMAN:

I rise in opposition to Assembly Bill 436. Our state employees have been furloughed and have taken pay cuts. It is time to stand with our state workers. I will be a no on this.

ASSEMBLYWOMAN CARLTON:

Unfortunately, I rise in support of Assembly Bill 436. We have already taken the money out of the budget; now we are just getting rid of the NRS. It is time to move forward. I have been married to a state employee who worked in two different states in his career over 38 years. I know what it means. My daughter is a state employee. She is impacted by all the things we have talked about in this building. I genuinely do not want to do this, but there is a better path forward. If we can do COLAs [cost of living adjustments], if we can take care of folks—think about the senior employees who top out. Their merit pay is very small compared to what other folks get. If they get the percentages on the money they are making, we are going to be doing a much better thing for them in the long run.

To stand up and say protect state employees from folks who have made votes in this Chamber this session which have hurt working-class families that include state employees is very frustrating to me. I do not want to vote for this, but I am doing the right thing by these folks, and I am not playing politics with our state employees. I care about them, and this is the right thing to do.

ASSEMBLYMAN KIRNER:

I rise in support of Assembly Bill 436. I am not a state employee, but I have worked with state employees for 15 or 16 years. I am not comfortable eliminating this thing, but on the other hand, when I look at the balance, I am highly in favor of reestablishing people’s basic salaries,

eliminating the furloughs, and putting in a COLA where we can recognize all employees of the state. I do understand that there are senior people and that we would like to keep them in mind but, sir, I think we need to keep all our employees in mind and not just a small group of them.

Assemblymen Wheeler, Diaz, and Spiegel moved the previous question.

The question being the passage of Assembly Bill No. 436.

Roll call on Assembly Bill No. 436:

YEAS—23.

NAYS—Armstrong, Dickman, Dooling, Edwards, Ellison, Fiore, Hansen, Jones, Moore, Munford, Nelson, O'Neill, Seaman, Shelton, Silberkraus, Stewart, Titus, Trowbridge, Wheeler—19.

Assembly Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 2:09 p.m.

ASSEMBLY IN SESSION

At 2:10 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that the Assembly reconsider the action whereby Assembly Bill No. 436 was passed.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 436 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 438.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 438, as amended, appropriates \$255,815 from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources for costs related to employee retirement buyouts for eliminated positions within the Intergovernmental All-Risk Fire Management Program of the Division. The bill becomes effective upon passage and approval.

Roll call on Assembly Bill No. 438:

YEAS—41.

NAYS—Shelton.

Assembly Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 443.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 443, as amended, appropriates from the General Fund to the Legislative Counsel Bureau the sum of \$2,004,232, of which \$776,460 would be allocated for dues and registration expenditures and \$1,227,772 would be allocated for one-time building maintenance and information technology purchases. This becomes effective on July 1.

Roll call on Assembly Bill No. 443:

YEAS—42.

NAYS—None.

Assembly Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 466.

Bill read third time.

Remarks by Assemblymen Dickman, Elliot Anderson, and Paul Anderson.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 466 authorizes the Director of the Office of Energy to adopt regulations establishing a procedure by which an officer or employee of the state, to whom the Director makes a loan from the Renewable Energy Account, may enter into an agreement with the Director which provides for the repayment of the loan through payroll deductions.

Assembly Bill 466 further authorizes any officer of the state who disburses money in payment of salaries and wages of officers and employees of the state and the Legislative Fiscal Officer, in accordance with the agreement entered into between the Director and an officer or employee pursuant to this bill, to withhold certain amounts from the salary or wages of the officer or employee and pay the amounts withheld to the Director for credit to the Renewable Energy Account.

ASSEMBLYMAN ELLIOT ANDERSON:

I have a question for my colleague from Sparks. How will the distribution of money work?

ASSEMBLYWOMAN DICKMAN:

May I defer to the Chair of Ways and Means on that one?

ASSEMBLYMAN PAUL ANDERSON:

There are limited funds in the Renewable Energy Account, and distributions will be based on an application process. State employees would be able to apply for help with renewable energy at their homes.

Roll call on Assembly Bill No. 466:

YEAS—42.

NAYS—None.

Assembly Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 469.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Assembly Bill 469 separates out the budgeting process from the Department of Administration. As we all know—and we have seen particularly in recent days—the process of building a budget for the state is extraordinarily complex. This eliminates any conflict of interest, and I rise in support of the bill.

Roll call on Assembly Bill No. 469:

YEAS—35.

NAYS—Ellison, Fiore, Hansen, Jones, Moore, O'Neill, Titus—7.

Assembly Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 472.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Assembly Bill 472 eliminates reimbursement to a member of the Nevada National Guard from the Patriot Relief Account for premiums paid on a group life insurance policy pursuant to the provisions of Title 38, *United States Code* for veterans' benefits, commonly known as Servicemembers' Group Life Insurance. The bill also establishes a limit of \$1,000 per semester, quarter, or term, as applicable, on reimbursements to a member of the Nevada National Guard who is enrolled at an institution within the Nevada System of Higher Education for the cost of textbooks. Assembly Bill 472 becomes effective upon passage and approval.

Roll call on Assembly Bill No. 472:

YEAS—42.

NAYS—None.

Assembly Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 473.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 473 requires the Director of the Department of Conservation and Natural Resources to appoint two deputy directors, rather than one, and to assign each of their duties. Assembly Bill 473 becomes effective on July 1, 2015.

Roll call on Assembly Bill No. 473:

YEAS—31.

NAYS—Dickman, Dooling, Ellison, Fiore, Hansen, Jones, Moore, O'Neill, Shelton, Titus, Wheeler—11.

Assembly Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 474.

Bill read third time.

Remarks by Assemblymen Armstrong and Fiore.

ASSEMBLYMAN ARMSTRONG:

Assembly Bill 474, as amended, increases the per-unit fee paid by homeowners' associations to the Real Estate Administrator from a maximum of \$3 to a maximum of \$5 for actual costs of administering the Office of the Ombudsman within the Account for Common-Interest Communities.

ASSEMBLYWOMAN FIORE:

Assembly Bill 474 violates the tax pledge, and I am voting no.

Roll call on Assembly Bill No. 474:

YEAS—28.

NAYS—Dickman, Dooling, Ellison, Fiore, Gardner, Jones, Moore, Munford, Oscarson, Seaman, Shelton, Titus, Trowbridge, Wheeler—14.

Assembly Bill No. 474 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 482.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 482, as amended, requires the Director of the Department of Veterans' Services to prepare a report that provides an analysis of the funding of programs and services for veterans in the state. This bill requires the transmission of a digital copy of the report to each veteran in the state for whom the Department has an electronic mail address of record and the publication of the report on the Department's website.

In addition, the bill requires the Interagency Council on Veterans Affairs to develop and disseminate best practices, as well as foster the development and dissemination of research and policy for improving outcomes for veterans, members of the military, and their families through policy recommendations. Further, this bill requires the development and administration of a fellowship program, the cultivation of leadership opportunities for veterans, and the development and dissemination of models for outreach and engagement of veterans. Assembly Bill 482, as amended, becomes effective on July 1, 2015.

Roll call on Assembly Bill No. 482:

YEAS—41.

NAYS—Shelton.

Assembly Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 483, for the purposes of the program of performance pay and enhanced compensation established by the board of trustees pursuant to NRS [*Nevada Revised Statutes*] 391.168, requires the board of trustees of each school district to annually reserve for each fiscal

year a sum of money sufficient to provide an increase in base salaries, not to exceed 10 percent, for not less than 5 percent of the teachers and administrators employed by the school district. The bill requires the initial increase of salaries be effective for the 2016-2017 school year.

Additionally, this measure eliminates the requirement that the program of performance pay and enhanced compensation be subject to collective bargaining and requires that consideration be given to implementation of the program in the lowest-rated schools rated as underperforming pursuant to the statewide system of accountability for public schools. Assembly Bill 483 becomes effective on January 1, 2016.

Roll call on Assembly Bill No. 483:

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. 483 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 484.

Bill read third time.

Remarks by Assemblymen Hickey, Fiore, Kirkpatrick, Wheeler, Edwards, and Carlton.

ASSEMBLYMAN HICKEY:

Assembly Bill 484, as amended, revises Chapter 482 of the *Nevada Revised Statutes* to require the Department of Motor Vehicles to reissue a license plate or plates issued by the Department every eight years. Assembly Bill 484, as amended, allows for the reissuance of a license plate for a trailer with a three-year registration period at the first renewal of registration that occurs after the existing license plate has been issued for eight years. Assembly Bill 484, as amended, requires the Department of Motor Vehicles, at the time when a license plate or plates are to be reissued, to include with the notification of registration renewal the amount of any fee to be charged for the reissuance of a license plate or plates.

Assembly Bill 484, as amended, is effective upon passage and approval for the purpose of issuing redesigned license plates and the fee paid for replacement of specialty license plates. Assembly Bill 484, as amended, is effective on July 1, 2015, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2016, for all other purposes.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Assembly Bill 484. This bill requires all license plates, whether they are in mint condition if we take great care of our cars, to be replaced. All trailer plates also must be replaced. Besides the fact that it is a violation of the tax pledge, I do not see any reason why this should be forced upon us, and I urge my colleagues to vote no.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Assembly Bill 484. This piece is part of our budget. I have many constituents who are waiting in lines at DMV [Department of Motor Vehicles] down south, and if this helps them get served in less than the three hours they are currently waiting, I am all about supporting that fee and doing my part for the state. We have seen many incidents where license plates are hard to read. I have one on my car; I have had it for ten years. I believe that whether or not it is part of your pledge, if you value your constituents sitting at the DMV for hours on end, I would hope you would realize that this is an important piece to make sure we can pay for those employees.

ASSEMBLYMAN WHEELER:

I rise in opposition to Assembly Bill 484. The DMV is already required to replace plates that are hard to read, bent, or destroyed in any way. I do not believe that an automatic eight-year renewal is consistent in saving the state money. Had this come to the Committee on Transportation, I do not think it would be on your desk right now.

ASSEMBLYMAN EDWARDS:

I rise in opposition to this bill for a simple reason: It actually increases the workload on DMV, and DMV is already overworked. They are spending hours after hours serving constituents down south. I think this would only increase their burden of work. On that account, I want to oppose it. I also think it will be an additional burden on those who keep their cars in the garage and their plates are fine for 10 years, 20 years—however long. I think it should be up to the individual. It is already covered in law, so I am going to need to oppose this one.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 484. A number of years ago, we changed the license plate division over to an enterprise fund. Therefore, it needs to support itself. They get to set the license plate fees by regulation. Yes, this one will go up but in the future, who knows what those numbers are going to be?

The second part of the issue is, we are changing over the materials we are using. A number of years ago, they went to the flat plate and all of us complained. We did not like it. We liked the embossed plate. It was much better. Well, guess what? The flat plate did not work. They are falling apart; things are flaking off of it, especially in southern Nevada. So we are going back to the better material, the embossed plate. This is a process by which we take the oldest plates that are in the state, we start replacing them so everyone will get new plates with the new materials. If another material comes out and it is a better material, we will be able to upgrade to that and make sure everyone has good plates on their cars.

Now, we have gone to an eight-year rolling on this. It is going to take 24 years to go all the way through to get everybody. It is going to take a long time to print all these plates. So, in order to ensure public safety, we make sure everyone has readable plates. No one is going to lose their plate. I want to make that perfectly clear. That was put on the record that if you have an old antique plate that belonged to your grandfather and it is that classic blue—which people will fight and die for in this state, I learned as a newer resident to this state when I asked about those plates—those will not be impacted. You get to keep that plate. We are not going to fight you for it. We are just going to reissue the new plates on the other ones. I do not believe this is a violation of the tax pledge. This is just paying your fair share for your license plate.

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

The question being the passage of Assembly Bill No. 484.

Roll call on Assembly Bill No. 484:

YEAS—26.

NAYS—Benitez-Thompson, Dickman, Dooling, Edwards, Ellison, Fiore, Gardner, Hansen, Jones, Moore, Nelson, Seaman, Shelton, Titus, Trowbridge, Wheeler—16.

Assembly Bill No. 484 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly reconsider the action whereby Assembly Bill No. 484 was refused passage.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 484 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 24.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Besides being a really great bill, Senate Bill 24 has a really long floor introduction. Let me tell you quickly: It makes several changes to provisions governing unemployment compensation. Specifically, the bill allows members of the Nevada National Guard and Nevada Air National Guard to use their military wages to establish an unemployment claim. It also allows the Employment Security Division [ESD] to provide employment and wage information to the Nevada System of Higher Education in order to facilitate tracking the effectiveness of state public education in meeting workforce needs.

The bill revises the manner in which certain claims of recipients' benefits for workers' compensation are compared against claims for unemployment benefits to determine whether any simultaneous claiming of benefits has occurred. It also revises the manner in which persons who receive certain disability benefits or rehabilitation services may elect a base period preceding the disability. It extends from five to ten years the period ESD may recover any overpayment of benefits. It includes as an act of fraud failure by a person to disclose at the time of filing for or receiving unemployment insurance benefits any disability compensation received by the person.

Roll call on Senate Bill No. 24:

YEAS—42.

NAYS—None.

Senate Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 170.

Bill read third time.

Remarks by Assemblymen Kirkpatrick, Ellison, and Armstrong.

ASSEMBLYWOMAN KIRKPATRICK:

Senate Bill 170 in its second reprint allows the Office of Economic Development to grant a partial abatement of personal property taxes or sales and use taxes for up to 20 years for qualified new and existing data centers and any colocated businesses within a qualified data center. If the data center and the colocated businesses meet certain requirements as set forth in the bill, the amount of property tax to be abated is limited to 75 percent of the personal property taxes imposed on property located at the data center. The amount of the sales and use tax abatement is equal to all sales and use taxes imposed in a political subdivision of the state except for the taxes imposed by the sales and use tax, which is 2 percent by the state.

Additionally, in Fiscal Year 2016, only the sales and use tax abatement may not include the local school support tax. Senate Bill 170 also requires provisions from existing abatements provided for data centers located in certain economic development areas pursuant to NRS [*Nevada Revised Statutes*] 274.310, NRS 274.320, and NRS 274.330, which were originally approved by the Legislature pursuant to Assembly Bill 1 of the 27th Special Session. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act, and on January 1, 2016, for all other purposes. The provisions of the bill providing the partial abatements to data centers and the colocated businesses in the data center expire by limitation on December 31, 2056.

There has been a lot of interest in this bill to ensure that we have Internet and highway use across the state, through all of our parks—rural, south, north—to ensure that we can bring data so we can be on the highway network. I believe that this is a much better piece of legislation with the amendments than it was when it was first introduced. I hope we have the support.

ASSEMBLYMAN ELLISON:

Just for clarification, if I may—does this bill also include existing businesses that are already in place, or is this only for new?

ASSEMBLYMAN ARMSTRONG:

This would apply to any current, existing data centers that are going to expand.

Roll call on Senate Bill No. 170:

YEAS—36.

NAYS—Dooling, Jones, Moore, Shelton, Titus, Trowbridge—6.

Senate Bill No. 170 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 253.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 253 provides that the guaranteed asset protection waivers are exempt from the provisions of the Nevada Insurance Code except for those provisions that give the Commissioner of Insurance the authority to regulate and conduct investigative hearings on violations of the law.

Roll call on Senate Bill No. 253:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Shelton, Spiegel, Sprinkle, Swank, Thompson—18.

Senate Bill No. 253 having received a constitutional majority, Mr. Speaker declared it passed.

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 2:47 p.m.

ASSEMBLY IN SESSION

At 2:56 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 391.

Bill read third time.

Remarks by Assemblymen Elliot Anderson, Hansen, Jones, Paul Anderson, Shelton, Wheeler, and Thompson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 391 requires the board of trustees of each school district and the governing body of each charter school to prepare a plan to improve the literacy of students enrolled in kindergarten through grade 3. The principal of each public elementary school must designate a learning strategist to train and assist teachers in providing intensive instruction to students identified as deficient in reading. Certain teachers are required to complete related professional development. This bill requires academic interventions for students enrolled in kindergarten through grade 3 who do not achieve adequate proficiency in reading.

This is a monumental change in education law that has been long sought and long supported by governors of both parties and was supported by members of both caucuses last session. This is a phenomenal policy; it will allow us to identify kids who need help, make sure they can read, and get them up to speed. The Department of Corrections actually forecasts its prison population based upon the level of reading proficiency at third grade. We can either spend the money now or we can spend it later. I prefer to be smart on crime and this bill is smart on crime. It will allow all of our kids to have a future because you cannot learn physics if you cannot read.

ASSEMBLYMAN HANSEN:

I rise in support of Senate Bill 391. My only concern is that it has a \$27 million cost. As we have not yet had a significant discussion in our own caucus and a decision-making process as to what our tax package should be and what the final budget numbers should be, while I am supportive of it, there is going to be a series of these bills coming up that I will probably have to reconsider in some respects. This bill is definitely wonderful; I think it is a great idea. There is a certain irony, though, because we are spending \$4.2 billion in a normal year in Nevada on K-12. Assuming you divide that by 13, we are spending roughly \$300 million a year on third grade, so there are some questions in my mind as to whether we are getting enough bang for our buck. Hopefully, this program, which I understand is modeled after Florida, will have the same sort of success they have had down there, which has been very, very good. So I do rise in support, but I am concerned about the lack of prudence in spending money when we have not yet come up with a decision as to what that tax package will be.

ASSEMBLYMAN JONES:

I regrettably must rise in opposition to Senate Bill 391. Although I support the purpose of this bill, I cannot support the new spending being approved at this time. The bill has a large fiscal impact, and although the members of the Committee on Ways and Means have supported the bill, they have neither sought nor received feedback from the majority of the Republican Caucus. I believe it is unacceptable that the Chair of Ways and Means and other committee members in the majority party would spend four months considering bills—

Assemblyman Paul Anderson rose to a point of order regarding the content of remarks.

Mr. Speaker ruled that there was improper content in remarks.

ASSEMBLYMAN PAUL ANDERSON:

Point of order: I do not think it is appropriate on the floor to impugn another chair or any of the other work that the chairs have done.

MR. SPEAKER:

Point is well taken. Mr. Jones please limit your comments strictly to the bill.

ASSEMBLYMAN JONES:

I believe the issue should have been debated during regular caucus meetings so that we could fully understand the impact, as our previous colleague from the north previously indicated, so we all know what the budget is going to be when we come together. Since this did not occur, I unfortunately must vote no.

ASSEMBLYWOMAN SHELTON:

Unfortunately, I am going to have to rise in opposition to Senate Bill 391. Like everyone in this Chamber, I value education, especially for our children. However, we have been working on

the reading program for several years now. This program is a little bit different in that we are now going to hold the children back if they are unable to meet certain requirements. However, it does have a huge price tag on this additional program, so I am going to have to be a no.

ASSEMBLYMAN WHEELER:

I rise in support of Senate Bill 391. We have all seen many programs this year to improve our education system that we will be considering and voting on. While I echo completely the comments of my colleague from Sparks, this is less than one half of 1 percent of what the Economic Forum said we will be receiving. This is the place where we actually need to start spending some of that money because, Mr. Speaker, this is the one program for which we have definitive proof that it works for our children. I will be voting yes, and I urge my colleagues to vote yes as well.

ASSEMBLYMAN THOMPSON:

I rise in support of Senate Bill 391. I would like to echo the sentiments of my colleague from District 15. This is an investment for our youth. I know we are talking about the price tag, but it is an investment for our community and for the state of Nevada. There is a term out there: “school-to-prison pipeline.” It is proven that the number of students who do not know how to read by third grade is equal to the number of prison spaces they are already looking to build. We have this opportunity. What I love about this bill is it is very bipartisan. Not all of us signed on, but it is very bipartisan. It makes sense. We need to do this for our children.

Assemblyman Stewart, Silberkraus, and Wheeler moved the previous question.

The question being the passage of Senate Bill No. 391.

Roll call on Senate Bill No. 391:

YEAS—38.

NAYS—Fiore, Jones, Moore, Shelton—4.

Senate Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 420.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Senate Bill 420, as amended, establishes a new General Counsel position as a member of the executive staff of the Public Employees’ Retirement System. This bill implements a decision in the Public Employees’ Retirement System budget, which includes the General Counsel position. Senate Bill 420 also allows the Public Employees’ Retirement Board to fix the initial salary for the position not to exceed the amount set forth in the budget of the Public Employees’ Retirement System that is approved by the Legislature for the 2015-2017 biennium.

Roll call on Senate Bill No. 420:

YEAS—42.

NAYS—None.

Senate Bill No. 420 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 422.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

During the 26th Special Session, the Legislature suspended the requirement that certain atypical and typical antipsychotic medications, anticonvulsant medications, and antidiabetic medications be excluded from the restrictions imposed on the list of preferred prescription drugs developed by the Department of Health and Human Services from July 1, 2010, to June 30, 2011. Senate Bill 97 of the 2011 Legislative Session extended the expiration of these provisions until June 30, 2015. Senate Bill 422, as amended, further extends the expiration of these provisions until June 30, 2017.

Roll call on Senate Bill No. 422:

YEAS—42.

NAYS—None.

Senate Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 431.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Senate Bill 431, as amended, authorizes the Supreme Court of Nevada to enter into a 25-year lease for office space in Clark County, extending beyond the 2016-2017 biennium. The total amount of money committed over the 25-year period, exclusive of operation and maintenance costs, must not exceed \$19,493,635. Senate Bill 431 also authorizes the Supreme Court of Nevada to execute any necessary amendments to effectuate the release of the court and the State of Nevada from any further liability to Clark County incurred by an existing lease agreement for office space for the court in the Regional Justice Center, which is owned by Clark County.

Roll call on Senate Bill No. 431:

YEAS—42.

NAYS—None.

Senate Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 456.

Bill read third time.

Remarks by Assemblymen Silberkraus, Kirkpatrick, and Wheeler.

ASSEMBLYMAN SILBERKRAUS:

Senate Bill 456 urges the Attorney General to take a leadership role in pursuing actions on behalf of the state and counties in formalizing and finalizing title to accessory roads and public roads. The bill authorizes the Attorney General to participate as a party in a quiet title action regarding such roads under certain circumstances and in cooperation with or on behalf of the county or counties in which these roads exist. In addition, the Attorney General, the Land Use Planning Advisory Council, and the Nevada Association of Counties must work together to develop and implement a legal protocol that a county may use to perfect its rights to and finalize title to accessory or public roads.

ASSEMBLYWOMAN KIRKPATRICK:

I have a question for my colleague from Assembly District 29. Because I came in late to the work session, I want to make sure that my question got clarified. Am I correct that this ensures that we put maps together so that people know which roads belong to the counties, the cities, and the federal government? Is that correct? Does it also allow the Attorney General to come in and enforce the maps if there is ever an instance where a road cannot be crossed?

ASSEMBLYMAN WHEELER:

In response to the Minority Leader's question: Yes.

Roll call on Senate Bill No. 456:

YEAS—41.

NAYS—None.

EXCUSED—Munford.

Senate Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 474.

Bill read third time.

Remarks by Assemblymen Diaz, Jones, Silberkraus, Hansen, Kirkpatrick, Benitez-Thompson, and Shelton.

ASSEMBLYWOMAN DIAZ:

Senate Bill 474 creates the Great Teaching and Leading Fund in the State General Fund to be administered by the Superintendent of Public Instruction. The State Board of Education must annually prescribe program priorities for which grants may be awarded from the fund, and certain public and private organizations are authorized to submit a grant application in response to the stated priorities. Grants must be used to provide professional development, preparation, and peer assistance and review for teachers, administrators, and other licensed education personnel; leadership training and development; and programs to recruit, select, and retain effective teachers and principals.

This bill also requires the Superintendent, to the extent funding is available, to contract for an independent evaluation of the effectiveness of the grants made from the fund and to report the results of the evaluation to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature or the Legislative Committee on Education.

The bill also creates the Advisory Task Force on Educator Professional Development to study certain issues relating to professional development of teachers, school administrators, and other educational personnel. The task force must, by December 31, 2016, submit a report of its findings and recommendations to the Governor, the State Board of Education, the Legislative Committee on Education, and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature. This bill is effective upon passage and approval.

ASSEMBLYMAN JONES:

Although I appreciate what this bill intends to do, I must again regrettably vote no. As a businessperson, I understand the importance of approving a budget in terms of how much you can spend before you just start spending money. Until we know how much we are going to spend, I do not believe it is prudent to continue to approve appropriations that could exceed \$7.3 billion. We have not decided yet, as a body, how much we are willing to spend—whether it be \$6.9 million, \$7 million, or \$7.5 million. So I do not believe it is prudent—

ASSEMBLYMAN SILBERKRAUS:

Point of order: Can we please stick to the bill?

ASSEMBLYMAN JONES:

Mr. Speaker, this has to do with the bill. It has an appropriation of \$16 million tied to it.

ASSEMBLYMAN SILBERKRAUS:

Then let us speak to the appropriation and not to all appropriations.

ASSEMBLYMAN HANSEN:

What my colleague from the south was saying is entirely appropriate, and it is inappropriate for us to keep interrupting people. The fact is, we are supposed to debate things on this floor. What we do in caucus actually defeats the original intent of this floor. We come here now, and we pretend we are showing the public our decision-making process when in reality all these decisions are being made behind closed doors in our caucuses. The idea that you would try to shut down one of our colleagues who is trying to make a point that you may not agree with is entirely inappropriate.

There have been many statements on this floor that do not tie directly to the bill at that moment but fit when you look at the broader context. So while we may disagree, I strongly deplore the idea that we are attempting to censor opinions that we do not like. That is what this floor is for, that is why the press is sitting there, and that is why all these people have an opportunity to listen. I strongly urge my colleagues to allow their fellow members a free and fair forum for their opinions in this body.

ASSEMBLYMAN JONES:

I thank you, my colleague from the north, for standing up for me. I appreciate that to allow the open and transparent speech that my other colleague from District 1 was talking about earlier.

As I was saying, just think of an instance where if you just told your wife, Go out and spend whatever you want. Then when it comes time to balance your budget at the end of the month, there is a surprise because your wife has spent much more—and I use the term “wife” because I am a male—your wife has spent much more than you had anticipated would be spent and you do not have the money to pay for it. What then do you do? It can create problems. Therefore, I believe we should be prudent representing our great state of Nevada, and we should know how much money we are willing to spend as a body before we start approving and continuing to approve appropriations.

In closing, I would like to state that it is not that I am opposed to what this particular bill is proposing, I am just opposed to this appropriation at this time.

ASSEMBLYWOMAN KIRKPATRICK:

Point of order: Based on what my colleague from Sparks said, does that mean that we entertain a motion on Rule No. 81 which would mean we quit calling for the question every time that we want to speak? If that is the direction that we are headed, at the next floor session I would like to have a two-thirds discussion about suspending Rule No. 81, which would no longer allow anyone to call for the question and we could have some real debate.

ASSEMBLYMAN HANSEN:

I agree with my colleague. I think we too often call the question. Because we have actually made these decisions behind closed doors, we all know how we are going to vote. I think it is important that the public have a little more opportunity to hear debate. I agree that when we called the question on a very controversial bill—she, in fact, had her light on and we called the question to shut down public debate. Admittedly, most of us have our minds made up after we have discussed these things behind closed doors in caucus. While I do not agree with suspending the rule because we do not want a filibuster through an endless process of discussion, I think we ought to be a little more prudent in the use of the calling of the question and allow people to have an opportunity to have a free and fair discussion and get their views on the record. Whether or not we agree with those views should be irrelevant.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Just a point of clarification on the point of order from my colleague from Assembly District 29: It was correct and in line with Mason’s Rules of Order regarding debate and decorum, No. 101, paragraph 5. It is out of line to refer in debate to a bill not yet reported out of committee. So when you refer to specific appropriations bills that have not been reported out of committee yet—he was correct in that point of order.

ASSEMBLYWOMAN SHELTON:

I am standing in opposition to the bill although it is not that I have anything against teachers. I just have a problem with passing bills when we already have something similar to them. It seems like we continue to make new programs that add one or two things to the bill, and I do not think that is the proper way to go. If there needs to be some adjustment to the original programs, maybe that is where we need to go. So, unfortunately, I will be another no on this one.

ASSEMBLYWOMAN DIAZ:

I rise in support of Senate Bill 474. As an educator myself, in the classroom, in the trenches, I know how important S.B. 474 is to our state. We are facing a huge teacher shortage; we cannot recruit teachers fast enough. We need to be growing our teachers and developing our teachers because we are going to need them to become administrators to replace those who retire, and the chain keeps on going. We know that good leaders, those administrators, are what create culture and what drive achievement. We need the very best that we can get in our school buildings all through our state in order to solve the embarrassment of where our state stands in terms of school performance. So if everybody in this body is super happy with where we are on that list, I say vote against this bill.

Roll call on Senate Bill No. 474:

YEAS—33.

NAYS—Dickman, Ellison, Fiore, Hansen, Jones, Moore, Seaman, Shelton, Titus—9.

Senate Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 500.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 500 eliminates the requirement that a facility for the treatment of abuse of alcohol or drugs needs to be certified by the Division of Public and Behavioral Health as a prerequisite to obtaining a license from the Division to operate the facility.

Roll call on Senate Bill No. 500:

YEAS—30.

NAYS—Dickman, Dooling, Ellison, Fiore, Gardner, Hansen, Jones, Moore, Nelson, O'Neill, Seaman, Titus—12.

Senate Bill No. 500 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 501.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 501 provides that the State Dental Health Officer and State Public Health Dental Hygienist may be contractors for the Division of Public and Behavioral Health. The measure requires the officer and the hygienist to work collaboratively with each other. The officer is required to seek certain information and advice from any dental education program in this state, including any such program of the Nevada System of Higher Education, as necessary to carry out the provisions of his or her duties.

Roll call on Senate Bill No. 501:

YEAS—42.

NAYS—None.

Senate Bill No. 501 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 503.

Bill read third time.

Remarks by Assemblymen Benitez-Thompson, Edwards, Jones, Seaman, Thompson, Fiore, Ellison, Joiner, Trowbridge, Kirkpatrick, Elliot Anderson, and Nelson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Senate Bill 503, as amended, expands Chapter 387 of *Nevada Revised Statutes* to require public schools with 70 percent or more of the enrolled pupils eligible for free or reduced-price lunches under the National School Lunch Act to provide breakfast to their pupils after an instructional day of school has officially begun. Senate Bill 503, as amended, requires the Department of Agriculture to distribute funding to eligible schools to assist with the implementation of these breakfast programs, utilizing General Fund appropriations of \$1 million in each year of the 2015-2017 biennium that are included in the *Executive Budget*.

Senate Bill 503, as amended, requires the Department of Agriculture to publish a list of public schools that meet the requirements for participation in the program and adopt regulations prescribing the manner in which these funds would be distributed. Senate Bill 503, as amended, requires funds to be distributed in sequential order starting with the public school with the highest percentage of enrolled pupils eligible for free or reduced-price lunches under the National School Lunch Act. Senate Bill 503, as amended, requires the Department of Agriculture to prepare and submit an annual report on the implementation and effectiveness of the program and submit the report to the Governor and the Director of the Legislative Counsel Bureau.

ASSEMBLYMAN EDWARDS:

Surprisingly, I am going to have to rise in opposition to the bill for the simple matter of fiscal responsibility. As I have learned about the program and I have learned about Ways and Means and where all these taxes are coming from, I have discovered that in this case, the funds for this program have already been collected through a tax upon the people. The funds have been made available to the district for exactly this purpose. I had it confirmed today by Clark County School District that the districts actually have these funds available within their grasp to expend for exactly this purpose and, therefore, as we try to limit the size of our budget, limit the amount of money we are going to have to tax our people, if the funds are there to be expended for this purpose, we should expend them and not have to raise more taxes on our folks. As a matter of fiscal responsibility, I have to rise in opposition to this, and I encourage you to do the same. I do not want to tax our people any more than they have already been taxed. In this case, they have already paid.

ASSEMBLYMAN JONES:

I, surprisingly, rise in concurrence with my friend from Assembly District 19 but do rise in opposition to the bill itself. Unfortunately, for the same reasons I discussed earlier, I do not feel it is appropriate to start a new program with new appropriations until we have determined how much we can spend.

ASSEMBLYWOMAN SEAMAN:

I also rise in opposition, dittoing my colleague from District 19. We should not create a duplicative nutritional program that is already available, so I will be voting no.

ASSEMBLYMAN THOMPSON:

I rise in support of Senate Bill 503. First of all, I want to let our colleagues know that this is about public policy. This is an evidence-based criteria that we are looking at. I did some research from the Food Research and Action Center, and it states that in the 2013-2014 school year, there were 88,657 schools that participated in such a program. It goes on to say that students who eat breakfast prior to testing do better; they do better in math; they do better in reading. All the evidence is there. This was initially piloted a year before I was born in 1966, so there is a lot of data that shows that this works. I strongly urge this body to support Senate Bill 503.

ASSEMBLYWOMAN FIORE:

I am sorry, but I cannot pass up this opportunity to let you know I am in agreement with my colleague from Assembly District 19 and I oppose Senate Bill 503.

ASSEMBLYMAN ELLISON:

I would like to get some clarification. I know that these programs exist right now in the state of Nevada. They have this program in the districts that I live in. For the amount of money that we are discussing to be appropriated for this, are there other programs being funded out of this? I found out from my colleague some of it is going to be for advertising and maybe for equipment. Can we get clarification on where this money will go?

ASSEMBLYWOMAN BENITEZ-THOMPSON:

For clarification, it is going to support the programs that are part of an authorized national school lunch program. That program may include equipment in order to provide the meals. When you are providing the meals in the morning, if it is a cold item such as milk, you might need a refrigerator to keep that milk cold. The General Fund cost of \$1 million per year in the biennium budget will be used to better leverage federal dollars. So it is a little bit of a contribution to give a lot more back to our kiddos.

ASSEMBLYMAN ELLISON:

Are all our schools equipped with cafeterias?

ASSEMBLYWOMAN BENITEZ-THOMPSON:

For the record, yes.

ASSEMBLYWOMAN JOINER:

I rise in support of this measure. I am extremely excited for this measure to be here today. I think it is a long time coming. Those of us who remember past sessions know that we have been working on this issue for a long time. We are at a crisis level in the state of Nevada. We know that we have children who are hungry. There has been a lot of progress made in the last year; there is now an Office of Food Security and a Governor's Council on Food Security. To me, this program is key to furthering and progressing the attack on food security issues here in our state. We need to do it for our low-income children, and I urge support.

ASSEMBLYMAN TROWBRIDGE:

I stand in opposition to this bill for different reasons. I certainly fully support feeding the children who are hungry. It is obvious that they are going to learn better with a full belly than they would when they are hungry. My opposition is because we are taking away time from the classroom. With more time out of the classroom, we can expect a corresponding decrease in test scores. Secondly, I have a constituent who worked her way through college as a waitress to become a teacher. She said these children simply do not tip.

ASSEMBLYMAN EDWARDS:

I want to make the distinction between what this bill is for and what it is not in this sense. This is for the equipment. This is for the freezers, the carts, the stuff that actually keeps the food where it needs to be in storage whether it is cold or not. This is not about feeding the children with the actual food. In Clark County, they have a budget of \$117 million a year. Sixty-three million dollars go to the purchase of the food. Forty million dollars go to pay for those who provide it. There is \$14 million per year in Clark County alone in order to provide for refrigerators, for carts, and so on. If they have \$14 million now, I believe they have the funds available to provide the

freezers and the carts and so forth without having to have additional funds coming in from the state. So please keep in mind, this is about equipment, it is not about food. It is about storage. It is not about whether the kids are going to be able to eat. They have these funds available to the tune of \$28 million over the next biennium. I just do not see why we, at the state level, need to add \$2 million more out of the pockets of our people.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Senate Bill 503. I have listened to a lot of the conversation that has gone on today, so I would like to speak under Order of Business 15. I will comply with all the rules on sticking to the bill. I do appreciate my colleague from Sparks not calling for the question so we can have some real debate on this because I am ready for it, and I think it is important.

This is about feeding children. This is about making sure we have things that are available. I have a colleague here from District 7, and in her district those kids do not necessarily have a cafeteria. You know why? Those schools were built in the 1950s. They have a room where they bring carts on a truck and they say, Here you go; here is your breakfast. Not all schools have cafeterias. They have a place where they can serve something. Any school that was built after 2000 probably does have a cafeteria for the simple reason that the health district and the federal government required it. They required that we do that.

I want to be clear about what this bill does. If anyone does not have the bill, I have them all on my desk, and I have extras if you would like them. This bill is not just about CCSD [Clark County School District]. This is about the entire state making an investment in our kids. If you are in Elko, those kids are hungry, too, and those schools probably need some additional equipment. I know for a fact there is a school in Douglas County with kids who participate in this program and it works well for them. I know there are several schools in Clark County. I do not care what district you live in; they are all across the board. There are schools in Summerlin, there are schools in Henderson, there are schools in North Las Vegas, and there are schools in Las Vegas. This is not about one district. This is about a program that goes across our state.

This is not a new bill, by the way. It came in 2009. The former Assemblywoman from District 29 introduced it and, unfortunately, it got vetoed at that time because we were not ready. But now we have an opportunity to leverage federal dollars. That has been our problem in this state for a very long time. We do not ever put any money in to get our dollar plus back. Then we cry as legislators and say we never get enough return on our investment for the dollars from the federal government. You have to match. That is what the grant says, that you have to match. You have to establish the program first in order to be able to even apply for the grant to get the match to get the money back to us.

Section 9, subsection 2 says this can be used for “Training school employees.” I definitely want to make sure, being in the food industry myself, that we have people serving who are following all the proper health regulations to ensure the food we serve to the kids is at the proper temperature. I bet not too many people in here know that the temperature has to be between 165 degrees and 185 degrees. That is required. That ensures those kids get something in their bellies that makes sense. We want to make sure that they get the right food at the right temperatures. So if it means that I am going to train some school employees who will make sure those kids eat, I am willing to spend that little bit of money.

The bill says the funds may be used for “Any additional costs of labor.” When we bring in more lunches and breakfasts because people are actually participating in the classroom, I am willing to do that. If it means additional costs for labor so that we can have a nutritionist, I am willing to do that. Currently, we have a program through UNR [University of Nevada, Reno] Cooperative Extension that has only one person because we are so dang cheap we will not fund them. Cooperative Extension picks one school, goes into the classroom throughout the year, and teaches them about nutrition. That is part of the curriculum of second grade—they have to know about nutrition no later than second grade. There is a whole piece of curriculum.

If we want to talk about why this matters, kindergarten, first grade, second, third, fourth, all the way through—every kid has to learn about nutrition. They have to learn about how their bodies work. That is part of the everyday job of a teacher. That is part of the science curriculum they are required to teach our kids. On the kindergarten level, you teach them about their hands, teach them about their feet, teach them about their throats, so they know what those body parts do. In

second grade, you get a little more in depth. You teach them about their esophagus. You teach them about what happens to the milk that goes into their tummies and why their tummies do not feel well. When they get into sixth grade, you dissect that food and tell them what happens when you add oranges, which is an acid, into your stomach that has a hole in it. This is part of everyday curriculum, and breakfast in the classroom can easily be put in place so that it can be part of the classroom instruction. There are lots of reasons to do this.

Let us continue through the bill, Mr. Speaker. Section 9, subsection 2, paragraph (c) says, “Equipment related to the provision of breakfast.” What I will tell you, being in the food industry, there is a lot of equipment that goes into this. I will remind some folks that I beat up public works all the time about chillers. My colleague from Sparks can appreciate that, as a plumber, we talk about chillers. We are constantly having to replace them because we use them all the time. They are constantly going. It is no different with refrigerators. We have to have a second one just in case. It goes back to those health district requirements that I talked about, making sure those kids have food at the right temperature.

See, Mr. Speaker, I did study this bill. Let us go to section 9, subsection 2, paragraph (d): “To conduct surveys to market the Program to pupils and the families. . . .” This ensures that kids get to the classroom so they can have some fun with eating. I have a daughter who is now 23. She is very artistic. The book that she read every morning while she had her breakfast was about food. It was about taking a piece of cauliflower and making it into a head. There are lots of things kids can do to entice them and get them to love food. Las Vegas is what it is today because of food. Why would we not want our young people to learn about food with their teachers, to have some fun with it, to have a full belly? I get a little cranky about this time when I have not had breakfast or lunch. I cannot imagine being 5, being 10, or being 18 and not having had food all day or the night before. Sometimes the only job that parents can actually do to help their student is to get them to the classroom. That is a big deal for a lot of parents. If it means that these kids can learn about food, they can make better choices at the grocery store and they can make better choices when they eat. That benefits each and every one of us in this building. By the way, it also says that kids can learn about make a living. I participate in that program. We go out as chefs. We give kids hats and we teach them about nutrition. Anybody can be whatever they want.

Let us also talk about accountability with this bill. I am tired of hearing about accountability. We put a lot of accountability in place. Everybody wants accountability for every dollar that we spend. So here we are. Section 11 of the bill says before December 31 of each year, the Governor’s Office and the Department of Agriculture are going to get a report to show how we have implemented it and how it is working. Many in this building spent last session combining those two so that we could have Agriculture—most of our rural areas benefit from agriculture—so we can ensure they were working and we were leveraging federal dollars for everyone.

In section 11, subsection 2 of the bill, it says, “Submit the report prepared pursuant to subsection 1 to: (a) The Governor; and (b) The Director of the Legislative Counsel Bureau” for transmittal to the Legislature or the Legislative Commission. That means that whether or not you sit on that, you will get a copy of that report so that you can constantly stay on top of it. It also says in section 12 of the bill that the Department of Agriculture is going to adopt expectations which are regulations, and when that happens, Mr. Speaker and to my colleagues, everybody gets to see that. There are three public hearings we go through and there is a process.

This is about feeding kids, but it is also about investing in a program to help them grow and do better in the long term. This is about our future. This is more than just equipment. This is more than just CCSD. This is the entire state that is going to benefit, including my friends from the rurals where agriculture feeds their families at night. I encourage all of you to please think about this bill and what the ramifications are if we do not start investing in our students.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support of Senate Bill 503. Clark County School District told me that this alone will fund the program for 82 classrooms. Taking a conservative estimate, pretending that all of the rooms had class size reduction implemented, that would be a minimum of 1,312 kids. We talk about a lot of things on this floor. Just today, we gave tax abatements for new businesses. Why is it that we cannot do breakfast for kids? Why can we not do that? It says something about our priorities when we had this much debate on giving breakfast to kids but had practically no debate

on giving tax breaks to new companies. I think that all of us ought to think about that as we vote here and wonder what our priorities are.

To respond to my colleague from District 37: These breakfasts are normally done in homeroom when there are announcements going on. It is not actually taking away from instructional time. With that, Mr. Speaker, I respectfully ask this body to have the right priority here today.

ASSEMBLYMAN NELSON:

I have a question. I want to make sure I understand this properly. My understanding is that as the bill was originally introduced, it provided breakfast for all children. Then it was later changed to be only for certain children. Is that accurate?

ASSEMBLYWOMAN KIRKPATRICK:

Mr. Speaker, I am happy to answer that. It is not my bill, but I am sure happy to answer it. We could not fund all of it and needed to have a starting place, and each and every one of the districts across the state have some schools to which this applies. In section 6, subsection 2 it says, “Except as otherwise provided in subsections 3 and 4: (a) If a public school in this State in which 70 percent or more of the enrolled pupils during the previous school year were eligible for free or reduced-price lunches under the National School Lunch Act, the public school shall participate. . . .” Under paragraph (b), it says, “A public school that participates in universal meal service in high poverty areas pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010 . . . must participate in the Program. . . .”

It does get to those who need it most and typically there are schools in each of our districts who meet these criteria. I would love every school to do it. Many schools already do it because they have a PTA [parent-teacher association] that can support it and fund it, but for these particular students, this is a start. Honestly, we are arguing over \$2 million, and we are just hoping \$2 million leverages \$4 million so we can go much further, or you as a future legislator can go much further.

Roll call on Senate Bill No. 503:

YEAS—28.

NAYS—Dickman, Dooling, Edwards, Fiore, Hansen, Jones, Moore, Nelson, O’Neill, Seaman, Shelton, Titus, Trowbridge, Wheeler—14.

Senate Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 510.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 510 authorizes certain employees of the Legislative Branch of government to transfer, as part of the normal transfer process afforded to other state employees in the classified service, to any position in the classified service of the state for which he or she is qualified without regard to the duties and compensation of the position. These provisions apply only to employees of the Legislative Branch who have served four consecutive months or more in the Legislative Branch. The bill is effective upon passage and approval.

Roll call on Senate Bill No. 510:

YEAS—41.

NAYS—Titus.

Senate Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 21, 40, 44, 132, 166, 175, 176, 198, 468; Senate Bills Nos. 5, 12, 25, 29, 33, 36, 38, 39, 40, 50, 54, 59, 76, 84, 114, 129, 134, 144, 154, 162, 174, 175, 176, 183, 188, 192, 197, 206, 209, 223, 229, 238, 240, 241, 245, 254, 264, 285, 286, 294, 306, 314, 329, 388, 393, 394, 401, 405, 409, 419, 443, 445, 446, 453, 464, 471, 472, 476, 484, 490, 499; Senate Joint Resolution No. 21.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 432, 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*

Assemblyman Paul Anderson moved that the Assembly recess until 7:30 p.m.

Motion carried.

Assembly in recess at 4:03 p.m.

ASSEMBLY IN SESSION

At 9:21 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 128, 302, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 103, 483, 507, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEREK ARMSTRONG, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendments Nos. 789, 914 to Senate Bill No. 56; Assembly Amendment No. 760 to Senate Bill No. 137; Assembly Amendment No. 796 to Senate Bill No. 307; Assembly Amendment No. 841 to Senate Bill No. 341; Assembly Amendment No. 859 to Senate Bill No. 395; Assembly Amendment No. 825 to Senate Bill No. 406; Assembly Amendment No. 819 to Senate Bill No. 411; Assembly Amendments Nos. 860, 953 to Senate Bill No. 447; Assembly Amendment No. 934 to Senate Bill No. 463; Assembly Amendment No. 834 to Senate Joint Resolution No. 17.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 814 to Senate Bill No. 95; Assembly Amendment No. 928 to Senate Bill No. 225.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 276 and 302, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 276.

Bill read second time and ordered to third reading.

Senate Bill No. 302.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 85.

The following Senate amendment was read:

Amendment No. 752.

AN ACT relating to professions; transferring certain duties of the Secretary-Treasurer of the Board of Examiners for Alcohol, Drug and Gambling Counselors to the Executive Director of the Board; authorizing the Executive Director to delegate his or her duties; revising provisions governing alcohol, drug and gambling counselors and interns; ~~authorizing the certification by the Board of peer support specialists;~~ repealing the prospective transfer of the authority and duties relating to the certification of detoxification technicians to the Board; ~~establishing fees;~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Board of Examiners for Alcohol, Drug and Gambling Counselors and authorizes the Board to license or certify persons engaged in the practice or clinical practice of counseling alcohol and drug abusers and problem gamblers. (Chapter 641C of NRS)

~~[Sections 1.3-1.5 of this bill provide for the certification of peer support specialists by the Board. Section 1.45 establishes the requirements for obtaining a certificate as a peer support specialist. Section 1.5 authorizes a certified peer support specialist to engage in the practice of providing peer support specialist services only under the supervision of certain licensed professionals. Section 1.45 requires an applicant for the issuance or renewal of a certificate as a peer support specialist to pay to the Board a fee which, pursuant to section 12.7 of this bill, must not exceed \$150 for the initial application or \$300 for the renewal of a certificate.]~~

Section 2 of this bill transfers certain duties of the Secretary-Treasurer of the Board to the Executive Director of the Board. **Section 2** also authorizes the Executive Director to delegate certain duties to a designee.

Sections 3-10 of this bill make various changes regarding the requirements for obtaining and renewing a license or certificate as an alcohol, drug or gambling counselor or intern. **Sections 8, 10 and 12** of this bill reduce the duration of certificates for certain counseling interns from 1 year to 6 months.

Section 13 of this bill authorizes the Board, when determining whether to issue, renew, restore, suspend, revoke or reinstate a license or certificate or imposing disciplinary action upon an existing licensee or certificate holder, to consider any original criminal charges filed against the applicant, licensee or certificate holder, even if that person was convicted of a lesser crime.

Section 14 of this bill eliminates the 30-day grace period authorizing an otherwise qualified person to engage in the practice of counseling alcohol and drug abusers or problem gamblers without a license or certificate while his or her application is being reviewed. **Section 15** of this bill prohibits a person who is not licensed or certified by the Board from engaging in the practice or clinical practice of counseling alcohol and drug abusers and problem gamblers ~~for the practice of providing peer support specialist services.]~~

Section 24 of this bill repeals the authority of the Board to provide for the certification of detoxification technicians. (NRS 641C.500) **Sections 16-20** of this bill make conforming changes to account for the repeal of NRS 641C.500 regarding the certification of detoxification technicians by the Board. The effect of **sections 16-20 and 24** is to leave the authority to certify detoxification technicians with the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to chapter 458 of NRS.

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

Section 1. ~~[NRS 641.029 is hereby amended to read as follows:~~
~~641.029 The provisions of this chapter do not apply to:~~
~~1. A physician who is licensed to practice in this State;~~
~~2. A person who is licensed to practice dentistry in this State;~~
~~3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;~~

~~4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;~~

~~5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;~~

~~6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;~~

~~7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse counselor intern, a problem gambling counselor, [or] a problem gambling counselor intern [,] or a certified peer support specialist, pursuant to chapter 641C of NRS; or~~

~~8. Any member of the clergy;~~

~~if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.~~ **(Deleted by amendment.)**

Sec. 1.1. ~~[NRS 641B.040 is hereby amended to read as follows:~~

~~641B.040 The provisions of this chapter do not apply to:~~

~~1. A physician who is licensed to practice in this State;~~

~~2. A nurse who is licensed to practice in this State;~~

~~3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;~~

~~4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;~~

~~5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;~~

~~6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;~~

~~7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor, or certified as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern, a problem gambling counselor, [or] a problem gambling counselor intern [,] or a certified peer support specialist, pursuant to chapter 641C of NRS;~~

~~8. Any member of the clergy;~~

~~9. A county welfare director;~~

~~10. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; or~~

~~11. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates the student's training status.~~ **(Deleted by amendment.)**

Sec. 1.2. ~~{Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 1.5, inclusive, of this act.}~~ (Deleted by amendment.)

Sec. 1.3. ~~“Certified peer support specialist” means a person who is certified as a peer support specialist pursuant to the provisions of this chapter.}~~ (Deleted by amendment.)

Sec. 1.4. ~~{1. “Practice of providing peer support specialist services” means the practice of giving nonprofessional, nonclinical assistance, including, without limitation, mentoring, coaching, educating or serving as a role model, with the intent of achieving long-term recovery from severe psychiatric, traumatic or addiction-related stress by sharing appropriate portions of the person’s own recovery from severe psychiatric, traumatic or addiction-related stress.~~

~~2. The term does not include:~~

~~(a) The diagnosis or treatment of a substance abuse, mental health, psychiatric or psychotic disorder; or~~

~~(b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude or interests.}~~ (Deleted by amendment.)

Sec. 1.45. ~~{The Board shall issue a certificate as a peer support specialist to a person who:~~

~~1. Is not less than 21 years of age;~~

~~2. Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~3. Has:~~

~~(a) A high school diploma; or~~

~~(b) A general equivalency diploma or an equivalent document;~~

~~4. Submits evidence satisfactory to the Board that the person has completed a training program approved by the Board and consisting of at least 46 hours of training, including, without limitation:~~

~~(a) Ten hours of training in each of the following domains, as they relate to the practice of providing peer support specialist services:~~

~~(1) Advocacy;~~

~~(2) Mentoring and education; and~~

~~(3) Recovery and wellness support; and~~

~~(b) Sixteen hours of training in the domain of confidentiality and ethical responsibility, as it relates to the practice of providing peer support specialist services;~~

~~5. Submits evidence satisfactory to the Board that the person has completed at least 25 hours of work in each of the domains described in subsection 4, as they relate to the practice of providing peer support specialist services, under the supervision of a person who normally provides supervision of such work for the entity or organization for which the work is completed;~~

~~6. Submits, on a form prescribed by the Board, evidence satisfactory to the Board that the person has completed at least 500 hours of paid or volunteer work in each of the domains described in subsection 4, as they relate to the practice of providing peer support specialist services. The form must be signed by a person who normally provides supervision or management for the entity or organization for which the work is completed, attesting that the applicant has completed the paid or volunteer work required by this subsection;~~

~~7. If the person is in recovery from a mental health or substance abuse disorder, provides to the Board a statement attesting that the person remains in active recovery and that the disorder is stable or in sustained remission;~~

~~8. Has not been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime of violence or a sexual offense as that term is defined in NRS 179.245;~~

~~9. If the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime other than a crime described in subsection 8, has been released from parole, probation or custody for at least 12 months before applying for certification;~~

~~10. Provides evidence satisfactory to the Board that the person has experienced the process of recovering from severe psychiatric, traumatic or addiction related stress and as a result is qualified to engage in the practice of providing peer support specialist services;~~

~~11. Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;~~

~~12. Pays the fees required pursuant to NRS 641C.470; and~~

~~13. Submits all information required to complete an application for a certificate.~~ (Deleted by amendment.)

Sec. 1.5. ~~{1. A certificate as a peer support specialist is valid for 2 years and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.~~

~~2. A certified peer support specialist may engage in the practice of providing peer support specialist services only under the supervision of a licensed clinical alcohol and drug abuse counselor, a licensed or certified alcohol and drug abuse counselor, a psychologist licensed pursuant to chapter 641 of NRS, a clinical professional counselor licensed pursuant to chapter 641A of NRS, a marriage and family therapist licensed pursuant to chapter 641A of NRS or a social worker licensed pursuant to chapter 641B of NRS.~~ (Deleted by amendment.)

Sec. 1.6. [NRS 641C.010 is hereby amended to read as follows:

~~641C.010 The practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers, [and] the practice of counseling problem gamblers and the practice of providing peer support specialist services are hereby declared to be learned professions affecting public health, safety and welfare and are subject to regulation to protect the~~

~~public from the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers, [and] the practice of counseling problem gamblers and the practice of providing peer support specialist services by unqualified persons and from unprofessional conduct by persons who are licensed or certified to engage in the practice of counseling alcohol and drug abusers, licensed to engage in the clinical practice of counseling alcohol and drug abusers, [or] certified to engage in the practice of counseling problem gamblers [.] or certified to engage in the practice of providing peer support specialist services.~~ **(Deleted by amendment.)**

Sec. 1.7. ~~{NRS 641C.020 is hereby amended to read as follows:
641C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 641C.030 to 641C.110, inclusive, and sections 1.3 and 1.4 of this act have the meanings ascribed to them in those sections.}~~ **(Deleted by amendment.)**

Sec. 1.8. ~~{NRS 641C.040 is hereby amended to read as follows:
641C.040 "Certificate" means a certificate issued to a person who is certified as an alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern, a problem gambling counselor, [or] a problem gambling counselor intern [.] or a peer support specialist.}~~ **(Deleted by amendment.)**

Sec. 1.9. ~~{NRS 641C.150 is hereby amended to read as follows:
641C.150 1. The Board of Examiners for Alcohol, Drug and Gambling Counselors, consisting of seven members appointed by the Governor, is hereby created.~~

~~2. The Board must consist of:~~

~~(a) Three members who are licensed as clinical alcohol and drug abuse counselors or alcohol and drug abuse counselors pursuant to the provisions of this chapter.~~

~~(b) One member who is certified as an alcohol and drug abuse counselor pursuant to the provisions of this chapter.~~

~~(c) Two members who are licensed pursuant to chapter 630, 632, 641, 641A or 641B of NRS and certified as problem gambling counselors pursuant to the provisions of this chapter.~~

~~(d) One member who is a representative of the general public. This member must not be:~~

~~(1) A licensed clinical alcohol and drug abuse counselor or a licensed or certified alcohol and drug abuse counselor, [or] a certified problem gambling counselor [.] or a certified peer support specialist; or~~

~~(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed clinical alcohol and drug abuse counselor or a licensed or certified alcohol and drug abuse counselor, [or] a certified problem gambling counselor [.] or a certified peer support specialist.~~

~~3. A person may not be appointed to the Board unless he or she is:~~

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

~~(b) A resident of this State.~~

~~4. No member of the Board may be held liable in a civil action for any act that he or she performs in good faith in the execution of his or her duties pursuant to the provisions of this chapter.~~ **(Deleted by amendment.)**

Sec. 1.95. NRS 641C.200 is hereby amended to read as follows:

641C.200 1. The Board shall adopt such regulations as are necessary to carry out the provisions of this chapter, including, without limitation, regulations that prescribe:

(a) The ethical standards for licensed and certified counselors ~~and~~ and certified interns ~~and certified peer support specialists;~~ and

(b) The requirements for continuing education for the renewal, restoration or reinstatement of a license or certificate.

2. The Board may adopt regulations that prescribe:

(a) The contents of a written **and oral** examination concerning the practice of counseling problem gamblers;

(b) The grounds for initiating disciplinary action against a certified problem gambling counselor or certified problem gambling counselor intern; and

(c) Disciplinary procedures for certified problem gambling counselors and certified problem gambling counselor interns, including the suspension, revocation and reinstatement of a certificate as a problem gambling counselor or problem gambling counselor intern.

3. Any regulations adopted by the Board pursuant to this section must be consistent with the provisions of chapter 622A of NRS.

Sec. 2. NRS 641C.210 is hereby amended to read as follows:

641C.210 The ~~Secretary-Treasurer~~ **Executive Director** of the Board **or his or her designee** shall prepare and maintain:

1. A separate list of the names and addresses of:

(a) The applicants for a license;

(b) The applicants for a certificate;

(c) The licensed counselors;

(d) The certified counselors; and

(e) The certified interns ~~and~~

~~(f) The certified peer support specialists.~~

2. A record of each examination conducted by the Board.

3. An inventory of:

(a) The property of the Board; and

(b) The property of this State that is in the possession of the Board.

Sec. 3. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. 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 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 applicant for a certificate as a problem gambling counselor must pass a written **and oral** 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. ~~Each applicant for a certificate as a peer support specialist must pass a written and oral examination concerning his or her knowledge of the practice of providing peer support specialist services, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.~~

~~5.~~ 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. ~~16.~~ The Board may employ other persons to conduct the examinations.

Sec. 4. NRS 641C.300 is hereby amended to read as follows:

641C.300 The Board ~~shall~~ **may** issue a license or certificate without examination to a person who holds a license or certificate as a clinical alcohol and drug abuse counselor ~~or~~ **or** an alcohol and drug abuse counselor ~~for a peer support specialist~~ in another state, a territory or possession of the United States or the District of Columbia if the requirements of that jurisdiction at the time the license or certificate was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the provisions of this chapter.

Sec. 5. NRS 641C.310 is hereby amended to read as follows:

641C.310 1. The Board may hold hearings and conduct investigations concerning any matter related to an application for a license or certificate. In the hearings and investigations, the Board may require the presentation of evidence.

2. The Board may refuse to issue a license or certificate to , **or renew the license or certificate of**, an applicant if the Board determines that the applicant:

- (a) Is not of good moral character as it relates to the practice of counseling alcohol and drug abusers ~~or~~ **or** the clinical practice of counseling alcohol and drug abusers ; ~~for the practice of providing peer support specialist services;~~
- (b) Has submitted a false credential to the Board;
- (c) Has been disciplined in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers ~~or~~ **or** the clinical practice of counseling

alcohol and drug abusers; ~~for the practice of providing peer support specialist services;~~

(d) Has committed an act in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers ~~or~~ ~~for the practice of providing peer support specialist services;~~ that would be a violation of the provisions of this chapter if the act were committed in this State; or

(e) Has failed to comply with any of the requirements for a license or certificate.

Sec. 6. NRS 641C.320 is hereby amended to read as follows:

641C.320 1. The Board may issue:

(a) A provisional license as a clinical alcohol and drug abuse counselor to a person who has applied to the Board to take the examination for a license as a clinical alcohol and drug abuse counselor and is otherwise eligible for that license pursuant to NRS 641C.330; or

(b) A provisional license or certificate as an alcohol and drug abuse counselor to a person who has applied to the Board to take the examination for a license or certificate as an alcohol and drug abuse counselor and is otherwise eligible for that license or certificate pursuant to NRS 641C.350 or 641C.390.

2. A provisional license or certificate is valid for not more than ~~1 year~~ **6 months** and may not be renewed.

Sec. 7. NRS 641C.331 is hereby amended to read as follows:

641C.331 1. A license as a clinical alcohol and drug abuse counselor is valid for ~~1 year~~ **2 years** and may be renewed.

2. A licensed clinical alcohol and drug abuse counselor may:

(a) Engage in the clinical practice of counseling alcohol and drug abusers;
 (b) Diagnose or classify a person as an alcoholic or abuser of drugs; and
 (c) Supervise certified clinical alcohol and drug abuse counselor interns and alcohol and drug abuse counselor interns.

Sec. 8. NRS 641C.340 is hereby amended to read as follows:

641C.340 1. The Board shall issue a certificate as a clinical alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;
 (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Pays the fees required pursuant to NRS 641C.470;

(d) Submits proof to the Board that the person has received a master's degree or doctoral degree in a field of social science approved by the Board that includes comprehensive course work in clinical mental health, including the diagnosis of mental health disorders; and

(e) Submits all the information required to complete an application for a certificate.

2. A certificate as a clinical alcohol and drug abuse counselor intern is valid for ~~1 year~~ **6 months** and may be renewed. The Board may waive any

requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified clinical alcohol and drug abuse counselor intern may, under the supervision of a licensed clinical alcohol and drug abuse counselor:

(a) Engage in the clinical practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 9. NRS 641C.350 is hereby amended to read as follows:

641C.350 The Board shall issue a license as an alcohol and drug abuse counselor to:

1. A person who:

(a) Is not less than 21 years of age;

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

(c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a license.

2. A person who:

(a) Is not less than 21 years of age;

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

(c) Is:

(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) Licensed as a clinical professional counselor pursuant to chapter 641A of NRS;

(3) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS;

(4) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university; or

(5) Licensed as a clinical alcohol and drug abuse counselor pursuant to this chapter;

(d) Has completed ~~at least 6 months~~ **1,000 hours** of supervised counseling of alcohol and drug abusers approved by the Board;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a license.

Sec. 10. NRS 641C.420 is hereby amended to read as follows:

641C.420 1. The Board shall issue a certificate as an alcohol and drug abuse counselor intern to a person who:

- (a) Is not less than 21 years of age;
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) ~~Has:~~

- ~~—(1) A high school diploma; or~~
- ~~—(2) A general equivalency diploma or an equivalent document;~~
- ~~—(d) Pays the fees required pursuant to NRS 641C.470;~~

~~—(e) (d)~~ Submits proof to the Board that the person:

(1) Is enrolled in a program ~~from~~ **in** which he or she ~~will receive an associate's degree,~~ **has completed at least 60 hours of credit toward the completion of a bachelor's degree in a field of social science approved by the Board;**

(2) **Is enrolled in a program from which he or she will receive a** master's degree or doctoral degree in a field of social science approved by the Board; or

~~—(2) (3)~~ Has received an associate's degree, bachelor's degree, master's degree or doctoral degree **that included at least 18 hours of credit specifically related to the practice of counseling alcohol and drug abusers** in a field of social science approved by the Board; ~~and~~

(e) **Has completed not less than 30 hours of training specific to alcohol and drug abuse which must:**

(1) **Include at least 6 hours of instructions relating to confidentiality and 6 hours of instruction relating to ethics; and**

(2) **Be approved by the Board; and**

(f) Submits all information required to complete an application for a certificate.

2. A certificate as an alcohol and drug abuse counselor intern is valid for ~~1 year~~ **6 months** and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified alcohol and drug abuse counselor intern may, under the supervision of a licensed alcohol and drug abuse counselor or licensed clinical alcohol and drug abuse counselor:

- (a) Engage in the practice of counseling alcohol and drug abusers; and
- (b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 11. NRS 641C.430 is hereby amended to read as follows:

641C.430 The Board may issue a certificate as a problem gambling counselor to:

1. A person who:

- (a) Is not less than 21 years of age;
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written **and oral** examination prescribed by the Board pursuant to NRS 641C.290;

(g) Presents himself or herself when scheduled for an interview at a meeting of the Board;

(h) Pays the fees required pursuant to NRS 641C.470; and

(i) Submits all information required to complete an application for a certificate.

2. A person who:

(a) Is not less than 21 years of age;

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

(c) Is licensed as:

(1) A clinical social worker pursuant to chapter 641B of NRS;

(2) A clinical professional counselor pursuant to chapter 641A of NRS;

(3) A marriage and family therapist pursuant to chapter 641A of NRS;

(4) A physician pursuant to chapter 630 of NRS;

(5) A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

(6) A psychologist pursuant to chapter 641 of NRS;

(7) An alcohol and drug abuse counselor pursuant to this chapter; or

(8) A clinical alcohol and drug abuse counselor pursuant to this chapter;

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written **and oral** examination prescribed by the Board pursuant to NRS 641C.290;

(g) Pays the fees required pursuant to NRS 641C.470; and

(h) Submits all information required to complete an application for a certificate.

Sec. 12. NRS 641C.440 is hereby amended to read as follows:

641C.440 1. The Board may issue a certificate as a problem gambling counselor intern to a person who:

(a) Is not less than 21 years of age;

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

(c) Submits proof to the Board that the person:

(1) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board; or

(2) Is enrolled in a program at an accredited college or university from which he or she will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board;

(d) Has completed not less than 30 hours of training specific to problem gambling approved by the Board;

(e) Demonstrates that a certified problem gambling counselor approved by the Board has agreed to supervise him or her in a setting approved by the Board;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a certificate.

2. A certificate as a problem gambling counselor intern is valid for ~~1 year~~ **6 months** and, except as otherwise provided in subsection 3, may be renewed.

3. A certificate as a problem gambling counselor intern issued to a person on the basis that the person is enrolled in a program at an accredited college or university from which he or she will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board may be renewed not more than nine times.

4. A certified problem gambling counselor intern may, under the supervision of a certified problem gambling counselor:

(a) Engage in the practice of counseling problem gamblers; and

(b) Assess and evaluate a person as a problem gambler.

Sec. 12.3. ~~NRS 641C.460 is hereby amended to read as follows:~~

~~641C.460 1. A license or certificate that is not renewed on or before the date on which it expires is delinquent. The Board shall, within 30 days after the license or certificate becomes delinquent, send a notice to the licensed or certified counselor or certified intern by certified mail, return receipt requested, to the address of the counselor or intern as indicated in the records of the Board.~~

~~2. A licensed or certified counselor, [or] certified intern or certified peer support specialist may renew a delinquent license or certificate within 60 days after the license or certificate becomes delinquent by complying with the requirements of NRS 641C.450 and paying, in addition to the fee for the renewal of the license or certificate, the fee for the renewal of a delinquent license or certificate prescribed in NRS 641C.470.~~

~~3. A license or certificate expires 60 days after it becomes delinquent if it is not renewed within that period.~~

~~4. Except as otherwise provided in NRS 641C.530, a license or certificate that has expired may be restored if the applicant:~~

~~(a) Submits to the Board an application to restore the license or certificate;~~

~~— (b) Pays the renewal fees for the period during which the license or certificate was expired and the fee for the restoration of a license or certificate prescribed in NRS 641C.470;~~

~~— (c) Passes the oral and written examinations prescribed by the Board;~~

~~— (d) Submits to the Board evidence of completion of the continuing education required by the Board; and~~

~~— (e) Submits all information required to complete the application. } (Deleted by amendment.)~~

Sec. 12.7. ~~[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	\$150
For the issuance of a provisional license or certificate	125
For the issuance of an initial license or certificate	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 or a certificate as a peer support specialist	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. The fees charged and collected pursuant to this section are not refundable. } (Deleted by amendment.)~~

Sec. 13. NRS 641C.530 is hereby amended to read as follows:

641C.530 1. The Board may use any information included in a report of criminal history that is obtained pursuant to this section or NRS 641C.260 in determining whether:

(a) To issue, renew, restore, suspend, revoke or reinstate a license or certificate pursuant to this chapter; or

(b) Any ground for imposing any disciplinary action exists pursuant to NRS 641C.700.

2. Before renewing, restoring or reinstating the license or certificate of a licensed counselor, certified counselor ~~for~~ or certified intern ~~for certified peer support specialist~~, the Board may, by regulation, require the licensed counselor, certified counselor ~~for~~ or certified intern ~~for certified peer support specialist~~ to submit to the Board 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.

3. ~~{A regulation adopted pursuant to subsection 2 must set forth the circumstances under which the Board will require a detoxification technician to submit fingerprints and written authorization specified in that subsection before renewing, restoring or reinstating a certificate.}~~ *Except as otherwise provided in this subsection, in reviewing the information included in a report of criminal history that is obtained pursuant to this section or NRS 641C.260, the Board may consider any original charge filed against an applicant, licensed counselor, certified counselor ~~for~~ or certified intern ~~for certified peer support specialist~~ that alleges a particular criminal act regardless of whether the person was convicted of, or entered a plea of guilty or nolo contendere to, a lesser charge. The Board shall not consider a charge filed against an applicant, licensed counselor, certified counselor ~~for~~ or certified intern ~~for certified peer support specialist~~ that alleges a particular criminal act for which, in the absence of a plea of guilty or nolo contendere to a lesser charge:*

(a) The applicant, licensed counselor, certified counselor ~~for~~ or certified intern ~~for certified peer support specialist~~ was found not guilty; or

(b) The charges against the applicant, licensed counselor, certified counselor ~~for~~ or certified intern ~~for certified peer support specialist~~ were dismissed.

Sec. 13.3. ~~{NRS 641C.700 is hereby amended to read as follows:~~

~~641C.700 The grounds for initiating disciplinary action pursuant to the provisions of this chapter include:~~

~~1. Conviction of:~~

~~(a) A felony relating to the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers, ~~{or}~~ the practice of counseling problem gamblers ~~{,}~~ or the practice of providing peer support specialist services;~~

~~(b) An offense involving moral turpitude; or~~

~~(c) A violation of a federal or state law regulating the possession, distribution or use of a controlled substance or dangerous drug as defined in chapter 453 of NRS;~~

~~2. Fraud or deception in:~~

- ~~—(a) Applying for a license or certificate;~~
 - ~~—(b) Taking an examination for a license or certificate;~~
 - ~~—(c) Documenting the continuing education required to renew or reinstate a license or certificate;~~
 - ~~—(d) Submitting a claim for payment to an insurer; or~~
 - ~~—(e) The practice of counseling alcohol and drug abusers, [or] the clinical practice of counseling alcohol and drug abusers [;] or the practice of providing peer support specialist services;~~
 - ~~—3. Allowing the unauthorized use of a license or certificate issued pursuant to this chapter;~~
 - ~~—4. Professional incompetence;~~
 - ~~—5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor, [or] certified intern or certified peer support specialist to engage in the practice of counseling alcohol and drug abusers, [or] the clinical practice of counseling alcohol and drug abusers [;] or the practice of providing peer support specialist services, as applicable;~~
 - ~~—6. Engaging in the practice of counseling alcohol and drug abusers, [or] the clinical practice of counseling alcohol and drug abusers or the practice of providing peer support specialist services with an expired, suspended or revoked license or certificate;~~
 - ~~—7. Engaging in behavior that is contrary to the ethical standards as set forth in the regulations of the Board; and~~
 - ~~—8. The operation of a medical facility, as defined in NRS 449.0151, at any time during which:~~
 - ~~—(a) The license of the facility is suspended or revoked; or~~
 - ~~—(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.~~
- ~~➤ This subsection applies to an owner or other principal responsible for the operation of the facility.] (Deleted by amendment.)~~

Sec. 13.7. ~~[NRS 641C.720 is hereby amended to read as follows:~~

- ~~—641C.720 1. The Board or any of its members who become aware of any ground for initiating disciplinary action against a person engaging in the practice of counseling alcohol and drug abusers, [or] the clinical practice of counseling alcohol and drug abusers or the practice of providing peer support specialist services in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board. The complaint must specifically charge one or more of the grounds for initiating disciplinary action.~~
- ~~—2. If, after notice and a hearing as required by law, the Board determines that a licensed or certified counselor, [or] certified intern or certified peer support specialist has violated a provision of this chapter or any regulation adopted pursuant to this chapter, it may:~~
 - ~~—(a) Administer a public reprimand;~~
 - ~~—(b) Suspend the license or certificate and impose conditions for the removal of the suspension;~~

~~—(c) Revoke the license or certificate and prescribe the requirements for the reinstatement of the license or certificate;~~

~~—(d) If he or she is a licensed or certified counselor, require him or her to be supervised by another person while engaging in the practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers;~~

~~—(e) Require him or her to participate in treatment or counseling and pay the expenses of that treatment or counseling;~~

~~—(f) Require him or her to pay restitution to any person adversely affected by his or her acts or omissions;~~

~~—(g) Impose a fine of not more than \$5,000; or~~

~~—(h) Take any combination of the actions authorized by paragraphs (a) to (g), inclusive.~~

~~3. If a license or certificate is revoked or suspended pursuant to subsection 2, the licensed or certified counselor, ~~for~~ certified intern ~~or certified peer support specialist~~ may apply to the Board for reinstatement of the suspended license or certificate or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license or certificate. The Board may accept or reject the application and may require the successful completion of an examination as a condition of reinstatement of the license or certificate.~~

~~4. The Board shall not administer a private reprimand.~~

~~5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.~~

~~6. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon. **(Deleted by amendment.)**~~

Sec. 14. NRS 641C.900 is hereby amended to read as follows:

641C.900 ~~{1. Except as otherwise provided in subsection 2, a}~~ A person shall not engage in the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers ~~for~~ or the practice of counseling problem gamblers ~~for the practice of providing peer support specialist services~~ unless the person is a licensed counselor, certified counselor ~~for~~ or certified intern .

~~{2. A person may engage in the practice of counseling alcohol and drug abusers under the supervision of a licensed counselor, the clinical practice of counseling alcohol and drug abusers under the supervision of a clinical alcohol and drug abuse counselor or the practice of counseling problem gamblers under the supervision of a certified counselor for not more than 30 days if that person:~~

~~—(a) Is qualified to be licensed or certified pursuant to the provisions of this chapter; and~~

~~—(b) Submits an application to the Board for a license or certificate pursuant to the provisions of this chapter. ~~or certified peer support specialist.~~~~

Sec. 15. NRS 641C.910 is hereby amended to read as follows:

641C.910 1. A person shall not:

(a) Hold himself or herself out to a member of the general public as a clinical alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor, an alcohol and drug abuse counselor intern, a problem gambling counselor ~~or~~ or a problem gambling counselor intern; ~~for a peer support specialist;~~

(b) Use the title “clinical alcohol and drug abuse counselor,” “clinical alcohol and drug abuse counselor intern,” “alcohol and drug abuse counselor,” “alcohol and drug abuse counselor intern,” “drug abuse counselor,” “substance abuse counselor,” “problem gambling counselor,” “problem gambling counselor intern,” “gambling ~~counselor,~~” “detoxification technician” ~~“peer support specialist”~~ “counselor” or any similar title in connection with his or her work; ~~or~~

(c) Imply in any way that he or she is licensed or certified by the Board ~~or~~;

(d) Engage in the practice of counseling alcohol and drug abusers;

(e) Engage in the clinical practice of counseling alcohol and drug abusers; or

(f) Engage in the practice of counseling problem gamblers, ~~or~~

~~**(g) Engage in the practice of providing peer support specialist services;**~~

↪ unless the person is licensed or certified by the Board pursuant to the provisions of this chapter. ~~for a regulation adopted pursuant to NRS 641C.500.~~

2. If the Board believes that any person has violated or is about to violate any provision of this chapter or a regulation adopted pursuant thereto, it may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prevent the criminal prosecution and punishment of a person who violates a provision of this chapter or a regulation adopted pursuant thereto.

Sec. 15.3. ~~NRS 200.5093 is hereby amended to read as follows:~~

~~200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:~~

~~(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:~~

~~(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;~~

~~(2) A police department or sheriff's office;~~

~~(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or~~

~~(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and~~

~~—(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.~~

~~—2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.~~

~~—3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.~~

~~—4. A report must be made pursuant to subsection 1 by the following persons:~~

~~—(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, **certified peer support specialist**, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.~~

~~—(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.~~

~~—(c) A coroner.~~

~~—(d) Every person who maintains or is employed by an agency to provide personal care services in the home.~~

~~—(e) Every person who maintains or is employed by an agency to provide nursing in the home.~~

~~—(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 440.4304.~~

~~—(g) Any employee of the Department of Health and Human Services.~~

~~—(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.~~

~~—(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.~~

~~—(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect,~~

~~exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.~~

~~—(k) Every social worker.~~

~~—(l) Any person who owns or is employed by a funeral home or mortuary.~~

~~—5. A report may be made by any other person.~~

~~—6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.~~

~~—7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:~~

~~—(a) Aging and Disability Services Division;~~

~~—(b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and~~

~~—(c) Unit for the Investigation and Prosecution of Crimes.~~

~~—8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.~~

~~—9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.~~

~~—10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.] (Deleted by amendment.)~~

Sec. 15.7. ~~[NRS 200.50935 is hereby amended to read as follows:~~

~~—200.50935 1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:~~

~~—(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and~~

~~—(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.~~

~~—2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.~~

~~—3. A report must be made pursuant to subsection 1 by the following persons:~~

~~—(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, **certified peer support specialist**, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.~~

~~—(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.~~

~~—(c) A coroner.~~

~~—(d) Every person who maintains or is employed by an agency to provide nursing in the home.~~

~~—(e) Any employee of the Department of Health and Human Services.~~

~~—(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.~~

~~—(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.~~

~~—(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.~~

~~—(i) Every social worker.~~

~~—(j) Any person who owns or is employed by a funeral home or mortuary.~~

~~—4. A report may be made by any other person.~~

~~—5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit~~

~~to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.~~

~~6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.~~

~~7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.~~ **(Deleted by amendment.)**

Sec. 16. Sections 14, 15 and 16 of chapter 207, Statutes of Nevada 2003, at pages 1168 and 1169, are hereby amended to read as follows:

Secs. 14-16. **(Deleted by amendment.)**

Sec. 17. Section 191 of chapter 1, Statutes of Nevada 2005, 22nd Special Session, at page 57, is hereby amended to read as follows:

Sec. 191. **(Deleted by amendment.)**

Sec. 18. Section 193 of chapter 1, Statutes of Nevada 2005, 22nd Special Session, at page 58, is hereby amended to read as follows:

Sec. 193. **(Deleted by amendment.)**

Sec. 19. Section 220 of chapter 1, Statutes of Nevada 2005, 22nd Special Session, at page 67, is hereby amended to read as follows:

Sec. 220. 1. This section and section 211 of this act become effective upon passage and approval.

2. Sections 1 to 185.7, inclusive, 186 to 188.5, inclusive, and 208 to 219, inclusive, of this act become effective on October 1, 2005.

3. Sections 185.9, 189, 190, 192 and 194 to 207, inclusive, of this act, become effective on July 1, 2007.

~~4. Sections 190, 192, 194 and 195 of this act expire by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.~~

~~5. Sections 191 and 193 of this act become effective on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.~~

Sec. 20. Section 69 of chapter 462, Statutes of Nevada 2013, at page 2746, is hereby amended to read as follows:

Sec. 69. 1. This section and sections 1, 2, 3, 5, 6, 7, 8 to 9.3, inclusive, 16.5 and 68 of this act become effective on July 1, 2013.

2. Sections 4, 7.1 to 7.9, inclusive, 13 to 16, inclusive, and 17 to 67, inclusive, of this act become effective:

(a) On July 1, 2013, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2014, for all other purposes.

~~[3. Section 29 of this act expires by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for certification as a detoxification technician pursuant to NRS 641C.500 becomes effective.]~~

Sec. 21. 1. Any contracts or other agreements entered into by an officer or entity whose name has been changed pursuant to the provisions of this act are binding upon the officer or entity to which the responsibility for the administration of the provision of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or entity to which the responsibility for the enforcement of the provisions of the contract or other agreements has been transferred.

2. Any action taken by an officer or entity whose name has been changed pursuant to the provisions of this act remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 22. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency or officer of the State whose name is changed by this act for the name which the agency or officer previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency or officer of the State whose name is changed by this act for the name which the agency or officer previously used.

Sec. 23. The amendatory provisions of sections 6, 7, 8 and 12 of this act, and the provisions of subsection 2 of NRS 641C.420 as amended by section 10 of this act, do not apply to the length of time a license or certificate is valid if the license or certificate is issued pursuant to the provisions of chapter 641C of NRS before July 1, 2015.

Sec. 24. NRS 641C.500 is hereby repealed.

Sec. 25. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTION

641C.500 Adoption of regulations governing certification; scope of regulations; prohibitions; inapplicability of certain provisions of chapter.

1. The Board may, by regulation, provide for the certification of a person as a detoxification technician.

2. Any regulation adopted pursuant to subsection 1 must be consistent with the provisions of chapter 622A of NRS and must include, without limitation, provisions relating to:

(a) The requirements for submitting an application for a certificate, including, without limitation, the submission of a complete set of fingerprints pursuant to NRS 641C.260;

(b) The scope of practice for a person who is issued a certificate;

(c) The conduct of any investigation or hearing relating to an application for a certificate;

(d) The examination of an applicant for a certificate or a waiver of examination for an applicant;

(e) The requirements for issuing a certificate or provisional certificate;

(f) The duration, expiration, renewal, restoration, suspension, revocation and reinstatement of a certificate;

(g) The grounds for refusing the issuance, renewal, restoration or reinstatement of a certificate;

(h) The conduct of any disciplinary or other administrative proceeding relating to a person who is issued a certificate;

(i) The filing of a complaint against a person who is issued a certificate;

(j) The issuance of a subpoena for the attendance of witnesses and the production of books, papers and records;

(k) The payment of fees for:

(1) Witnesses, mileage and attendance at a hearing or deposition; and

(2) The issuance, renewal, restoration or reinstatement of a certificate;

(l) The imposition of a penalty for a violation of any provision of the regulations; and

(m) The confidentiality of any record or other information maintained by the Board relating to an applicant or the holder of a certificate.

3. A person shall not engage in any activity for which the Board requires a certificate as a detoxification technician pursuant to this section unless the person is the holder of such a certificate.

4. In addition to the provisions of subsection 2, a regulation adopted pursuant to this section must include provisions that are substantially similar to the requirements set forth in NRS 641C.280 and 641C.710. Any provision included in a regulation pursuant to this subsection remains effective until the provisions of NRS 641C.280 and 641C.710 expire by limitation.

5. Except as otherwise provided in this section and NRS 641C.900, 641C.910 and 641C.950, the provisions of this chapter do not apply to the holder of a certificate that is issued in accordance with a regulation adopted pursuant to this section.

6. As used in this section, "detoxification technician" means a person who is certified by the Board to provide screening for the safe withdrawal from alcohol and other drugs.

Assemblyman Kirner moved that the Assembly concur in the Senate Amendment No. 752 to Assembly Bill No. 85.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 89.

The following Senate amendment was read:

Amendment No. 828.

AN ACT relating to professions; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather and report certain data to the Interagency Council

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

Legislative Counsel's Digest:

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

Under existing law, before a person can be issued a commercial driver's license by this State, the person is required, among other things, to pass a driving skills test for driving a commercial motor vehicle. (NRS 483.928) **Section 5** of this bill provides an exemption to this requirement for certain

persons who have experience driving a commercial motor vehicle because of their service in the Armed Forces of the United States.

Existing law also generally provides for the regulation of professions in this State. (Title 54 of NRS) ~~Section 9 of this bill authorizes certain qualified professionals who are licensed in another state or territory of the United States and who are active members of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran to apply for and receive a license by endorsement to practice their respective profession in this State. Section 9 also provides that a person who meets such requirements and receives a license by endorsement in certain professions is entitled to at least a 50 percent reduction in the fee for an examination required as a prerequisite to licensure or for initial issuance of a license.~~ **Sections 13.6, 27.2, 27.3, 28.3, 36.5, 41, 45, 46, 52, 55, 59, 63, 64, 69, 74 and 78-82 of this bill authorize certain qualified physicians, podiatrists and 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 or other provider of health care or professional: (1) holds a valid and unrestricted license to practice in the District of Columbia or another state or territory of the United States; (2) is an active member or veteran of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States; and (3) 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.**

Section 10 of this bill requires a regulatory body to develop opportunities for reciprocity of licensure for such persons who hold a professional license that is not recognized by this State. **Section 11** of this bill requires a regulatory body in certain circumstances to prepare and submit to the Interagency Council on Veterans Affairs an annual report providing information on the number of veterans who have applied for a license, have been issued a license or have renewed a license.

Section 12 of this bill authorizes certain regulatory bodies of this State to enter into a reciprocal agreement with the corresponding regulatory authority of another state or territory of the United States for the purposes of authorizing and regulating the practice of certain professions concurrently in this State and another jurisdiction. **Section 12** provides that such a reciprocal agreement

must not authorize a person to practice his or her profession concurrently in this State unless the person meets certain credentialing requirements. **Sections 13.3, 30.5 and 33** of this bill authorize certain qualified physicians and certain qualified podiatrists to obtain an expedited license by endorsement to practice in this State if the physician or podiatrist meets certain requirements. **Section 14** of this bill authorizes the Board of Medical Examiners to issue a license to practice medicine to certain persons who receive postgraduate education in certain approved residency programs in Canada.

Sections 20-27 of this bill revise various provisions relating to dentists and dental hygienists. **Section 22.5** authorizes the Executive Director of the Board of Dental Examiners of Nevada to issue a license to a qualified applicant without further review of the Board under certain circumstances. **Sections 23 and 25** revise provisions relating to the licensing requirements for dentists and dental hygienists, and **section 27** establishes a fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines.

~~[Additionally, existing law authorizes the Board of Examiners for Social Workers to grant a license without examination to a person who holds a current license to engage in the practice of social work in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the statutory provisions governing social workers in this State. (NRS 641B.270) Section 36 of this bill authorizes the Board to grant a provisional license to engage in social work as an independent social worker or a clinical social worker to an active member of or the spouse of an active member of the Armed Forces of the United States who applied for such a license if the Board deems that the other state's licensing requirements are not substantially equivalent to the requirements set forth in the statutory provisions governing social workers in this State.]~~

Section 3 of this bill adds the Board **of Examiners for Social Workers** to the list of persons and governmental entities to whom records of criminal history must be disseminated by an agency of criminal justice upon request.

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

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

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

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

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

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

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

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

4. *As used in this section:*

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

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

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

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

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

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

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

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

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

(c) Reported to the Central Repository.

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

(a) Reflect convictions only; or

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

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

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

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

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

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

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

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

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

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

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

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

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

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

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

Sec. 4. (Deleted by amendment.)

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

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

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

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

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

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

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

(1) More than one license in more than one jurisdiction at the same time, except for a military license;

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

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

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

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

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

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

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

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

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

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

1. Apply to the Department for a commercial driver's license;
2. In accordance with standards contained in regulations adopted by the Department:
 - (a) Pass a knowledge test for the type of motor vehicle the person operates or expects to operate; and
 - (b) ~~Pass~~ **Except as otherwise provided in section 5 of this act, pass** a driving skills test for driving a commercial motor vehicle taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate;
3. Comply with all other requirements contained in the regulations adopted by the Department pursuant to NRS 483.908;
4. Not be ineligible to be issued a commercial driver's license pursuant to NRS 483.929; and
5. For the issuance of a commercial driver's license with an endorsement for hazardous materials, submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History and all applicable federal agencies to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. *Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and*

2. *Holds a valid and unrestricted license to practice his or her profession that is not recognized by this State.*

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

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

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

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

(b) *Regulating the practice of such a person.*

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

(a) *The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and*

(b) *The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.*

3. *A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:*

(a) *Has an active license to practice his or her profession in another state or territory of the United States.*

(b) *Has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.*

(c) *Has not had his or her license suspended or revoked in any state or territory of the United States.*

(d) *Has not been refused a license to practice in any state or territory of the United States for any reason.*

(e) *Is not involved in ~~for~~ and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.*

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

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

Sec. 13. Chapter 630 of NRS is hereby amended by adding thereto ~~a new section to read~~ the provisions set forth as follows: sections 13.3 and 13.6 of this act.

Sec. 13.3. 1. Except as otherwise provided in NRS 630.1605 and 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

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

(b) Is certified in a specialty recognized by the American Board of Medical Specialties or 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 for been the subject of multiple investigations~~ and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice medicine; and

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

(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

~~((e))~~ (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 all the additional information required by the Board to complete the application; or

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

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice medicine in accordance with regulations adopted by the Board.

Sec. 13.6. 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;

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

(c) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 state or territory in which the applicant holds 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 all the additional information required by the Board to complete the application; or

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

↪ whichever occurs later.

4. A license by endorsement to practice 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.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physician assistant in accordance with regulations adopted by the Board.

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

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

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

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, ~~and sections 9 and 13 of this act~~ **section 13.3 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~~ **medicine** and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

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

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

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

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education, ~~for the [Coordinating Council of Medical Education of the Canadian Medical Association]~~ **Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec, 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. 15. NRS 630.165 is hereby amended to read as follows:

630.165 1. Except as otherwise provided in subsection 2, an applicant for a license to practice medicine must 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 13.3 of this act~~ **13.3 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. 16. NRS 630.171 is hereby amended to read as follows:

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

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

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

Sec. 16.5. NRS 630.195 is hereby amended to read as follows:

630.195 1. ~~1. Except as otherwise provided in section 13.3 of this act,~~ 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. 17. NRS 630.258 is hereby amended to read as follows:

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

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

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

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

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

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

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~or section 10 or 13~~ **13.3 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~~ **must** issue a special volunteer medical license to the physician.

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

5. The Board shall not charge a fee for:

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

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

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

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

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

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

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

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

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

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

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

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

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

For application for and issuance of a license to practice as a physician, including a license by endorsement <i>issued pursuant to NRS 630.1605 or except as otherwise provided in subsection 4, section ~~13.1~~ 13.3 of this act</i>	\$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license	400
For renewal of a limited, restricted, authorized facility or special license	400
For application for and issuance of a license as a physician assistant	400
For biennial registration of a physician assistant	800
For biennial registration of a physician	800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care	400
For biennial renewal of a license as a perfusionist	600
For biennial registration of a practitioner of respiratory care	600
For biennial registration for a physician who is on inactive status	400
For written verification of licensure	50
For a duplicate identification card	25
For a duplicate license	50
For computer printouts or labels	500
For verification of a listing of physicians, per hour	20
For furnishing a list of new physicians	100

2. ~~For~~ ***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:

(a) Section 13.3 of this act and the applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of

the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

(b) Section 13.6 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 19.5. 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 13.6 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 ~~and~~

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

"Minimal sedation" means a minimally depressed level of consciousness, produced by a ~~pharmacological~~ pharmacologic or nonpharmacologic method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command, and during which cognitive function and coordination may be modestly impaired, but ventilatory and cardiovascular functions are unaffected.

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

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

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

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

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

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

3. Cardiovascular function is usually maintained.

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

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

(a) File an application with the Board ~~at least 45 days before:~~

~~— (1) The date on which the examination will be given; or~~

~~— (2) If an examination is not required for the issuance of a license, the date on which the Board is scheduled to take action on the application.~~

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

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

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

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

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

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

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

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

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

(a) Except as otherwise provided in NRS 622.090, must present to the Board a certificate granted by the Joint Commission on National Dental

Examinations which contains a notation that the applicant has passed the National Board Dental Examination with an average score of at least 75; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The performance of these tasks must be:

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

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

3. No such assignment is permitted that requires:

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

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

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

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

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

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

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

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

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

Application fee for an initial license to practice dentistry	\$1,500
Application fee for an initial license to practice dental hygiene	750
Application fee for a specialist's license to practice dentistry	300
Application fee for a limited license or restricted license to practice dentistry or dental hygiene	300
Fee for administering a clinical examination in dentistry	2,500
Fee for administering a clinical examination in dental hygiene	1,500
Application and examination fee for a permit to administer general anesthesia, ~~{conscious}~~ minimal sedation, moderate sedation or deep sedation	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, ~~{conscious}~~ minimal sedation, moderate sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, ~~{conscious}~~ minimal sedation, moderate sedation or deep sedation	600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, ~~{conscious}~~ minimal sedation, moderate sedation or deep sedation	350
Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines	500
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry	1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry	300

Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene	600
Annual license renewal fee for a limited license to practice dental hygiene.....	300
Biennial license renewal fee for an inactive dentist.....	400
Biennial license renewal fee for a dentist who is retired or has a disability	100
Biennial license renewal fee for an inactive dental hygienist	200
Biennial license renewal fee for a dental hygienist who is retired or has a disability	100
Reinstatement fee for a suspended license to practice dentistry or dental hygiene	500
Reinstatement fee for a revoked license to practice dentistry or dental hygiene.....	500
Reinstatement fee to return a dentist or dental hygienist who is inactive, retired or has a disability to active status	500
Fee for the certification of a license.....	50

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

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

Sec. 27.1. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 27.2 and 27.3 of this act.

Sec. 27.2. 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:

(a) 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; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 state or territory in which the applicant holds 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 all the additional information required by the Board to complete the application; or

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

4. A license by endorsement to practice 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.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a professional nurse in accordance with regulations adopted by the Board.

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

Sec. 27.3. 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:

(a) 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; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 state or territory in which the applicant holds 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 all the additional information required by the Board to complete the application; or

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

4. A license by endorsement to practice 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.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a practical nurse in accordance with regulations adopted by the Board.

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

Sec. 27.4. NRS 632.140 is hereby amended to read as follows:

632.140 Except as otherwise provided in section 27.2 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. 27.5. 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 27.2 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. 27.6. 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 27.2 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. 27.7. NRS 632.270 is hereby amended to read as follows:

632.270 ~~Each~~ **Except as otherwise provided in section 27.3 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. 27.8. 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)	\$45	\$100
Application for license to practice practical nursing.....	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	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. If an applicant submits an application for a license by endorsement pursuant to section 27.2 or 27.3 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

3. The Board may collect the fees and charges established pursuant to this section, and those fees or charges must not be refunded.

Sec. 28. (Deleted by amendment.)

Sec. 28.3. 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;

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

(c) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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

state or territory in which the applicant holds 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 all the additional information required by the Board to complete the application; or

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

4. A license by endorsement to practice 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.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physician assistant in accordance with regulations adopted by the Board.

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

Sec. 28.6. NRS 633.305 is hereby amended to read as follows:

633.305 Except as otherwise provided in NRS 633.400 and section 28.3 of this act:

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

633.311 **1.** Except as otherwise provided in NRS 633.315 ~~and 633.381 to 633.419, inclusive, and section 9 of this act,~~ 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:

~~1-1~~ **(a)** The applicant is 21 years of age or older;

~~1-2~~ **(b)** The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;

~~1-3~~ **(c)** The applicant is a graduate of a school of osteopathic medicine;

~~1-4~~ **(d)** The applicant:

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

~~1-1~~ **(I)** A hospital internship; or

~~1-2~~ **(II)** One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

~~1-b~~ **(2)** Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

~~1-c~~ **(3)** Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

~~1-5~~ **(e)** The applicant applies for the license as provided by law;

~~1-6~~ **(f)** The applicant passes:

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

~~1-b~~ **(2)** All parts of the licensing examination of the Federation of State Medical Boards ~~of the United States, Inc.;~~

~~1-c~~ ;

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

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

~~{7-}~~ (g) The applicant pays the fees provided for in this chapter; and

~~{8-}~~ (h) The applicant submits all information required to complete an application for a license.

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

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

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

(c) *In nonconsecutive months; and*

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

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

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

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

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

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

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

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

(b) The applicant:

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

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

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

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

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

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

2. Any person applying for a license **by endorsement** pursuant to this section ~~{shall pay in}~~ **must 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 to practice osteopathic medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice osteopathic medicine to the applicant not later than:*

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

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

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

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice osteopathic medicine in accordance with regulations adopted by the Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~may obtain a special volunteer license to practice osteopathic medicine by submitting an application to the Board pursuant to this section.~~

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

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

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

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

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

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

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

~~(e) Acknowledgment that the osteopathic physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer license to practice osteopathic medicine, except for payment by a~~

~~medical facility at which the osteopathic physician provides volunteer medical services of the expenses of the osteopathic physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.~~

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

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

~~5. The Board shall not charge a fee for:~~

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

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

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

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

Sec. 32.3. 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 28.3 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. 32.6. NRS 633.501 is hereby amended to read as follows:

633.501 1. Except as otherwise provided in subsection 2, the Board shall charge and collect fees not to exceed the following amounts:

- (a) Application and initial license fee for an osteopathic physician \$800
- (b) Annual license renewal fee for an osteopathic physician 500
- (c) Temporary license fee..... 500
- (d) Special or authorized facility license fee 200
- (e) Special event license fee 200
- (f) Special or authorized facility license renewal fee 200
- (g) Reexamination fee 200
- (h) Late payment fee 300
- (i) Application and initial license fee for a physician assistant 400
- (j) Annual license renewal fee for a physician assistant..... 400
- (k) Inactive license fee 200

2. The Board may prorate the initial license fee for a new license issued pursuant to paragraph (a) or (i) of subsection 1 which expires less than 6 months after the date of issuance.

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 by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting the meeting 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:

(a) NRS 633.400 and is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

(b) Section 28.3 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

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

1. The Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant 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 any state or territory in which the applicant holds a license to practice podiatry; and*
- (4) *Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;*
- (b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 635.067;
- (c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and
- ~~[(c)]~~ (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 ~~45~~ :

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

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice podiatry in accordance with regulations adopted by the Board.

6. If an applicant submits an application for a license by endorsement pursuant to this section and is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee established pursuant to NRS 635.050 for the initial issuance of the license. As used in this subsection, "veteran" has the meaning ascribed to it in NRS 417.005.

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

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

2. ~~[(A)]~~ Except as otherwise provided in section ~~40-01~~ 33 of this act, a license to practice podiatry may be issued by the Board to any person who:

- (a) Is of good moral character.
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.
- (c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.
- (d) Has completed a residency approved by the Board.
- (e) Has passed the examination given by the National Board of Podiatric Medical Examiners.
- (f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

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

- (a) The fee for an application for a license of not more than \$600;
- (b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and
- (c) All other information required by the Board to complete an application for a license.

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

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

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

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

- (a) A limited license to practice podiatry pursuant to NRS 635.075; or
- (b) A provisional license to practice podiatry pursuant to NRS 635.082.

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

635.065 1. In addition to the other requirements for licensure set forth in this chapter, an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state or the District of Columbia must 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 ~~19 or~~ 33 of this act, the* Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:

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

(b) Submit satisfactory proof that:

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

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

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

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

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

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

~~—(b) Who:~~

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

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

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

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

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

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

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

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

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

~~(a) [No] Not longer than 9 months for a person who is granted a provisional license to engage in social work pursuant to paragraph (a) of subsection 1 or subsection 2 or 3; and~~

~~(b) [No] Not longer than 3 years for a person who is granted a provisional license to engage in social work pursuant to paragraph (b) of subsection 1.~~

(Deleted by amendment.)

Sec. 36.5. 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 practice 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:

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

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 any state or territory in which the applicant holds a license to practice optometry; 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 practice 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 practice optometry to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice optometry 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.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice optometry in accordance with regulations adopted by the Board.

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

Sec. 37. (Deleted by amendment.)

Sec. 37.3. NRS 636.143 is hereby amended to read as follows:

636.143 **1.** 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.....	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

2. If an applicant submits an application for a license by endorsement pursuant to section 36.5 of this act, the Board shall collect not more than one-half of the fee established pursuant to subsection 1 for the initial issuance of the license.

Sec. 38. NRS 636.150 is hereby amended to read as follows:

636.150 ~~(Any)~~ **Except as otherwise provided in section 36.5 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. 39. NRS 636.155 is hereby amended to read as follows:

636.155 ~~(A)~~ **Except as otherwise provided in section 36.5 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. 40. 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 36.5 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. 41. 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:

(a) 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; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 any state or territory in which the applicant holds 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 all the additional information required by the Board to complete 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.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to engage in the practice of audiology or speech pathology, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 42. NRS 637B.160 is hereby amended to read as follows:

637B.160 1. ~~[Am.]~~ Except as otherwise provided in section 41 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. 43. 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	\$100
Application fee for a license to practice audiology	100
Annual fee for the renewal of a license	50
Reinstatement fee	75

2. **If an applicant submits an application for a license by endorsement pursuant to section 41 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.**

3. All fees are payable in advance and may not be refunded.

Sec. 44. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 45 and 46 of this act.

Sec. 45. 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:

(a) 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; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 state or territory in which the applicant holds 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 all the additional information required by the Board to complete 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.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate as a registered pharmacist to an applicant in accordance with regulations adopted by the Board.

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

Sec. 46. 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:

(a) 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; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 state or territory in which the applicant holds 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 all the additional information required by the Board to complete 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.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license to conduct a pharmacy to an applicant in accordance with regulations adopted by the Board.

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

Sec. 47. 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 45 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. 48. NRS 639.120 is hereby amended to read as follows:

639.120 1. ~~Am~~ Except as otherwise provided in NRS 639.134 and section 45 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. 49. 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~~ **and section 45 of this act.** The certificate entitles the person to whom it is issued to practice pharmacy in this State.

Sec. 50. 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.....	\$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.....	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	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.....	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 a license by endorsement pursuant to section 45 or 46 of this act, as applicable, the Board shall collect not more than one-half of the fee set forth 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. 51. 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 46 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 46 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. 52. 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:

(a) 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; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 state or territory in which the applicant holds 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 set by a regulation of the Board pursuant to paragraph (c) of subsection 1 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 all the additional information required by the Board to complete the application; or

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

↪ whichever occurs later.

4. A license by endorsement 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.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physical therapist in accordance with regulations adopted by the Board.

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

Sec. 53. NRS 640.080 is hereby amended to read as follows:

640.080 ~~[(To)]~~ **Except as otherwise provided in section 52 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. 54. NRS 640.090 is hereby amended to read as follows:

640.090 **1.** Unless he or she is entitled to licensure under NRS 640.120 or 640.140, **or section 52 of this act,** a person who desires to be licensed as a physical therapist must:

- ~~[(1)]~~ **(a)** Apply to the Board, in writing, on a form furnished by the Board;
- ~~[(2)]~~ **(b)** 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)]~~ **(c)** 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)]~~ **(d)** 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)]~~ **(e)** Submit other documentation and proof the Board may require; and
- ~~[(6)]~~ **(f)** Submit all other information required to complete the application.

2. If an applicant submits an application for a license by endorsement pursuant to section 52 of this act, the Board shall collect not more than one-half of the fee specified in paragraph (c) of subsection 1 for the initial issuance of the license.

Sec. 55. 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:

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

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 state or territory in which the applicant holds 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 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 all the additional information required by the Board to complete 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.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as an occupational therapist in accordance with regulations adopted by the Board.

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

Sec. 56. NRS 640A.120 is hereby amended to read as follows:

640A.120 ~~To~~ Except as otherwise provided in section 55 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. 57. NRS 640A.140 is hereby amended to read as follows:

640A.140 1. ~~1. A~~ **Except as otherwise provided in section 55 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. 58. 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;

(c) The issuance of a temporary license;

(d) The renewal of a license; and

(e) The late renewal of a license.

2. ~~The~~ **If an applicant submits an application for a license by endorsement pursuant to section 55 of this act, the Board shall collect not more than one-half of the fee established pursuant to subsection 1 for the initial issuance of the license.**

3. **Except as otherwise provided in subsection 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. 59. 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:

(a) 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; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 state or territory in which the applicant holds 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 all the additional information required by the Board to complete the application; or

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

↪ whichever occurs later.

4. A license by endorsement to practice 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.

5. At any time before making a final decision on an application for a license by endorsement, the Board may grant a provisional license authorizing an applicant to practice as a massage therapist in accordance with regulations adopted by the Board.

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

Sec. 60. 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 59 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, ~~it~~ **and except as otherwise provided in section 59 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. ~~5. The~~ **Except as otherwise provided in section 59 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. 61. NRS 640C.520 is hereby amended to read as follows:

640C.520 1. The Board shall establish a schedule of fees and charges. The fees for the following items must not exceed the following amounts:

An examination established by the Board pursuant to this chapter ...	\$600
An application for a license	300
An application for a license without an examination.....	300
A background check of an applicant.....	600
The issuance of a license	400
The renewal of a license	200
The restoration of an expired license	500
The reinstatement of a suspended or revoked license.....	500
The issuance of a replacement license.....	75
The restoration of an inactive license	300

2. **If an applicant submits an application for a license by endorsement pursuant to section 59 of this act, the Board shall collect not more than one-half of the fee specified in subsection 1 for the initial issuance of the license.**

3. The total fees collected by the Board pursuant to this section must not exceed the amount of money necessary for the operation of the Board and for the maintenance of an adequate reserve.

Sec. 62. Chapter 641 of NRS is hereby amended by adding thereto the provisions set forth as sections 63 and 64 of this act.

Sec. 63. 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:

(a) 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; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 state or territory in which the applicant holds 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 all the additional information required by the Board to complete the application; or

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

↳ whichever occurs later.

4. A license by endorsement 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.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a psychologist or behavior analyst, as applicable, in accordance with regulations adopted by the Board.

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

Sec. 64. 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:

(a) 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; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 state or territory in which the applicant holds 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 all the additional information required by the Board to complete 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.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate authorizing an applicant to practice as an autism behavior interventionist in accordance with regulations adopted by the Board.

6. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 65. NRS 641.170 is hereby amended to read as follows:

641.170 1. ~~Each~~ **Except as otherwise provided in section 63 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 63 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 63 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. 66. NRS 641.172 is hereby amended to read as follows:

641.172 1. ~~Each~~ **Except as otherwise provided in section 64 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 64 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. 67. 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 63 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. 68. 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.....	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. ~~[(a)]~~ **Except as otherwise provided in subsection 5, 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 63 or 64 of this act, as applicable, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license or certificate.

Sec. 69. 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:

(a) 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; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 state or territory in which the applicant holds 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 all the additional information required by the Board to complete 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.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a marriage and family therapist or clinical professional counselor, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 70. NRS 641A.220 is hereby amended to read as follows:

641A.220 ~~[Each]~~ **Except as otherwise provided in section 69 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. 71. NRS 641A.230 is hereby amended to read as follows:

641A.230 1. Except as otherwise provided in subsection 2, ~~and~~ **section 69 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. 72. NRS 641A.231 is hereby amended to read as follows:

641A.231 ~~(Each)~~ **Except as otherwise provided in section 69 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. 73. NRS 641A.290 is hereby amended to read as follows:

641A.290 **1.** The Board shall charge and collect not more than the following fees, respectively:

For application for a license.....	\$75
For examination of an applicant for a license	200
For issuance of a license	50
For annual renewal of a license.....	150
For reinstatement of a license revoked for nonpayment of the fee for renewal	100
For an inactive license.....	150

2. If an applicant submits an application for a license by endorsement pursuant to section 69 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 74. 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:

(a) 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; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 state or territory in which the applicant holds 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) Is currently engaged in social work under the license held required by paragraph (a) of subsection 1;

(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 all the additional information required by the Board to complete the application; or

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

4. A license by endorsement to 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.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to engage in social work in accordance with regulations adopted by the Board.

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

Sec. 75. 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 74 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. 76. 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	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 74 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 77. Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 78 to 82, inclusive, of this act.

Sec. 78. 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:

(a) 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; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 state or territory in which the applicant holds 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 all the additional information required by the Board to complete the application; or

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

4. A license by endorsement 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.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a clinical alcohol and drug abuse counselor in accordance with regulations adopted by the Board.

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

Sec. 79. 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:

(a) 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; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 state or territory in which the applicant holds 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 all the additional information required by the Board to complete the application; or

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

↪ whichever occurs later.

4. A license by endorsement 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.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as an alcohol and drug abuse counselor in accordance with regulations adopted by the Board.

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

Sec. 80. 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:

(a) 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; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 state or territory in which the applicant holds 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 all the additional information required by the Board to complete the application; or

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

4. A 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.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate authorizing an applicant to practice as an alcohol and drug abuse counselor in accordance with regulations adopted by the Board.

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

Sec. 81. 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:

(a) 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; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 state or territory in which the applicant holds 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 all the additional information required by the Board to complete the application; or

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

↪ whichever occurs later.

4. A 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.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate authorizing an applicant to practice as a problem gambling counselor in accordance with regulations adopted by the Board.

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

Sec. 82. 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:

(a) 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; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

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 state or territory in which the applicant holds 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 all the additional information required by the Board to complete the application; or

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

4. A 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.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate authorizing an applicant to practice as a detoxification technician in accordance with regulations adopted by the Board.

6. If an applicant submits an application for a certificate by endorsement pursuant to this section, the Board shall collect not more than one-half of

any fee prescribed by the Board pursuant to NRS 641C.500 for the initial issuance of the certificate.

7. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 83. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. ~~Each~~ **Except as otherwise provided in section 78 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 79 or 80 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 81 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. 84. 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.....	\$150
For the issuance of a provisional license or certificate.....	125
For the issuance of an initial license or certificate	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 sections 79 to 81, inclusive, of this act, as applicable, the Board shall collect not more than one-half of the fee specified in subsection 1 for the initial issuance of the license.**

3. The fees charged and collected pursuant to this section are not refundable.

Sec. 85. Section 12 of this act is hereby amended to read as follows:

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

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

(b) Regulating the practice of such a person.

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

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) Has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

~~[(g) Submits to the applicable regulatory body the statement required by NRS 425.520.]~~

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

~~[Sec. 37.5.]~~ **Sec. 86.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

~~[Sec. 38.]~~ **Sec. 87. 1.** This section and sections 1 to 84, inclusive, and 86 of this act becomes effective on July 1, 2015.

2. Section 85 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.

Assemblyman Kirner moved that the Assembly concur in the Senate Amendment No. 828 to Assembly Bill No. 89.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 93.

The following Senate amendment was read:

Amendment No. 753.

SUMMARY—Revises provisions relating to the continuing education required to renew certain licenses ~~and certificates.~~ (BDR 54-27)

AN ACT relating to public health; requiring ~~or encouraging~~ certain licensed ~~or certified~~ professionals to receive ~~evidence-based~~ suicide prevention and awareness training in order to renew a license ~~and certificate;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires psychiatrists, physicians, advanced practice registered nurses, psychologists, clinical professional counselors, marriage and family therapists, ~~and~~ social workers, alcohol and drug abuse counselors, problem gambling counselors and other persons licensed or certified to practice in various related fields to complete certain continuing education as a condition to the renewal of their licenses ~~or certificates~~. (NRS 630.253, ~~632.343~~, 633.471, 641.220, 641A.260, 641B.280, ~~D-This~~, 641C.450, 641C.500) Sections 1, 2, 3, 4, 5, 5.3 and 5.7 of this bill requires require certain of those professionals to receive at least 2 hours of instruction on evidence-based suicide prevention and awareness as a condition to the renewal of their licenses ~~or certificates~~ beginning on July 1, 2016. Those requirements, however, are temporary and are eliminated or expire by limitation on June 30, 2026.

Sections 1, 1.5 and 2 of this bill require the professional licensing boards for certain physicians and advanced practice registered nurses to encourage their licensees to receive certain training concerning suicide prevention, detection and intervention as part of their continuing education.

Sections 1 and 2 revise provisions concerning compliance with continuing education by physicians to require that they submit evidence of such compliance.

Sections 1, 1.5, 2, 3, 4, 5, 5.3 and 5.7 require certain professional licensing boards to establish their continuing education requirements by regulation.

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

Section 1. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or
(b) Biennial registration of the holder of a license to practice medicine,
→ require each holder to ~~comply~~ submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

- (1) An overview of acts of terrorism and weapons of mass destruction;
- (2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine who is a psychiatrist of a course of instruction that provides at least 2 hours of instruction on ~~evidence-based~~ clinically-based suicide prevention and awareness.

↪ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

- (a) The skills and knowledge that the licensee needs to address aging issues;
- (b) Approaches to providing health care to older persons, including both didactic and clinical approaches;
- (c) The biological, behavioral, social and emotional aspects of the aging process; and
- (d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. ***The Board shall encourage each holder of a license to practice medicine, other than a psychiatrist, to receive as a portion of his or her continuing education training concerning suicide, including, without limitation, such topics as:***

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention;
and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

6. A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in ***the detection of suicidal thoughts***

and ideations, and the intervention and prevention of suicide, pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics.

~~6.~~ 7. As used in this section:

- (a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.
- (b) "Biological agent" has the meaning ascribed to it in NRS 202.442.
- (c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.
- (d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.
- (e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 1.3. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

- (a) Renewal of a license as a physician assistant; or
 - (b) Biennial registration of the holder of a license to practice medicine,
- ↪ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

- (a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.
- (b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

- (1) An overview of acts of terrorism and weapons of mass destruction;
- (2) Personal protective equipment required for acts of terrorism;
- (3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;
- (4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and
- (5) An overview of the information available on, and the use of, the Health Alert Network.

~~[(c) Must provide for the completion by a holder of a license to practice medicine who is a psychiatrist of a course of instruction that provides at least 2 hours of instruction on clinically-based suicide prevention and awareness.]~~

↪ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

- (a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. The Board shall encourage each holder of a license to practice medicine ~~[other than a psychiatrist]~~ to receive as a portion of his or her continuing education training concerning suicide, including, without limitation, such topics as:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

6. A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in the detection of suicidal thoughts and ideations, and the intervention and prevention of suicide, pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics.

7. As used in this section:

(a) “Act of terrorism” has the meaning ascribed to it in NRS 202.4415.

(b) “Biological agent” has the meaning ascribed to it in NRS 202.442.

(c) “Chemical agent” has the meaning ascribed to it in NRS 202.4425.

(d) “Radioactive agent” has the meaning ascribed to it in NRS 202.4437.

(e) “Weapon of mass destruction” has the meaning ascribed to it in NRS 202.4445.

Sec. 1.5. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board ~~[]~~ **in accordance with regulations adopted by the Board.** The licensee is exempt from this provision for the first biennial period after graduation from:

(a) An accredited school of professional nursing;

(b) An accredited school of practical nursing;

(c) An approved school of professional nursing in the process of obtaining accreditation; or

(d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

- (a) An overview of acts of terrorism and weapons of mass destruction;
- (b) Personal protective equipment required for acts of terrorism;
- (c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;
- (d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and
- (e) An overview of the information available on, and the use of, the Health Alert Network.

➡ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

4. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

- (a) The skills and knowledge that the licensee needs to address aging issues;
- (b) Approaches to providing health care to older persons, including both didactic and clinical approaches;
- (c) The biological, behavioral, social and emotional aspects of the aging process; and
- (d) The importance of maintenance of function and independence for older persons.

5. **The Board shall encourage each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction on clinically-based suicide prevention and awareness.**

6. As used in this section:

- (a) “Act of terrorism” has the meaning ascribed to it in NRS 202.4415.
- (b) “Biological agent” has the meaning ascribed to it in NRS 202.442.
- (c) “Chemical agent” has the meaning ascribed to it in NRS 202.4425.
- (d) “Radioactive agent” has the meaning ascribed to it in NRS 202.4437.

(e) “Weapon of mass destruction” has the meaning ascribed to it in NRS 202.4445.

Sec. 2. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~6~~ **8** and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;
(b) Paying the annual license renewal fee specified in this chapter;
(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting ~~an affidavit~~ **evidence** to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board **in accordance with regulations adopted by the Board** totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of ~~at~~ :

(a) At least 2 hours of continuing education credits in ethics, pain management or addiction care ~~to~~ ; **and**

(b) If the holder of a license to practice osteopathic medicine is a psychiatrist, at least 2 hours of continuing education credits on ~~evidence-based~~ clinically-based suicide prevention and awareness.

6. The Board shall encourage each holder of a license to practice osteopathic medicine, other than a psychiatrist, to receive as a portion of his or her continuing education training concerning suicide, including, without limitation, such topics as:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

7. A holder of a license to practice osteopathic medicine may substitute not more than 2 hours of continuing education credits in the detection of suicidal thoughts and ideations, and the intervention and prevention of suicide for the purposes of satisfying an equivalent requirement for continuing education in ethics.

8. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 2.5. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 8 and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;
 (b) Paying the annual license renewal fee specified in this chapter;
 (c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to

practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of ~~the~~

~~(a) At least 2 hours of continuing education credits in ethics, pain management or addiction care, and~~

~~(b) If the holder of a license to practice osteopathic medicine is a psychiatrist, at least 2 hours of continuing education credits on clinically based suicide prevention and awareness.~~

6. The Board shall encourage each holder of a license to practice osteopathic medicine ~~[, other than a psychiatrist,]~~ to receive as a portion of his or her continuing education training concerning suicide, including, without limitation, such topics as:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

7. A holder of a license to practice osteopathic medicine may substitute not more than 2 hours of continuing education credits in the detection of suicidal thoughts and ideations, and the intervention and prevention of suicide for the purposes of satisfying an equivalent requirement for continuing education in ethics.

8. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 3. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license or certificate issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license or certificate;

(c) Submit evidence to the Board of completion of the requirements for continuing education ~~and~~ **as set forth in regulations adopted by the Board;** and

(d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license or certificate, require each holder to comply with the requirements for continuing education adopted by the Board ~~and~~ **, which must include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.**

Sec. 3.5. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license or certificate issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license or certificate;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and

(d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license or certificate, require each holder to comply with the requirements for continuing education adopted by the Board ~~and~~ **, which must include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.**

Sec. 4. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license issued pursuant to this chapter, each person must, on or before the date of expiration of the current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for renewal set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education ~~and~~ **as set forth in regulations adopted by the Board;** and

(d) Submit all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board ~~and~~ **, which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.**

Sec. 4.5. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license issued pursuant to this chapter, each person must, on or before the date of expiration of the current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for renewal set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and

(d) Submit all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board ~~], which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.]~~

Sec. 5. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Submitting evidence to the Board of completion of the required continuing education ~~]]~~ **as set forth in regulations adopted by the Board;** and

(d) Submitting all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board ~~]]~~, **which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.**

Sec. 5.1. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Submitting evidence to the Board of completion of the required continuing education as set forth in regulations adopted by the Board; and

(d) Submitting all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board ~~], which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.]~~

Sec. 5.3. **NRS 641C.450 is hereby amended to read as follows:**

641C.450 Except as otherwise provided in NRS 641C.320, 641C.440 and 641C.530, a person may renew his or her license or certificate by submitting to the Board:

1. An application for the renewal of the license or certificate;

2. The fee for the renewal of a license or certificate prescribed in NRS 641C.470;

3. Evidence of completion of the continuing education required by the Board ~~]]~~, **which must include, without limitation, a requirement that the applicant receive at least 1 hour of instruction on evidence-based suicide**

prevention and awareness for each year of the term of the applicant's licensure or certification:

4. If the applicant is a certified intern, the name of the licensed or certified counselor who supervises the applicant; and

5. All information required to complete the renewal.

Sec. 5.7. NRS 641C.500 is hereby amended to read as follows:

641C.500 1. The Board may, by regulation, provide for the certification of a person as a detoxification technician.

2. Any regulation adopted pursuant to subsection 1 must be consistent with the provisions of chapter 622A of NRS and must include, without limitation, provisions relating to:

(a) The requirements for submitting an application for a certificate, including, without limitation, the submission of a complete set of fingerprints pursuant to NRS 641C.260;

(b) The scope of practice for a person who is issued a certificate;

(c) The conduct of any investigation or hearing relating to an application for a certificate;

(d) The examination of an applicant for a certificate or a waiver of examination for an applicant;

(e) The requirements for issuing a certificate or provisional certificate;

(f) The duration, expiration, renewal, restoration, suspension, revocation and reinstatement of a certificate;

(g) The grounds for refusing the issuance, renewal, restoration or reinstatement of a certificate;

(h) **Requirements for the completion of continuing education which must include, without limitation, a requirement that the applicant receive at least 1 hour of instruction on evidence-based suicide prevention and awareness for each year of the term of the applicant's certification;**

~~(i)~~ **(i)** The conduct of any disciplinary or other administrative proceeding relating to a person who is issued a certificate;

~~(j)~~ **(j)** The filing of a complaint against a person who is issued a certificate;

~~(k)~~ **(k)** The issuance of a subpoena for the attendance of witnesses and the production of books, papers and records;

~~(l)~~ **(l)** The payment of fees for:

(1) Witnesses, mileage and attendance at a hearing or deposition; and

(2) The issuance, renewal, restoration or reinstatement of a certificate;

~~(m)~~ **(m)** The imposition of a penalty for a violation of any provision of the regulations; and

~~(n)~~ **(n)** The confidentiality of any record or other information maintained by the Board relating to an applicant or the holder of a certificate.

3. A person shall not engage in any activity for which the Board requires a certificate as a detoxification technician pursuant to this section unless the person is the holder of such a certificate.

4. In addition to the provisions of subsection 2, a regulation adopted pursuant to this section must include provisions that are substantially similar to the requirements set forth in NRS 641C.280 and 641C.710. Any provision included in a regulation pursuant to this subsection remains effective until the provisions of NRS 641C.280 and 641C.710 expire by limitation.

5. Except as otherwise provided in this section and NRS 641C.900, 641C.910 and 641C.950, the provisions of this chapter do not apply to the holder of a certificate that is issued in accordance with a regulation adopted pursuant to this section.

6. As used in this section, “detoxification technician” means a person who is certified by the Board to provide screening for the safe withdrawal from alcohol and other drugs.

Sec. 6. 1. This section and sections 1, 1.5, 2, 3, 4, 5, 5.3 and 5.7 of this act becomes become effective on July 1, 2016.

2. Sections 5.3 and 5.7 of this act expire by limitation on June 30, 2026.

3. Sections 1.3, 2.5, 3.5, 4.5 and 5.1 of this act become effective on July 1, 2026.

Assemblyman Kirner moved that the Assembly concur in the Senate Amendment No. 753 to Assembly Bill No. 93.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 115.

The following Senate amendment was read:

Amendment No. 829.

AN ACT relating to occupations; making certain provisions concerning providers of health care applicable to audiologists and speech-language pathologists; establishing the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board by expanding the existing Board of Examiners for Audiology and Speech Pathology and abolishing the existing Board of Hearing Aid Specialists; prescribing the requirements for the licensure of audiologists, speech-language pathologists and hearing aid specialists; prescribing the requirements to engage in telepractice by an audiologist or a speech-language pathologist; prescribing the requirements for the licensure and practice of an apprentice hearing aid specialist; prescribing the requirements for the practice of a hearing aid specialist; making certain provisions applicable to hearing aid specialists; imposing certain fees; providing that certain acts are grounds for disciplinary action by the Board; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law defines “provider of health care” as a person who practices any of certain health-related professions. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for the retention of patient records, requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts.

(NRS 629.051, 629.071, 629.076, 629.078) **Section 1** of this bill includes speech-language pathologists and audiologists in the definition of “provider of health care,” which has the effect of making these requirements applicable to speech-language pathologists and audiologists. Existing law also includes the definition of “provider of health care” by reference in various other provisions. By expanding the definition, the bill expands the definition for those other provisions, thereby making those provisions include speech-language pathologists and audiologists as providers of health care. The term is referenced in provisions relating to various subjects including, without limitation, admissibility of the testimony of hypnotized witnesses, power of attorney, practice during declared emergencies, investigations conducted concerning facilities for long-term care, confidentiality of reports and referrals relating to maternal health, payments by insurance, release of the results of certain laboratory tests, drug donation programs, interpreters and realtime captioning providers and the Silver State Health Insurance Exchange. (NRS 41.141, 48.039, 162A.790, 415A.210, 427A.145, 442.395, 449.2475, chapter 453B of NRS, NRS 652.193, chapters 656A and 695I of NRS)

Existing law establishes the Board of Hearing Aid Specialists to license and oversee hearing aid specialists and the Board of Examiners for Audiology and Speech Pathology to license and oversee audiologists and speech pathologists. (Chapters 637A and 637B of NRS) **Section 72** of this bill repeals provisions establishing the Board of Hearing Aid Specialists, and **section 44** of this bill establishes the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to license and oversee audiologists, speech-language pathologists and hearing aid specialists. **Under sections 44 and 44.5 of this bill, the Board consists of eight members until July 1, 2017, on which date the membership of the Board will decrease to seven members.** **Section 45** of this bill requires the Board to elect a Chair and a Vice Chair and to comply with certain provisions of NRS governing meetings of state and local agencies. **Section 46** of this bill authorizes the Board to employ certain persons and provides for compensation of the members and employees of the Board. **Section 16** of this bill authorizes the Board to select certain persons as advisory members, and **sections 17, 18, 25 and 28** of this bill prescribe the responsibilities of the Board.

Sections 19, 26, 47 and 48 of this bill prescribe certain requirements for applicants for licenses to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids. **Section 20** of this bill requires a speech-language pathologist who does not have a provisional license to have a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or a successor organization approved by the Board. **Sections 21, 22 and 50** of this bill authorize the Board to issue limited, provisional and temporary licenses to certain applicants. **Section 23** of this bill prescribes requirements for an audiologist or an applicant for a license to engage in the practice of audiology to obtain an endorsement of his or her license to also engage in the practice of fitting and dispensing hearing aids.

Section 24 of this bill prescribes requirements concerning telepractice by an audiologist or a speech-language pathologist.

Sections 25-35 of this bill enact requirements for the licensing and practice of hearing aid specialists in chapter 637B of NRS, and **section 72** repeals those requirements in chapter 637A of NRS. **Section 27** authorizes the Board to issue an apprentice license to an applicant who has not yet completed the education or training requirements for a hearing aid specialist, and **sections 29-31** prescribe requirements concerning the practice of an apprentice. **Section 32** authorizes a hearing aid specialist or dispensing audiologist to make an audiogram upon request by a physician or member of a related profession specified by the Board. **Section 33** requires a hearing aid specialist or apprentice to display his or her license conspicuously in each place where he or she conducts business as a hearing aid specialist or apprentice. **Section 34** requires a hearing aid specialist or apprentice to update the address of his or her place of business on file with the Board within 10 days after the date on which the address changes.

Federal law prohibits a state from enacting requirements for the sale of a hearing aid that are different from or in addition to federal requirements, and federal regulations allow a person to waive a medical examination when purchasing a hearing aid. (21 U.S.C. § 360k; 21 C.F.R. § 801.421) **Section 35** of this bill requires certain examinations to be performed on a person before the person purchases a hearing aid by catalog, mail or the Internet unless the person waives the examinations.

Section 43 of this bill revises exemptions from the provisions of chapter 637B of NRS for certain government employees and other persons who do not engage in the private practice of audiology, speech-language pathology or fitting and dispensing hearing aids. **Section 49** of this bill authorizes the Board to issue a license without an examination to persons who hold certain certifications. **Sections 48, 50, 53, 54 and 56-59** of this bill make certain provisions governing audiologists and speech-language pathologists applicable to hearing aid specialists as well. **Section 51** of this bill imposes fees for certain tasks relating to licensing. **Section 53** provides that certain acts are grounds for disciplinary action.

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

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means ~~the~~ :

- (a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS ~~the~~;
- (b) A physician assistant ~~the~~;
- (c) A dentist ~~the~~;
- (d) A licensed nurse ~~the~~;
- (e) A dispensing optician ~~the~~;
- (f) A *speech-language pathologist*;

(g) **An audiologist;**
 (h) **An optometrist** ~~§~~;
 (i) **A practitioner of respiratory care** ~~§~~;
 (j) **A registered physical therapist** ~~§~~;
 (k) **An occupational therapist** ~~§~~;
 (l) **A podiatric physician** ~~§~~;
 (m) **A licensed psychologist** ~~§~~;
 (n) **A licensed marriage and family therapist** ~~§~~;
 (o) **A licensed clinical professional counselor** ~~§~~;
 (p) **A music therapist** ~~§~~;
 (q) **A chiropractor** ~~§~~;
 (r) **An athletic trainer** ~~§~~;
 (s) **A perfusionist** ~~§~~;
 (t) **A doctor of Oriental medicine in any form** ~~§~~;
 (u) **A medical laboratory director or technician** ~~§~~;
 (v) **A pharmacist** ~~§~~;
 (w) **A licensed dietitian** ; or ~~§~~
 (x) **A licensed hospital as the employer of any ~~such~~ person ~~§~~ specified in this subsection.**

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 2. NRS 629.053 is hereby amended to read as follows:

629.053 1. The State Board of Health and each board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS shall post on its website on the Internet, if any, a statement which discloses that:

(a) Pursuant to the provisions of subsection 7 of NRS 629.051:

(1) The health care records of a person who is less than 23 years of age may not be destroyed; and

(2) The health care records of a person who has attained the age of 23 years may be destroyed for those records which have been retained for at least 5 years or for any longer period provided by federal law; and

(b) Except as otherwise provided in subsection 7 of NRS 629.051 and unless a longer period is provided by federal law, the health care records of a patient who is 23 years of age or older may be destroyed after 5 years pursuant to subsection 1 of NRS 629.051.

2. The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.

Sec. 3. NRS 629.079 is hereby amended to read as follows:

629.079 1. If a health care licensing board determines that a complaint received by the health care licensing board concerns a matter within the jurisdiction of another health care licensing board, the health care licensing board which received the complaint shall:

(a) Except as otherwise provided in paragraph (b), refer the complaint to the other health care licensing board within 5 days after making the determination; and

(b) If the health care licensing board also determines that the complaint concerns an emergency situation, immediately refer the complaint to the other health care licensing board.

2. If a health care licensing board determines that a complaint received by the health care licensing board concerns a public health emergency or other health event that is an immediate threat to the health and safety of the public in a health care facility or the office of a provider of health care, the health care licensing board shall immediately notify the appropriate health authority for the purposes of NRS 439.970.

3. A health care licensing board may refer a complaint pursuant to subsection 1 or provide notification pursuant to subsection 2 orally, electronically or in writing.

4. The provisions of subsections 1 and 2 apply to any complaint received by a health care licensing board, including, without limitation:

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

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

5. The provisions of this section do not prevent a health care licensing board from acting upon a complaint which concerns a matter within the jurisdiction of the health care licensing board regardless of whether the health care licensing board refers the complaint pursuant to subsection 1 or provides notification based upon the complaint pursuant to subsection 2.

6. A health care licensing board or an officer or employee of the health care licensing board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

7. As used in this section:

(a) “Health care facility” means any facility licensed pursuant to chapter 449 of NRS.

(b) “Health care licensing board” means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 4. NRS 629.097 is hereby amended to read as follows:

629.097 1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.

2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.

3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.

4. As used in this section, "board" refers to a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS.

Sec. 5. NRS 630.279 is hereby amended to read as follows:

630.279 The Board shall adopt regulations regarding the licensure of practitioners of respiratory care, including, without limitation:

1. Educational and other qualifications of applicants;
2. Required academic programs which applicants must successfully complete;
3. Procedures for applying for and issuing licenses;
4. Tests or examinations of applicants by the Board;
5. The types of medical services that a practitioner of respiratory care may perform, except that a practitioner of respiratory care may not perform those specific functions and duties delegated or otherwise restricted by specific statute to persons licensed as dentists, chiropractors, podiatric physicians, optometrists, physicians, osteopathic physicians or hearing aid specialists pursuant to this chapter or chapter 631, 633, 634, 635, 636 or ~~637A,~~ 637B of NRS, as appropriate;
6. The duration, renewal and termination of licenses; and
7. The grounds and procedures for disciplinary actions against practitioners of respiratory care.

Sec. 6. NRS 630A.299 is hereby amended to read as follows:

630A.299 The Board shall adopt regulations regarding the certification of a homeopathic 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 certificates.
4. The tests or examinations of applicants by the Board.
5. The medical services which a homeopathic assistant may perform, except that a homeopathic assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians, optometrists or hearing aid specialists under chapter 631, 634, 635, 636 or ~~637A,~~ 637B, respectively, of NRS.
6. The duration, renewal and termination of certificates.
7. The grounds respecting disciplinary actions against homeopathic assistants.

8. The supervision of a homeopathic assistant by a supervising homeopathic physician.

9. The establishment of requirements for the continuing education of homeopathic assistants.

Sec. 7. 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 tests or examinations of applicants by the Board.
5. The medical services which a physician assistant may perform, except that a physician assistant may not perform 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,~~ **637B**, respectively, of NRS.

6. The grounds and procedures respecting disciplinary actions against physician assistants.

7. The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 8. Chapter 637B of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to 35, inclusive, of this act.

Sec. 9. *“Apprentice” means a person who is completing in-service training under the supervision of a sponsor to become eligible to apply for a license to engage in the practice of fitting and dispensing hearing aids.*

Sec. 10. *“Dispensing audiologist” means a licensed audiologist who has obtained an endorsement from the Board to engage in the practice of fitting and dispensing hearing aids.*

Sec. 11. *“Hearing aid” means any:*

1. *Device worn by a person who suffers from impaired hearing for the purpose of amplifying sound to improve hearing or compensate for impaired hearing, including, without limitation, an earmold; and*
2. *Part, attachment or accessory for such a device.*

Sec. 12. *“Hearing aid specialist” means any person licensed to engage in the practice of fitting and dispensing hearing aids pursuant to the provisions of this chapter.*

Sec. 13. *“Manufacturer” means any person who assembles, manufactures or fabricates hearing aids or any parts or supplies used in connection therewith.*

Sec. 14. *“Practice of fitting and dispensing hearing aids” means measuring human hearing and selecting, adapting, distributing or selling hearing aids and includes, without limitation:*

1. *Making impressions for earmolds;*

2. *Administering and interpreting tests of human hearing and middle ear functions;*

3. *Determining whether a person who suffers from impaired hearing would benefit from a hearing aid;*

4. *Selecting and fitting hearing aids;*

5. *Providing assistance to a person after the fitting of a hearing aid;*

6. *Providing services relating to the care and repair of hearing aids;*

7. *Providing supervision and in-service training concerning measuring human hearing and selecting, adapting, distributing or selling hearing aids; and*

8. *Providing referral services for clinical evaluation, rehabilitation and medical treatment of hearing impairment.*

Sec. 15. *“Sponsor” means a hearing aid specialist or dispensing audiologist who is responsible for the direct supervision and in-service training of an apprentice in the practice of fitting and dispensing hearing aids.*

Sec. 16. 1. *Except as otherwise provided in subsection 2, the Board may, by majority vote, select ~~any person,~~ one or more persons, including, without limitation, a physician licensed pursuant to chapter 630 of NRS, an osteopathic physician licensed pursuant to chapter 633 of NRS or a member of the public, to serve as an advisory member of the Board.*

2. *A person who is a stockholder in a manufacturer of hearing aids may not be selected or serve as an advisory member of the Board.*

3. *An advisory member may not vote on any matter before the Board.*

Sec. 17. *The Board shall:*

1. *Enforce the provisions of this chapter and any regulations adopted pursuant thereto;*

2. *Prepare and maintain a record of its proceedings, including, without limitation, any administrative proceedings;*

3. *Evaluate the qualifications and determine the eligibility of an applicant for any license or endorsement of a license issued pursuant to this chapter and, upon payment of the appropriate fee, issue the appropriate license or endorsement of a license to a qualified applicant;*

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

5. *Require a person licensed or endorsed pursuant to this chapter to submit to the Board documentation required by the Board to determine whether the person has acquired the skills necessary to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids;*

6. *Investigate any complaint received by the Board against any person licensed or endorsed pursuant to this chapter;*

7. *Hold hearings to determine whether any provision of this chapter or any regulation adopted pursuant to this chapter has been violated; and*

8. Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the practice of or offers to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids without the appropriate license or endorsement issued pursuant to the provisions of this chapter.

Sec. 18. 1. The Board shall adopt regulations prescribing:

(a) The examinations required pursuant to NRS 637B.160 and concerning the practice of audiology and the practice of speech-language pathology;

(b) The period for which a license issued pursuant to the provisions of this chapter is valid which, except as otherwise provided in NRS 637B.200, must be not less than 1 year; and

(c) The manner in which a license or endorsement issued pursuant to this chapter must be renewed, which may include requirements for continuing education.

2. The Board may adopt regulations providing for the late renewal of a license and the reinstatement of an expired license, except that the Board must not renew or reinstate a license more than 3 years after the license expired.

3. The Board may, at the request of a person licensed pursuant to this chapter, place a license on inactive status if the holder of the license:

(a) Does not engage in, or represent that the person is authorized to engage in, the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State; and

(b) Satisfies any requirements for continuing education prescribed by the Board pursuant to this section.

Sec. 19. 1. Except as otherwise provided in subsection 2:

(a) An applicant for a license to engage in the practice of speech-language pathology must satisfy the academic requirements of an educational program accredited by the American Speech-Language-Hearing Association or its successor organization approved by the Board.

(b) An applicant for a license to engage in the practice of audiology must satisfy the academic requirements of an educational program accredited by the:

(1) American Speech-Language-Hearing Association or its successor organization approved by the Board; or

(2) Accreditation Commission for Audiology Education or its successor organization approved by the Board.

2. An applicant for a license to engage in the practice of audiology or speech-language pathology who receives an education in audiology or speech-language pathology from a foreign school must prove to the satisfaction of the Board that his or her educational program:

(a) Is substantially equivalent to the requirements set forth in subsection 1, as applicable; and

(b) Is accredited by an accrediting agency approved by the Board.

Sec. 20. Except for the holder of a provisional license issued pursuant to section 22 of this act and in addition to the requirements set forth in section 19 of this act, a speech-language pathologist must hold a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or its successor organization approved by the Board.

Sec. 21. 1. Upon application and payment of the application fee required pursuant to NRS 637B.230, the Board may issue a limited license to engage in the practice of audiology or speech-language pathology to a person who:

(a) Holds a current license to engage in the practice of audiology or speech-language pathology in another state; and

(b) Engages in the practice of audiology or speech-language pathology in this State for demonstration, instructional or educational purposes.

2. A limited license issued pursuant to this section is valid for not more than 15 days.

Sec. 22. 1. Upon application and payment of the application fee required pursuant to NRS 637B.230, the Board may issue a provisional license to engage in the practice of ~~speech language~~ :

(a) Speech-language pathology to a person who is completing the clinical fellowship requirements for obtaining a certificate of clinical competence issued by the American Speech-Language-Hearing Association.

(b) Fitting and dispensing hearing aids to a person who:

(1) Holds a license to engage in the practice of fitting and dispensing hearing aids in another state; and

(2) Is completing the training required for certification by the National Board for Certification in Hearing Instrument Sciences.

2. A provisional license issued pursuant to this section may be:

(a) Renewed not more than twice; and

(b) Converted to an active license upon payment of the fee required pursuant to NRS 637B.230 for converting the license and the award of fee :

(1) A certificate of clinical competence by the American Speech-Language-Hearing Association ; or

(2) Certification by the National Board for Certification in Hearing Instrument Sciences, ~~and payment of the fee required for converting the license pursuant to NRS 637B.230.~~

Sec. 23. An audiologist or an applicant for a license to engage in the practice of audiology who wishes to engage in the practice of fitting and dispensing hearing aids must:

1. Request an endorsement of the license to engage in the practice of fitting and dispensing hearing aids; and

2. Pass an examination prescribed by the Board pursuant to section 25 of this act. The examination must be identical to the examination required for the licensure of hearing aid specialists.

Sec. 24. 1. A person who engages in the practice of audiology or speech-language pathology by telepractice within this State and is a resident of this State or provides services by telepractice to any person in this State must:

(a) Hold a license to engage in the practice of audiology or speech-language pathology, as applicable, in this State;

(b) Be knowledgeable and competent in the technology used to provide services by telepractice;

(c) Only use telepractice to provide services for which delivery by telepractice is appropriate;

(d) Provide services by telepractice that, as determined by the Board, are substantially equivalent in quality to services provided in person;

(e) Document any services provided by telepractice in the record of the person receiving the services; and

(f) Comply with the provisions of this chapter and any regulations adopted pursuant thereto.

2. As used in this section, "telepractice" means engaging in the practice of audiology or speech-language pathology using equipment that transfers information electronically, telephonically or by fiber optics.

Sec. 25. The Board shall adopt regulations regarding the practice of fitting and dispensing hearing aids, including, without limitation:

1. The licensing of hearing aid specialists and apprentices;

2. The educational and training requirements for hearing aid specialists and apprentices;

3. The examination required pursuant to NRS 637B.160 and sections 23, 26 and 31 of this act concerning the practice of fitting and dispensing hearing aids; and

4. A program of in-service training for apprentices.

Sec. 26. An applicant for a license to engage in the practice of fitting and dispensing hearing aids must:

1. Successfully complete a program of education or training approved by the Board ~~for~~ which requires, without limitation, that the applicant:

(a) Hold an associate's degree or bachelor's degree in hearing instrument sciences; or

(b) Hold:

(1) A high school diploma or its equivalent or an associate's degree or bachelor's degree in any field other than hearing instrument sciences; and

(2) Successfully complete a training program in hearing instrument sciences as prescribed by regulation of the Board.

2. ~~Be~~ Except as otherwise provided in section 22 of this act, be certified by the National Board for Certification in Hearing Instrument Sciences. ~~for~~

3. Pass the examination prescribed pursuant to section 25 of this act. ~~for~~

4. Comply with the regulations adopted pursuant to section 25 of this act ~~for~~ and

5. *Include in his or her application the complete street address of each location from which the applicant intends to engage in the practice of fitting and dispensing hearing aids.*

Sec. 27. 1. *The Board may issue an apprentice license to an applicant who has not yet completed a program of education or training approved by the Board pursuant to section 26 of this act or passed the examination prescribed pursuant to section 25 of this act.*

2. *An applicant for an apprentice license must provide proof satisfactory to the Board that a sponsor has agreed to assume responsibility for the direct supervision and in-service training of the applicant.*

Sec. 28. *The Board shall adopt regulations setting forth requirements for the supervision of a licensed apprentice and the responsibilities of the sponsor and the apprentice.*

Sec. 29. 1. *All work performed by a licensed apprentice must be directly supervised by a hearing aid specialist or dispensing audiologist, and the hearing aid specialist or dispensing audiologist is responsible and civilly liable for the negligence or incompetence of the licensed apprentice under his or her supervision.*

2. *Any selection of a hearing aid for a customer made by a licensed apprentice must be approved by a hearing aid specialist or dispensing audiologist.*

3. *Any audiogram or sales document prepared by a licensed apprentice must be signed by the apprentice and the supervising hearing aid specialist or dispensing audiologist.*

4. *As used in this section:*

(a) *“Incompetence” means a lack of ability to practice safely and skillfully as a licensed apprentice arising from:*

(1) *A lack of knowledge or training; or*

(2) *An impaired physical or mental capability, including the habitual abuse of alcohol or addiction to any controlled substance.*

(b) *“Negligence” means a deviation from the normal standard of professional care exercised generally by apprentices.*

Sec. 30. 1. *A licensed apprentice shall, while engaged in the practice of fitting and dispensing hearing aids, identify himself or herself as an apprentice.*

2. *Any advertisement or promotional materials that refer to an apprentice must identify the apprentice as an apprentice.*

Sec. 31. *A person may not serve as a licensed apprentice for more than 3 years without passing the examination prescribed pursuant to section 25 of this act.*

Sec. 32. *A hearing aid specialist or dispensing audiologist, upon request by a physician or a member of a related profession specified by the Board, may make audiograms for the physician’s or member’s use in consultation with a person who suffers from impaired hearing.*

Sec. 33. Every hearing aid specialist and licensed apprentice shall display his or her license conspicuously in each place where the licensee conducts business as a hearing aid specialist or a licensed apprentice.

Sec. 34. Every hearing aid specialist and licensed apprentice shall, within 10 days after changing the address of his or her place of business, ~~as provided by the applicant pursuant to section 26 of this act,~~ notify the Board of the new address of his or her place of business.

Sec. 35. 1. A hearing aid specialist or dispensing audiologist licensed pursuant to this chapter may sell hearing aids by catalog, mail or the Internet if:

(a) The hearing aid specialist or dispensing audiologist has received:

(1) A written statement signed by:

(I) A physician licensed pursuant to chapter 630 or 633 of NRS, an advanced practice registered nurse licensed pursuant to NRS 632.237, an audiologist or a hearing aid specialist which verifies that he or she has performed an otoscopic examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid;

(II) A physician licensed pursuant to chapter 630 or 633 of NRS, an audiologist or a hearing aid specialist which verifies that he or she has performed an audiometric examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid; and

(III) A dispensing audiologist or a hearing aid specialist which verifies that an ear impression has been taken of the person to whom the hearing aid will be sold; or

(2) A waiver of the medical evaluation signed by the person to whom the hearing aid will be sold as authorized pursuant to 21 C.F.R. § 801.421(a)(2); and

(b) The person to whom the hearing aid will be sold has signed a statement acknowledging that the hearing aid specialist or dispensing audiologist is selling him or her the hearing aid by catalog, mail or the Internet based upon the information submitted by the person in accordance with this section.

2. A hearing aid specialist or dispensing audiologist who sells hearing aids by catalog, mail or the Internet pursuant to this section shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.

3. The Board may adopt regulations to carry out the provisions of this section, including, without limitation, the information that must be included in each record required to be maintained pursuant to subsection 2.

Sec. 36. NRS 637B.010 is hereby amended to read as follows:

637B.010 The practice of audiology, ~~and~~ the practice of ~~speech~~ **speech-language pathology and the practice of fitting and dispensing hearing aids** are hereby declared to be learned professions, affecting public

safety and welfare and charged with the public interest, and are therefore subject to protection and regulation by the State.

Sec. 37. NRS 637B.020 is hereby amended to read as follows:

637B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 637B.030 to 637B.070, inclusive, **and sections 9 to 15, inclusive, of this act** have the meanings ascribed to them in those sections.

Sec. 38. NRS 637B.030 is hereby amended to read as follows:

637B.030 “Audiologist” means any person who ~~engages~~ **is licensed to engage** in the practice of audiology ~~[-] pursuant to the provisions of this chapter.~~

Sec. 39. NRS 637B.040 is hereby amended to read as follows:

637B.040 “Board” means the ~~Board of Examiners for Audiology and Speech~~ **Speech-Language Pathology [-] , Audiology and Hearing Aid Dispensing Board.**

Sec. 40. NRS 637B.050 is hereby amended to read as follows:

637B.050 “Practice of audiology” ~~{consists of holding out to the public, or rendering, services for the measurement, testing, appraisal, prediction, consultation, counseling, research or treatment of}~~ **means the application of principles, methods and procedures relating to hearing and balance, hearing [impairment,] disorders and related speech and language disorders and includes, without limitation:**

1. **The conservation of auditory system functions;**
2. **Screening, identifying, assessing and interpreting, ~~{diagnosing,}~~ preventing and rehabilitating auditory and balance system disorders;**
3. **The selection, fitting, programming and dispensing of hearing aids, the programming of cochlear implants and other technology which assists persons with hearing and training persons to use such technology;**
4. **Providing vestibular and auditory rehabilitation, cerumen management and associated counseling services; ~~and~~**
5. **Conducting research on hearing and hearing disorders** for the purpose of modifying disorders in communication involving speech, language and hearing ~~[-]; and~~
6. **Providing referral services for medical diagnosis and treatment.**

Sec. 41. NRS 637B.060 is hereby amended to read as follows:

637B.060 “Practice of ~~{speech}~~ **speech-language** pathology” ~~{consists of holding out to the public, or rendering, services for the measurement, testing, identification, prediction, treatment or modification of, or counseling or research concerning:~~

- ~~1. Normal and abnormal development of a person’s ability to communicate;~~
- ~~2. Disorders and problems concerning a person’s ability to communicate;~~
- ~~3. Deficiencies in a person’s sensory, perceptual, motor, cognitive and social skills necessary to enable the person to communicate; and~~

~~4. Sensorimotor functions of a person's mouth, pharynx and larynx.]~~
means the application of principles, methods and procedures relating to the development and effectiveness of human communication and disorders of human communication, and includes, without limitation:

1. The prevention, screening, consultation, assessment, ~~[diagnosis,]~~ treatment, counseling, collaboration and referral services for disorders of speech, fluency, resonance voice language, feeding, swallowing and cognitive aspects of communication;

2. Argumentative and alternative communication techniques and strategies;

3. Auditory training, speech reading and speech and language intervention for persons who suffer from hearing loss;

4. The screening of persons for hearing loss and middle ear pathology;

5. Vocal tract imaging and visualization by the use of nonmedical oral and nasal endoscopy;

6. Selecting, fitting and establishing effective use of prosthetic or adaptive devices for communication, swallowing or other upper respiratory and digestive functions, not including sensory devices used by persons with hearing loss; ~~and]~~

7. Providing services to modify or enhance communication ~~[;]~~ and

8. Providing referral services for medical diagnosis and treatment.

Sec. 42. NRS 637B.070 is hereby amended to read as follows:

637B.070 ~~["Speech]~~ **"Speech-language** pathologist" means any person who ~~[engages]~~ **is licensed to engage** in the practice of ~~[speech]~~ **speech-language** pathology ~~[;]~~ **pursuant to the provisions of this chapter.**

Sec. 43. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to ~~[-]~~

~~1. Any physician or any person who is working with patients or clients under the direct, immediate supervision of a physician and for whom the physician is directly responsible.~~

~~2. Any hearing aid specialist who is licensed pursuant to chapter 637A of NRS and who is acting within the scope of the license.~~

~~3. Any] any person who:~~

~~[(a)] 1. Holds a current credential [as an audiologist or a speech pathologist] issued by the Department of Education [;~~

~~[(b)] pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;~~

~~2. Is employed [as an audiologist or a speech pathologist] by a federal agency or the Department of Health and Human Services;~~

~~[(c)] by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;~~

~~3. Is a [graduate] student [intern] enrolled in a program or school approved by the Board, [and] is pursuing a [graduate] degree in audiology or [speech] speech-language pathology [;~~

~~—(d) Is a registered nurse employed as a school nurse; or~~

~~—(e)}~~ **and is clearly designated to the public as a student; or**

4. Holds a current ~~{certificate from the Council on the Education of the Deaf as a teacher,}~~ **license issued pursuant to chapters 630 to 637, inclusive, or 640 to 641C, inclusive, of NRS,**

↪ and who does not engage in the private practice of audiology or ~~{of speech}~~ **speech-language** pathology in this State.

Sec. 44. NRS 637B.100 is hereby amended to read as follows:

637B.100 1. The ~~{Board of Examiners for Audiology and Speech}~~ **Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board**, consisting of ~~{five-seven}~~ **eight** members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) ~~{Two}~~ **Three** members who ~~{have been engaged in the practice of speech pathology for 2 years or more;}~~ **are speech-language pathologists, each of whom must practice in a different setting, including, without limitation, a university, public school, hospital or private practice;**

(b) ~~{One member who has been engaged in the practice of audiology for 2 years or more;}~~ **Two members who are audiologists, at least one of whom must be a dispensing audiologist;**

(c) ~~{One member}~~ **Two members** who ~~{is a physician and who is certified by the Board of Medical Examiners as a specialist in otolaryngology, pediatrics or neurology;}~~ **are hearing aid ~~{specialist}~~ specialists;** and

(d) One member who is a representative of the general public. This member must not be:

(1) A ~~{speech}~~ **speech-language** pathologist , **hearing aid specialist** or an audiologist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a ~~{speech}~~ **speech-language** pathologist , **hearing aid specialist** or an audiologist.

3. ~~{Members of the Board who are speech pathologists and audiologists must be representative of the university, public school, hospital or private aspects of the practice of audiology and of speech pathology.}~~

~~—4.}~~ Each member of the Board who is ~~{a speech pathologist or}~~ **an audiologist , a speech-language pathologist or a hearing aid specialist** must ~~{hold}~~ :

(a) **Have practiced, taught or conducted research in his or her profession for the 3 years immediately preceding the appointment; and**

(b) **Hold** a current license issued pursuant to this chapter . ~~{for a current certificate of clinical competence from the American Speech Language Hearing Association.}~~

~~—5. The member who is a representative of the general public may not participate in preparing, conducting or grading any examination required by the Board.}~~

4. *A person who is a stockholder in a manufacturer of hearing aids may not be selected to or serve as a member of the Board.*

5. *After the initial terms, each member of the Board serves a term of 3 years.*

6. *A member of the Board shall not serve for more than two terms.*

7. *If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.*

Sec. 44.5. NRS 637B.100 is hereby amended to read as follows:

637B.100 1. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, consisting of ~~eight~~ **seven** members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Three members who are speech-language pathologists, each of whom must practice in a different setting, including, without limitation, a university, public school, hospital or private practice;

(b) Two members who are audiologists, at least one of whom must be a dispensing audiologist;

(c) ~~Two members~~ **One member** who ~~are~~ **is a** hearing aid ~~specialists,~~ **specialist;** and

(d) One member who is a representative of the general public. This member must not be:

(1) A speech-language pathologist, hearing aid specialist or an audiologist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a speech-language pathologist, hearing aid specialist or an audiologist.

3. Each member of the Board who is an audiologist, a speech-language pathologist or a hearing aid specialist must:

(a) Have practiced, taught or conducted research in his or her profession for the 3 years immediately preceding the appointment; and

(b) Hold a current license issued pursuant to this chapter.

4. A person who is a stockholder in a manufacturer of hearing aids may not be selected to or serve as a member of the Board.

5. After the initial terms, each member of the Board serves a term of 3 years.

6. A member of the Board shall not serve for more than two terms.

7. If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

Sec. 45. NRS 637B.120 is hereby amended to read as follows:

637B.120 1. ***The Board shall elect from its members a Chair and Vice Chair. The officers of the Board hold their respective offices at the pleasure of the Board.***

2. The Board shall meet at least **twice** annually and may meet at other times on the call of the ~~President~~ **Chair** or a majority of its members.

~~{2.}~~ 3. A majority of the Board constitutes a quorum to transact all business.

4. The Board shall comply with the provisions of chapter 241 of NRS, and all meetings of the Board must be conducted in accordance with that chapter.

Sec. 46. NRS 637B.130 is hereby amended to read as follows:

637B.130 1. A member of the Board is entitled to receive:

(a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. The Board may employ and fix the compensation of an Executive Director and any other employee necessary to the discharge of its duties.

4. The expenses of the Board and members of the Board, and the salaries of its employees, must be paid from the fees received by the Board pursuant to this chapter, and no part of those expenses and salaries may be paid out of the State General Fund.

Sec. 47. NRS 637B.160 is hereby amended to read as follows:

637B.160 ~~{1. An applicant for a license to engage in the practice of audiology or speech pathology must be issued a license}~~ **Except as otherwise provided in NRS 637B.200 and sections 22 and 27 of this act, to be eligible for licensing** by the Board ~~{if the}~~, **an 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}~~ **for a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids must:**

1. Be a natural person 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}~~

2. Pass an examination ~~{required by this chapter;~~

~~—(h) Pays}~~ **prescribed by the Board pursuant to section 18 or 25 of this act, as applicable;**

3. Pay the fees provided for in this chapter; and

~~{(i) Submits}~~

4. Submit 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. 48. NRS 637B.166 is hereby amended to read as follows:

637B.166 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to engage in the practice of audiology ~~for speech~~, **speech-language** pathology **or fitting and dispensing hearing aids** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to engage in the practice of audiology ~~for speech~~, **speech-language** pathology **or fitting and dispensing hearing aids** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to engage in the practice of audiology ~~for speech~~, **speech-language** pathology **or fitting and dispensing hearing aids** may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to

contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 49. NRS 637B.190 is hereby amended to read as follows:

637B.190 The Board may issue a license without examination to a person who holds:

1. ~~{A current license to practice audiology or speech pathology in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to those provided by this chapter; or~~

~~—2.} A **current** certificate of clinical competence issued by the American {Speech and Hearing} **Speech-Language-Hearing** Association in the field of practice for which the person is applying for a license {;} ; or~~

2. **Current certification from the American Board of Audiology.**

Sec. 50. NRS 637B.200 is hereby amended to read as follows:

637B.200 1. The Board ~~{shall}~~ **may** issue a temporary license to **engage in the practice {audiology or speech} of:**

(a) **Audiology, speech-language pathology {;} or fitting and dispensing hearing aids** upon application and the payment of the **fee** required ~~{fee,}~~ **pursuant to NRS 637B.230** to any person who is so licensed in another state and who meets all the qualifications for licensing in this State ~~{other than passing the examination.} ; and~~

(b) **Fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.230 to any person who meets all of the qualifications for licensing as a hearing aid specialist or an endorsement of a license to engage in the practice of fitting and dispensing hearing aids other than passing the examination concerning the practice of fitting and dispensing hearing aids prescribed pursuant to section 25 of this act.**

2. **The Board may issue a temporary license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.230 to any spouse of a member of the Armed Forces of the United States who:**

(a) **Is so licensed in another state; and**

(b) **Attests that he or she meets all of the qualifications for licensure in this State.**

3. A temporary license issued pursuant to this section ~~{is valid until the Board publishes the results of the examination next administered after the license is issued.} :~~

(a) **Is valid for not more than 6 months;**

(b) **May be renewed not more than once; and**

(c) **May be converted to an active license upon the completion of all requirements for a license and payment of the fee required by NRS 637B.230.**

Sec. 51. 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~~	~~\$100~~
Application fee for a license to practice audiology	100
Annual fee.....	~~\$150~~
License fee	100
Fee for the renewal of a license	~~50~~ 100
Reinstatement fee	~~75~~ 100
Examination fee	300
Fee for converting to a different type of license	50
Fee for each additional license or endorsement	50
Fee for obtaining license information	50

2. All fees are payable in advance and may not be refunded.

Sec. 52. NRS 637B.240 is hereby amended to read as follows:

637B.240 1. All fees collected under the provisions of this chapter must be paid to the ~~Secretary-Treasurer of the~~ Board to be used to defray the necessary expenses of the Board. The ~~Secretary-Treasurer~~ **Board** shall deposit the fees in qualified banks, credit unions or savings and loan associations in this State.

2. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect civil penalties therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of civil penalties with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 53. NRS 637B.250 is hereby amended to read as follows:

637B.250 **1.** The grounds for initiating disciplinary action pursuant to this chapter are:

~~1.~~ **(a)** Unprofessional conduct.

~~2.~~ **(b)** Conviction of:

~~(a)~~ **(1)** A violation of any federal or state law regarding the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

~~(b)~~ **(2)** A felony **or gross misdemeanor** relating to the practice of audiology ~~for speech~~ , **speech-language** pathology ~~or fitting and dispensing hearing aids~~;

~~(c)~~ **(3)** A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

~~(d)~~ **(4)** Any offense involving moral turpitude.

~~3.~~ **(c)** ~~Suspension or revocation of a license to practice audiology or speech pathology by any other jurisdiction.~~

~~—4.1~~ Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

~~{5.4.1}~~ **(d)** Professional incompetence.

~~{6.5.1}~~ **(e)** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

~~{(a)}~~ **(1)** The license of the facility is suspended or revoked; or

~~{(b)}~~ **(2)** An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This ~~{subsection}~~ **paragraph** applies to an owner or other principal responsible for the operation of the facility.

~~{6.1}~~ **2.** *As used in this section, “unprofessional conduct” includes, without limitation:*

(a) Conduct that is harmful to the public health or safety;

(b) Obtaining a license through fraud or misrepresentation of a material fact;

(c) Suspension or revocation of a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids; and

(d) A violation of any provision of:

(1) Federal law concerning the practice of audiology, speech-language pathology or fitting and dispensing hearing aids or any regulations adopted pursuant thereto, including, without limitation, 21 C.F.R. §§ 801.420 and 801.421;

(2) NRS 597.264 to 597.2667, inclusive, or any regulations adopted pursuant thereto; or

(3) This chapter or any regulations adopted pursuant thereto.

Sec. 54. NRS 637B.255 is hereby amended to read as follows:

637B.255 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to engage in the practice of audiology ~~for speech~~, **speech-language** pathology ~~or fitting and dispensing hearing aids~~, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to engage in the practice of audiology ~~for speech~~, **speech-language** pathology **or fitting and dispensing hearing aids** that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the

subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays any fees imposed by the Board pursuant to NRS 637B.230 for the reinstatement of a license.

Sec. 55. NRS 637B.280 is hereby amended to read as follows:

637B.280 1. If, after notice and a hearing as required by law, the Board determines that the applicant or licensee has committed any act which constitutes grounds for disciplinary action, the Board may, in the case of the applicant, refuse to issue a license, and in all other cases:

- (a) Refuse to renew a license;
- (b) Revoke a license;
- (c) Suspend a license ; ~~{for a definite time, not to exceed 1 year;}~~
- (d) Administer to the licensee a public reprimand; ~~{or}~~
- (e) ***Impose conditions on the practice of the licensee;***
- (f) ***Impose a civil penalty not to exceed ~~[\$1,000.] \$5,000 for each act constituting grounds for disciplinary action; or~~***
- (g) ***Impose any combination of the disciplinary actions described in paragraphs (a) to (f), inclusive.***

2. The Board shall not administer a private reprimand.

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

Sec. 56. NRS 637B.290 is hereby amended to read as follows:

637B.290 1. A person shall not engage in the practice of audiology ~~for speech~~ , ***speech-language*** pathology ***or fitting and dispensing hearing aids*** in this State without holding a valid license issued pursuant to the provisions of this chapter.

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

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

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

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

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

Sec. 57. NRS 637B.291 is hereby amended to read as follows:

637B.291 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who ~~practices~~ **engages in the practice of** or offers to **engage in the practice of** audiology ~~for speech~~, **speech-language** pathology **or fitting and dispensing hearing aids** without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 58. NRS 637B.295 is hereby amended to read as follows:

637B.295 A member or any agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter ~~practices~~ **engages in the practice of** audiology ~~for speech~~, **speech-language** pathology **or fitting and dispensing hearing aids** and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is ~~practicing~~ **engaging in the practice of** audiology ~~for speech~~, **speech-language** pathology **or fitting and dispensing hearing aids** without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 59. NRS 637B.310 is hereby amended to read as follows:

637B.310 1. The Board through its ~~President~~ **Chair** or ~~Secretary-Treasurer~~ **Vice Chair** may maintain in any court of competent jurisdiction a suit for an injunction against any person ~~practicing~~ **engaging in the practice of** audiology ~~for speech~~, **speech-language** pathology **or fitting and dispensing hearing aids** without a license valid under this chapter.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Shall not relieve such person from criminal prosecution for practicing without a license.

Sec. 60. NRS 644.449 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

Sec. 61. NRS 654.185 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

Sec. 62. NRS 179.121 is hereby amended to read as follows:

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

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

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

(c) A violation of NRS 202.445 or 202.446;

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

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300, 201.320, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405, 465.070 to 465.085, inclusive, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, ~~637A.352,~~ 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.

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

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

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

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

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

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

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

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

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

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

Sec. 63. 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 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. 64. NRS 391.160 is hereby amended to read as follows:

391.160 1. The salaries of teachers and other employees must be determined by the character of the service required. A school district shall not discriminate between male and female employees in the matter of salary.

2. Each year when determining the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the teacher would otherwise receive in 1 year for the teacher's classification on the schedule of salaries for the school district if:

(a) On or before January 31 of the school year, the teacher has submitted evidence satisfactory to the school district of his or her current certification; and

(b) The teacher is assigned by the school district to provide classroom instruction during that school year.

➡ No increase in salary may be given pursuant to this subsection during a particular school year to a teacher who submits evidence of certification after January 31 of that school year. For the first school year that a teacher submits evidence of his or her current certification, the board of trustees of the school district to whom the evidence was submitted shall pay the increase in salary required by this subsection retroactively to the beginning of that school year. Once a teacher has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the teacher may otherwise be entitled.

3. Each year when determining the salary of a person who is employed by a school district as a ~~{speech}~~ **speech-language** pathologist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries for the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's:

(1) Licensure as a ~~{speech}~~ **speech-language** pathologist by the ~~{Board of Examiners for Audiology and Speech}~~ **Speech-Language Pathology { }, Audiology and Hearing Aid Dispensing Board;**

(2) Certification as being clinically competent in speech-language pathology by:

(I) The American Speech-Language-Hearing Association; or

(II) A successor organization to the American Speech-Language-Hearing Association that is recognized and determined to be acceptable by the ~~{Board of Examiners for Audiology and Speech}~~ **Speech-Language Pathology { }, Audiology and Hearing Aid Dispensing Board; and**

(b) The employee is assigned by the school district to serve as a ~~{speech}~~ **speech-language** pathologist during the school year.

➡ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of licensure and certification after September 15 of that school year. Once an employee has submitted evidence of such licensure and certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

4. Each year when determining the salary of a person who is employed by a school district as a professional school library media specialist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries of the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's current certification as a professional school library media specialist issued by the National Board for Professional Teaching Standards; and

(b) The employee is assigned by the school district to serve as a professional school library media specialist during that school year.

➔ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of certification after September 15 of that school year. Once an employee has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

5. In determining the salary of a licensed teacher who is employed by a school district after the teacher has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the teacher the same credit for previous teaching service as the teacher was receiving from the teacher's former employer at the end of his or her former employment;

(b) Give the teacher credit for the teacher's final year of service with his or her former employer, if credit for that service is not included in credit given pursuant to paragraph (a); and

(c) Place the teacher on the schedule of salaries of the school district in a classification that is commensurate with the level of education acquired by the teacher, as set forth in the applicable negotiated agreement with the present employer.

6. A school district may give the credit required by subsection 5 for previous teaching service earned in another state if the Commission has approved the standards for licensing teachers of that state. The Commission shall adopt regulations that establish the criteria by which the Commission will consider the standards for licensing teachers of other states for the purposes of this subsection. The criteria may include, without limitation, whether the Commission has authorized reciprocal licensure of educational personnel from the state under consideration.

7. In determining the salary of a licensed administrator, other than the superintendent of schools, who is employed by a school district after the administrator has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the administrator the same credit for previous administrative service as the administrator was receiving from the administrator's former employer, at the end of his or her former employment;

(b) Give the administrator credit for the administrator's final year of service with his or her former employer, if credit for that service is not otherwise included in the credit given pursuant to paragraph (a); and

(c) Place the administrator on the schedule of salaries of the school district in a classification that is comparable to the classification the administrator had attained on the schedule of salaries of the administrator's former employer.

8. This section does not:

(a) Require a school district to allow a teacher or administrator more credit for previous teaching or administrative service than the maximum credit for teaching or administrative experience provided for in the schedule of salaries established by it for its licensed personnel.

(b) Permit a school district to deny a teacher or administrator credit for his or her previous teaching or administrative service on the ground that the service differs in kind from the teaching or administrative experience for which credit is otherwise given by the school district.

9. As used in this section:

(a) "Previous administrative service" means the total of:

(1) Any period of administrative service for which an administrator received credit from the administrator's former employer at the beginning of his or her former employment; and

(2) The administrator's period of administrative service in his or her former employment.

(b) "Previous teaching service" means the total of:

(1) Any period of teaching service for which a teacher received credit from the teacher's former employer at the beginning of his or her former employment; and

(2) The teacher's period of teaching service in his or her former employment.

Sec. 65. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the

abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, “youth shelter” has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 66. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, “licensing board” means any division or board empowered to adopt standards for the issuance or renewal of

licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

- (a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;
- (b) The effect of the regulation on the cost of health care in this State;
- (c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and
- (d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 67. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

- (a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

- (I) Cities and towns;
- (II) School districts; and
- (III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

- (b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639 or 640 of NRS;

(II) A hospital or other health care facility; or

(III) Any related corporate entity.

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

- (1) Private vehicles;
- (2) Commercial vehicles;
- (3) Liability insurance; and
- (4) Insurance for property damage;

(d) Workers' compensation insurance; and

(e) In addition to any information provided pursuant to subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of insurance for medical malpractice. As used in this paragraph, "policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

- (a) Premiums directly written;
- (b) Premiums directly earned;
- (c) Number of policies issued;
- (d) Net investment income, using appropriate estimates when necessary;

(e) Losses paid;

(f) Losses incurred;

(g) Loss reserves, including:

- (1) Losses unpaid on reported claims; and
- (2) Losses unpaid on incurred but not reported claims;

(h) Number of claims, including:

- (1) Claims paid; and
- (2) Claims that have arisen but are unpaid;

(i) Expenses for adjustment of losses, including allocated and unallocated losses;

(j) Net underwriting gain or loss;

(k) Net operation gain or loss, including net investment income; and

(l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

(a) Recoverable federal income tax;

(b) Net unrealized capital gain or loss; and

(c) All other expenses not included in subsection 2.

Sec. 67.5. 1. Notwithstanding any other provision of law to the contrary, the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, shall be deemed to be the successor entity of the Board of Hearing Aid Specialists created by section 4 of chapter 583, Statutes of Nevada 1973, at page 990.

2. Any contract or other agreement entered into by an officer or entity whose name has been changed pursuant to the provisions of this act is binding upon the officer or entity to which the responsibility for the administration of

the contract or other agreement has been transferred. Such a contract or other agreement may be enforced by the officer or entity to which the responsibility for the enforcement of the contract or other agreement has been transferred.

3. Any disciplinary or other administrative action taken by the Board of Hearing Aid Specialists remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such action has been transferred.

4. The ~~State Controller shall transfer the money in any fund or account~~ **Secretary** of the Board of Hearing Aid Specialists ~~to a fund or account created for~~ **shall close each account maintained with a financial institution by the Board of Hearing Aid Specialists pursuant to NRS 637A.080 and pay the closing balance of the account to** the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act. The assets and liabilities of **each** such ~~to~~ **fund or** account are unaffected by the ~~transfer~~ **closure and payment. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board shall deposit the money so received in qualified banks, credit unions or savings and loan associations in this State in accordance with NRS 637B.240, as amended by section 52 of this act.**

Sec. 68. Notwithstanding the amendatory provisions of this act:

1. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, shall issue an endorsement to engage in the practice of fitting and dispensing hearing aids to any audiologist who, on October 1, 2015, holds a current license as a hearing aid specialist issued by the Board of Hearing Aid Specialists pursuant to chapter 637A of NRS.

2. A license that is valid on October 1, 2015, and that was issued by the Board of Hearing Aid Specialists created by NRS 637A.030 or the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100:

(a) Shall be deemed to be issued by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act; and

(b) Remains valid until its date of expiration, if the holder of the license otherwise remains qualified for the issuance or renewal of the license on or after October 1, 2015.

Sec. 69. 1. The terms of the members of the Board of Hearing Aid Specialists created by NRS 637A.030 and the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 who are incumbent on September 30, 2015, expire on that date.

2. On or before October 1, 2015, the Governor shall appoint the members of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, to terms commencing on October 1, 2015, as follows:

(a) Two members to terms that expire on July 1, 2016;

(b) ~~Three~~ **Four** members to terms that expire on July 1, 2017; and

(c) Two members to terms that expire on July 1, 2018.

Sec. 70. 1. Notwithstanding the amendatory provisions of sections 17, 18, 25, 28, 35 and 72 of this act transferring authority to adopt regulations from the Board of Hearing Aid Specialists created by NRS 637A.030 and the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, any regulations adopted by the Board of Hearing Aid Specialists and the Board of Examiners for Audiology and Speech Pathology that do not conflict with the provisions of this act remain in effect and may be enforced by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board until the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board adopts regulations to repeal or replace those regulations.

2. Any regulations adopted by the Board of Hearing Aid Specialists created by NRS 637A.030 or the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 that conflict with the provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after October 1, 2015.

Sec. 71. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.

Sec. 72. 1. NRS 637A.010, 637A.020, 637A.021, 637A.0213, 637A.0217, 637A.022, 637A.0221, 637A.0223, 637A.0227, 637A.023, 637A.0233, 637A.0235, 637A.024, 637A.025, 637A.030, 637A.035, 637A.040, 637A.060, 637A.080, 637A.090, 637A.100, 637A.110, 637A.120, 637A.130, 637A.140, 637A.150, 637A.160, 637A.163, 637A.170, 637A.190, 637A.200, 637A.205, 637A.210, 637A.220, 637A.225, 637A.230, 637A.235, 637A.240, 637A.243, 637A.245, 637A.250, 637A.253, 637A.260, 637A.270, 637A.290, 637A.300, 637A.305, 637A.310, 637A.315, 637A.340, 637A.345, 637A.350, 637A.352, 637A.353, 637A.355, 637A.360, 637B.090, 637B.110, 637B.150, 637B.170, 637B.210, 637B.220, 637B.270 and 637B.300 are hereby repealed.

2. Section 322 of chapter 483, Statutes of Nevada 1997, is hereby repealed.

Sec. 73. 1. This section and sections 1 to 44, inclusive, and 45 to 72, inclusive, of this act become effective:

~~H-1~~ **(a)** Upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

~~H-1~~ **(b)** On October 1, 2015, for all other purposes.

2. Section 44.5 of this act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

637A.010 Short title.

637A.020 Definitions.

637A.021 “Board” defined.

637A.0213 “Chair” defined.

637A.0217 “Hearing aid” defined.

637A.022 “Hearing aid specialist” defined.

637A.0221 “Incompetence” defined.

637A.0223 “License” defined.

637A.0227 “Manufacturer” defined.

637A.023 “Member” defined.

637A.0233 “Negligence” defined.

637A.0235 “Practice of fitting and dispensing hearing aids” defined.

637A.024 “Secretary” defined.

637A.025 Applicability.

637A.030 Creation; number and appointment of members.

637A.035 Qualifications of members; terms; members serve at pleasure of Governor.

637A.040 Chair and Secretary; meetings; quorum.

637A.060 Officers; rules and regulations.

637A.080 Deposit and use of money received by Board; delegation of authority to take disciplinary action; deposit of fines imposed by Board; claims for attorney’s fees and costs of investigation.

637A.090 Compensation of members and employees.

637A.100 Duties.

637A.110 Powers.

637A.120 Seal.

637A.130 Application for examination; fee.

637A.140 Contents of application.

637A.150 Actions by Board on applications.

637A.160 Requirements for licensing.

637A.163 Payment of child support: Submission of certain information by applicant; grounds for denial of examination or license; duty of Board.

637A.170 Examination waived for certain specialists applying before October 1, 1973.

637A.190 Display of license.

637A.200 Expiration and renewal of licenses.

637A.205 Transfer of license to inactive list.

- 637A.210 Fees.
- 637A.220 Apprentices: Employment; application for licensure.
- 637A.225 Apprentices: Regulations concerning approval of Board for hearing aid specialist to supervise; procedure for appeal.
- 637A.230 Apprentices: Supervision and responsibility for work; selection of hearing aid; signing of audiogram or sales document.
- 637A.235 Apprentices: Identification; title.
- 637A.240 Limitation on period of apprenticeship.
- 637A.243 Sale of hearing aids by catalog or mail: Conditions; records; regulations.
- 637A.245 Audiograms for use of physician or member of related profession.
- 637A.250 Grounds.
- 637A.253 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license.
- 637A.260 Complaint against licensee; investigation; retention of complaints.
- 637A.270 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.
- 637A.290 Authorized disciplinary action; procedure for suspension; private reprimands prohibited; orders imposing discipline deemed public records.
- 637A.300 Surrender and reinstatement of revoked license.
- 637A.305 Active participation in fitting or dispensing hearing aid prohibited with revoked license.
- 637A.310 Records required.
- 637A.315 Confidentiality of certain records of Board; exceptions.
- 637A.340 Transfer or alteration of license.
- 637A.345 Inspection of premises by Board.
- 637A.350 Fraudulent use of assumed name or practice without license.
- 637A.352 Engaging in business of hearing aid specialist without license; penalties.
- 637A.353 Engaging in business of hearing aid specialist or apprentice to hearing aid specialist without license: Reporting requirements of the Board.
- 637A.355 Injunctive relief against violators.
- 637A.360 Penalty.
- 637B.090 Use of title “certified hearing aid audiologist.”
- 637B.110 Officers.
- 637B.150 Regulations.
- 637B.170 Examinations.
- 637B.210 Expiration, renewal and reinstatement of licenses; fees; required statement.

637B.220 Standards for ethical conduct; continuing education as prerequisite to license renewal.

637B.270 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.

637B.300 Prescribing or administering drugs or piercing or severing body tissue.

Assemblyman Kirner moved that the Assembly concur in Senate Amendment No. 829 to Assembly Bill No. 115.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 877.

AN ACT relating to occupations; making certain provisions concerning providers of health care applicable to audiologists and speech-language pathologists; establishing the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board by expanding the existing Board of Examiners for Audiology and Speech Pathology and abolishing the existing Board of Hearing Aid Specialists; prescribing the requirements for the licensure of audiologists, speech-language pathologists and hearing aid specialists; prescribing the requirements to engage in telepractice by an audiologist or a speech-language pathologist; prescribing the requirements for the licensure and practice of an apprentice hearing aid specialist; prescribing the requirements for the practice of a hearing aid specialist; making certain provisions applicable to hearing aid specialists; imposing certain fees; providing that certain acts are grounds for disciplinary action by the Board; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "provider of health care" as a person who practices any of certain health-related professions. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for the retention of patient records, requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.051, 629.071, 629.076, 629.078) **Section 1** of this bill includes speech-language pathologists and audiologists in the definition of "provider of health care," which has the effect of making these requirements applicable to speech-language pathologists and audiologists. Existing law also includes the definition of "provider of health care" by reference in various other provisions. By expanding the definition, the bill expands the definition for those other provisions, thereby making those provisions include speech-language pathologists and audiologists as providers of health care. The term is referenced in provisions relating to various subjects including, without limitation, admissibility of the testimony of hypnotized witnesses, power of attorney, practice during declared emergencies, investigations conducted concerning facilities for long-term care, confidentiality of reports and referrals relating to maternal health, payments by insurance, release of the results of

certain laboratory tests, drug donation programs, interpreters and realtime captioning providers and the Silver State Health Insurance Exchange. (NRS 41.141, 48.039, 162A.790, 415A.210, 427A.145, 442.395, 449.2475, chapter 453B of NRS, NRS 652.193, chapters 656A and 695I of NRS)

Existing law establishes the Board of Hearing Aid Specialists to license and oversee hearing aid specialists and the Board of Examiners for Audiology and Speech Pathology to license and oversee audiologists and speech pathologists. (Chapters 637A and 637B of NRS) **Section 72** of this bill repeals provisions establishing the Board of Hearing Aid Specialists, and **section 44** of this bill establishes the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to license and oversee audiologists, speech-language pathologists and hearing aid specialists. Under **sections 44 and 44.5** of this bill, the Board consists of eight members until July 1, 2017, on which date the membership of the Board will decrease to seven members. **Section 45** of this bill requires the Board to elect a Chair and a Vice Chair and to comply with certain provisions of NRS governing meetings of state and local agencies. **Section 46** of this bill authorizes the Board to employ certain persons and provides for compensation of the members and employees of the Board. **Section 16** of this bill authorizes the Board to select certain persons as advisory members, and **sections 17, 18, 25 and 28** of this bill prescribe the responsibilities of the Board.

Sections 19, 26, 47 and 48 of this bill prescribe certain requirements for applicants for licenses to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids. **Section 20** of this bill requires a speech-language pathologist who does not have a provisional license to have a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or a successor organization approved by the Board. **Sections 21, 22 and 50** of this bill authorize the Board to issue limited, provisional and temporary licenses to certain applicants. **Section 23** of this bill prescribes requirements for an audiologist or an applicant for a license to engage in the practice of audiology to obtain an endorsement of his or her license to also engage in the practice of fitting and dispensing hearing aids.

Section 24 of this bill prescribes requirements concerning telepractice by an audiologist or a speech-language pathologist.

Sections 25-35 of this bill enact requirements for the licensing and practice of hearing aid specialists in chapter 637B of NRS, and **section 72** repeals those requirements in chapter 637A of NRS. **Section 27** authorizes the Board to issue an apprentice license to an applicant who has not yet completed the education or training requirements for a hearing aid specialist, and **sections 29-31** prescribe requirements concerning the practice of an apprentice. **Section 32** authorizes a hearing aid specialist or dispensing audiologist to make an audiogram upon request by a physician or member of a related profession specified by the Board. **Section 33** requires a hearing aid specialist or apprentice to display his or her license conspicuously in each place where he or she conducts business as a hearing aid specialist or apprentice. **Section 34**

requires a hearing aid specialist or apprentice to update the address of his or her place of business on file with the Board within 10 days after the date on which the address changes.

Federal law prohibits a state from enacting requirements for the sale of a hearing aid that are different from or in addition to federal requirements, and federal regulations allow a person to waive a medical examination when purchasing a hearing aid. (21 U.S.C. § 360k; 21 C.F.R. § 801.421) **Section 35** of this bill requires certain examinations to be performed on a person before the person purchases a hearing aid by catalog, mail or the Internet unless the person waives the examinations.

Section 43 of this bill revises exemptions from the provisions of chapter 637B of NRS for certain government employees and other persons who do not engage in the private practice of audiology, speech-language pathology or fitting and dispensing hearing aids. **Section 49** of this bill authorizes the Board to issue a license without an examination to persons who hold certain certifications. **Sections 48, 50, 53, 54 and 56-59** of this bill make certain provisions governing audiologists and speech-language pathologists applicable to hearing aid specialists as well. **Section 51** of this bill imposes fees for certain tasks relating to licensing. **Section 53** provides that certain acts are grounds for disciplinary action.

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

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means ~~the~~ :

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS ~~the~~;

(b) A physician assistant ~~the~~;

(c) A dentist ~~the~~;

(d) A licensed nurse ~~the~~;

(e) A dispensing optician ~~the~~;

(f) A *speech-language pathologist*;

(g) An *audiologist*;

(h) An optometrist ~~the~~;

(i) A practitioner of respiratory care ~~the~~;

(j) A registered physical therapist ~~the~~;

(k) An occupational therapist ~~the~~;

(l) A podiatric physician ~~the~~;

(m) A licensed psychologist ~~the~~;

(n) A licensed marriage and family therapist ~~the~~;

(o) A licensed clinical professional counselor ~~the~~;

(p) A music therapist ~~the~~;

(q) A chiropractor ~~the~~;

(r) An athletic trainer ~~the~~;

(s) A perfusionist ~~the~~;

- (t) A doctor of Oriental medicine in any form ~~§~~;
- (u) A medical laboratory director or technician ~~§~~;
- (v) A pharmacist ~~§~~;
- (w) A licensed dietitian ; or ~~§~~
- (x) A licensed hospital as the employer of any ~~such~~ person ~~§~~ **specified in this subsection.**

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 2. NRS 629.053 is hereby amended to read as follows:

629.053 1. The State Board of Health and each board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS shall post on its website on the Internet, if any, a statement which discloses that:

(a) Pursuant to the provisions of subsection 7 of NRS 629.051:

(1) The health care records of a person who is less than 23 years of age may not be destroyed; and

(2) The health care records of a person who has attained the age of 23 years may be destroyed for those records which have been retained for at least 5 years or for any longer period provided by federal law; and

(b) Except as otherwise provided in subsection 7 of NRS 629.051 and unless a longer period is provided by federal law, the health care records of a patient who is 23 years of age or older may be destroyed after 5 years pursuant to subsection 1 of NRS 629.051.

2. The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.

Sec. 3. NRS 629.079 is hereby amended to read as follows:

629.079 1. If a health care licensing board determines that a complaint received by the health care licensing board concerns a matter within the jurisdiction of another health care licensing board, the health care licensing board which received the complaint shall:

(a) Except as otherwise provided in paragraph (b), refer the complaint to the other health care licensing board within 5 days after making the determination; and

(b) If the health care licensing board also determines that the complaint concerns an emergency situation, immediately refer the complaint to the other health care licensing board.

2. If a health care licensing board determines that a complaint received by the health care licensing board concerns a public health emergency or other

health event that is an immediate threat to the health and safety of the public in a health care facility or the office of a provider of health care, the health care licensing board shall immediately notify the appropriate health authority for the purposes of NRS 439.970.

3. A health care licensing board may refer a complaint pursuant to subsection 1 or provide notification pursuant to subsection 2 orally, electronically or in writing.

4. The provisions of subsections 1 and 2 apply to any complaint received by a health care licensing board, including, without limitation:

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

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

5. The provisions of this section do not prevent a health care licensing board from acting upon a complaint which concerns a matter within the jurisdiction of the health care licensing board regardless of whether the health care licensing board refers the complaint pursuant to subsection 1 or provides notification based upon the complaint pursuant to subsection 2.

6. A health care licensing board or an officer or employee of the health care licensing board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

7. As used in this section:

(a) "Health care facility" means any facility licensed pursuant to chapter 449 of NRS.

(b) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 4. NRS 629.097 is hereby amended to read as follows:

629.097 1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.

2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.

3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.

4. As used in this section, "board" refers to a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS.

Sec. 5. NRS 630.279 is hereby amended to read as follows:

630.279 The Board shall adopt regulations regarding the licensure of practitioners of respiratory care, including, without limitation:

1. Educational and other qualifications of applicants;
2. Required academic programs which applicants must successfully complete;
3. Procedures for applying for and issuing licenses;
4. Tests or examinations of applicants by the Board;
5. The types of medical services that a practitioner of respiratory care may perform, except that a practitioner of respiratory care may not perform those specific functions and duties delegated or otherwise restricted by specific statute to persons licensed as dentists, chiropractors, podiatric physicians, optometrists, physicians, osteopathic physicians or hearing aid specialists pursuant to this chapter or chapter 631, 633, 634, 635, 636 or ~~637A~~ **637B** of NRS, as appropriate;
6. The duration, renewal and termination of licenses; and
7. The grounds and procedures for disciplinary actions against practitioners of respiratory care.

Sec. 6. NRS 630A.299 is hereby amended to read as follows:

630A.299 The Board shall adopt regulations regarding the certification of a homeopathic 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 certificates.
4. The tests or examinations of applicants by the Board.
5. The medical services which a homeopathic assistant may perform, except that a homeopathic assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians, optometrists or hearing aid specialists under chapter 631, 634, 635, 636 or ~~637A~~ **637B**, respectively, of NRS.
6. The duration, renewal and termination of certificates.
7. The grounds respecting disciplinary actions against homeopathic assistants.
8. The supervision of a homeopathic assistant by a supervising homeopathic physician.
9. The establishment of requirements for the continuing education of homeopathic assistants.

Sec. 7. 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 tests or examinations of applicants by the Board.
5. The medical services which a physician assistant may perform, except that a physician assistant may not perform 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,~~ **637B**, respectively, of NRS.

6. The grounds and procedures respecting disciplinary actions against physician assistants.

7. The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 8. Chapter 637B of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to 35, inclusive, of this act.

Sec. 9. *“Apprentice” means a person who is completing in-service training under the supervision of a sponsor to become eligible to apply for a license to engage in the practice of fitting and dispensing hearing aids.*

Sec. 10. *“Dispensing audiologist” means a licensed audiologist who has obtained an endorsement from the Board to engage in the practice of fitting and dispensing hearing aids.*

Sec. 11. *“Hearing aid” means any:*

1. *Device worn by a person who suffers from impaired hearing for the purpose of amplifying sound to improve hearing or compensate for impaired hearing, including, without limitation, an earmold; and*

2. *Part, attachment or accessory for such a device.*

Sec. 12. *“Hearing aid specialist” means any person licensed to engage in the practice of fitting and dispensing hearing aids pursuant to the provisions of this chapter.*

Sec. 13. *“Manufacturer” means any person who assembles, manufactures or fabricates hearing aids or any parts or supplies used in connection therewith.*

Sec. 14. *“Practice of fitting and dispensing hearing aids” means measuring human hearing and selecting, adapting, distributing or selling hearing aids and includes, without limitation:*

1. *Making impressions for earmolds;*

2. *Administering and interpreting tests of human hearing and middle ear functions;*

3. *Determining whether a person who suffers from impaired hearing would benefit from a hearing aid;*

4. *Selecting and fitting hearing aids;*

5. *Providing assistance to a person after the fitting of a hearing aid;*

6. *Providing services relating to the care and repair of hearing aids;*

7. *Providing supervision and in-service training concerning measuring human hearing and selecting, adapting, distributing or selling hearing aids; and*

8. *Providing referral services for clinical evaluation, rehabilitation and medical treatment of hearing impairment.*

Sec. 15. *“Sponsor” means a hearing aid specialist or dispensing audiologist who is responsible for the direct supervision and in-service*

training of an apprentice in the practice of fitting and dispensing hearing aids.

Sec. 16. 1. *Except as otherwise provided in subsection 2, the Board may, by majority vote, select one or more persons, including, without limitation, a physician licensed pursuant to chapter 630 of NRS, an osteopathic physician licensed pursuant to chapter 633 of NRS or a member of the public, to serve as an advisory member of the Board.*

2. *A person who is a stockholder in a manufacturer of hearing aids may not be selected or serve as an advisory member of the Board.*

3. *An advisory member may not vote on any matter before the Board.*

Sec. 17. *The Board shall:*

1. *Enforce the provisions of this chapter and any regulations adopted pursuant thereto;*

2. *Prepare and maintain a record of its proceedings, including, without limitation, any administrative proceedings;*

3. *Evaluate the qualifications and determine the eligibility of an applicant for any license or endorsement of a license issued pursuant to this chapter and, upon payment of the appropriate fee, issue the appropriate license or endorsement of a license to a qualified applicant;*

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

5. *Require a person licensed or endorsed pursuant to this chapter to submit to the Board documentation required by the Board to determine whether the person has acquired the skills necessary to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids;*

6. *Investigate any complaint received by the Board against any person licensed or endorsed pursuant to this chapter;*

7. *Hold hearings to determine whether any provision of this chapter or any regulation adopted pursuant to this chapter has been violated; and*

8. *Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the practice of or offers to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids without the appropriate license or endorsement issued pursuant to the provisions of this chapter.*

Sec. 18. 1. *The Board shall adopt regulations prescribing:*

(a) *The examinations required pursuant to NRS 637B.160 and concerning the practice of audiology and the practice of speech-language pathology;*

(b) *The period for which a license issued pursuant to the provisions of this chapter is valid which, except as otherwise provided in NRS 637B.200, must be not less than 1 year; and*

(c) *The manner in which a license or endorsement issued pursuant to this chapter must be renewed, which may include requirements for continuing education.*

2. *The Board may adopt regulations providing for the late renewal of a license and the reinstatement of an expired license, except that the Board must not renew or reinstate a license more than 3 years after the license expired.*

3. *The Board may, at the request of a person licensed pursuant to this chapter, place a license on inactive status if the holder of the license:*

(a) *Does not engage in, or represent that the person is authorized to engage in, the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State; and*

(b) *Satisfies any requirements for continuing education prescribed by the Board pursuant to this section.*

Sec. 19. 1. *Except as otherwise provided in subsection 2:*

(a) *An applicant for a license to engage in the practice of speech-language pathology must satisfy the academic requirements of an educational program accredited by the American Speech-Language-Hearing Association or its successor organization approved by the Board.*

(b) *An applicant for a license to engage in the practice of audiology must satisfy the academic requirements of an educational program accredited by the:*

(1) *American Speech-Language-Hearing Association or its successor organization approved by the Board; or*

(2) *Accreditation Commission for Audiology Education or its successor organization approved by the Board.*

2. *An applicant for a license to engage in the practice of audiology or speech-language pathology who receives an education in audiology or speech-language pathology from a foreign school must prove to the satisfaction of the Board that his or her educational program:*

(a) *Is substantially equivalent to the requirements set forth in subsection 1, as applicable; and*

(b) *Is accredited by an accrediting agency approved by the Board.*

Sec. 20. *Except for the holder of a provisional license issued pursuant to section 22 of this act and in addition to the requirements set forth in section 19 of this act, a speech-language pathologist must hold a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or its successor organization approved by the Board.*

Sec. 21. 1. *Upon application and payment of the application fee required pursuant to NRS 637B.230, the Board may issue a limited license to engage in the practice of audiology or speech-language pathology to a person who:*

(a) *Holds a current license to engage in the practice of audiology or speech-language pathology in another state; and*

(b) Engages in the practice of audiology or speech-language pathology in this State for demonstration, instructional or educational purposes.

2. A limited license issued pursuant to this section is valid for not more than 15 days.

Sec. 22. 1. Upon application and payment of the application fee required pursuant to NRS 637B.230, the Board may issue a provisional license to engage in the practice of:

(a) Speech-language pathology to a person who is completing the clinical fellowship requirements for obtaining a certificate of clinical competence issued by the American Speech-Language-Hearing Association.

(b) Fitting and dispensing hearing aids to a person who:

(1) Holds a license to engage in the practice of fitting and dispensing hearing aids in another state; and

(2) Is completing the training required for certification by the National Board for Certification in Hearing Instrument Sciences.

2. A provisional license issued pursuant to this section may be:

(a) Renewed not more than twice; and

(b) Converted to an active license upon payment of the fee required pursuant to NRS 637B.230 for converting the license and the award of:

(1) A certificate of clinical competence by the American Speech-Language-Hearing Association; or

(2) Certification by the National Board for Certification in Hearing Instrument Sciences.

Sec. 23. An audiologist or an applicant for a license to engage in the practice of audiology who wishes to engage in the practice of fitting and dispensing hearing aids must:

1. Request an endorsement of the license to engage in the practice of fitting and dispensing hearing aids; and

2. Pass an examination prescribed by the Board pursuant to section 25 of this act. The examination must be identical to the examination required for the licensure of hearing aid specialists.

Sec. 24. 1. A person who engages in the practice of audiology or speech-language pathology by telepractice within this State and is a resident of this State or provides services by telepractice to any person in this State must:

(a) Hold a license to engage in the practice of audiology or speech-language pathology, as applicable, in this State;

(b) Be knowledgeable and competent in the technology used to provide services by telepractice;

(c) Only use telepractice to provide services for which delivery by telepractice is appropriate;

(d) Provide services by telepractice that, as determined by the Board, are substantially equivalent in quality to services provided in person;

(e) Document any services provided by telepractice in the record of the person receiving the services; and

(f) Comply with the provisions of this chapter and any regulations adopted pursuant thereto.

2. As used in this section, "telepractice" means engaging in the practice of audiology or speech-language pathology using equipment that transfers information electronically, telephonically or by fiber optics.

Sec. 25. The Board shall adopt regulations regarding the practice of fitting and dispensing hearing aids, including, without limitation:

- 1. The licensing of hearing aid specialists and apprentices;*
- 2. The educational and training requirements for hearing aid specialists and apprentices;*
- 3. The examination required pursuant to NRS 637B.160 and sections 23, 26 and 31 of this act concerning the practice of fitting and dispensing hearing aids; and*
- 4. A program of in-service training for apprentices.*

Sec. 26. An applicant for a license to engage in the practice of fitting and dispensing hearing aids must:

1. Successfully complete a program of education or training approved by the Board which requires, without limitation, that the applicant:

(a) Hold an associate's degree or bachelor's degree in hearing instrument sciences; or

(b) Hold:

(1) A high school diploma or its equivalent or an associate's degree or bachelor's degree in any field other than hearing instrument sciences; and

(2) Successfully complete a training program in hearing instrument sciences as prescribed by regulation of the Board.

2. Except as otherwise provided in section 22 of this act, be certified by the National Board for Certification in Hearing Instrument Sciences.

3. Pass the examination prescribed pursuant to section 25 of this act.

4. Comply with the regulations adopted pursuant to section 25 of this act.

5. Include in his or her application the complete street address of each location from which the applicant intends to engage in the practice of fitting and dispensing hearing aids.

Sec. 27. 1. The Board may issue an apprentice license to an applicant who has not yet completed a program of education or training approved by the Board pursuant to section 26 of this act or passed the examination prescribed pursuant to section 25 of this act.

2. An applicant for an apprentice license must provide proof satisfactory to the Board that a sponsor has agreed to assume responsibility for the direct supervision and in-service training of the applicant.

Sec. 28. The Board shall adopt regulations setting forth requirements for the supervision of a licensed apprentice and the responsibilities of the sponsor and the apprentice.

Sec. 29. 1. All work performed by a licensed apprentice must be directly supervised by a hearing aid specialist or dispensing audiologist, and

the hearing aid specialist or dispensing audiologist is responsible and civilly liable for the negligence or incompetence of the licensed apprentice under his or her supervision.

2. Any selection of a hearing aid for a customer made by a licensed apprentice must be approved by a hearing aid specialist or dispensing audiologist.

3. Any audiogram or sales document prepared by a licensed apprentice must be signed by the apprentice and the supervising hearing aid specialist or dispensing audiologist.

4. As used in this section:

(a) *“Incompetence” means a lack of ability to practice safely and skillfully as a licensed apprentice arising from:*

(1) A lack of knowledge or training; or

(2) An impaired physical or mental capability, including the habitual abuse of alcohol or addiction to any controlled substance.

(b) *“Negligence” means a deviation from the normal standard of professional care exercised generally by apprentices.*

Sec. 30. 1. A licensed apprentice shall, while engaged in the practice of fitting and dispensing hearing aids, identify himself or herself as an apprentice.

2. Any advertisement or promotional materials that refer to an apprentice must identify the apprentice as an apprentice.

Sec. 31. A person may not serve as a licensed apprentice for more than 3 years without passing the examination prescribed pursuant to section 25 of this act.

Sec. 32. A hearing aid specialist or dispensing audiologist, upon request by a physician or a member of a related profession specified by the Board, may make audiograms for the physician's or member's use in consultation with a person who suffers from impaired hearing.

Sec. 33. Every hearing aid specialist and licensed apprentice shall display his or her license conspicuously in each place where the licensee conducts business as a hearing aid specialist or a licensed apprentice.

Sec. 34. Every hearing aid specialist and licensed apprentice shall, within 10 days after changing the address of his or her place of business, notify the Board of the new address of his or her place of business.

Sec. 35. 1. A hearing aid specialist or dispensing audiologist licensed pursuant to this chapter may sell hearing aids by catalog, mail or the Internet if:

(a) *The hearing aid specialist or dispensing audiologist has received:*

(1) A written statement signed by:

(I) A physician licensed pursuant to chapter 630 or 633 of NRS, an advanced practice registered nurse licensed pursuant to NRS 632.237, an audiologist or a hearing aid specialist which verifies that he or she has performed an otoscopic examination of the person to whom the hearing aid

will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid;

(II) A physician licensed pursuant to chapter 630 or 633 of NRS, an audiologist or a hearing aid specialist which verifies that he or she has performed an audiometric examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid; and

(III) A dispensing audiologist or a hearing aid specialist which verifies that an ear impression has been taken of the person to whom the hearing aid will be sold; or

(2) A waiver of the medical evaluation signed by the person to whom the hearing aid will be sold as authorized pursuant to 21 C.F.R. § 801.421(a)(2); and

(b) The person to whom the hearing aid will be sold has signed a statement acknowledging that the hearing aid specialist or dispensing audiologist is selling him or her the hearing aid by catalog, mail or the Internet based upon the information submitted by the person in accordance with this section.

2. A hearing aid specialist or dispensing audiologist who sells hearing aids by catalog, mail or the Internet pursuant to this section shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.

3. The Board may adopt regulations to carry out the provisions of this section, including, without limitation, the information that must be included in each record required to be maintained pursuant to subsection 2.

Sec. 36. NRS 637B.010 is hereby amended to read as follows:

637B.010 The practice of audiology , ~~and~~ the practice of ~~speech~~ **speech-language pathology and the practice of fitting and dispensing hearing aids** are hereby declared to be learned professions, affecting public safety and welfare and charged with the public interest, and are therefore subject to protection and regulation by the State.

Sec. 37. NRS 637B.020 is hereby amended to read as follows:

637B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 637B.030 to 637B.070, inclusive, **and sections 9 to 15, inclusive, of this act** have the meanings ascribed to them in those sections.

Sec. 38. NRS 637B.030 is hereby amended to read as follows:

637B.030 “Audiologist” means any person who ~~engages~~ **is licensed to engage** in the practice of audiology ~~+~~ **pursuant to the provisions of this chapter.**

Sec. 39. NRS 637B.040 is hereby amended to read as follows:

637B.040 “Board” means the ~~Board of Examiners for Audiology and Speech~~ **Speech-Language Pathology + , Audiology and Hearing Aid Dispensing Board.**

Sec. 40. NRS 637B.050 is hereby amended to read as follows:

637B.050 “Practice of audiology” ~~{consists of holding out to the public, or rendering, services for the measurement, testing, appraisal, prediction, consultation, counseling, research or treatment of}~~ **means the application of principles, methods and procedures relating to hearing and balance, hearing impairment, disorders and related speech and language disorders and includes, without limitation:**

1. *The conservation of auditory system functions;*
2. *Screening, identifying, assessing and interpreting, preventing and rehabilitating auditory and balance system disorders;*
3. *The selection, fitting, programming and dispensing of hearing aids, the programming of cochlear implants and other technology which assists persons with hearing loss and training persons to use such technology;*
4. *Providing vestibular and auditory rehabilitation, cerumen management and associated counseling services;*
5. *Conducting research on hearing and hearing disorders* for the purpose of modifying disorders in communication involving speech, language and hearing ~~{; and}~~
6. *Providing referral services for medical diagnosis and treatment* ~~{; and}~~ **and**
7. **At the request of a physician, participating in the diagnosis of a person.**

Sec. 41. NRS 637B.060 is hereby amended to read as follows:

637B.060 “Practice of ~~{speech}~~ **speech-language** pathology” ~~{consists of holding out to the public, or rendering, services for the measurement, testing, identification, prediction, treatment or modification of, or counseling or research concerning:~~

- ~~1. Normal and abnormal development of a person’s ability to communicate;~~
 - ~~2. Disorders and problems concerning a person’s ability to communicate;~~
 - ~~3. Deficiencies in a person’s sensory, perceptual, motor, cognitive and social skills necessary to enable the person to communicate; and~~
 - ~~4. Sensorimotor functions of a person’s mouth, pharynx and larynx.~~
- means the application of principles, methods and procedures relating to the development and effectiveness of human communication and disorders of human communication, and includes, without limitation:**

1. *The prevention, screening, consultation, assessment, treatment, counseling, collaboration and referral services for disorders of speech, fluency, resonance voice language, feeding, swallowing and cognitive aspects of communication;*
2. *Argumentative and alternative communication techniques and strategies;*
3. *Auditory training, speech reading and speech and language intervention for persons who suffer from hearing loss;*
4. *The screening of persons for hearing loss and middle ear pathology;*

5. ~~Vocal tract imaging and visualization by the~~ The use of nonmedical oral and nasal endoscopy for the purpose of vocal tract imaging and visualization;

6. *Selecting, fitting and establishing effective use of prosthetic or adaptive devices for communication, swallowing or other upper respiratory and digestive functions, not including sensory devices used by persons with hearing loss;*

7. *Providing services to modify or enhance communication; ~~and~~*

8. *Providing referral services for medical diagnosis and treatment ~~for~~;*
and

9. At the request of a physician, participating in the diagnosis of a person.

Sec. 42. NRS 637B.070 is hereby amended to read as follows:

637B.070 ~~“Speech”~~ ***“Speech-language”*** pathologist” means any person who ~~engages~~ ***is licensed to engage*** in the practice of ~~speech~~ ***speech-language*** pathology ~~for~~ ***pursuant to the provisions of this chapter.***

Sec. 43. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to ~~the~~

~~1. Any physician or any person who is working with patients or clients under the direct, immediate supervision of a physician and for whom the physician is directly responsible.~~

~~2. Any hearing aid specialist who is licensed pursuant to chapter 637A of NRS and who is acting within the scope of the license.~~

~~3. Any~~ ***any*** person who:

~~(a)~~ ***1.*** Holds a current credential ~~as an audiologist or a speech pathologist~~ issued by the Department of Education ~~for~~

~~(b)~~ ***pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;***

2. Is employed ~~as an audiologist or a speech pathologist by a federal agency or the Department of Health and Human Services;~~

~~(c)~~ ***by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;***

3. Is a ~~graduate~~ student ~~intern~~ enrolled in a program or school approved by the Board, ~~and~~ is pursuing a ~~graduate~~ degree in audiology or ~~speech~~ ***speech-language*** pathology ~~for~~

~~(d)~~ Is a registered nurse employed as a school nurse; or

~~(e)~~ ***and is clearly designated to the public as a student; or***

4. Holds a current ~~certificate from the Council on the Education of the Deaf as a teacher,~~ ***license issued pursuant to chapters 630 to 637, inclusive, or 640 to 641C, inclusive, of NRS,***

and who does not engage in the private practice of audiology or ~~of speech~~ speech-language pathology in this State.

Sec. 44. NRS 637B.100 is hereby amended to read as follows:

637B.100 1. The ~~{Board of Examiners for Audiology and Speech}~~ **Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board**, consisting of ~~{five}~~ **eight** members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) ~~{Two}~~ **Three** members who ~~{have been engaged in the practice of speech pathology for 2 years or more;}~~ **are speech-language pathologists, each of whom must practice in a different setting, including, without limitation, a university, public school, hospital or private practice;**

(b) ~~{One member who has been engaged in the practice of audiology for 2 years or more;}~~ **Two members who are audiologists, at least one of whom must be a dispensing audiologist;**

(c) ~~{One member}~~ **Two members** who ~~{is a physician and who is certified by the Board of Medical Examiners as a specialist in otolaryngology, pediatrics or neurology;}~~ **are hearing aid specialists;** and

(d) One member who is a representative of the general public. This member must not be:

(1) A ~~{speech}~~ **speech-language** pathologist , **hearing aid specialist** or an audiologist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a ~~{speech}~~ **speech-language** pathologist , **hearing aid specialist** or an audiologist.

3. ~~{Members of the Board who are speech pathologists and audiologists must be representative of the university, public school, hospital or private aspects of the practice of audiology and of speech pathology.}~~

~~—4.}~~ Each member of the Board who is ~~{a speech pathologist or}~~ **an audiologist , a speech-language pathologist or a hearing aid specialist** must ~~{hold}~~ :

(a) **Have practiced, taught or conducted research in his or her profession for the 3 years immediately preceding the appointment; and**

(b) **Hold** a current license issued pursuant to this chapter . ~~{for a current certificate of clinical competence from the American Speech-Language-Hearing Association.}~~

~~—5. The member who is a representative of the general public may not participate in preparing, conducting or grading any examination required by the Board.}~~

4. **A person who is a stockholder in a manufacturer of hearing aids may not be selected to or serve as a member of the Board.**

5. **After the initial terms, each member of the Board serves a term of 3 years.**

6. **A member of the Board shall not serve for more than two terms.**

7. **If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.**

Sec. 44.5. NRS 637B.100 is hereby amended to read as follows:

637B.100 1. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, consisting of ~~eight~~ **seven** members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Three members who are speech-language pathologists, each of whom must practice in a different setting, including, without limitation, a university, public school, hospital or private practice;

(b) Two members who are audiologists, at least one of whom must be a dispensing audiologist;

(c) ~~Two members~~ **One member** who ~~are~~ **is a** hearing aid ~~specialists;~~ **specialist;** and

(d) One member who is a representative of the general public. This member must not be:

(1) A speech-language pathologist, hearing aid specialist or an audiologist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a speech-language pathologist, hearing aid specialist or an audiologist.

3. Each member of the Board who is an audiologist, a speech-language pathologist or a hearing aid specialist must:

(a) Have practiced, taught or conducted research in his or her profession for the 3 years immediately preceding the appointment; and

(b) Hold a current license issued pursuant to this chapter.

4. A person who is a stockholder in a manufacturer of hearing aids may not be selected to or serve as a member of the Board.

5. After the initial terms, each member of the Board serves a term of 3 years.

6. A member of the Board shall not serve for more than two terms.

7. If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

Sec. 45. NRS 637B.120 is hereby amended to read as follows:

637B.120 1. ***The Board shall elect from its members a Chair and Vice Chair. The officers of the Board hold their respective offices at the pleasure of the Board.***

2. The Board shall meet at least ***twice*** annually and may meet at other times on the call of the ~~President~~ ***Chair*** or a majority of its members.

~~{2.}~~ 3. A majority of the Board constitutes a quorum to transact all business.

4. ***The Board shall comply with the provisions of chapter 241 of NRS, and all meetings of the Board must be conducted in accordance with that chapter.***

Sec. 46. NRS 637B.130 is hereby amended to read as follows:

637B.130 1. A member of the Board is entitled to receive:

(a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. ***The Board may employ and fix the compensation of an Executive Director and any other employee necessary to the discharge of its duties.***

4. ***The expenses of the Board and members of the Board, and the salaries of its employees, must be paid from the fees received by the Board pursuant to this chapter, and no part of those expenses and salaries may be paid out of the State General Fund.***

Sec. 47. NRS 637B.160 is hereby amended to read as follows:

637B.160 ~~{1. An applicant for a license to engage in the practice of audiology or speech pathology must be issued a license}~~ ***Except as otherwise provided in NRS 637B.200 and sections 22 and 27 of this act, to be eligible for licensing by the Board {if the}, an 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}~~ ***for a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids must:***

1. ***Be a natural person*** 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}~~

2. ***Pass an examination {required by this chapter;***

~~—(h) Pays}~~ ***prescribed by the Board pursuant to section 18 or 25 of this act, as applicable;***

3. ***Pay*** the fees provided for in this chapter; and

~~{(i) Submits}~~

4. ***Submit*** 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. 48. NRS 637B.166 is hereby amended to read as follows:

637B.166 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to engage in the practice of audiology ~~for speech~~, **speech-language** pathology **or fitting and dispensing hearing aids** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to engage in the practice of audiology ~~for speech~~, **speech-language** pathology **or fitting and dispensing hearing aids** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to engage in the practice of audiology ~~for speech~~, **speech-language** pathology **or fitting and dispensing hearing aids** may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 49. NRS 637B.190 is hereby amended to read as follows:

637B.190 The Board may issue a license without examination to a person who holds:

1. ~~[A current license to practice audiology or speech pathology in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to those provided by this chapter; or~~

~~—2.]~~ A **current** certificate of clinical competence issued by the American ~~[Speech and Hearing]~~ **Speech-Language-Hearing** Association in the field of practice for which the person is applying for a license ~~[.]~~ ; **or**

2. Current certification from the American Board of Audiology.

Sec. 50. NRS 637B.200 is hereby amended to read as follows:

637B.200 1. The Board ~~[shall]~~ **may** issue a temporary license to **engage in the practice [audiology or speech] of:**

(a) **Audiology, speech-language pathology [.] or fitting and dispensing hearing aids** upon application and the payment of the **fee** required ~~[fee,]~~ **pursuant to NRS 637B.230** to any person who is so licensed in another state and who meets all the qualifications for licensing in this State ~~[other than passing the examination.]~~ ; **and**

(b) **Fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.230 to any person who meets all of the qualifications for licensing as a hearing aid specialist or an endorsement of a license to engage in the practice of fitting and dispensing hearing aids other than passing the examination concerning the practice of fitting and dispensing hearing aids prescribed pursuant to section 25 of this act.**

2. **The Board may issue a temporary license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.230 to any spouse of a member of the Armed Forces of the United States who:**

(a) **Is so licensed in another state; and**

(b) **Attests that he or she meets all of the qualifications for licensure in this State.**

3. A temporary license issued pursuant to this section ~~[is valid until the Board publishes the results of the examination next administered after the license is issued.]~~ :

(a) **Is valid for not more than 6 months;**

(b) **May be renewed not more than once; and**

(c) **May be converted to an active license upon the completion of all requirements for a license and payment of the fee required by NRS 637B.230.**

Sec. 51. 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]~~	~~\$100~~
Application fee for a license to practice audiology	100
~~Annual fee]~~	~~\$150~~
License fee	100
Fee for the renewal of a license	~~[50]~~ 100
Reinstatement fee	~~[75]~~ 100
Examination fee	300
Fee for converting to a different type of license	50

<i>Fee for each additional license or endorsement.....</i>	<i>50</i>
<i>Fee for obtaining license information</i>	<i>50</i>

2. All fees are payable in advance and may not be refunded.

Sec. 52. NRS 637B.240 is hereby amended to read as follows:

637B.240 1. All fees collected under the provisions of this chapter must be paid to the ~~{Secretary-Treasurer of the}~~ Board to be used to defray the necessary expenses of the Board. The ~~{Secretary-Treasurer}~~ **Board** shall deposit the fees in qualified banks, credit unions or savings and loan associations in this State.

2. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect civil penalties therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of civil penalties with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 53. NRS 637B.250 is hereby amended to read as follows:

637B.250 1. The grounds for initiating disciplinary action pursuant to this chapter are:

~~{1-}~~ (a) Unprofessional conduct.

~~{2-}~~ (b) Conviction of:

~~{a)}~~ (1) A violation of any federal or state law regarding the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

~~{b)}~~ (2) A felony **or gross misdemeanor** relating to the practice of audiology ~~for speech~~, **speech-language** pathology ~~{}~~ **or fitting and dispensing hearing aids**;

~~{c)}~~ (3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

~~{d)}~~ (4) Any offense involving moral turpitude.

~~{3-}~~ (c) ~~{Suspension or revocation of a license to practice audiology or speech pathology by any other jurisdiction.~~

~~—4-}~~ Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

~~{5-}~~ (d) Professional incompetence.

~~{6-}~~ (e) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

~~{a)}~~ (1) The license of the facility is suspended or revoked; or

~~{b)}~~ (2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This ~~subsection~~ **paragraph** applies to an owner or other principal responsible for the operation of the facility.

2. *As used in this section, “unprofessional conduct” includes, without limitation:*

- (a) *Conduct that is harmful to the public health or safety;*
- (b) *Obtaining a license through fraud or misrepresentation of a material fact;*
- (c) *Suspension or revocation of a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids; and*
- (d) *A violation of any provision of:*

(1) *Federal law concerning the practice of audiology, speech-language pathology or fitting and dispensing hearing aids or any regulations adopted pursuant thereto, including, without limitation, 21 C.F.R. §§ 801.420 and 801.421;*

(2) *NRS 597.264 to 597.2667, inclusive, or any regulations adopted pursuant thereto; or*

(3) *This chapter or any regulations adopted pursuant thereto.*

Sec. 54. NRS 637B.255 is hereby amended to read as follows:

637B.255 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to engage in the practice of audiology ~~for speech~~, **speech-language pathology or fitting and dispensing hearing aids**, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to engage in the practice of audiology ~~for speech~~, **speech-language pathology or fitting and dispensing hearing aids** that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays any fees imposed by the Board pursuant to NRS 637B.230 for the reinstatement of a license.

Sec. 55. NRS 637B.280 is hereby amended to read as follows:

637B.280 1. If, after notice and a hearing as required by law, the Board determines that the applicant or licensee has committed any act which constitutes grounds for disciplinary action, the Board may, in the case of the applicant, refuse to issue a license, and in all other cases:

- (a) Refuse to renew a license;
- (b) Revoke a license;
- (c) Suspend a license ; ~~for a definite time, not to exceed 1 year;~~
- (d) Administer to the licensee a public reprimand; ~~for~~
- (e) **Impose conditions on the practice of the licensee;**
- (f) Impose a civil penalty not to exceed ~~[\$1,000.]~~ **\$5,000 for each act constituting grounds for disciplinary action; or**
- (g) **Impose any combination of the disciplinary actions described in paragraphs (a) to (f), inclusive.**

2. The Board shall not administer a private reprimand.

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

Sec. 56. NRS 637B.290 is hereby amended to read as follows:

637B.290 1. A person shall not engage in the practice of audiology ~~for speech~~, **speech-language** pathology **or fitting and dispensing hearing aids** in this State without holding a valid license issued pursuant to the provisions of this chapter.

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

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

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

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

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

Sec. 57. NRS 637B.291 is hereby amended to read as follows:

637B.291 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who ~~practices~~ **engages in the practice of** or offers to **engage in the practice of** audiology ~~for speech~~, **speech-language** pathology **or fitting and dispensing**

hearing aids without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 58. NRS 637B.295 is hereby amended to read as follows:

637B.295 A member or any agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter ~~practices~~ **engages in the practice of** audiology ~~for speech~~ , **speech-language** pathology **or fitting and dispensing hearing aids** and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is ~~practicing~~ **engaging in the practice of** audiology ~~for speech~~ , **speech-language** pathology **or fitting and dispensing hearing aids** without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 59. NRS 637B.310 is hereby amended to read as follows:

637B.310 1. The Board through its ~~President~~ **Chair** or ~~Secretary-Treasurer~~ **Vice Chair** may maintain in any court of competent jurisdiction a suit for an injunction against any person ~~practicing~~ **engaging in the practice of** audiology ~~for speech~~ , **speech-language** pathology **or fitting and dispensing hearing aids** without a license valid under this chapter.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Shall not relieve such person from criminal prosecution for practicing without a license.

Sec. 60. NRS 644.449 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

Sec. 61. NRS 654.185 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

Sec. 62. NRS 179.121 is hereby amended to read as follows:

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

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

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

(c) A violation of NRS 202.445 or 202.446;

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

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300, 201.320, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405, 465.070 to 465.085, inclusive, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227,

634A.230, 635.167, 636.145, 637.090, ~~637A.352,~~ 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.

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

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

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

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

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

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

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

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

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

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

Sec. 63. 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 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. 64. NRS 391.160 is hereby amended to read as follows:

391.160 1. The salaries of teachers and other employees must be determined by the character of the service required. A school district shall not discriminate between male and female employees in the matter of salary.

2. Each year when determining the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the teacher would otherwise receive in 1 year for the teacher's classification on the schedule of salaries for the school district if:

(a) On or before January 31 of the school year, the teacher has submitted evidence satisfactory to the school district of his or her current certification; and

(b) The teacher is assigned by the school district to provide classroom instruction during that school year.

➡ No increase in salary may be given pursuant to this subsection during a particular school year to a teacher who submits evidence of certification after January 31 of that school year. For the first school year that a teacher submits evidence of his or her current certification, the board of trustees of the school district to whom the evidence was submitted shall pay the increase in salary

required by this subsection retroactively to the beginning of that school year. Once a teacher has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the teacher may otherwise be entitled.

3. Each year when determining the salary of a person who is employed by a school district as a ~~{speech}~~ **speech-language** pathologist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries for the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's:

(1) Licensure as a ~~{speech}~~ **speech-language** pathologist by the ~~{Board of Examiners for Audiology and Speech}~~ **Speech-Language Pathology { },** **Audiology** and **Hearing Aid Dispensing Board;**

(2) Certification as being clinically competent in speech-language pathology by:

(I) The American Speech-Language-Hearing Association; or

(II) A successor organization to the American Speech-Language-Hearing Association that is recognized and determined to be acceptable by the ~~{Board of Examiners for Audiology and Speech}~~ **Speech-Language Pathology { },** **Audiology** and **Hearing Aid Dispensing Board; and**

(b) The employee is assigned by the school district to serve as a ~~{speech}~~ **speech-language** pathologist during the school year.

➤ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of licensure and certification after September 15 of that school year. Once an employee has submitted evidence of such licensure and certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

4. Each year when determining the salary of a person who is employed by a school district as a professional school library media specialist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries of the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's current certification as a professional school library media specialist issued by the National Board for Professional Teaching Standards; and

(b) The employee is assigned by the school district to serve as a professional school library media specialist during that school year.

↪ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of certification after September 15 of that school year. Once an employee has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

5. In determining the salary of a licensed teacher who is employed by a school district after the teacher has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the teacher the same credit for previous teaching service as the teacher was receiving from the teacher's former employer at the end of his or her former employment;

(b) Give the teacher credit for the teacher's final year of service with his or her former employer, if credit for that service is not included in credit given pursuant to paragraph (a); and

(c) Place the teacher on the schedule of salaries of the school district in a classification that is commensurate with the level of education acquired by the teacher, as set forth in the applicable negotiated agreement with the present employer.

6. A school district may give the credit required by subsection 5 for previous teaching service earned in another state if the Commission has approved the standards for licensing teachers of that state. The Commission shall adopt regulations that establish the criteria by which the Commission will consider the standards for licensing teachers of other states for the purposes of this subsection. The criteria may include, without limitation, whether the Commission has authorized reciprocal licensure of educational personnel from the state under consideration.

7. In determining the salary of a licensed administrator, other than the superintendent of schools, who is employed by a school district after the administrator has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the administrator the same credit for previous administrative service as the administrator was receiving from the administrator's former employer, at the end of his or her former employment;

(b) Give the administrator credit for the administrator's final year of service with his or her former employer, if credit for that service is not otherwise included in the credit given pursuant to paragraph (a); and

(c) Place the administrator on the schedule of salaries of the school district in a classification that is comparable to the classification the administrator had attained on the schedule of salaries of the administrator's former employer.

8. This section does not:

(a) Require a school district to allow a teacher or administrator more credit for previous teaching or administrative service than the maximum credit for

teaching or administrative experience provided for in the schedule of salaries established by it for its licensed personnel.

(b) Permit a school district to deny a teacher or administrator credit for his or her previous teaching or administrative service on the ground that the service differs in kind from the teaching or administrative experience for which credit is otherwise given by the school district.

9. As used in this section:

(a) "Previous administrative service" means the total of:

(1) Any period of administrative service for which an administrator received credit from the administrator's former employer at the beginning of his or her former employment; and

(2) The administrator's period of administrative service in his or her former employment.

(b) "Previous teaching service" means the total of:

(1) Any period of teaching service for which a teacher received credit from the teacher's former employer at the beginning of his or her former employment; and

(2) The teacher's period of teaching service in his or her former employment.

Sec. 65. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance

abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 66. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of

licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

- (a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;
- (b) The effect of the regulation on the cost of health care in this State;
- (c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and
- (d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 67. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

- (a) Liability insurance provided to:
 - (1) Governmental agencies and political subdivisions of this State, reported separately for:
 - (I) Cities and towns;
 - (II) School districts; and
 - (III) Other political subdivisions;
 - (2) Public officers;
 - (3) Establishments where alcoholic beverages are sold;
 - (4) Facilities for the care of children;
 - (5) Labor, fraternal or religious organizations; and
 - (6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;
- (b) Liability insurance for:
 - (1) Defective products;
 - (2) Medical or dental malpractice of:
 - (I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639 or 640 of NRS;
 - (II) A hospital or other health care facility; or
 - (III) Any related corporate entity.
 - (3) Malpractice of attorneys;
 - (4) Malpractice of architects and engineers; and
 - (5) Errors and omissions by other professionally qualified persons;
- (c) Vehicle insurance, reported separately for:
 - (1) Private vehicles;
 - (2) Commercial vehicles;
 - (3) Liability insurance; and
 - (4) Insurance for property damage;
- (d) Workers' compensation insurance; and

(e) In addition to any information provided pursuant to subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of insurance for medical malpractice. As used in this paragraph, “policy of insurance for medical malpractice” has the meaning ascribed to it in NRS 679B.144.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

- (a) Premiums directly written;
- (b) Premiums directly earned;
- (c) Number of policies issued;
- (d) Net investment income, using appropriate estimates when necessary;
- (e) Losses paid;
- (f) Losses incurred;
- (g) Loss reserves, including:
 - (1) Losses unpaid on reported claims; and
 - (2) Losses unpaid on incurred but not reported claims;
- (h) Number of claims, including:
 - (1) Claims paid; and
 - (2) Claims that have arisen but are unpaid;
- (i) Expenses for adjustment of losses, including allocated and unallocated losses;
- (j) Net underwriting gain or loss;
- (k) Net operation gain or loss, including net investment income; and
- (l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

- (a) Recoverable federal income tax;
- (b) Net unrealized capital gain or loss; and
- (c) All other expenses not included in subsection 2.

Sec. 67.5. 1. Notwithstanding any other provision of law to the contrary, the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, shall be deemed to be the successor entity of the Board of Hearing Aid Specialists created by section 4 of chapter 583, Statutes of Nevada 1973, at page 990.

2. Any contract or other agreement entered into by an officer or entity whose name has been changed pursuant to the provisions of this act is binding upon the officer or entity to which the responsibility for the administration of the contract or other agreement has been transferred. Such a contract or other agreement may be enforced by the officer or entity to which the responsibility for the enforcement of the contract or other agreement has been transferred.

3. Any disciplinary or other administrative action taken by the Board of Hearing Aid Specialists remains in effect as if taken by the officer or entity to

which the responsibility for the enforcement of such action has been transferred.

4. The Secretary of the Board of Hearing Aid Specialists shall close each account maintained with a financial institution by the Board of Hearing Aid Specialists pursuant to NRS 637A.080 and pay the closing balance of the account to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act. The assets and liabilities of each such account are unaffected by the closure and payment. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board shall deposit the money so received in qualified banks, credit unions or savings and loan associations in this State in accordance with NRS 637B.240, as amended by section 52 of this act.

Sec. 68. Notwithstanding the amendatory provisions of this act:

1. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, shall issue an endorsement to engage in the practice of fitting and dispensing hearing aids to any audiologist who, on October 1, 2015, holds a current license as a hearing aid specialist issued by the Board of Hearing Aid Specialists pursuant to chapter 637A of NRS.

2. A license that is valid on October 1, 2015, and that was issued by the Board of Hearing Aid Specialists created by NRS 637A.030 or the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100:

(a) Shall be deemed to be issued by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act; and

(b) Remains valid until its date of expiration, if the holder of the license otherwise remains qualified for the issuance or renewal of the license on or after October 1, 2015.

Sec. 69. 1. The terms of the members of the Board of Hearing Aid Specialists created by NRS 637A.030 and the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 who are incumbent on September 30, 2015, expire on that date.

2. On or before October 1, 2015, the Governor shall appoint the members of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, to terms commencing on October 1, 2015, as follows:

(a) Two members to terms that expire on July 1, 2016;

(b) Four members to terms that expire on July 1, 2017; and

(c) Two members to terms that expire on July 1, 2018.

Sec. 70. 1. Notwithstanding the amendatory provisions of sections 17, 18, 25, 28, 35 and 72 of this act transferring authority to adopt regulations from the Board of Hearing Aid Specialists created by NRS 637A.030 and the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, any

regulations adopted by the Board of Hearing Aid Specialists and the Board of Examiners for Audiology and Speech Pathology that do not conflict with the provisions of this act remain in effect and may be enforced by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board until the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board adopts regulations to repeal or replace those regulations.

2. Any regulations adopted by the Board of Hearing Aid Specialists created by NRS 637A.030 or the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 that conflict with the provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after October 1, 2015.

Sec. 71. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.

Sec. 72. 1. NRS 637A.010, 637A.020, 637A.021, 637A.0213, 637A.0217, 637A.022, 637A.0221, 637A.0223, 637A.0227, 637A.023, 637A.0233, 637A.0235, 637A.024, 637A.025, 637A.030, 637A.035, 637A.040, 637A.060, 637A.080, 637A.090, 637A.100, 637A.110, 637A.120, 637A.130, 637A.140, 637A.150, 637A.160, 637A.163, 637A.170, 637A.190, 637A.200, 637A.205, 637A.210, 637A.220, 637A.225, 637A.230, 637A.235, 637A.240, 637A.243, 637A.245, 637A.250, 637A.253, 637A.260, 637A.270, 637A.290, 637A.300, 637A.305, 637A.310, 637A.315, 637A.340, 637A.345, 637A.350, 637A.352, 637A.353, 637A.355, 637A.360, 637B.090, 637B.110, 637B.150, 637B.170, 637B.210, 637B.220, 637B.270 and 637B.300 are hereby repealed.

2. Section 322 of chapter 483, Statutes of Nevada 1997, is hereby repealed.

Sec. 73. 1. This section and sections 1 to 44, inclusive, and 45 to 72, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On October 1, 2015, for all other purposes.

2. Section 44.5 of this act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

637A.010 Short title.

637A.020 Definitions.

- 637A.021 “Board” defined.
- 637A.0213 “Chair” defined.
- 637A.0217 “Hearing aid” defined.
- 637A.022 “Hearing aid specialist” defined.
- 637A.0221 “Incompetence” defined.
- 637A.0223 “License” defined.
- 637A.0227 “Manufacturer” defined.
- 637A.023 “Member” defined.
- 637A.0233 “Negligence” defined.
- 637A.0235 “Practice of fitting and dispensing hearing aids” defined.
- 637A.024 “Secretary” defined.
- 637A.025 Applicability.
- 637A.030 Creation; number and appointment of members.
- 637A.035 Qualifications of members; terms; members serve at pleasure of Governor.
- 637A.040 Chair and Secretary; meetings; quorum.
- 637A.060 Officers; rules and regulations.
- 637A.080 Deposit and use of money received by Board; delegation of authority to take disciplinary action; deposit of fines imposed by Board; claims for attorney’s fees and costs of investigation.
- 637A.090 Compensation of members and employees.
- 637A.100 Duties.
- 637A.110 Powers.
- 637A.120 Seal.
- 637A.130 Application for examination; fee.
- 637A.140 Contents of application.
- 637A.150 Actions by Board on applications.
- 637A.160 Requirements for licensing.
- 637A.163 Payment of child support: Submission of certain information by applicant; grounds for denial of examination or license; duty of Board.
- 637A.170 Examination waived for certain specialists applying before October 1, 1973.
- 637A.190 Display of license.
- 637A.200 Expiration and renewal of licenses.
- 637A.205 Transfer of license to inactive list.
- 637A.210 Fees.
- 637A.220 Apprentices: Employment; application for licensure.
- 637A.225 Apprentices: Regulations concerning approval of Board for hearing aid specialist to supervise; procedure for appeal.
- 637A.230 Apprentices: Supervision and responsibility for work; selection of hearing aid; signing of audiogram or sales document.
- 637A.235 Apprentices: Identification; title.
- 637A.240 Limitation on period of apprenticeship.

637A.243 Sale of hearing aids by catalog or mail: Conditions; records; regulations.

637A.245 Audiograms for use of physician or member of related profession.

637A.250 Grounds.

637A.253 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license.

637A.260 Complaint against licensee; investigation; retention of complaints.

637A.270 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.

637A.290 Authorized disciplinary action; procedure for suspension; private reprimands prohibited; orders imposing discipline deemed public records.

637A.300 Surrender and reinstatement of revoked license.

637A.305 Active participation in fitting or dispensing hearing aid prohibited with revoked license.

637A.310 Records required.

637A.315 Confidentiality of certain records of Board; exceptions.

637A.340 Transfer or alteration of license.

637A.345 Inspection of premises by Board.

637A.350 Fraudulent use of assumed name or practice without license.

637A.352 Engaging in business of hearing aid specialist without license; penalties.

637A.353 Engaging in business of hearing aid specialist or apprentice to hearing aid specialist without license: Reporting requirements of the Board.

637A.355 Injunctive relief against violators.

637A.360 Penalty.

637B.090 Use of title "certified hearing aid audiologist."

637B.110 Officers.

637B.150 Regulations.

637B.170 Examinations.

637B.210 Expiration, renewal and reinstatement of licenses; fees; required statement.

637B.220 Standards for ethical conduct; continuing education as prerequisite to license renewal.

637B.270 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.

637B.300 Prescribing or administering drugs or piercing or severing body tissue.

Assemblyman Kirner moved that the Assembly concur in Senate Amendment No. 877 to Assembly Bill No. 115.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 126.

The following Senate amendment was read:

Amendment No. 830.

AN ACT relating to massage therapy; exempting a nail technologist from the requirement to be licensed as a massage therapist when performing certain activities; revising certain testing requirements for applicants for a license to practice massage therapy; limiting the period during which an inactive or expired license may be restored or renewed; ~~deleting~~ **revising provisions establishing** certain grounds for refusal to issue a license or initiate disciplinary action against licensees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts certain persons from the requirement to be licensed as a massage therapist. (NRS 640C.100) **Section 1** of this bill adds licensed nail technologists to this list of exempt persons if the nail technologist is massaging the hands, feet, forearms or lower legs of a person within the permissible scope of practice for a nail technologist.

Existing law requires an applicant for a license to practice massage therapy to pass a written examination administered by a board that is accredited by the National Commission for Certifying Agencies (NCCA) or certain other examinations. (NRS 640C.400) **Section 2** of this bill deletes the requirement that the written examination be administered by a board accredited by the NCCA, and instead requires that the examination be a nationally recognized competency examination that is approved by the Board of Massage Therapists.

Existing law allows a massage therapist whose license has expired or been placed on inactive status to restore or renew his or her license by paying certain fees and meeting certain requirements. (NRS 640C.500, 640C.510) **Sections 3 and 4** of this bill limit to 2 years the period during which an expired or inactive license may be restored or renewed.

Existing law authorizes the Board of Massage Therapists to refuse to issue a license to an applicant or initiate disciplinary action against the holder of a license for certain reasons, including a conviction for any crime involving moral turpitude within the immediately preceding 10 years. (NRS 640C.700) **Section 5** of this bill ~~deletes the conviction for such a crime as grounds for disciplinary action or denial of a license, leaving convictions for crimes involving sex, violence, prostitution, theft or drugs, or crimes related to massage therapy as grounds for such disciplinary action or denial of a license.]~~ **removes the 10-year limitation, allowing the Board to take such action based on a conviction for any crime involving moral turpitude regardless of when the conviction occurred.** **Section 5** also adds the failure to report to the Board any unethical or unprofessional conduct of the holder of a license or

other person relating to massage therapy as grounds for such disciplinary action or denial of a license.

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

Section 1. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an aesthetician, hair designer, hair braider, cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an aesthetician, hair designer, hair braider, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) ***A person licensed as a nail technologist pursuant to NRS 644.205 if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist.***

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy on athletes.

~~[(e)]~~ (f) Students enrolled in a school of massage therapy recognized by the Board.

~~[(f)]~~ (g) A person who practices massage therapy solely on members of his or her immediate family.

~~[(g)]~~ (h) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3, the provisions of this chapter preempt the licensure and regulation of a massage therapist by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist or applicant for a license to practice massage therapy.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 2. 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 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:

(1) Except as otherwise provided in subsection 3, pass a ~~written~~ **nationally recognized** examination ~~administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists;~~ **for testing the education and professional competency of massage therapists that is approved by the Board;** 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 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. 3. NRS 640C.500 is hereby amended to read as follows:

640C.500 1. Each license expires on the last day of the month in which it was issued in the next succeeding calendar year and may be renewed if, before the license expires, the holder of the license submits to the Board:

- (a) A completed application for renewal on a form prescribed by the Board;
- (b) Proof of completion of the requirements for continuing education prescribed by the Board pursuant to the regulations adopted by the Board under NRS 640C.320; and

(c) The fee for renewal of the license prescribed by the Board pursuant to NRS 640C.520.

2. A license that expires pursuant to this section may be restored if, ***within 2 years after the expiration of the license***, the applicant:

- (a) Complies with the provisions of subsection 1; and
- (b) Submits to the Board the fees prescribed by the Board pursuant to NRS 640C.520:

- (1) For the restoration of an expired license; and
- (2) For each year that the license was expired, for the renewal of a license.

3. The Board shall send a notice of renewal to each holder of a license not later than 60 days before the license expires. The notice must include a statement setting forth the provisions of this section and the amount of the fee for renewal of the license.

Sec. 4. NRS 640C.510 is hereby amended to read as follows:

640C.510 1. Upon written request to the Board, a holder of a license in good standing may cause his or her name and license to be transferred to an inactive list. The holder of the license may not practice massage therapy during the time the license is inactive, and no renewal fee accrues.

2. If an inactive holder of a license desires to resume the practice of massage therapy ~~and~~ ***within 2 years after the license was made inactive***, the Board shall renew the license upon:

(a) Demonstration, if deemed necessary by the Board, that the holder of the license is then qualified and competent to practice;

(b) Completion and submission of an application; and

(c) Payment of the current fee for renewal of the license.

Sec. 5. NRS 640C.700 is hereby amended to read as follows:

640C.700 The Board may refuse to issue a license to an applicant, or may initiate disciplinary action against a holder of a license, if the applicant or holder of the license:

1. Has submitted false, fraudulent or misleading information to the Board or any agency of this State, any other state, a territory or possession of the United States, the District of Columbia or the Federal Government;

2. Has violated any provision of this chapter or any regulation adopted pursuant thereto;

3. Has been convicted of a crime involving violence, prostitution or any other sexual offense, a crime involving any type of larceny, a crime relating to a controlled substance, a crime involving any federal or state law or regulation relating to massage therapy or a substantially similar business ~~and~~ **or a crime involving moral turpitude ; [within the immediately preceding 10 years;]**

4. Has engaged in or solicited sexual activity during the course of practicing massage on a person, with or without the consent of the person, including, without limitation, if the applicant or holder of the license:

(a) Made sexual advances toward the person;

(b) Requested sexual favors from the person; or

(c) Massaged, touched or applied any instrument to the breasts of the person, unless the person has signed a written consent form provided by the Board;

5. Has habitually abused alcohol or is addicted to a controlled substance;

6. Is, in the judgment of the Board, guilty of gross negligence in the practice of massage therapy;

7. Is determined by the Board to be professionally incompetent to engage in the practice of massage therapy;

8. Has failed to provide information requested by the Board within 60 days after receiving the request;

9. Has, in the judgment of the Board, engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy;

10. ***Has knowingly failed to report to the Board that the holder of a license or other person has engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy within 30 days after becoming aware of that conduct;***

11. Has been disciplined in another state, a territory or possession of the United States or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;

~~{11-}~~ 12. Has solicited or received compensation for services relating to the practice of massage therapy that he or she did not provide;

~~{12-}~~ 13. If the holder of the license is on probation, has violated the terms of the probation;

~~{13-}~~ 14. Has engaged in false, deceptive or misleading advertising, including, without limitation, falsely, deceptively or misleadingly advertising that he or she has received training in a specialty technique of massage for which he or she has not received training, practicing massage therapy under an assumed name and impersonating a licensed massage therapist;

~~{14-}~~ 15. Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility was suspended or revoked; or

(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

~~{15-}~~ 16. Has failed to comply with a written administrative citation issued pursuant to NRS 640C.755 within the time permitted for compliance set forth in the citation or, if a hearing is held pursuant to NRS 640C.757, within 15 business days after the hearing; or

~~{16-}~~ 17. Except as otherwise provided in subsection ~~{15-}~~ 16, has failed to pay or make arrangements to pay, as approved by the Board, an administrative fine imposed pursuant to this chapter within 60 days after:

(a) Receiving notice of the imposition of the fine; or

(b) The final administrative or judicial decision affirming the imposition of the fine,

↪ whichever occurs later.

Assemblyman Kirner moved that the Assembly concur in the Senate Amendment No. 830 to Assembly Bill No. 126.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 173.

The following Senate amendment was read:

Amendment No. 701.

AN ACT relating to private investigations; exempting the Private Investigator's Licensing Board from certain administrative procedures governing professional licensing boards; exempting certain professionals who provide information security from regulation as a private investigator; deleting provisions requiring a licensee or applicant for a license to maintain a principal place of business in this State; authorizing the Board to revoke the registration of a registered employee under certain circumstances; revising certain provisions relating to licensure and registration by the Board; revising provisions relating to disciplinary actions by the Board; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Private Investigator's Licensing Board to comply with certain administrative procedures governing certain professional licensing boards. (Chapter 622A of NRS) Sections 1, 4 and 5 of this bill exempt the Board from complying with such procedures.

Existing law provides that a person engaging in the business of a private investigator must be licensed ~~by~~ and is subject to ~~the~~ regulation ~~of the Private Investigator's Licensing Board~~ by the Board. (NRS 648.060) Existing law defines a private investigator to include a person who conducts an investigation through the review or analysis of computerized data not available to the public. (NRS 648.012) ~~Section 1.3~~ Section 2.5 of this bill defines the term "information security." Section 2.5 of this bill revises the definition of "private investigator" to exclude from the definition certain professionals who provide information security. Section 3 of this bill exempts certain professionals who provide information security from the provisions of NRS governing private investigators.

Existing law prohibits a person from engaging in any business regulated by the Board or advertising such business unless the person is licensed by the Board. Existing law further prohibits the employment by a licensee of a person unless the person is a registered employee. Existing law requires the Board to assess certain administrative fines for violations of these provisions and specifies the amounts of such administrative fines. (NRS 648.060, 648.165) Section 14 of this bill authorizes rather than requires the Board to assess such administrative fines and provides the Board with discretion as to the amount of such administrative fines.

Sections 7, 8, 10 and 11 of this bill delete provisions requiring a licensee or an applicant for a license to maintain a principal place of business in Nevada.

Section 9 of this bill provides that each registered employee employed in this State by a licensee must be supervised by the licensee or his or her designated agent who is physically present in this State.

Under existing law, the Board is required to issue a registration to a person who, in addition to certain other requirements, has not been convicted of, or entered a plea of nolo contendere to, a felony or a crime

involving moral turpitude or the illegal use or possession of a dangerous weapon. (NRS 648.1493) Existing law provides that a licensee may employ only persons who have not been convicted of a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon. (NRS 648.060) Sections 6 and 12 of this bill remove this prohibition, effectively providing the Board with the discretion to issue a registration to a person who is otherwise qualified to obtain a registration but has been convicted of such crimes.

Section 1.7 of this bill authorizes the Board to revoke the registration of a registered employee under certain circumstances. Section 13 of this bill expands the authority of the Board to investigate the actions of a person holding or claiming to hold a license to include investigations of the actions of a person holding or claiming to hold a registration. Section 13.5 of this bill provides that it is grounds for the suspension or revocation of a registration or application for registration that a registered employee or applicant for a registration fails to comply with a notice of violation issued by the Board. Sections 14.5 and 15 of this bill similarly expand provisions of existing law relating to disciplinary action by the Board to include disciplinary action with regard to registered employees.

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

Section 1. NRS 622A.120 is hereby amended to read as follows:

622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

- (a) State Contractors' Board.
- (b) State Board of Professional Engineers and Land Surveyors.
- (c) Nevada State Board of Accountancy.
- (d) Board of Medical Examiners.
- (e) Board of Dental Examiners of Nevada.
- (f) State Board of Nursing.
- (g) Chiropractic Physicians' Board of Nevada.
- (h) Nevada State Board of Optometry.
- (i) State Board of Pharmacy.
- (j) Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.
- (k) Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.
- (l) Commission of Appraisers of Real Estate.
- (m) Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.
- (n) Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.
- (o) **Private Investigator's Licensing Board.**

(p) State Board of Health and Division of Public and Behavioral Health of the Department of Health and Human Services.

2. Any regulatory body which is exempted from the provisions of this chapter pursuant to subsection 1 may elect by regulation to follow the provisions of this chapter or any portion thereof.

~~{Section 1.}~~ **Sec. 1.1.** Chapter 648 of NRS is hereby amended by adding thereto ~~{a new section to read as follows:}~~ **the provisions set forth as sections 1.3, 1.5 and 1.7 of this act.**

Sec. 1.3. *“Information security” has the meaning ascribed to it in 44 U.S.C. § 3552. The term includes restoring the integrity, confidentiality and availability of information and information systems after a data breach, suspected data breach or other data security incident.*

Sec. 1.5. *“Registered employee” means a person to whom the Board has issued a registration pursuant to NRS 648.1493.*

Sec. 1.7. *The Board may revoke the registration of a registered employee if the Board finds, after a hearing conducted pursuant to NRS 648.166 and 648.170, that the registered employee:*

1. Failed to disclose any fact or misstated or otherwise misled the Board with respect to any fact contained in any application for the issuance or renewal of a registration submitted to the Board by the registered employee;

2. On or after the date on which the Board issues a registration to the registered employee, the registered employee commits or attempts or conspires to commit any act prohibited by this chapter or any regulation adopted or order issued pursuant thereto; or

3. On or after the date on which the Board issues a registration to the registered employee, the registered employee is convicted of, or enters a plea of nolo contendere to, a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon.

Sec. 2. NRS 648.005 is hereby amended to read as follows:

648.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 648.006 to 648.016, inclusive, ~~and {section 4}~~ **sections 1.3 and 1.5 of this act** have the meanings ascribed to them in those sections.

Sec. 2.5. NRS 648.012 is hereby amended to read as follows:

648.012 **1.** “Private investigator” means any person who for any consideration engages in business or accepts employment to furnish, or agrees to make or makes any investigation for the purpose of obtaining ~~{including, without limitation, through the review, analysis and investigation of computerized data not available to the public,}~~ information with reference to:

~~{1-}~~ **(a)** The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;

~~{2-}~~ **(b)** The location, disposition or recovery of lost or stolen property;

~~{3-}~~ (c) The cause or responsibility for fires, libels, losses, accidents or damage or injury to persons or to property;

~~{4-}~~ (d) A crime or tort that has been committed, attempted, threatened or suspected, except an expert witness or a consultant who is retained for litigation or a trial, or in anticipation of litigation or a trial, and who performs duties and tasks within his or her field of expertise that are necessary to form his or her opinion;

~~{5-}~~ (e) Securing evidence to be used before any court, board, officer or investigating committee; or

~~{6-}~~ (f) The prevention, detection and removal of surreptitiously installed devices for eavesdropping or observation.

2. The term does not include:

(a) Any person who is accessing exclusively public records, public databases or any other public information; or

(b) Any person who for any consideration engages in business or accepts employment to provide information security.

Sec. 3. NRS 648.018 is hereby amended to read as follows:

648.018 Except as to polygraphic examiners and interns, this chapter does not apply:

1. To any detective or officer belonging to the law enforcement agencies of the State of Nevada or the United States, or of any county or city of the State of Nevada, while the detective or officer is engaged in the performance of his or her official duties.

2. To special police officers appointed by the police department of any city, county, or city and county within the State of Nevada while the officer is engaged in the performance of his or her official duties.

3. To insurance adjusters and their associate adjusters licensed pursuant to the Nevada Insurance Adjusters Law who are not otherwise engaged in the business of private investigators.

4. To any private investigator, private patrol officer, process server, dog handler or security consultant employed by an employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

5. To a reposessor employed exclusively by one employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

6. To a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

7. To a charitable philanthropic society or association incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

8. To an attorney at law in performing his or her duties as such.

9. To a collection agency unless engaged in business as a reposessor, licensed by the Commissioner of Financial Institutions, or an employee thereof while acting within the scope of his or her employment while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her assets and of property which the client has an interest in or lien upon.

10. To admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

11. To any bank organized pursuant to the laws of this State or to any national bank engaged in banking in this State.

12. To any person employed to administer a program of supervision for persons who are serving terms of residential confinement.

13. To any commercial registered agent, as defined in NRS 77.040, who obtains copies of, examines or extracts information from public records maintained by any foreign, federal, state or local government, or any agency or political subdivision of any foreign, federal, state or local government.

14. To any holder of a certificate of certified public accountant issued by the Nevada State Board of Accountancy pursuant to chapter 628 of NRS while performing his or her duties pursuant to the certificate.

15. To a person performing the repair or maintenance of a computer who performs a review or analysis of data contained on a computer solely for the purposes of diagnosing a computer hardware or software problem and who is not otherwise engaged in the business of a private investigator.

16. To any person who for any consideration engages in business or accepts employment to provide information security.

Sec. 4. NRS 648.033 is hereby amended to read as follows:

648.033 1. The Board shall maintain a public record of:

(a) The business it transacts at its regular and special meetings; and

(b) The applications received by it together with the record of the disposition of each application.

2. Except as otherwise provided in NRS 239.0115, information obtained by the Board from other than public sources concerning the:

(a) Financial condition; or

(b) Criminal record,

↪ of an applicant or a licensee is confidential and may be revealed only to the extent necessary for the proper administration of the provisions of this chapter.

3. The Board may release information described in subsection 2 to an agency of the Federal Government, of a state or of a political subdivision of this State.

4. The Board shall adopt by regulation a procedure for notifying the applicant or licensee of the release of confidential information pursuant to subsections 2 and 3. The Board shall release information described in subsection 2 concerning an applicant or licensee to the applicant or licensee upon request.

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

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

7. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 5. NRS 648.040 is hereby amended to read as follows:

648.040 1. There is hereby created in the State General Fund the Fund for the Private Investigator's Licensing Board, to be administered by the Board.

2. Except as otherwise provided in subsection 7, all money received pursuant to the provisions of this chapter must be deposited in the State Treasury for credit to the Fund for the Private Investigator's Licensing Board and must be used by the Board for the administration of this chapter and to pay the expenses and salary of members, agents and employees of the Board.

3. All claims against the Fund must be paid as other claims against the State are paid. Any amount remaining in the Fund at the end of a fiscal year must be carried forward into the next fiscal year.

4. The Board through majority vote controls exclusively the expenditures from the Fund. The Board may not make expenditures or incur liabilities in a total amount greater than the amount of money actually available in the Fund.

5. Except as otherwise provided in subsection 7, the money in this Fund may be used to:

(a) Pay the expenses of the Board in connection with the investigation of the background of an applicant;

(b) Finance a substantive investigation of a licensee or of unlicensed activity; and

(c) Pay the operational and administrative expenses of the Board and its Secretary,

➤ and for such other expenses as the Board deems appropriate to regulate the persons subject to its supervision.

6. ~~In a manner consistent with the provisions of chapter 622A of NRS,~~ **The** Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines

therefor and deposit the money therefrom in the State Treasury for credit to the Fund for the Private Investigator's Licensing Board.

7. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 6, the Board shall deposit the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund. In such a case, the Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 6. NRS 648.060 is hereby amended to read as follows:

648.060 1. Except as otherwise provided in NRS 253.220, no person may:

(a) Engage in the business of private investigator, private patrol officer, process server, reposessor, dog handler, security consultant, or polygraphic examiner or intern; or

(b) Advertise his or her business as such, irrespective of the name or title actually used,

↪ unless the person is licensed pursuant to this chapter.

2. No person may be employed by a licensee unless the person is registered pursuant to this chapter. The provisions of this subsection do not apply to a person licensed pursuant to this chapter.

~~[3. A person licensed pursuant to this chapter may employ only another licensee, or a nonlicensed person who:~~

~~—(a) Is at least 18 years of age;~~

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

~~—(c) Is of good moral character and temperate habits;~~

~~—(d) Has not been convicted of a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon;~~

~~—(e) Is registered pursuant to this chapter.]~~

Sec. 7. NRS 648.080 is hereby amended to read as follows:

648.080 Every application for a license must contain:

1. A detailed statement of the applicant's personal history on the form specified by the Board. If the applicant is a corporation, the application must include such a statement concerning each officer and director.

2. A statement of the applicant's financial condition on the form specified by the Board. If the applicant is a corporation, the application must include such a statement concerning each officer and director.

3. The complete address of the principal place of business of the applicant ~~[in this State]~~ and of each branch office or other place of business of the applicant ~~[in this State].~~

4. The business or businesses in which the applicant intends to engage and the category or categories of license he or she desires.

5. 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.

6. A recent photograph of the applicant or, if the applicant is a corporation, of each officer and director.

7. Evidence supporting the qualifications of the applicant in meeting the requirements for the license for which he or she is applying.

8. If the applicant is not a natural person, the full name and residence address of each of its partners, officers, directors and manager, and a certificate of filing of a fictitious name.

9. Such other facts as may be required by the Board to show the good character, competency and integrity of each signatory.

Sec. 8. NRS 648.100 is hereby amended to read as follows:

648.100 1. The Board shall require an applicant to pass a written examination for an initial license and may require an applicant to pass an oral examination. Examinations must be given at least four times a year.

2. The Board shall conduct ~~such~~ **an** investigation of an applicant, including the directors and officers of a corporate applicant, as it considers necessary. An applicant shall deposit with the Board at the time of making an initial application for any license a fee of \$750 for the first category of license and \$250 for each additional category of license for which application is made, which must be applied to the cost of conducting the investigation. ~~[An individual applicant who is a resident of Nevada is liable for the entire cost of the investigation up to a maximum cost of \$1,500 for the first category of license and \$500 for each additional category of license for which application is made. A corporate applicant or an individual applicant who is not a resident of Nevada is liable for the entire cost of the investigation.]~~ Each applicant must pay the entire fee for which he or she is liable before taking an examination.

3. The Board may refuse to grant a license if it determines that the applicant has:

(a) Committed any act which if committed by a licensee would be a ground for the suspension or revocation of a license under this chapter.

(b) Committed any act constituting dishonesty or fraud.

(c) Demonstrated untruthfulness or a lack of integrity.

(d) Been refused a license under this chapter or had a license revoked.

(e) Been an officer, director, partner or manager of any firm, partnership, association or corporation which has been refused a license under this chapter or whose license has been revoked.

(f) While unlicensed, performed any act for which a license is required by this chapter.

(g) Knowingly made any false statement in the application.

(h) Refused to provide any information required by the Board.

4. The Board shall provide the applicant with a copy of the report of the investigation within a reasonable time after it receives the completed report.

Sec. 9. NRS 648.140 is hereby amended to read as follows:

648.140 1. Any license obtained pursuant to the provisions of this chapter gives the licensee or any bona fide employee of the licensee authority to engage in the type of business for which he or she is licensed in any county

or city in the State of Nevada. A county or city shall not enact ordinances regulating persons licensed pursuant to this chapter, except general business regulations designed to raise revenue or assure compliance with building codes and ordinances or regulations concerning zoning and safety from fire.

2. Except for polygraphic examiners and interns, a licensee may employ, in connection with his or her business, as many ~~[persons registered pursuant to this chapter]~~ **registered employees** as may be necessary, but at all times every licensee:

(a) Shall ensure that each registered ~~[person]~~ **employee** employed in this State by the licensee is supervised by ~~he~~ **the licensee or his or her qualifying agent** who is physically present in this State; and

(b) Is accountable for the good conduct of every person employed by the licensee in connection with his or her business.

3. Each licensee shall:

(a) Maintain at a location within this State records relating to the employment, compensation, licensure and registration of employees;

(b) Furnish the Board with the information requested by it concerning all **registered employees**; ~~[registered pursuant to this chapter, except clerical personnel];~~ and

(c) Notify the Board within 3 days after such employees begin their employment.

Sec. 10. NRS 648.142 is hereby amended to read as follows:

648.142 1. The license, when issued, shall be in such form as may be determined by the Board and shall include:

(a) The name of the licensee.

(b) The name under which the licensee is to operate.

(c) The number and date of the license.

(d) The expiration date of the license.

(e) If the licensee is a corporation, the name of the person or persons affiliated with the corporation on the basis of whose qualifications such license is issued.

(f) The classification or classifications of work which the license authorizes.

2. The license shall at all times be posted in a conspicuous place in the licensee's principal place of business. ~~[in this State.]~~

3. Upon the issuance of a license, a pocket card of such size, design and content as may be determined by the Board shall be issued without charge to each licensee, if an individual, or if the licensee is a person other than an individual, to its manager and to each of its officers, directors and partners, which card shall be evidence that the licensee is duly licensed pursuant to this chapter. When any person to whom a card is issued terminates his or her position, office or association with the licensee, the card shall be surrendered to the licensee and within 5 days thereafter shall be mailed or delivered by the licensee to the Board for cancellation.

4. A licensee shall, within 30 days after such change, notify the Board of any and all changes of his or her address, of the name under which the licensee does business, and of any change in its officers, directors or partners.

5. A license issued under this chapter is not assignable.

Sec. 11. NRS 648.148 is hereby amended to read as follows:

648.148 1. Each licensee shall:

- (a) Maintain a principal place of business, ~~in this State,~~ and
- (b) File with the Board the complete address of his or her principal place of business, ~~in this State,~~ including the name and number of the street, or, if the street where the business is located is not numbered, the number of the post office box. The Board may require the filing of other information for the purpose of identifying such principal place of business.

2. Every advertisement by a licensee soliciting or advertising business shall contain the licensee's name and the number of the licensee's license as they appear in the records of the Board.

Sec. 12. NRS 648.1493 is hereby amended to read as follows:

648.1493 1. To obtain a registration, a person must:

- (a) Be a natural person;
- (b) File a written application for registration with the Board;
- (c) Comply with the applicable requirements of this chapter; and
- (d) Pay an application fee set by the Board of not more than \$135.

2. An application for registration must include:

- (a) A fully completed application for registration as an employee;
- (b) A passport size photo;
- (c) A completed set of fingerprint cards or a receipt for electronically submitted fingerprints of the applicant submitted as required by the Board; and
- (d) Any other information or supporting materials required pursuant to the regulations adopted by the Board or by an order of the Board. Such information or supporting materials may include, without limitation, other forms of identification of the person.

3. Except as otherwise provided in this chapter, the Board shall issue a registration to an applicant if:

- (a) The application is verified by the Board and complies with the applicable requirements of this chapter; and
- (b) The applicant:

(1) **Is at least 18 years of age;**

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

(3) Is of good moral character and temperate habits;

~~[(2)]~~ **(4)** Has not been convicted of, or entered a plea of nolo contendere to, a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon;

~~[(3)]~~ **(5)** Has not made a false statement of material fact on the application; and

~~{{4}}~~ (6) Has not violated any provision of this chapter, a regulation adopted pursuant thereto or an order of the Board.

4. Upon the issuance of a registration, a pocket card of such size, design and content as may be determined by the Board will be issued without charge to each registered ~~person,~~ **employee**, and will be evidence that the ~~person~~ **employee** is duly registered pursuant to this chapter.

5. A registration issued pursuant to this section and the cards issued pursuant to subsection 4 expire 5 years after the date the registration is issued, unless it is renewed. To renew a registration, the holder of the registration must submit to the Board on or before the date the registration expires:

(a) A fully completed application for renewal of registration as an employee;

(b) A passport size photo;

(c) A completed set of fingerprint cards or a receipt for electronically submitted fingerprints of the applicant submitted as required by the Board;

(d) A renewal fee set by the Board of not more than \$135; and

(e) Any other information or supporting materials required pursuant to the regulations adopted by the Board or by an order of the Board. Such information or supporting materials may include, without limitation, other forms of identification of the person.

6. A denial of registration may be appealed to the Board. The Board shall adopt regulations providing for the consideration of such appeals.

Sec. 13. NRS 648.160 is hereby amended to read as follows:

648.160 1. The Board may, upon its own motion:

(a) Investigate the actions of any person holding or claiming to hold a license ~~or~~ **or registration.**

(b) Authorize a representative of the Board to issue a notice of violation to any licensee or **registered employee or any** applicant for a license **or registration** who, based upon probable cause, has violated a requirement of this chapter, or any standard, rule or order adopted or issued pursuant to this chapter.

2. The Board shall, upon the filing with it of a verified written complaint by any person setting forth facts which, if proven, would constitute grounds for refusal, suspension or revocation of a license ~~or~~ **or registration,** investigate the actions of any person holding or claiming to hold a license ~~or~~ **or registration.**

3. The Board has the power of subpoena in any proceeding before the Board pursuant to this chapter concerning the activity of an unlicensed person **or unregistered employee** or discipline of a licensee ~~or~~ **or registered employee.** If any person refuses to respond to a subpoena, the Board shall certify the facts to the district court of the county where the hearing is being conducted. The court shall thereupon issue an order directing the person to appear before the court and show cause why he or she should not be punished as for contempt. The order and a copy of the certified statement must be served on the person. Thereafter the court has jurisdiction of the matter. The same

proceedings must be had, the same penalties may be imposed and the person charged may purge himself or herself of the contempt in the same way, as in the case of a person who has committed a contempt in the trial of a civil action.

Sec. 13.5. NRS 648.164 is hereby amended to read as follows:

648.164 1. The failure of a licensee or registered employee to comply with a notice of violation after it is final is a ground for suspension or revocation of the person's license ~~[.]~~ or registration.

2. The failure of an applicant for ~~[licensee]~~ a license or registration to comply with a notice of violation after it is final is a ground for denial of the person's application for a license ~~[.]~~ or registration.

Sec. 14. NRS 648.165 is hereby amended to read as follows:

648.165 1. The Board may issue to a person who has violated NRS 648.060 a citation.

2. Such a citation must be in writing and describe with particularity the nature of the violation. The citation must also inform the person of the provisions of subsection 5. A separate citation must be issued for each such violation.

3. If appropriate, the citation must contain an order to cease and desist conduct fixing a reasonable time for abatement of the violation. If the order to cease and desist conduct is directed to a business, the order must expressly state that it applies to any person acting in the name of the business regardless of whether any such person is alleged to have previously violated any of the provisions of this chapter.

4. The Board ~~[shall]~~ may assess an administrative fine of:

(a) For the first such violation, not more than \$2,500.

(b) For the second such violation, not more than \$5,000.

(c) For the third or subsequent such violation, not more than \$10,000.

5. To appeal the finding of such a violation, the person must request a hearing by written notice of appeal to the Board within 30 days after the date of issuance of the citation.

Sec. 14.5. NRS 648.174 is hereby amended to read as follows:

648.174 If a licensee or registered employee, or an applicant for a license or registration, has engaged in repeated acts which would be grounds for disciplinary action, but has corrected the conditions resulting from those acts, the correction of those conditions does not preclude the Board or its authorized representative from taking action against the person pursuant to NRS 648.160.

Sec. 15. NRS 648.177 is hereby amended to read as follows:

648.177 Upon receiving written notification of a suspension, revocation or refusal to renew a license ~~[.]~~ or registration, the holder of the license or registration shall immediately surrender the license or registration to the Board.

Sec. 16. NRS 648.200 is hereby amended to read as follows:

648.200 It is unlawful for any licensee or any registered employee or other employee, security guard, officer or member of any licensee:

1. To divulge to anyone, except as he or she may be so required by law to do, any information acquired by him or her except at the direction of the employer or client for whom the information was obtained.

2. To make a false report to his or her employer or client.

Assemblyman Kirner moved that the Assembly concur in the Senate Amendment No. 701 to Assembly Bill No. 173.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 295.

The following Senate amendment was read:

Amendment No. 831.

AN ACT relating to healing arts; limiting the scope of services which may be performed by providers of wellness services; requiring certain disclosures by such providers; defining “wellness services”; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law regulates the licensing, certification and registration of various providers of health care, including, without limitation, physicians, homeopathic physicians, osteopathic physicians, chiropractic physicians, doctors of Oriental medicine and podiatric physicians. (Chapters 630, 630A, 633, 634, 643A and 635 of NRS) **Section 3** of this bill limits the scope of services which may be performed by a provider of wellness services, which are not regulated by this State, by prohibiting those providers of wellness services from providing certain services which may only be provided by a licensed provider of health care. The term “wellness services” is defined in **section 3** to mean certain therapies and practices and the provision of certain products based on certain complementary health treatment approaches. **Section 3** also requires providers of wellness services to make certain disclosures to their clients and retain copies of signed disclosures for a period of not less than 5 years.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. 1. *A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:*

(a) Performs surgery or any other procedure which punctures the skin of any person;

(b) Sets a fracture of any bone of any person;

- (c) Prescribes or administers X-ray radiation to any person;
- (d) Prescribes or administers a prescription drug or device or a controlled substance to any person;
- (e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;
- (f) Makes a diagnosis of a medical disease of any person;
- (g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;
- (h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;
- (i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;
- (j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;
- (k) Performs massage therapy as that term is defined in NRS 640C.060; or
- (l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS.

2. Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:

- (a) The person's name, business address and telephone number;
- (b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;
- (c) The nature of the wellness services to be provided;
- (d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and
- (e) A statement ~~recommending that the client notify his or her providers of health care of the wellness services he or she is to receive.~~ in substantially the following form:

It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed providers of health care of your intention to use wellness services, the nature of the wellness services to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health care about any potential drug interactions, side effects, risks or conflicts between any medications or treatments

prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.

↪ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

- (a) Are unable to read;
- (b) Are blind or visually impaired;
- (c) Have communication impairments; or
- (d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:

(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.

(d) A medical assistant as that term is defined in NRS 630.0129 and 633.075 ~~¶~~, an advanced practitioner of homeopathy as that term is defined in NRS 630A.015 or a homeopathic assistant as that term is defined in NRS 630A.035.

7. As used in this section, “wellness services” means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1:

- (a) Anthroposophy.
- (b) Aromatherapy.

- (c) *Traditional cultural healing practices.*
- (d) *Detoxification practices and therapies.*
- (e) *Energetic healing.*
- (f) *Folk practices.*
- (g) *Gerson therapy and colostrum therapy.*
- (h) *Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.*
- (i) *Herbology and herbalism.*
- (j) *Reflexology and Reiki.*
- (k) *Mind-body healing practices.*
- (l) *Nondiagnostic iridology.*
- (m) *Noninvasive instrumentalities.*
- (n) *Holistic kinesiology.*

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

Assemblyman Kirner moved that the Assembly concur in the Senate Amendment No. 831 to Assembly Bill No. 295.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 325.

The following Senate amendment was read:

Amendment No. 843.

SUMMARY—Enacts **and revises** provisions ~~governing persons engaged in the business of a private professional guardian.~~ **relating to guardians.** (BDR 54-976)

AN ACT relating to ~~private professional~~ guardians; requiring licensing for **certain** persons engaged in the business of a private professional guardian; establishing the requirements for the licensing and operation of a private professional guardian company; amending provisions ~~related~~ **relating** to the appointment of a guardian under certain circumstances; **adding provisions governing the appointment of certain preferred persons as guardians for adult wards; revising provisions relating to the appointment of a guardian for a minor;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the court appointment of a private professional guardian to act as a fiduciary for a person or estate, but does not require the private professional guardian to be licensed. (NRS 159.0595) This bill requires the licensing of **certain** persons engaging in the business of a private professional guardian and authorizes the Commissioner of Financial Institutions to adopt regulations relating to the licensing of those persons.

Sections 15-17 of this bill make it unlawful for a person to act as a private professional guardian without being licensed. **Section 12 of this bill provides certain exceptions to the licensing and other regulatory requirements.** **Sections 18-26** of this bill establish the requirements and application process

to obtain a license to transact the business of a private professional guardian. **Section 28** of this bill sets forth requirements relating to the change of ownership or transfer of assets of a private professional guardian company. **Section 29** of this bill establishes the process for the renewal of a license. **Section 30** of this bill establishes the process for surrender of a license.

Section 31 of this bill requires a licensee to keep a principal office in this State. **Section 32** of this bill establishes procedures for the Commissioner to approve an out-of-state office of a private professional guardian company. **Section 33** of this bill requires a licensee to maintain certain types and levels of bonds and insurance.

Section 35 of this bill establishes the rights and authority of a licensee. **Section 36** of this bill prohibits certain activities by a licensee. **Sections 37-41** of this bill establish requirements for accounting, reporting and auditing of a private professional guardian company and authorize the Commissioner or a designee to inspect certain records of a private professional guardian company.

Sections 42-46 of this bill establish procedures for the Commissioner to take administrative action against licensees. **Sections 47 and 48** of this bill establish procedures for handling a complaint against a private professional guardian company. **Sections 49 and 50** of this bill provide administrative and criminal penalties for violating certain provisions of this bill.

Existing law ~~requires that, subject to certain exceptions, a person must be a resident of this State to be appointed as a guardian. (NRS 159.059) Existing law also requires a court to appoint as guardian for an incompetent the qualified person who is most suitable and is willing to serve as a guardian. (NRS 159.061) Sections 50.5 and 51.5 of this bill require a court to appoint as guardian for an incompetent a person who, regardless of whether the person is a resident of this State, has been requested to be appointed as guardian in a written instrument executed by the incompetent while he or she was competent, if that person is willing to serve and is otherwise determined to be qualified and suitable.~~ **provides for the appointment, qualifications and duties of guardians for certain minor and adult wards. (Chapter 159 of NRS) Existing law prohibits a nonresident of Nevada from being appointed as a guardian for a minor or adult ward unless the person has associated a co-guardian who is a resident of Nevada or a banking corporation whose principal place of business is in Nevada. (NRS 159.059) Existing law also gives preference to certain persons to be appointed as a guardian for a minor ward but does not give preference to any persons to be appointed as a guardian for an adult ward. (NRS 159.061)**

Sections 50.2 and 52.7 of this bill revise the circumstances under which a court is authorized to appoint a nonresident as a guardian for an adult ward. Section 52.5 eliminates existing limitations on the authority of a court to appoint a nonresident as a guardian for a minor ward. Section 50.2 also requires the court to give preference in appointing a guardian for an adult ward to the following persons in the following order, whether or not the person is a nonresident: (1) a nominated person, who is a person

the adult ward specifically nominated or requested as a guardian in a will, trust or other written document executed by the adult ward while competent; or (2) a relative. If two or more nominated persons are qualified and suitable to be appointed as a guardian, section 50.2 authorizes the court to appoint two or more co-guardians or generally requires the court to give preference to the nominated person named in a will, trust or other written document that is part of the adult's established estate plan, but there are certain exceptions for extraordinary circumstances.

In selecting a guardian, section 50.2 does not allow the court to give preference to a resident over a nonresident if the court determines that the nonresident would be a more qualified and suitable guardian and the adult would receive continuing care and supervision under the guardianship of the nonresident. If the court selects a nonresident guardian, section 50.2 requires the court to order the nonresident guardian to designate a registered agent in this State.

Section 51.5 of this bill revises the existing list of persons who are preferred for appointment as a guardian to a minor to include any person recommended by: (1) an agency which provides child welfare services, an agency which provides child protective services or a similar agency; or (2) a guardian ad litem or court appointed special advocate who represents the minor.

Sections 51-51.9 and 52.5 of this bill make conforming changes to reflect the changes made by the other sections of this bill.

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

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 50, inclusive, of this act.

Sec. 2. *The Legislature finds and declares that:*

1. There exists in this State a need, in order to provide for the protection of the public interest, to regulate persons engaged in the business of private professional guardians.

2. Persons engaging in the business of private professional guardians must be licensed and regulated in such a manner as to promote advantages and convenience for the public while protecting the public interest.

3. It is the purpose of this chapter to bring under public supervision persons who are engaged in or who desire to engage in the business of a private professional guardian and to ensure that there is established in this State an adequate, efficient and competitive private professional guardian service available to the courts and the public at large.

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 11, inclusive, of this act, have the meanings ascribed to them in those sections.*

Sec. 4. *“Business of a private professional guardian” means the holding out by a person, through advertising, solicitation or other means, that the person is available to act for compensation as a private professional guardian.*

Sec. 5. *“Commissioner” means the Commissioner of Financial Institutions.*

Sec. 6. *“Director” means the Director of the Department of Business and Industry.*

Sec. 7. *“Division” means the Division of Financial Institutions of the Department of Business and Industry.*

Sec. 8. *“Fiduciary” means a person who has the power and authority to act for a beneficiary under circumstances requiring trust, good faith and honesty.*

Sec. 9. 1. “Private professional guardian” has the meaning ascribed to it in NRS 159.024.

2. For the purposes of this chapter, the term does not include a person who serves as a private professional guardian but who is exempt pursuant to NRS 159.0595 or section 12 of this act from the requirement to have a license issued pursuant to this chapter.

Sec. 10. 1. “Private professional guardian company” means a natural person or business entity, including, without limitation, a sole proprietorship, partnership, limited-liability company or corporation, that is licensed pursuant to the provisions of this chapter to engage in the business of a private professional guardian, whether appointed by a court or hired by a private party.

2. For the purposes of this chapter, the term does not include a natural person or business entity which engages in the business of a private professional guardian but which is exempt pursuant to NRS 159.0595 or section 12 of this act from the requirement to have a license issued pursuant to this chapter.

Sec. 11. *“Ward” has the meaning ascribed to it in NRS 159.027.*

Sec. 12. *This chapter does not apply to a person who:*

1. *Is a public guardian or administrator appointed by the court;*
2. Is a banking corporation as defined in NRS 657.016;
3. ~~Is appointed~~ Is appointed *an organization permitted to act as a fiduciary pursuant to NRS 662.245;*

~~3.~~ 4. Is a trust company as defined in NRS 669.070;

~~4.~~ 5. Is acting in the performance of his or her duties as an attorney at law;

~~4.~~ 6. Acts as a trustee under a deed of trust;

~~5.~~ 7. Acts as a fiduciary under a court trust; or

~~6.~~ 8. Acts as a fiduciary as an individual or a family member.

Sec. 13. *The Commissioner shall administer and enforce the provisions of this chapter subject to the administrative supervision of the Director.*

Sec. 14. *The Commissioner may adopt regulations to carry out the provisions of this chapter.*

Sec. 15. *It is unlawful for any person to engage in the business of a private professional guardian without having a license issued by the Commissioner pursuant to this chapter.*

Sec. 16. *A person who does not have a license issued pursuant to this chapter shall not:*

1. *Use the term "private professional guardian" or "guardianship services" as a part of his or her business name.*

2. *Advertise or use any sign which includes the term "private professional guardian."*

Sec. 17. 1. *The Commissioner shall conduct an investigation if he or she receives a verified complaint that an unlicensed person is engaging in an activity for which a license is required pursuant to this chapter.*

2. *If the Commissioner determines that an unlicensed person is engaged in an activity for which a license is required pursuant to this chapter, the Commissioner shall ~~issue~~ :*

(a) Issue and serve on the person an order to cease and desist from engaging in the activity until such time as the person obtains a license issued by the Commissioner ~~for~~ ; and

(b) Send a copy of the order to each district court in this State.

3. *If a person upon whom an order to cease and desist is served pursuant to subsection 2 does not comply with the order within 30 days after the service of the order, the Commissioner shall, after providing to the person notice and an opportunity for a hearing:*

(a) Impose upon the person an administrative fine of \$10,000; or

(b) Enter into a written agreement with the person pursuant to which the person agrees to cease and desist from engaging in any activity in this State for which a license is required relating to the business of a private professional guardian and impose upon the person an administrative fine of not less than \$5,000 and not more than \$10,000.

4. *The Commissioner shall bring suit in the name and on behalf of the State of Nevada against a person upon whom an administrative fine is imposed pursuant to subsection 3 to recover the amount of the administrative fine if:*

(a) No petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for at least 90 days after notice of the imposition of the fine; or

(b) A petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for at least 90 days after the exhaustion of any right of appeal in the courts of this State resulting in a final determination that upholds the imposition of the fine.

5. *A person's liability for an administrative fine is in addition to any other penalty provided for in this chapter.*

Sec. 18. 1. *A person wishing to engage in the business of a private professional guardian in this State must file with the Commissioner an*

application on a form prescribed by the Commissioner, which must contain or be accompanied by such information as is required.

2. A nonrefundable fee of not more than \$750 must accompany the application. The applicant must also pay such reasonable additional expenses incurred in the process of investigation as the Commissioner deems necessary.

3. The application must contain:

(a) The name of the applicant and the name under which the applicant does business or expects to do business, if different.

(b) The complete business and residence addresses of the applicant.

(c) The character of the business sought to be carried on.

(d) The address of any location where business will be transacted.

(e) In the case of a firm or partnership, the full name and residence address of each member or partner and the manager.

(f) In the case of a corporation or voluntary association, the name and residence address of each director and officer and the manager.

(g) A statement ~~by the applicant that~~ acknowledging that the applicant is required to comply with the provisions of NRS ~~159.059 and~~ 159.0595 ~~if issued a license.~~

(h) Any other information reasonably related to the applicant's qualifications for the license which the Commissioner determines to be necessary.

4. Each application for a license must have attached to it a financial statement showing the assets, liabilities and net worth of the applicant.

5. In addition to any other requirements, each applicant or member, partner, director, officer, manager or case manager of an applicant shall submit to the Commissioner a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

6. If the applicant is a corporation or limited-liability company, the articles of incorporation or articles of organization must contain:

(a) The name adopted by the private professional guardian company, which must distinguish it from any other private professional guardian company formed or incorporated in this State or engaged in the business of a private professional guardian in this State; and

(b) The purpose for which it is formed.

7. The Commissioner shall deem an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is submitted to the Commissioner. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays the required fees.

8. *The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section, subject to the following limitations:*

(a) An initial fee of not more than \$1,500 for a license to transact the business of a private professional guardian; and

(b) A fee of not more than \$300 for each branch office that is authorized by the Commissioner.

9. *All money received by the Commissioner pursuant to this section must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.*

Sec. 19. 1. *In addition to any other requirements set forth in this chapter:*

(a) An applicant for the issuance of a license to engage in the business of a private professional guardian shall include the social security number of the applicant or applicants in the application submitted to the Commissioner.

(b) An applicant for the issuance or renewal of a license to engage in the business of a private professional guardian shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. *The Commissioner shall include the statement required pursuant to subsection 1 in:*

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. *A license may not be issued or renewed by the Commissioner if the applicant:*

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. *If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.*

Sec. 20. 1. *In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license to engage in the business of a private professional guardian shall submit to the*

Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. A license may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 21. 1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to engage in the business of a private professional guardian, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 22. 1. Within 90 days after the application for a license is filed, the Commissioner shall investigate the facts of the application and the other requirements of this chapter to determine:

(a) That each person who will serve as a sole proprietor, partner of a partnership, member of a limited-liability company or director or officer of a corporation, and any person acting in a managerial or case manager capacity, as applicable:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to engage in the business of a private professional guardian in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of those qualifications, including, without limitation, evidence that the applicant has passed an examination for private professional guardians specified by the Commissioner.

(2) Has not been convicted of, or entered a plea of guilty or nolo contendere to, a felony or any crime involving fraud, misrepresentation, material omission, misappropriation, conversion or moral turpitude.

(3) Has not made a false statement of material fact on the application.

(4) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license issued pursuant to the provisions of this chapter was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(5) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license as a private professional guardian company which was issued by any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(6) Has not violated any of the provisions of this chapter or any regulations adopted pursuant thereto.

(b) That the financial status of each sole proprietor, partner, member or director and officer of the corporation and person acting in a managerial or case manager capacity indicates fiscal responsibility consistent with his or her position.

(c) That the name of the proposed business complies with all applicable statutes.

(d) That, except as otherwise provided in section 33 of this act, the initial surety bond is not less than the amount required by NRS 159.065.

2. In rendering a decision on an application for a license, the Commissioner shall consider, without limitation:

(a) The proposed markets to be served and, if they extend outside this State, any exceptional risk, examination or supervision concerns associated with those markets;

(b) Whether the proposed organizational and equity structure and the amount of initial equity or fidelity and surety bonds of the applicant appear adequate in relation to the proposed business and markets, including, without limitation, the average level of assets under guardianship projected for each of the first 3 years of operation; and

(c) Whether the applicant has planned suitable annual audits conducted by qualified outside auditors of its books and records and its fiduciary activities under applicable accounting rules and standards as well as suitable internal audits.

Sec. 23. 1. After conducting an investigation pursuant to section 22 of this act, if the Commissioner finds grounds for the denial of the application, the Commissioner shall provide to the applicant written notice of such grounds by personal service or certified mail.

2. The applicant may cure any defect or deficiency in the application and, not more than 30 days after receipt of the notice pursuant to subsection 1, resubmit the application for approval.

3. If an application is not approved, the Commissioner shall ~~provide~~ :

(a) Enter an order denying the application and provide to the applicant written notice of the denial by personal service or certified mail ~~[- The] ; and~~

(b) Send a copy of the order denying the application to each district court in each county where the applicant proposed to do business based on the information provided in the application.

4. If the Commissioner enters an order denying an application, the applicant may request a hearing before the Commissioner, but if no such ~~[application] request is made within 30 days after the entry of~~ ~~and~~ the order ~~[refusing a license to any person,]~~ denying the application, the Commissioner shall enter a final order.

~~[- 4. The decision]~~

5. A final order of the Commissioner denying an application is a final order for the purposes of judicial review.

Sec. 24. The Commissioner shall approve the application for a license, keeping on file his or her findings of fact pertaining thereto, if the Commissioner finds that the applicant has met all the requirements of this chapter pertaining to the applicant's qualifications and application.

Sec. 25. 1. If the Commissioner approves an application pursuant to section 24 of this act and the applicant pays the required fees, the Commissioner shall issue to the applicant a license to engage in the business of a private professional guardian.

2. A license issued pursuant to subsection 1 must contain:

(a) The name of the licensee.

(b) The locations by street and number where the licensee is authorized to engage in business.

(c) The number and the date of issuance of the license.

(d) That the license is issued pursuant to this chapter and that the licensee is authorized to engage in the business of a private professional guardian under this chapter.

(e) The expiration date of July 1 of the next year.

Sec. 26. 1. The Commissioner shall maintain in the Office of the Commissioner, in a suitable record provided for that purpose, each application for a license and all bonds required to be filed pursuant to this chapter. The record must state the date of issuance or denial of the license and the date and nature of any action taken relating to an application.

2. Each license issued by the Commissioner must be sufficiently identified in the record.

3. Each renewal of a license must be recorded in the same manner as the original license, and the number of the preceding license issued must be recorded.

Sec. 27. Each license issued pursuant to this chapter must be conspicuously displayed in the place of business designated in the license.

Sec. 28. 1. A license issued pursuant to this chapter is not transferable or assignable, but upon the approval of the Commissioner and any applicable court of jurisdiction, a licensee may merge or consolidate with, or transfer its assets and control to, another person who holds a license pursuant to this chapter. In determining whether to grant the approval, the Commissioner may consider the factors set forth in section 22 of this act.

2. If a change in the control of a private professional guardian company occurs, the chief executive officer or managing member of the company shall report the change in control and the name of the person obtaining control to the Commissioner within 5 business days after obtaining knowledge of the change.

3. A private professional guardian company shall, within 5 business days after a change in the chief executive officer, managing member or a majority of the directors or managing directors of the company occurs, report the change to the Commissioner. The company shall include in its report to the Commissioner a statement of the past and current business and professional affiliations of each new chief executive officer, managing member, director or managing director. A new chief executive officer, managing member, director or managing director shall furnish to the Commissioner a complete financial statement on a form prescribed by the Commissioner.

4. A person who intends to acquire control of a private professional guardian company shall submit an application to the Commissioner. The application must be submitted on a form prescribed by the Commissioner. The Commissioner shall conduct an investigation pursuant to section 22 of this act to determine whether the person has a good reputation for honesty, trustworthiness and integrity and is competent to control the private professional guardian company in a manner which protects the interests of the general public.

5. The private professional guardian company of which the applicant intends to acquire control shall pay the nonrefundable cost of the investigation as required by the Commissioner. If the Commissioner denies the application, the Commissioner may prohibit or limit the applicant's participation in the business.

6. As used in this section, "control" means the possession, directly or indirectly, of the authority to direct or cause the direction of the management and policy of a private professional guardian company, or a change in the ownership of at least 25 percent of the outstanding voting stock of, or participating members' interest in, the company.

Sec. 29. 1. A private professional guardian company wishing to renew a license to engage in the business of a private professional guardian shall file in the Office of the Commissioner, on or before the June 1 of the year after the year of the original issuance of the license, an application, which must contain, without limitation, the number of the license being renewed. The application for renewal must be accompanied by a renewal fee of not more than \$1,500 and all information required to complete the application.

2. The Commissioner shall issue a renewal license to the applicant, which must be dated July 1 next ensuing the date of the application, in form and text similar to the original except that, in addition, the renewal must include the date and number of the earliest license issued.

3. All requirements of this chapter with respect to original licenses and bonds apply to all renewal licenses and bonds, except as otherwise provided in this section.

4. The Commissioner shall refuse to renew a license if at the time of application a proceeding to revoke or suspend the license is pending.

5. The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section. All money collected under the provisions of this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 30. 1. If any private professional guardian company wishes to discontinue its business, the company shall furnish to the Commissioner satisfactory evidence of the release and discharge from all obligations which the company has assumed or which have been imposed by law. Thereafter, the Commissioner shall enter an order cancelling the license of the private professional guardian company.

2. If the Commissioner enters an order cancelling a license pursuant to this section, the Commissioner shall send a copy of the order to each district court in this State.

Sec. 31. 1. A private professional guardian company licensed pursuant to this chapter shall maintain its principal office in this State.

2. To qualify as the principal office for the purposes of subsection 1, an office of the private professional guardian company must:

(a) Have a verifiable physical location in this State at which the private professional guardian company conducts such business operations in this

State as are necessary to administer private professional guardianships in this State;

(b) Have available at the office a private professional guardian who is licensed pursuant to this chapter, a permanent resident of this State and at least 21 years of age;

(c) Have any license issued pursuant to this chapter conspicuously displayed;

(d) Have available at the office originals or true copies of all material business records and accounts of the private professional guardian company, which must be readily available to access and readily available for examination by the Division;

(e) Have available to the public written procedures for making claims against the surety bond required to be maintained pursuant to section 33 of this act;

(f) Have available all services to residents of this State which are consistent with the business plan of the private professional guardian company included with the application for a license; and

(g) Comply with any other requirements specified by the Commissioner.

Sec. 32. 1. It is unlawful for any person licensed pursuant to this chapter to engage in the business of a private professional guardian at any office outside this State without the prior approval of the Commissioner.

2. Before the Commissioner will approve a branch to be located outside this State, the private professional guardian must:

(a) Obtain from that state any required license as a private professional guardian; or

(b) Provide proof satisfactory to the Commissioner that the private professional guardian company has met all the requirements to engage in the business of a private professional guardian in that state pursuant to its laws, including, without limitation, written documentation from the appropriate court or state agency that the private professional guardian company is authorized to do business in that state.

3. For each branch location of a private professional guardian company organized under the laws of this State, and every branch location in this State of a foreign private professional guardian company authorized to do business in this State, a request for approval and licensing must be filed with the Commissioner on forms prescribed by the Commissioner. A nonrefundable fee of not more than \$500, as provided by the Commissioner, must accompany each request. In addition, a fee of not more than \$200, to be prorated on the basis of the licensing year as provided by the Commissioner, must be paid at the time of making the request. Money collected pursuant to this section must be deposited in the Investigative Account for Financial Institutions created by NRS 232.545.

4. A foreign corporation or limited-liability company wishing to engage in the business of a private professional guardian in this State must use a

name that distinguishes it from any other private professional guardian in this State.

Sec. 33. 1. The Commissioner may require a private professional guardian company to maintain equity, fidelity and surety bonds in amounts that are more than the minimum required initially or at any subsequent time based on the Commissioner's assessment of the risks associated with the business plan of the private professional guardian or other information contained in the application, the Commissioner's investigation of the application or any examination of or filing by the private professional guardian company thereafter, including, without limitation, any examination before the opening of the business. In making such a determination, the Commissioner may consider, without limitation:

(a) The nature and type of business to be conducted by the private professional guardian company;

(b) The nature and liquidity of assets proposed to be held in the account of the private professional guardian company;

(c) The amount of fiduciary assets projected to be under the management or administration of the private professional guardian company;

(d) The type of fiduciary assets proposed to be held and any proposed depository of such assets;

(e) The complexity of the fiduciary duties and degree of discretion proposed to be undertaken by the private professional guardian company;

(f) The competence and experience of the proposed management of the private professional guardian company;

(g) The extent and adequacy of proposed internal controls;

(h) The proposed presence of annual audits by an independent certified public accountant, and the scope and frequency of such audits, whether they result in an opinion of the accountant and any qualifications to the opinion;

(i) The reasonableness of business plans for retaining or acquiring additional equity capital;

(j) The adequacy of fidelity and surety bonds and any additional insurance proposed to be obtained by the private professional guardian company for the purpose of protecting its fiduciary assets;

(k) The success of the private professional guardian company in achieving the financial projections submitted with its application for a license; and

(l) The fulfillment by the private professional guardian company of its representations and its descriptions of its business structures and methods and management set forth in its application for a license.

2. The director or manager of a private professional guardian company shall require fidelity bonds in the amount of at least \$25,000 on the sole proprietor or each active officer, manager, member acting in a managerial or case manager capacity and employee, regardless of whether the person receives a salary or other compensation from the private professional guardian company, to indemnify the company against loss due to any

dishonest, fraudulent or criminal act or omission by a person upon whom a bond is required pursuant to this section who acts alone or in combination with any other person. A bond required pursuant to this section may be in any form and may be paid for by the private professional guardian company.

3. A private professional guardian company shall obtain suitable insurance against burglary, robbery, theft and other hazards to which it may be exposed in the operation of its business.

4. A private professional guardian company shall obtain suitable surety bonds in accordance with NRS 159.065, as applicable.

5. The surety bond obtained pursuant to subsection 4 must be in a form approved by a court of competent jurisdiction and the Division and conditioned that the applicant conduct his or her business in accordance with the requirements of this chapter. The bond must be made and executed by the principal and a surety company authorized to write bonds in this State.

6. A private professional guardian company shall at least annually prescribe the amount or penal sum of the bonds or policies of the company and designate the sureties and underwriters thereof, after considering all known elements and factors constituting a risk or hazard. The action must be recorded in the minutes kept by the private professional guardian company and reported to the Commissioner.

7. The bond must cover all matters placed with the private professional guardian company during the term of the license or a renewal thereof.

8. An action may not be brought upon any bond after 2 years from the revocation or expiration of the license.

9. After 2 years, all liability of the surety or sureties upon the bond ceases if no action is commenced upon the bond.

Sec. 34. 1. The Commissioner shall revoke the license of a private professional guardian company if:

~~1. If the private professional guardian company fails:~~

(a) Fails to open for business within 6 months after the date the license was issued, or within an additional 6-month extension granted by the Commissioner upon written application and for good cause shown; or

~~2. If the private professional guardian company fails:~~

(b) Fails for more than 30 consecutive days to maintain regular business hours or otherwise conduct the business of a private professional guardian.

2. If the Commissioner enters an order revoking a license pursuant to this section, the Commissioner shall send a copy of the order to each district court in this State.

Sec. 35. Each private professional guardian company which is licensed pursuant to this chapter may, in the conduct of its business activities, within and outside this State, as applicable:

1. Act under the order or appointment of any court as guardian.

2. Accept and execute any activities and duties relating to the business of a private professional guardian as permitted by any law.

3. *Exercise the powers of a corporation, partnership or limited-liability company organized or qualified as a foreign corporation, partnership or limited-liability company under the laws of this State and any incidental powers that are reasonably necessary to enable it to exercise, in accordance with commonly accepted customs and usages, a power conferred by this chapter.*

4. *Perform any act authorized by this chapter and any other applicable laws of this State.*

Sec. 36. 1. *The fiduciary relationship which exists between a private professional guardian and the ward of the private professional guardian may not be used for the private gain of the guardian other than the remuneration for fees and expenses. A private professional guardian may not incur any obligation on behalf of the guardianship that conflicts with the discharge of the duties of the private professional guardian.*

2. *Unless prior approval is obtained from a court of competent jurisdiction, a private professional guardian shall not:*

(a) *Have any interest, financial or otherwise, direct or indirect, in any business transaction or activity with the guardianship.*

(b) *Acquire an ownership, possessory, security or other pecuniary interest adverse to the ward.*

(c) *Be knowingly designated as a beneficiary on any life insurance policy, pension or benefit plan of the ward unless such designation was validly made by the ward before the adjudication of the person's incapacity.*

(d) *Directly or indirectly purchase, rent, lease or sell any property or services from or to any business entity in which the private professional guardian, or the spouse or relative of the guardian, is an officer, partner, director, shareholder or proprietor or in which such a person has any financial interest.*

3. *Any action taken by a private professional guardian which is prohibited by this section may be voided during the term of the guardianship or by the personal representative of the ward's estate. The private professional guardian is subject to removal and to imposition of personal liability through a proceeding for discharge, in addition to any other remedies otherwise available.*

4. *A court shall not appoint a private professional guardian that is not licensed pursuant to this chapter as the guardian of a person or estate. The court must review each guardianship involving a private professional guardian on the anniversary date of the appointment of the private professional guardian. If a private professional guardian does not hold a current license, the court must replace the guardian until such time as the private professional guardian obtains the necessary license.*

5. *The provisions of NRS 159.076 regarding summary administration do not apply to a private professional guardian.*

6. *A licensee shall file any report required by the court in a timely manner.*

Sec. 37. 1. *Except as otherwise provided in NRS 159.076, a licensee shall maintain a separate guardianship account for each ward into which all money received for the benefit of the ward must be deposited. Each guardianship account must be maintained in an insured bank or credit union located in this State, be held in a name which is sufficient to distinguish it from the personal or general checking account of the licensee and be designated as a guardianship account. Each guardianship account must at all times account for all money received for the benefit of the ward and account for all money dispersed for the benefit of the ward, and no disbursement may be made from the account except as authorized under chapter 159 of NRS or as authorized by court order.*

2. *Each licensee shall keep a record of all money deposited in each guardianship account maintained for a ward, which must clearly indicate the date and from whom the money was received, the date the money was deposited, the dates of withdrawals of money and other pertinent information concerning the transactions. Records kept pursuant to this subsection must be maintained for at least 6 years after the completion of the last transaction concerning the account. The records must be maintained at the premises in this State at which the licensee is authorized to conduct business.*

3. *The Commissioner or his or her designee may conduct an examination of the guardianship accounts and records relating to wards of each private professional guardian company licensed pursuant to this chapter at any time to ensure compliance with the provisions of this chapter.*

4. *During the first year a private professional guardian is licensed in this State, the Commissioner or his or her designee may conduct any examinations deemed necessary to ensure compliance with the provisions of this chapter.*

5. *If there is evidence that a private professional guardian company has violated a provision of this chapter, the Commissioner or his or her designee may conduct additional examinations to determine whether a violation has occurred.*

6. *Each licensee shall authorize the Commissioner or his or her designee to examine all books, records, papers and effects of the private professional guardian company.*

7. *If the Commissioner determines that the records of a licensee are not maintained in accordance with subsections 1 and 2, the Commissioner may require the licensee to submit, within 60 days, an audited financial statement prepared from the records of the licensee by a certified public accountant who holds a certificate to engage in the practice of public accounting in this State. The Commissioner may grant a reasonable extension of time for the submission of the financial statement if an extension is requested before the statement is due.*

8. *Upon the request of the Division, a licensee must provide to the Division copies of any documents reviewed during an examination*

conducted by the Commissioner or his or her designee pursuant to subsection 4, 5 or 6. If the copies are not provided, the Commissioner may subpoena the documents.

9. For each examination of the books, papers, records and effects of a private professional guardian company that is required or authorized pursuant to this chapter, the Commissioner shall charge and collect from the private professional guardian company a fee for conducting the examination and preparing a report of the examination based upon the rate established by regulation pursuant to NRS 658.101. Failure to pay the fee within 30 days after receipt of the bill is grounds for revoking the license of the private professional guardian company.

10. All money collected under this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 38. 1. After an examination is conducted pursuant to section 37 of this act, the person who conducted the examination shall prepare a written report of the results of the examination which must be signed by the Commissioner or his or her designee.

2. The written report must contain a true and detailed statement of the financial condition of the private professional guardian company and, if applicable, a full statement of any violations of the provisions of this chapter.

Sec. 39. 1. The Commissioner shall provide a copy of a report prepared pursuant to section 38 of this act to the president or secretary of the board of directors of the private professional guardian company if the company is a corporation, or to a manager or owner of the private professional guardian company if the company is not a corporation, and may make a copy available to each member of the board of directors or each manager or owner, as applicable. If, in the judgment of the Commissioner, the report discloses any violation of the provisions of this chapter committed by the private professional guardian company, or if it appears from the report that there are certain conditions existing which should be corrected by the private professional guardian company, the Commissioner may, in writing, call the matter to the attention of each member of the board of directors or each manager or owner, with instructions to correct the condition.

2. Upon the preparation of the report as provided in section 38 of this act, the Commissioner shall also serve a copy thereof to the court having jurisdiction of each ward of the private professional guardian company.

Sec. 40. 1. The Commissioner may require a licensee to submit an annual financial statement or an audited financial statement prepared by an independent certified public accountant licensed to do business in this State, dependent upon the size and complexity of the private professional guardian company.

2. If applicable, on or before the fourth Monday in January of each year, each licensee shall submit to the Commissioner the stock ledger of stockholders of the corporation required to be maintained pursuant to

paragraph (c) of subsection 1 of NRS 78.105 or the list of each member and manager required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241, verified by the president or a manager, as appropriate.

3. A list of each member and manager submitted pursuant to subsection 2 must include the percentage of each member's interest in the company, in addition to the requirements set forth in NRS 86.241.

4. If a licensee fails to submit the ledger or list required pursuant to this section within the prescribed period, the Commissioner may impose and collect a fee of not more than \$10 for each day the report is late.

5. The Commissioner shall adopt regulations establishing the amount of the fee that may be imposed pursuant to this section.

Sec. 41. Except as otherwise provided in NRS 239.0115, any application and personal or financial records submitted to the Division pursuant to the provisions of this chapter and any personal or financial records or other documents obtained by the Division pursuant to an examination conducted by the Commissioner or his or her designee or in response to a subpoena are confidential and may be disclosed only to:

1. The Division, any authorized employee or representative of the Division and any state or federal agency investigating the activities covered under the provisions of this chapter; and

2. Any person if the Commissioner, in his or her discretion, determines that the interests of the public that would be protected by disclosure outweigh the interest of any person in the confidential information not being disclosed.

Sec. 42. 1. The Commissioner may require the immediate removal from office of any officer, director, manager or employee of any private professional guardian company doing business under this chapter who is found to be dishonest, incompetent or reckless in the management of the affairs of the private professional guardian company, or who persistently violates the laws of this State or the lawful orders, instructions and regulations issued by the Commissioner.

2. An officer, director, manager or employee of a private professional guardian company who is required to be removed from office pursuant to subsection 1 may appeal his or her removal by filing a written request for a hearing with the Commissioner within 10 days after the effective date of his or her removal. The Commissioner shall conduct the hearing after providing at least 5 days' written notice to the private professional guardian company and the officer, director, manager or employee who is appealing his or her removal from office. Within 5 days after the conclusion of the hearing, the Commissioner shall enter an order affirming or disaffirming the removal of the person from office. An order of the Commissioner entered pursuant to this subsection is final for the purposes of judicial review.

Sec. 43. 1. The Commissioner may take administrative action against a licensee, including, without limitation, revoking or suspending the license, or initiate proceedings as provided in section 46 of this act if the company:

- (a) Has violated this chapter or any other state or federal laws applicable to the business of a private professional guardian.*
- (b) Is conducting the business in an unauthorized or unsafe manner.*
- (c) Is in an unsafe or unsound condition to transact business.*
- (d) Has an impairment of the surety bonds held by the company.*
- (e) Has an impairment of the fidelity bonds held by the company.*
- (f) Has become insolvent.*
- (g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.*
- (h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.*
- (i) Has refused to provide copies to the Division upon request, and in cooperation with any investigation, inspection or examination, of any and all documents reviewed by the Division during any such investigation, inspection or examination.*
- (j) Has failed to pay any state or local taxes as required.*
- (k) Has materially and willfully breached its fiduciary duties to a ward.*
- (l) Has failed to properly disclose all fees, interest and other charges to the court and the public.*
- (m) Has willfully engaged in material conflicts of interest regarding a ward.*
- (n) Has made intentional material misrepresentations regarding any aspect of the services performed or proposed to be performed by the private professional guardian company.*

2. The Commissioner also may initiate such proceedings to take possession of the business and property of any private professional guardian company if an officer, partner, member or sole proprietor of the private professional guardian company refuses to be examined upon oath regarding its affairs.

Sec. 44. 1. If the Commissioner has reason to believe that grounds for the revocation or suspension of a license exist, the Commissioner shall give at least 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than \$10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees.

3. *The grounds for revocation or suspension of a license are that:*

(a) *The licensee has failed to pay the annual license fee;*

(b) *The licensee has violated any provision of this chapter or any regulation adopted pursuant thereto or any lawful order of the Commissioner;*

(c) *The licensee has failed to pay any applicable state or local tax as required;*

(d) *Any fact or condition exists which would have justified the Commissioner in denying the original application for a license pursuant to the provisions of this chapter; or*

(e) *The licensee:*

(1) *Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or*

(2) *Has failed to remain open for the conduct of the business for a period of 30 consecutive days without good cause therefor.*

4. *An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.*

5. *If the Commissioner enters an order suspending or revoking a license pursuant to this section, the Commissioner shall send a copy of the order to each district court in this State.*

Sec. 45. 1. *If the Commissioner finds that probable cause for the revocation of any license exists and that the public interest requires the immediate suspension of the license pending an investigation, the Commissioner may, upon 5 days' written notice offering the opportunity for a hearing, enter an order suspending the license for a period of not more than 20 days, pending a hearing upon the revocation of the license unless the opportunity for a hearing is waived by the licensee.*

2. *If the Commissioner enters an order suspending a license pursuant to this section, the Commissioner shall send a copy of the order to each district court in this State.*

Sec. 46. 1. *If the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, the Commissioner may, in addition to any action provided for in this chapter and chapter 233B of NRS and without prejudice thereto, enter an order requiring the person to cease and desist or to refrain from such violation. If the Commissioner enters such an order pursuant to this subsection, the Commissioner shall send a copy of the order to each district court in this State.*

2. *The Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, irreparable harm and lack of an adequate remedy at law will be presumed and an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper. The findings of the Commissioner shall be deemed to be prima facie evidence*

and sufficient grounds, in the discretion of the court, for the issuance ex parte of a temporary restraining order.

3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of the person, including books, papers, documents and records pertaining thereto, or so much thereof as a court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business, whether such books, papers, documents and records are in the possession of the person, a registered agent acting on behalf of the person or any other person. If a receiver is appointed and qualified, the receiver has such powers and duties relating to the custody, collection, administration, winding up and liquidation of such property and business as may be conferred upon the receiver by the court.

4. If a receiver is appointed pursuant to subsection 3, the receiver shall remit to the owners, members or shareholders of the private professional guardian company any amount of equity of the private professional guardian company remaining after the discharge of the liabilities and payment of the normal, prudent and reasonable expenses of the receivership.

Sec. 47. 1. Upon the filing with the Commissioner of a verified complaint against a private professional guardian company, the Commissioner shall investigate the alleged violation of the provisions of this chapter.

2. If the Commissioner determines that a complaint filed pursuant to subsection 1 warrants further action, the Commissioner shall send a copy of the complaint and notice of the date set for an informal hearing to the subject of the complaint and the Attorney General.

3. The Commissioner may require the private professional guardian company that is the subject of a complaint to file a verified answer to the complaint within 10 days after receipt of the complaint unless, for good cause shown, the Commissioner extends the time required for filing an answer for a period not to exceed 60 days.

4. If at the hearing the complaint is not explained to the satisfaction of the Commissioner, the Commissioner may take such action against the private professional guardian company as authorized by the provisions of this chapter.

Sec. 48. 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

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

Sec. 49. 1. *In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than \$10,000 per violation upon a person who violates any provision of this chapter or any regulation adopted pursuant thereto.*

2. *The maximum total fine that the Commissioner may impose on any person pursuant to this section with respect to the same or similar actions or series of actions which constitute the violations must not exceed the greater of \$250,000 or 125 percent of the monetary value of all losses incurred by the private professional guardian company and its wards as the direct or indirect result of such violations.*

Sec. 50. 1. *A licensee who knowingly or willfully neglects to perform any act or duty required by this chapter or other applicable law, or who knowingly or willfully fails to satisfy any material lawful requirement made by the Commissioner is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

2. *If no other punishment is otherwise provided by law, a person who violates any provision of this chapter is guilty of a gross misdemeanor.*

Sec. 50.2. Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, in a proceeding to appoint a guardian for an adult, the court shall give preference to a nominated person or relative, in that order of preference:

(a) Whether or not the nominated person or relative is a resident of this State; and

(b) If the court determines that the nominated person or relative is qualified and suitable to be appointed as guardian for the adult.

2. In determining whether any nominated person, relative or other person listed in subsection 4 is qualified and suitable to be appointed as guardian for an adult, the court shall consider, if applicable and without limitation:

(a) The ability of the nominated person, relative or other person to provide for the basic needs of the adult, including, without limitation, food, shelter, clothing and medical care;

(b) Whether the nominated person, relative or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS;

(c) Whether the nominated person, relative or other person has been judicially determined to have committed abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult, unless the court finds that it is in the best interests of the ward to appoint the person as guardian for the adult;

(d) Whether the nominated person, relative or other person is incompetent or has a disability; and

(e) Whether the nominated person, relative or other person has been convicted in this State or any other jurisdiction of a felony, unless the court determines that any such conviction should not disqualify the person from serving as guardian for the adult.

3. If the court finds that two or more nominated persons are qualified and suitable to be appointed as guardian for an adult, the court may appoint two or more nominated persons as co-guardians or shall give preference among them in the following order of preference:

(a) A person whom the adult nominated for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult's established estate plan and was executed by the adult while competent.

(b) A person whom the adult requested for the appointment as guardian for the adult in a written instrument that is not part of the adult's established estate plan and was executed by the adult while competent.

4. Subject to the preferences set forth in subsections 1 and 3, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsection 2, give consideration, among other factors, to:

(a) Any nomination or request for the appointment as guardian by the adult.

(b) Any nomination or request for the appointment as guardian by a relative.

(c) The relationship by blood, adoption, marriage or domestic partnership of the proposed guardian to the adult. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider any relative in the following order of preference:

(1) A spouse or domestic partner.

(2) A child.

(3) A parent.

(4) Any relative with whom the adult has resided for more than 6 months before the filing of the petition or any relative who has a power of attorney executed by the adult while competent.

(5) Any relative currently acting as agent.

(6) A sibling.

(7) A grandparent or grandchild.

(8) An uncle, aunt, niece, nephew or cousin.

(9) Any other person recognized to be in a familial relationship with the adult.

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

(e) Any request for the appointment of any other interested person that the court deems appropriate, including, without limitation, a person who is

not a relative and who has a power of attorney executed by the adult while competent.

5. The court may appoint as guardian any nominated person, relative or other person listed in subsection 4 who is not a resident of this State. The court shall not give preference to a resident of this State over a nonresident if the court determines that:

(a) The nonresident is more qualified and suitable to serve as guardian; and

(b) The distance from the proposed guardian's place of residence and the adult's place of residence will not affect the quality of the guardianship or the ability of the proposed guardian to make decisions and respond quickly to the needs of the adult because:

(1) A person or care provider in this State is providing continuing care and supervision for the adult;

(2) The adult is in a secured residential long-term care facility in this State; or

(3) Within 30 days after the appointment of the proposed guardian, the proposed guardian will move to this State or the adult will move to the proposed guardian's state of residence.

6. If the court appoints a nonresident as guardian for the adult:

(a) The jurisdictional requirements of NRS 159.1991 to 159.2029, inclusive, must be met;

(b) The court shall order the guardian to designate a registered agent in this State in the same manner as a represented entity pursuant to chapter 77 of NRS; and

(c) The court may require the guardian to complete any available training concerning guardianships pursuant to NRS 159.0592, in this State or in the state of residence of the guardian, regarding:

(1) The legal duties and responsibilities of the guardian pursuant to this chapter;

(2) The preparation of records and the filing of annual reports regarding the finances and well-being of the adult required pursuant to NRS 159.073;

(3) The rights of the adult;

(4) The availability of local resources to aid the adult; and

(5) Any other matter the court deems necessary or prudent.

7. If the court finds that there is not any suitable nominated person, relative or other person listed in subsection 4 to appoint as guardian, the court may appoint as guardian:

(a) The public guardian of the county where the adult resides if:

(1) There is a public guardian in the county where the adult resides; and

(2) The adult qualifies for a public guardian pursuant to chapter 253 of NRS;

(b) A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the adult will be served appropriately by the appointment of a private fiduciary; or

(c) A private professional guardian who meets the requirements of NRS 159.0595.

8. A person is not qualified to be appointed as guardian for an adult if the person has been suspended for misconduct or disbarred from any of the professions listed in this subsection, but the disqualification applies only during the period of the suspension or disbarment. This subsection applies to:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession that:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state in which the person practices his or her profession.

9. As used in this section:

(a) "Adult" means a person who is a ward or a proposed ward and who is not a minor.

(b) "Domestic partner" means a person in a domestic partnership.

(c) "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.

(d) "Nominated person" means a person, whether or not a relative, whom an adult:

(1) Nominates for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult's established estate plan and was executed by the adult while competent.

(2) Requests for the appointment as guardian for the adult in a written instrument that is not part of the adult's established estate plan and was executed by the adult while competent.

(e) "Relative" means a person who is 18 years of age or older and who is related to the adult by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 50.3. NRS 159.024 is hereby amended to read as follows:

159.024 1. "Private professional guardian" means a person who receives compensation for services as a guardian to three or more wards who are not related to the guardian by blood or marriage.

2. For the purposes of this chapter, the term includes:

(a) A person who serves as a private professional guardian and who is required to have a license issued pursuant to sections 2 to 50, inclusive, of this act.

(b) A person who serves as a private professional guardian but who is exempt pursuant to NRS 159.0595 or section 12 of this act from the requirement to have a license issued pursuant to sections 2 to 50, inclusive, of this act.

3. The term does not include:

~~{1.}~~ (a) A governmental agency.

~~{2.}~~ (b) A public guardian appointed or designated pursuant to the provisions of chapter 253 of NRS.

Sec. 50.5. ~~NRS 159.059 is hereby amended to read as follows:~~

~~159.059 Except as otherwise provided in NRS 159.0595, any qualified person or entity that the court finds suitable may serve as a guardian. A person is not qualified to serve as a guardian who:~~

~~1. Is an incompetent.~~

~~2. Is a minor.~~

~~3. Has been convicted of a felony, unless the court determines that such conviction should not disqualify the person from serving as the guardian of the ward.~~

~~4. Has been suspended for misconduct or disbarred from:~~

~~(a) The practice of law;~~

~~(b) The practice of accounting; or~~

~~(c) Any other profession which:~~

~~(1) Involves or may involve the management or sale of money, investments, securities or real property; and~~

~~(2) Requires licensure in this State or any other state,~~

~~or during the period of the suspension or disbarment.~~

~~5. [Is] Except as otherwise provided in subsection 2 of NRS 159.061, is a nonresident of this State and:~~

~~(a) Has not associated as a coguardian, a resident of this State or a banking corporation whose principal place of business is in this State; and~~

~~(b) Is not a petitioner in the guardianship proceeding.~~

~~6. Has been judicially determined, by clear and convincing evidence, to have committed abuse, neglect or exploitation of a child, spouse, parent or other adult, unless the court finds that it is in the best interests of the ward to appoint the person as the guardian of the ward.] (Deleted by amendment.)~~

Sec. 51. NRS 159.0595 is hereby amended to read as follows:

159.0595 1. ~~{A}~~ In order for a person to serve as a private professional guardian, ~~[if a person,]~~ the person must be ~~[qualified]~~ :

(a) Qualified to serve as a guardian pursuant to [NRS 159.059] section 50.2 of this act if the ward is an adult or NRS 159.061 if the ward is a minor; and [must be]

(b) A guardian who has a license issued pursuant to sections 2 to 50, inclusive, of this act or a certified guardian ~~[-licensed]~~ who is not required to have such a license pursuant to ~~[section 18 of this act]~~ subsection 3.

2. ~~[A]~~ **In order for an entity to serve as a** private professional guardian, ~~[if an entity,]~~ **the entity** must ~~[be]~~ :

(a) Be qualified to serve as a guardian pursuant to ~~[NRS 159.059]~~ **section 50.2 of this act if the ward is an adult;**

(b) Have a license issued pursuant to sections 2 to 50, inclusive, of this act, unless the entity is not required to have such a license pursuant to subsection 3; and ~~[must have]~~

(c) Have a guardian who has a license issued pursuant to sections 2 to 50, inclusive, of this act or a certified guardian ~~[licensed]~~ who is not required to have such a license pursuant to ~~[section 18 of this act]~~ subsection 3 involved in the day-to-day operation or management of the entity.

3. ~~[A]~~ **In order for a person or entity to serve as a** private professional guardian ~~[shall, at his or her own cost and expense:~~

—(a) Undergo a background investigation which requires the submission of a complete set of his or her fingerprints to the Central Repository for Nevada Records of Criminal History and to the Federal Bureau of Investigation for their respective reports; and

—(b) Present the results of the background investigation to the court upon request.], ~~[regardless of whether the private professional guardian is a]~~ **the person or ~~[an]~~ entity ~~[-must be licensed]~~ is not required to have a license issued pursuant to ~~[section 18]~~ sections 2 to 50, inclusive, of this act ~~[-]~~ if the person or entity is exempt from the requirement to have such a license pursuant to section 12 of this act and the person or entity:**

(a) Is a banking corporation as defined in NRS 657.016;

(b) Is an organization permitted to act as a fiduciary pursuant to NRS 662.245;

(c) Is a trust company as defined in NRS 669.070;

(d) Is acting in the performance of his or her duties as an attorney at law;

(e) Acts as a trustee under a deed of trust; or

(f) Acts as a fiduciary under a court trust.

4. As used in this section:

(a) “Certified guardian” means a person who is certified by the Center for Guardianship Certification or any successor organization.

(b) “Entity” includes, without limitation, a corporation, whether or not for profit, a limited-liability company and a partnership.

(c) “Person” means a natural person.

Sec. 51.5. NRS 159.061 is hereby amended to read as follows:

159.061 1. The parents of a minor, or either parent, if qualified and suitable, are preferred over all others for appointment as guardian for the minor. The appointment of a parent as ~~[a]~~ guardian ~~[of]~~ **for the ~~[person]~~ minor** must not conflict with a valid order for custody of the minor.

2. In determining whether the parents of a minor, or either parent, **or any other person who seeks appointment as guardian for the minor** is qualified and suitable, the court shall consider, **if applicable and** without limitation:

- (a) Which parent has physical custody of the minor;
- (b) The ability of the parents, ~~for~~ parent **or other person** to provide for the basic needs of the ~~child,~~ **minor,** including, without limitation, food, shelter, clothing and medical care;
- (c) Whether the parents, ~~for~~ parent **or other person** has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS; ~~and~~
- (d) Whether the parents, ~~for~~ parent **or other person** has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the **abuse, neglect, exploitation, isolation or abandonment** of a child ~~or~~, **his or her spouse, his or her parent or any other adult; and**

(e) Whether the parents, parent or other person has been convicted in this State or any other jurisdiction of a felony.

~~{2. The court shall appoint as guardian for an incompetent any person, regardless of whether the person is a resident of this State, who has been requested to be appointed as guardian in a written instrument executed by the incompetent, while competent, if the person is willing to serve and is otherwise qualified and suitable.}~~

3. Subject to the preference set forth in subsection 1, ~~and except as otherwise provided in subsection 2,~~ the court shall appoint as guardian ~~for an incompetent, a person of limited capacity or minor~~ the qualified person who is most suitable and is willing to serve.

~~{3.}~~ 4. In determining ~~who~~ **which qualified person** is most suitable, the court shall **, in addition to considering any applicable factors set forth in subsection 2,** give consideration, among other factors, to:

~~(a) Any request for the appointment as guardian for an incompetent contained in a written instrument executed by the incompetent while competent.~~

~~—(b)—~~ Any nomination of a guardian for ~~an incompetent,~~ **the** minor ~~or person of limited capacity~~ contained in a will or other written instrument executed by a parent ~~or spouse~~ of the ~~proposed ward.~~

~~—(c)—~~ **minor.**

~~(b)~~ Any request ~~for the appointment as guardian for a~~ **made by the** minor **, if he or she is** 14 years of age or older ~~made by~~, **for the appointment of a person as guardian for** the minor.

~~{(d)}~~ (c) The relationship by blood ~~or~~ adoption ~~or marriage~~ of the proposed guardian to the ~~proposed ward,~~ **minor.** In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:

- (1) ~~Spouse.~~

- ~~— (2) Adult child.~~
- ~~— (3) Parent.~~
- ~~— [(4)] (2) Adult sibling.~~
- ~~— [(5)] (3) Grandparent, [for adult grandchild.]~~
- ~~— [(6)] (4) Uncle, [or aunt, [adult niece or adult nephew.]~~
- ~~— (e) (d)~~ Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

~~[(f)] (e)~~ **Any recommendation made by:**

(1) An agency which provides child welfare services, an agency which provides child protective services or a similar agency; or

(2) A guardian ad litem or court appointed special advocate who represents the minor.

~~(f)~~ Any request for the appointment of any other interested person that the court deems appropriate.

~~[4. 5. If the court finds that there is no suitable person to appoint as guardian pursuant to subsection 3, 4, the court may appoint as guardian:~~

~~— (a) The public guardian of the county where the ward resides, if:~~

~~— (1) There is a public guardian in the county where the ward resides; and~~

~~— (2) The proposed ward qualifies for a public guardian pursuant to chapter 253 of NRS;~~

~~— (b) A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the ward will be served appropriately by the appointment of a private fiduciary; or~~

~~— (c) A private professional guardian who meets the requirements of NRS 159.0595.]~~

5. As used in this section, “agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

Sec. 51.7. NRS 159.185 is hereby amended to read as follows:

159.185 1. The court may remove a guardian if the court determines that:

(a) The guardian has become mentally incompetent, unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

(b) The guardian is no longer qualified to act as a guardian pursuant to ~~[NRS 159.059.]~~ **section 50.2 of this act if the ward is an adult or NRS 159.061 if the ward is a minor;**

(c) The guardian has filed for bankruptcy within the previous 5 years;

(d) The guardian of the estate has mismanaged the estate of the ward;

(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

(1) The negligence resulted in injury to the ward or the estate of the ward; or

(2) There was a substantial likelihood that the negligence would result in injury to the ward or the estate of the ward;

(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

(g) The best interests of the ward will be served by the appointment of another person as guardian; or

(h) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595.

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

Sec. 51.9. NRS 159.2024 is hereby amended to read as follows:

159.2024 1. To transfer jurisdiction of a guardianship or conservatorship to this State, the guardian, conservator or other interested party must petition the court of this State for guardianship pursuant to NRS 159.1991 to 159.2029, inclusive, to accept guardianship in this State. The petition must include a certified copy of the other state's provisional order of transfer and proof that the ward is physically present in, or is reasonably expected to move permanently to, this State.

2. The court shall issue a provisional order granting a petition filed under subsection 1, unless:

(a) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the ward; or

(b) The guardian or petitioner is not qualified for appointment as a guardian in this State pursuant to ~~[NRS 159.059.]~~ **section 50.2 of this act if the ward is an adult or NRS 159.061 if the ward is a minor.**

3. The court shall issue a final order granting guardianship upon filing of a final order issued by the other state terminating proceedings in that state and transferring the proceedings to this State.

4. Not later than 90 days after the issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship or conservatorship needs to be modified to conform to the laws of this State.

5. In granting a petition under this section, the court shall recognize a guardianship or conservatorship order from the other state, including the determination of the ward's incapacity and the appointment of the guardian or conservator.

Sec. 52. 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 **sections 41 and 48 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. 52.3. NRS 253.150 is hereby amended to read as follows:

253.150 1. The board of county commissioners of each county shall establish the office of public guardian.

2. The board of county commissioners shall:

(a) Appoint a public guardian, who serves at the pleasure of the board, for a term of 4 years from the day of appointment;

(b) Designate an elected or appointed county officer as ex officio public guardian;

(c) Pursuant to the mechanism set forth in NRS 244.1507, designate another county officer to execute the powers and duties of the public guardian;

(d) Except in a county whose population is 100,000 or more, contract with a private professional guardian to act as public guardian; or

(e) Contract with the board of county commissioners of a neighboring county in the same judicial district to designate as public guardian the public guardian of the neighboring county.

3. The compensation of a public guardian appointed or designated pursuant to subsection 2 must be fixed by the board of county commissioners and paid out of the county general fund.

4. As used in this section, “private professional guardian” ~~means a person who receives compensation for services as a guardian to three or more wards who are not related to the person by blood or marriage. The~~ **has the meaning ascribed to it in NRS 159.024, except that the** term does not include:

- (a) ~~A governmental agency.~~
- ~~(b)~~ **(b)** A banking corporation, as defined in NRS 657.016, or an organization permitted to act as a fiduciary pursuant to NRS 662.245 if it is appointed as guardian of an estate only.
- ~~(c)~~ **(b)** A trust company, as defined in NRS 669.070.
- ~~(d)~~ **(c)** A court-appointed attorney licensed to practice law in this State.
- (d) A trustee under a deed of trust.**
- (e) A fiduciary under a court trust.**

Sec. 52.5. NRS 432B.4665 is hereby amended to read as follows:

432B.4665 1. The court may, upon the filing of a petition pursuant to NRS 432B.466, appoint a person as a guardian for a child if:

- (a) The court finds:
 - (1) That the proposed guardian is suitable and is not disqualified from guardianship pursuant to NRS ~~159.059;~~ **159.061;**
 - (2) That the child has been in the custody of the proposed guardian for 6 months or more pursuant to a determination by a court that the child was in need of protection, unless the court waives this requirement for good cause shown;
 - (3) ~~Except as otherwise provided in subsection 3, that~~ **That** the proposed guardian has complied with the requirements of chapter 159 of NRS; and
 - (4) That the burden of proof set forth in chapter 159 of NRS for the appointment of a guardian for a child has been satisfied;
- (b) The child consents to the guardianship, if the child is 14 years of age or older; and
- (c) The court determines that the requirements for filing a petition pursuant to NRS 432B.466 have been satisfied.

2. A guardianship established pursuant to this section:

- (a) Provides the guardian with the powers and duties provided in NRS 159.079, and subjects the guardian to the limitations set forth in NRS 159.0805;
- (b) Is subject to the provisions of NRS 159.065 to 159.076, inclusive, and 159.185 to 159.199, inclusive;
- (c) Provides the guardian with sole legal and physical custody of the child;
- (d) Does not result in the termination of parental rights of a parent of the child; and

(e) Does not affect any rights of the child to inheritance, a succession or any services or benefits provided by the Federal Government, this state or an agency or political subdivision of this state.

~~[2. The court may appoint as a guardian for a child pursuant to this section for not more than 6 months a person who does not satisfy the residency requirement set forth in subsection 5 of NRS 159.059 if the court determines that appointing such a person is necessary to facilitate the permanent placement of the child.]~~

Sec. 52.7. NRS 159.059 is hereby repealed.

Sec. 53. 1. This section and sections 2 to 19, inclusive, and 21 to ~~52,~~ **52.7,** inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2016, for all other purposes.

2. Section 19 of this act expires 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.

3. Section 20 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
➤ are repealed by the Congress of the United States.

4. Sections 20 and 21 of this act expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
➤ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

159.059 Qualifications of guardian. Except as otherwise provided in NRS 159.0595, any qualified person or entity that the court finds suitable may serve as a guardian. A person is not qualified to serve as a guardian who:

- 1. Is an incompetent.**
- 2. Is a minor.**
- 3. Has been convicted of a felony, unless the court determines that such conviction should not disqualify the person from serving as the guardian of the ward.**
- 4. Has been suspended for misconduct or disbarred from:**
 - (a) The practice of law;**
 - (b) The practice of accounting; or**
 - (c) Any other profession which:**
 - (1) Involves or may involve the management or sale of money, investments, securities or real property; and**
 - (2) Requires licensure in this State or any other state, during the period of the suspension or disbarment.**
- 5. Is a nonresident of this State and:**
 - (a) Has not associated as a coguardian, a resident of this State or a banking corporation whose principal place of business is in this State; and**
 - (b) Is not a petitioner in the guardianship proceeding.**
- 6. Has been judicially determined, by clear and convincing evidence, to have committed abuse, neglect or exploitation of a child, spouse, parent or other adult, unless the court finds that it is in the best interests of the ward to appoint the person as the guardian of the ward.**

Assemblyman Kirner moved that the Assembly concur in the Senate Amendment No. 843 to Assembly Bill No. 325.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 409.

The following Senate amendment was read:

Amendment No. 938.

AN ACT relating to cosmetology; requiring a makeup artist who engages in the practice of makeup artistry in a licensed cosmetological establishment in this State to register with the State Board of Cosmetology; ~~exempting certain other makeup artists from the licensing and regulation provisions governing cosmetology; deleting~~ **removing** the requirement for certain applicants for a license to complete a nationally recognized written examination; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from engaging in the practice of cosmetology or any branch of cosmetology unless the person is licensed by the

State Board of Cosmetology. (NRS 644.190) Existing law requires the Board to determine the qualifications of applicants for various licenses and to adopt regulations governing the sanitary conditions in cosmetological establishments. (NRS 644.090, 644.120)

Section 3.3 of this bill requires a makeup artist who engages in the practice of makeup artistry in a licensed cosmetological establishment to register with the Board and sets forth the requirements that must be met before the Board is authorized to issue a certificate of registration to such a makeup artist. **Section ~~3.7~~ 3.5** of this bill ~~requires the Board to prepare and administer a written examination on sanitation to makeup artists who are required to register with the Board.~~ **establishes certain requirements that a makeup artist, other than a makeup artist required to be registered with the Board, must meet to practice makeup artistry in this State.** **Section 7.3** of this bill authorizes the Board to take certain disciplinary action against ~~a registered~~ **any** makeup artist ~~if~~ **who fails to comply with the requirements set forth in applicable statutory provisions or regulations adopted by the Board.** **Section ~~8~~ 5** of this bill exempts ~~those~~ **the occupation of a** makeup ~~artists who are not required to register with the Board~~ **artist** from the ~~licensing and regulation provisions governing~~ **definition of the term “cosmetology.”**

Section 7 of this bill eliminates passing a nationally recognized written examination as a requirement for certain applicants who are licensed in a branch of cosmetology in another state or jurisdiction to obtain a license to practice that branch of cosmetology in this State.

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

Section 1. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 3.7, inclusive, of this act.

Sec. 2. “Makeup artist” means a natural person who:

1. *Engages in the practice of makeup artistry; or*

2. *Instructs other persons in the practice of makeup artistry,*

↪ regardless of whether the person is licensed by the Board in any branch of cosmetology.

Sec. 3. 1. “Makeup artistry” means the practice of applying makeup ~~and~~ or prosthetics for:

(a) *Theatrical, television, film and other similar productions;*

(b) *All aspects of the modeling and fashion industry, including, without limitation photography for magazines; and*

(c) *Weddings.*

2. ***The term includes the practice of applying makeup ~~and~~ or prosthetics at ~~licensed~~ :***

(a) Licensed cosmetological establishments ; and ~~retail~~

(b) Retail establishments ~~if~~ , unless the practice is limited to the demonstration of cosmetics by a retailer in the manner described in paragraph (d) of subsection 1 of NRS 644.460.

Sec. 3.3. 1. Each makeup artist who engages in the practice of makeup artistry in a licensed cosmetological establishment shall, on or before January 1 of each year, register with the Board on a form prescribed by the Board. The registration must:

(a) Include:

(1) The name, address, electronic mail address and telephone number of the makeup artist; and

(2) The name and license number of each cosmetological establishment in which the makeup artist will be practicing makeup artistry.

(b) Be accompanied by:

(1) A notarized statement indicating that the makeup artist: ~~is:~~

(I) ~~Not less than~~ Is 18 years of age ~~or~~ or older;

(II) ~~Of~~ Is of good moral character; ~~and~~

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

(IV) Has completed at least 2 years of high school; and

(2) ~~Proof that the makeup artist has received a score of not less than 75 percent on the written examination administered by the Board pursuant to section 3.7 of this act; and~~

~~(3)~~ Two current photographs of the makeup artist which are 2 by 2 inches.

2. The Board shall ~~not~~ charge a fee of not more than \$25 for registering a makeup artist pursuant to this section.

3. A makeup artist shall not practice makeup artistry in a licensed cosmetological establishment without first obtaining a certificate of registration.

Sec. 3.5. A makeup artist, other than a makeup artist required to be registered pursuant to section 3.3 of this act, shall not engage in the practice of makeup artistry in this State unless he or she:

1. Is 18 years of age or older;

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; and

4. Has completed at least 2 years of high school.

Sec. 3.7. ~~1. The Board shall prepare and administer a written examination on sanitation for makeup artists who are required to register with the Board pursuant to section 3.3 of this act.~~

~~2. The Board shall not charge a makeup artist a fee for administering or scoring the examination described in subsection 1.~~ (Deleted by amendment.)

Sec. 4. NRS 644.020 is hereby amended to read as follows:

644.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 644.0205 to 644.0295, inclusive, **and sections 2 and 3 of this act** have the meanings ascribed to them in those sections.

Sec. 5. NRS 644.024 is hereby amended to read as follows:

644.024 "Cosmetology" includes the occupations of a cosmetologist, aesthetician, electrologist, hair designer, hair braider, demonstrator of cosmetics and nail technologist. ***The term does not include the occupation of a makeup artist.***

Sec. 5.3. NRS 644.090 is hereby amended to read as follows:

644.090 The Board shall:

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

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

3. ***Issue certificates of registration to such applicants as may be entitled thereto.***

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

~~{4.}~~ 5. Report to the proper prosecuting officer or law enforcement agency each violation of this chapter coming within its knowledge.

~~{5.}~~ 6. Inspect schools of cosmetology, establishments for hair braiding and cosmetological establishments to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 5.7. NRS 644.130 is hereby amended to read as follows:

644.130 1. The Board shall keep a record containing the name, known place of business, and the date and number of the license ***or certificate of registration*** of every nail technologist, electrologist, aesthetician, hair designer, hair braider, demonstrator of cosmetics, ***makeup artist registered pursuant to section 3.3 of this act*** and cosmetologist, together with the names and addresses of all establishments for hair braiding, cosmetological establishments and schools of cosmetology licensed pursuant to this chapter. The record must also contain the facts which the applicants claimed in their applications to justify their licensure ~~{}~~ ***or registration.***

2. The Board may disclose the information contained in the record kept pursuant to subsection 1 to:

(a) Any other licensing board or agency that is investigating a licensee ~~{}~~ ***or registrant.***

(b) A member of the general public, except information concerning the home and work address and telephone number of a licensee ~~{}~~ ***or registrant.***

Sec. 6. NRS 644.190 is hereby amended to read as follows:

644.190 1. It is unlawful for any person to conduct or operate a cosmetological establishment, an establishment for hair braiding, a school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless the person is licensed in accordance with the provisions of this chapter.

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

or any branch thereof, whether for compensation or otherwise, unless the person is licensed in accordance with the provisions of this chapter.

3. This chapter does not prohibit:

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

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

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

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

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

(f) A makeup artist registered pursuant to section 3.3 of this act from engaging in the practice of makeup artistry for compensation or otherwise in a licensed cosmetological establishment.

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

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

Sec. 6.5. NRS 644.214 is hereby amended to read as follows:

644.214 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license or evidence of registration issued pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 3.3 and 3.7 of this act*** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license or evidence of registration issued pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 3.3 and 3.7 of this act*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license or evidence of registration; or

(b) A separate form prescribed by the Board.

3. A license or evidence of registration may not be issued or renewed by the Board pursuant to NRS 644.190 to 644.330, inclusive, **and sections 3.3 and 3.7 of this act** if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 7. NRS 644.310 is hereby amended to read as follows:

644.310 Except as otherwise provided in NRS 644.209, upon application to the Board, accompanied by a fee of \$200, a person currently licensed in any branch of cosmetology under the laws of another state or territory of the United States or the District of Columbia may, without examination, unless the Board sees fit to require an examination, be granted a license to practice the occupation in which the applicant was previously licensed upon proof satisfactory to the Board that the applicant:

1. Is not less than 18 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 successfully completed a nationally recognized written examination in this State or in the state or territory or the District of Columbia in which he or she is licensed.~~

~~5. Is currently licensed in another state or territory or the District of Columbia.~~

Sec. 7.3. NRS 644.430 is hereby amended to read as follows:

644.430 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of an establishment for hair braiding, a cosmetological establishment, a licensed aesthetician, cosmetologist, hair designer, hair braider, electrologist, instructor, nail technologist, demonstrator of cosmetics or school of cosmetology, ~~for a registered makeup artist or~~ a cosmetologist's apprentice or any makeup artist to comply with the

requirements of this chapter or the applicable regulations adopted by the Board.

(b) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(c) Gross malpractice.

(d) Continued practice by a person knowingly having an infectious or contagious disease.

(e) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(f) Advertisement by means of knowingly false or deceptive statements.

(g) Permitting a license to be used where the holder thereof is not personally, actively and continuously engaged in business.

(h) Failure to display the license or a duplicate of the license as provided in NRS 644.290, 644.360, 644.3774 and 644.410.

(i) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(j) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(k) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license ~~§~~ **or certificate of registration;**

(b) Revoke or suspend a license ~~§~~ **or certificate of registration;**

(c) Place the licensee **or registrant** on probation for a specified period;

(d) Impose a fine not to exceed \$2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

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

Sec. 7.7. NRS 644.435 is hereby amended to read as follows:

644.435 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who has been issued a license or been registered pursuant to NRS 644.190 to 644.330, inclusive, **and sections 3.3 and 3.7 of this act**, the Board shall deem the license or registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the holder of the license or registration stating that the holder of the license or registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license or registration issued pursuant to NRS 644.190 to 644.330, inclusive, **and sections 3.3 and 3.7 of this act**, that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or registration was suspended stating that the person whose license or registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 7.9. NRS 644.440 is hereby amended to read as follows:

644.440 1. The Board may refuse to issue or renew any license or registration only upon 20 days' notice in writing to the interested parties. The notice must contain a brief statement of the reasons for the contemplated action of the Board and designate a proper time and place for the hearing of all interested parties before any final action is taken.

2. Notice, within the provisions of subsection 1, shall be deemed to have been given when the Board deposits with the United States Postal Service a copy of the notice, addressed to the designated or last known residence of the applicant, ~~for~~ licensee ~~or~~ or registrant.

3. Notwithstanding the provisions of chapter 622A of NRS, violations of any regulation of the Board for sanitation or of any statute or regulation of the State Board of Health or any county regulation concerning health may be corrected by any inspector of the Board by giving notice in the form of a citation. Any licensee or registrant receiving a citation shall immediately correct the violation or shall show that corrections have commenced. Failure to correct or to commence corrections within 72 hours after receipt of the citation subjects the license or registration to immediate suspension. The Board may then give 20 days' notice for hearing to show cause why the license or registration should not be permanently revoked.

4. Notwithstanding the provisions of chapter 622A of NRS, the closure of any establishment or school by the State Board of Health acts as an automatic revocation of the license ~~or~~ or registration.

Sec. 8. NRS 644.460 is hereby amended to read as follows:

644.460 1. The following persons are exempt from the provisions of this chapter:

(a) All persons authorized by the laws of this State to practice medicine, dentistry, osteopathic medicine, chiropractic or podiatry.

(b) Commissioned medical officers of the United States Army, Navy, or Marine Hospital Service when engaged in the actual performance of their official duties, and attendants attached to those services.

(c) Barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices:

(1) Cleansing or singeing the hair of any person.

(2) Massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person, with the hands or with mechanical or

electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(d) Retailers, at a retail establishment, insofar as their usual and ordinary vocation and profession is concerned, when engaged in the demonstration of cosmetics if:

(1) The demonstration is without charge to the person to whom the demonstration is given; and

(2) The retailer does not advertise or provide a cosmetological service except cosmetics and fragrances.

(e) Photographers or their employees, insofar as their usual and ordinary vocation and profession is concerned, if the photographer or his or her employee does not advertise cosmetological services **or the practice of makeup artistry** and provides cosmetics without charge to the customer.

~~1. (f) Makeup artists other than makeup artists who are required to register pursuant to section 3.3 of this act.~~

2. Any school of cosmetology conducted as part of the vocational rehabilitation training program of the Department of Corrections or the Caliente Youth Center:

(a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS 644.400.

(b) Notwithstanding the provisions of NRS 644.395, shall maintain a staff of at least one licensed instructor.

Sec. 9. (Deleted by amendment.)

Sec. 10. This act becomes effective upon passage and approval.

Assemblyman Kirner moved that the Assembly concur in the Senate Amendment No. 938 to Assembly Bill No. 409.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Wheeler moved that the Assembly do not recede from its action on Senate Bill No. 376, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Wheeler, Dickman, and Flores as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 376.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 178.

The following Senate amendment was read:

Amendment No. 937.

AN ACT relating to education; ~~removing~~ **revising** the ~~requirement for~~ **circumstances under which** a school **is required** to deem a pupil a habitual disciplinary problem; ~~under certain circumstances;~~ revising provisions governing the notice provided to a parent or legal guardian concerning a pupil who is deemed a habitual disciplinary problem and the discipline imposed on such a pupil; **requiring such notice to be provided each time a pupil is suspended; revising provisions relating to a plan of behavior for a pupil;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a school to suspend or expel a pupil for at least one semester if that pupil is deemed a habitual disciplinary problem under certain circumstances, and requires the pupil to enroll in a private school, a program of independent study or be homeschooled for the period of suspension or expulsion. (NRS 392.466) Existing law further requires a school to notify the parent or legal guardian of a pupil when the pupil is suspended for fighting or commits an act that may cause the pupil to be deemed a habitual disciplinary problem. (NRS 392.4655) **Section 1 of this bill instead requires a school to notify the parent or legal guardian of a pupil when the pupil is suspended for any reason. Section 1 also revises the requirements of such notice.**

Existing law authorizes a school to develop a plan of behavior for a pupil who may be deemed a habitual disciplinary problem. (NRS 392.4655) Section 1 authorizes a school to develop such a plan of behavior if a pupil is suspended for any reason.

Existing law requires a principal of a school to deem a pupil enrolled in the school a habitual disciplinary problem if the pupil: (1) has threatened or extorted, or attempted to threaten or extort, another pupil or employee of the school; (2) has been suspended for initiating at least two fights on school property or in certain other circumstances; or (3) has a record of five suspensions from the school. (NRS 392.4655) Section 1 instead requires the principal of a school to designate a pupil as a habitual disciplinary problem if: (1) the pupil has threatened or extorted, or attempted to threaten or extort, another pupil or employee of the school two or more times, or the pupil has a record of five suspensions from the school; and (2) the pupil has not entered into and participated in a plan of behavior.

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

~~suspension or expulsion if the pupil is deemed a habitual disciplinary problem. Section 1 also makes the designation of a pupil as a habitual disciplinary problem permissive rather than mandatory when the pupil commits certain acts.]~~

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

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

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

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

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

~~—(c) The~~ **two or more times or the** pupil has a record of five suspensions from the school for any reason ~~;~~ **and**

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 5.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

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

(a) A description of the ~~facts,~~ **act** committed by the pupil and the ~~dates,~~ **date** on which ~~those acts were,~~ **the act was** committed;

(b) An explanation that ~~[if the pupil is suspended for initiating one additional fight or]~~ if the pupil receives five suspensions on his or her record during the current school year ~~;~~ **and has not entered into and participated in a plan of behavior pursuant to subsection 5,** the pupil will be deemed a habitual disciplinary problem;

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

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

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

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

(e) ~~{If applicable, a}~~ **A** summary of the provisions of subsection ~~{4.}~~ **5.** ~~{-}~~ **4.** A school shall provide the notice required by ~~{this}~~ subsection **3** for each suspension on the record of a pupil during a school year. ~~{A school may include the notice required by this subsection with notice that is otherwise provided to the parent or legal guardian of a pupil which informs the parent or legal guardian of the act committed by the pupil.}~~

~~—4.}~~ **Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.**

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

(a) ~~{The}~~ **A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.**

(b) Information regarding schools with a mission to serve pupils who have been:

(1) *Expelled or suspended from a public school, including, without limitation, a charter school; or*

(2) *Deemed to be a habitual disciplinary problem pursuant to this section.*

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

~~{(b) The}~~

(d) A voluntary agreement by the pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

~~{(c) The}~~

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

~~6.~~ 6. If ~~the~~ a pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior ~~6.~~ pursuant to subsection 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~4.1~~ 5. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

~~5.1~~ 6. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

~~6.1~~ 7. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented or who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

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

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

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

~~{7-}~~ **8.** As used in this section:

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

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

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

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

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 937 to Assembly Bill No. 178.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 328.

The following Senate amendment was read:

Amendment No. 906.

AN ACT relating to education; ~~{requiring}~~ **prescribing procedures for** the ~~{Superintendent of Public Instruction to select}~~ **selection of** a hearing officer ~~{from a list maintained by the Department of Education}~~ to administer certain hearings relating to pupils with disabilities; requiring a local educational agency involved in a complaint to pay the cost of a hearing; requiring the Department of Education to adopt regulations prescribing certain procedures relating to hearing officers; authorizing the appeal of the decision of a hearing officer to the Department; requiring the Department to post certain information relating to such hearings on its Internet website; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Federal law requires each state to provide a parent or guardian of a pupil with the opportunity to challenge at a due process hearing: (1) the pupil’s identification as a pupil with a disability; (2) the pupil’s identification as a

pupil without a disability; or (3) the placement of such a pupil. (20 U.S.C. § 1415) ~~Section 2.3~~ **Section 2.3** of this bill requires the Superintendent of Public Instruction to ~~select a person to serve as a~~ **provide the names of three** hearing ~~officer~~ **officers selected on an impartial basis** from a list maintained by the Department of Education **to a complainant** for a due process hearing held pursuant to federal law. ~~The~~ **Section 2.3 requires the complainant to return to the Superintendent a list which places the three names in order of preference within 2 days. If the preferred** hearing officer ~~must be selected on an impartial basis and, in certain large school districts, must have a place of business located within the school district. The~~ **is not available, the next person on the list will be selected. Section 2.3 requires the Superintendent to select a hearing officer on an impartial basis from the list maintained by the Department if the complainant does not return the list within 2 days or a due process hearing is required to be expedited pursuant to federal law. Section 2.3 also provides that the: (1) local educational agency involved in the complaint or the governing body of a charter school, as applicable, must pay the cost of the hearing. ; and (2) decision of a hearing officer may be appealed to the Department.** ~~Section 2.7 of this bill~~ **Section 2.7** requires the State Board of Education to prescribe by regulation: (1) the procedures for requesting the recusal of a hearing officer; (2) the qualifications necessary to remain on the list of hearing officers maintained by the Department and (3) the procedures to compensate a hearing officer. ~~Section 2 provides that the decision of a hearing officer may be appealed to the Department. Finally, section 2.4~~ **Section 2.7 also** requires the Department to post certain information relating to due process hearings on its Internet website.

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

Section 1. NRS 387.1221 is hereby amended to read as follows:

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

2. Any unused allocations for special education program units may be reallocated to other school districts, charter schools or university schools for profoundly gifted pupils by the Superintendent of Public Instruction. In such a reallocation, first priority must be given to special education programs with statewide implications, and second priority must be given to special education programs maintained and operated within counties whose allocation is less than or equal to the amount provided by law. If there are more unused allocations than necessary to cover programs of first and second priority but not enough to cover all remaining special education programs eligible for payment from reallocations, then payment for the remaining programs must be

prorated. If there are more unused allocations than necessary to cover programs of first priority but not enough to cover all programs of second priority, then payment for programs of second priority must be prorated. If unused allocations are not enough to cover all programs of first priority, then payment for programs of first priority must be prorated.

3. A school district, a charter school or a university school for profoundly gifted pupils may, after receiving the approval of the Superintendent of Public Instruction, contract with any person, state agency or legal entity to provide a special education program unit for pupils of the district pursuant to NRS 388.440 to 388.520, inclusive ~~1~~, ~~and section 2~~ sections 2.3 and 2.7 of this act.

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

Sec. 2. Chapter 388 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 2.3 and 2.7 of this act.

Sec. 2.3. 1. *The Department shall maintain a list of hearing officers who meet the qualifications prescribed pursuant to 20 U.S.C. § 1415(f)(3)(A) to conduct a due process hearing pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., regarding the identification, evaluation, reevaluation, classification, educational placement or disciplinary action of or provision of a free appropriate public education to a pupil with a disability.*

2. ~~The~~ Except as otherwise provided in subsection 4, upon the filing of a complaint requiring a due process hearing described in subsection 1, the Superintendent of Public Instruction shall select ~~a person to serve as a~~ three hearing ~~officer~~ officers from the list maintained by the Department pursuant to subsection 1. ~~Hearing officers must be selected.~~ The selection of the hearing officers must be made on a random, rotational or other impartial basis and, in a school district in which more than 50,000 pupils are enrolled, the place of business of the hearing officer must, to the extent practicable, be located in the school district.

3. The Superintendent of Public Instruction shall provide the names of the three hearing officers selected pursuant to subsection 2 to the complainant and request the complainant to return to the Superintendent a list which places the three names in the order of preference of the complainant. The complainant must return the list within 2 days. If the complainant returns the list, the Superintendent must request the first hearing officer on the list to preside over the hearing and if he or she is unavailable, the next person, until there are no more hearing officers on the list. If the complainant does not return the list within 2 days, the Superintendent must appoint a hearing officer and may determine the order in which to request a hearing officer to preside over the hearing.

4. If a due process hearing is required to be expedited pursuant to 20 U.S.C. §1415(k)(4), the Superintendent of Public Instruction must select a hearing officer to preside over the hearing from the list maintained by the Department pursuant to subsection 1. The selection of the hearing officer must be made on a random, rotational or other impartial basis and, in a school district in which more than 50,000 pupils are enrolled, the place of business of the hearing officer must, to the extent practicable, be located in the school district.

5. The local educational agency or governing body of a charter school involved in the complaint, as applicable, shall pay the cost of the hearing, including, without limitation, any compensation to which the hearing officer is entitled.

~~{ 4. The State Board shall prescribe by regulation:~~

~~— (a) The procedures for requesting the recusal of a hearing officer, on the basis of bias or a conflict of interest.~~

~~— (b) The qualifications to remain on the list of hearing officers maintained pursuant to subsection 1. Such qualifications must include, without limitation, requiring that a hearing officer:~~

~~— (1) Must complete, within the first year that the name of the hearing officer appears on the list maintained by the Department pursuant to subsection 1, a minimum of 40 hours of training, which must include, without limitation, 24 hours of training in laws relating to special education; and~~

~~— (2) Must complete annual training arranged by the Department. The training must include, without limitation, training concerning laws relating to special education, the procedure for conducting a hearing and rendering and writing a decision.~~

~~— (c) The procedures for compensating a hearing officer which must be established to avoid a conflict of interest for the hearing officer or the appearance of such a conflict.~~

~~5.} 6. The decision of a hearing officer may be appealed by any aggrieved party to the Department.~~

~~{ 6. The Department of Education shall post information as prescribed by the State Board relating to due process hearings held pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., on its Internet website. Such information must include, without limitation:~~

~~— (a) A model form that may be used to request such a hearing;~~

~~— (b) Decisions from such hearings;~~

~~— (c) Decisions from the appeals of such hearings; and~~

~~— (d) Timelines and procedures for conducting such hearings.}~~

7. As used in this section, “local educational agency” has the meaning ascribed to it in 20 U.S.C. § 1401(19).

Sec. 2.7. 1. The State Board shall prescribe by regulation:

(a) The procedures for requesting the recusal of a hearing officer on the basis of bias or a conflict of interest.

(b) The qualifications to remain on the list of hearing officers maintained pursuant to subsection 1 of section 1 of this act. Such qualifications must include, without limitation, requiring that a hearing officer:

(1) Must complete, within the first year that the name of the hearing officer appears on the list maintained by the Department pursuant to subsection 1 of section 1 of this act, a minimum of 40 hours of training, which must include, without limitation, 24 hours of training in laws relating to special education; and

(2) Must complete annual training arranged by the Department. The training must include, without limitation, training concerning laws relating to special education, the procedure for conducting a hearing and rendering and writing a decision.

(c) The procedures for compensating a hearing officer which must be established to avoid a conflict of interest for the hearing officer or the appearance of such a conflict.

2. The Department of Education shall post information as prescribed by the State Board relating to due process hearings held pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., on its Internet website. Such information must include, without limitation:

(a) A model form that may be used to request such a hearing;

(b) Decisions from such hearings after the names and other personally identifiable information of the pupils who were the subject of such hearings have been removed;

(c) Decisions from the appeals of such hearings after the names and any other personally identifiable information of the pupils who were the subject of the hearings have been removed; and

(d) Timelines and procedures for conducting such hearings.

Sec. 3. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5317, inclusive ~~[-], and section 24~~ sections 2.3 and 2.7 of this act:

1. "Communication mode" means any system or method of communication used by a person who is deaf or whose hearing is impaired to facilitate communication which may include, without limitation:

- (a) American Sign Language;
 - (b) English-based manual or sign systems;
 - (c) Oral and aural communication;
 - (d) Spoken and written English, including speech reading or lip reading;
- and
- (e) Communication with assistive technology devices.

2. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

3. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

4. “Individualized education program team” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

5. “Pupil who receives early intervening services” means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

6. “Pupil with a disability” means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 4. This act becomes effective:

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

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

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 906 to Assembly Bill No. 328.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 341.

The following Senate amendment was read:

Amendment No. 804.

AN ACT relating to education; requiring each school district and certain charter schools to administer an early literacy screening assessment to certain pupils; authorizing certain persons to perform additional testing for dyslexia; requiring a school district and a charter school to address the needs of a pupil who has indicators for dyslexia through the response to scientific, research-based intervention system of instruction; requiring the individualized education program team of a pupil with dyslexia to consider certain instructional approaches; requiring ~~the Department of Education,~~ each school district , each elementary school and certain charter schools to designate at least one employee to receive professional development regarding dyslexia; requiring the Department to prepare and publish a Dyslexia Resource Guide; requiring certain standards relating to the education of pupils with disabilities to include provisions concerning dyslexia; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 8 of this bill requires the board of trustees of each school district and the governing body of each charter school that serves pupils in kindergarten or grade 1, 2 or 3 to prescribe an early literacy screening assessment for use by the schools located in the school district or the charter school, respectively. **Section 9** of this bill: (1) requires each school district and charter school to administer screenings for dyslexia to certain pupils in certain grade levels; and (2) requires a school district and charter school to address the

needs of a pupil if the screening confirms that a pupil has indicators for dyslexia through the response to scientific, research-based intervention system of instruction.

Section 11 of this bill requires a pupil's individualized education program team to consider certain instructional approaches when developing an individualized education program for a pupil with dyslexia.

Section 13 of this bill requires the ~~(Department)~~ **principal of a public elementary school, including, without limitation, a charter school,** to designate ~~(at least one employee of)~~ **a licensed teacher employed by the** ~~(Department)~~ **school** to receive training in effective methods for intervention for pupils with dyslexia. **If the principal of a school has designated a teacher as a learning strategist, section 13 requires the learning strategist to be the person to receive such training.** **Section 13** also requires each school district and charter school to ensure that at least one employee who serves pupils in kindergarten or grade 1, 2 or 3 is designated at each school to receive professional development regarding dyslexia. **If the principal of a school has designated a teacher as a learning strategist, section 13 requires the learning strategist to provide such professional development.**

Section 14 of this bill requires the Department to prepare and publish a Dyslexia Resource Guide as a guide for each school district and public school to use to identify and provide dyslexia intervention for pupils with dyslexia.

Existing law requires the State Board of Education to prescribe minimum standards for the special education of pupils with disabilities. (NRS 388.520) **Section 16** of this bill requires that the standards prescribed by the State Board for pupils with dyslexia include certain instruction.

Existing law requires the State Board to prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or perform other educational functions. (NRS 388.520) **Section 17** of this bill requires these regulations to include training on how to identify a pupil who is at risk for dyslexia or related disorders.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 14, inclusive, of this act.

Sec. 8. 1. *Except as otherwise provided in subsection 2, the board of trustees of each school district shall prescribe for use by the elementary*

schools located in the school district an early literacy screening assessment that meets the requirements set forth in subsection 3.

2. The governing body of each charter school that serves pupils in kindergarten or grade 1, 2 or 3 shall prescribe an early literacy screening assessment for use by the charter school that meets the requirements set forth in subsection 3.

3. The early literacy screening assessment prescribed pursuant to subsection 1 or 2 must include, without limitation, screening for:

- (a) Phonological and phonemic awareness;*
- (b) Sound-symbol recognition;*
- (c) Alphabet knowledge;*
- (d) Decoding skills;*
- (e) Rapid naming skills; and*
- (f) Encoding skills.*

Sec. 9. 1. The board of trustees of a school district or the governing body of a charter school, as applicable, shall administer the early literacy screening assessment prescribed pursuant to section 8 of this act to each pupil enrolled in kindergarten or grade 1, 2 or 3 who:

- (a) Has indicators for dyslexia; and*
- (b) Needs intervention.*

2. If an early literacy screening assessment administered pursuant to subsection 1 confirms that a pupil has indicators for dyslexia, the board of trustees of a school district or governing body of a charter school, as applicable, shall address the needs of the pupil through the response to scientific, research-based intervention system of instruction.

3. If the response to scientific, research-based intervention system of instruction determines that a pupil needs additional screening in order to determine whether the pupil has a specific learning disability, including, without limitation, dyslexia:

- (a) The pupil must receive additional testing by a trained professional using a norm-referenced test; and*
- (b) The board of trustees of the school district or the governing body of the charter school, as applicable, shall perform a comprehensive evaluation for the pupil in addition to the required response to scientific, research-based intervention system of instruction.*

Sec. 10. (Deleted by amendment.)

Sec. 11. When developing an individualized education program for a pupil with dyslexia in accordance with NRS 388.520, the pupil's individualized education program team shall consider, without limitation, the following instructional approaches:

1. Explicit, direct instruction that is systematic, sequential and cumulative and follows a logical plan of presenting the alphabetic principle that targets the specific needs of the pupil;

2. *Individualized instruction to meet the specific needs of the pupil in an appropriate setting that uses intensive, highly-concentrated instruction methods and materials that maximize pupil engagement;*

3. *Meaning-based instruction directed at purposeful reading and writing, with an emphasis on comprehension and composition; and*

4. *Multisensory instruction that incorporates the simultaneous use of two or more sensory pathways during teacher presentations and pupil practice.*

Sec. 12. (Deleted by amendment.)

Sec. 13. 1. *The ~~(Department)~~ principal of a public elementary school, including, without limitation, a charter school, shall designate ~~at least one employee of~~ a licensed teacher employed by the ~~(Department)~~ school to receive training in effective methods of intervention for pupils with dyslexia. If the principal has designated a licensed teacher to serve as a learning strategist, the learning strategist must be the person to receive such training.*

2. *The board of trustees of each school district and the governing body of each charter school shall ensure that at least one employee who serves pupils in kindergarten or grade 1, 2 or 3 is designated at each school to receive professional development regarding dyslexia. Such professional development must include, without limitation, training in:*

(a) *Methods to recognize indicators for dyslexia; and*

(b) *The science related to teaching a pupil with dyslexia.*

3. *The professional development required pursuant to subsection 2 ~~may~~:*

(a) Must be provided by a learning strategist, if the principal has designated a licensed teacher to serve as a learning strategist; or

(b) May be provided on the Internet ~~by a regional training program for the professional development of teachers and administrators created by NRS 391.512~~ or at another venue approved by the Department.

Sec. 14. *The Department shall prepare and publish a Dyslexia Resource Guide as a guide for each school district and public school, including, without limitation, a charter school, to use to identify and provide dyslexia intervention for pupils with dyslexia.*

Sec. 15. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5317, inclusive ~~[-]~~, ***and sections 8 to 14, inclusive, of this act:***

1. "Communication mode" means any system or method of communication used by a person who is deaf or whose hearing is impaired to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. ***“Dyslexia” means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.***

3. ***“Dyslexia intervention” means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.***

4. ***“Gifted and talented pupil” means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.***

~~{3-}~~ 5. ***“Individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).***

~~{4-}~~ 6. ***“Individualized education program team” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).***

~~{5-}~~ 7. ***“Pupil who receives early intervening services” means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.***

~~{6-}~~ 8. ***“Pupil with a disability” means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.***

9. ***“Response to scientific, research-based intervention” means a collaborative process which assesses a pupil’s response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.***

10. ***“Specific learning disability” means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.***

Sec. 16. NRS 388.520 is hereby amended to read as follows:

388.520 1. The Department shall:

(a) Prescribe a form that contains the basic information necessary for the uniform development, review and revision of an individualized education program for a pupil with a disability in accordance with 20 U.S.C. § 1414(d); and

(b) Make the form available on a computer disc for use by school districts and, upon request, in any other manner deemed reasonable by the Department.

2. Except as otherwise provided in this subsection, each school district shall ensure that the form prescribed by the Department is used for the development, review and revision of an individualized education program for each pupil with a disability who receives special education in the school district. A school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

3. The State Board:

(a) Shall prescribe minimum standards for the special education of pupils with disabilities and gifted and talented pupils.

(b) May prescribe minimum standards for the provision of early intervening services.

4. The minimum standards prescribed by the State Board must include standards for programs of instruction or special services maintained for the purpose of serving pupils with:

(a) Hearing impairments, including, but not limited to, deafness.

(b) Visual impairments, including, but not limited to, blindness.

(c) Orthopedic impairments.

(d) Speech and language impairments.

(e) Intellectual disabilities.

(f) Multiple impairments.

(g) Serious emotional disturbances.

(h) Other health impairments.

(i) Specific learning disabilities.

(j) Autism spectrum disorders.

(k) Traumatic brain injuries.

(l) Developmental delays.

(m) Gifted and talented abilities.

5. The minimum standards prescribed by the State Board for pupils with hearing impairments, including, without limitation, deafness, pursuant to paragraph (a) of subsection 4 must provide:

(a) That a pupil cannot be denied the opportunity for instruction in a particular communication mode solely because the communication mode originally chosen for the pupil is different from a communication mode recommended by the pupil's individualized education program team; and

(b) That, to the extent feasible, as determined by the board of trustees of the school district, a school is required to provide instruction to those pupils in more than one communication mode.

6. ***The minimum standards prescribed by the State Board for pupils with dyslexia pursuant to paragraph (i) of subsection 4 must include, without limitation, standards for instruction on:***

(a) Phonemic awareness to enable a pupil to detect, segment, blend and manipulate sounds in spoken language;

(b) Graphonomic knowledge for teaching the sounds associated with letters in the English language;

(c) The structure of the English language, including, without limitation, morphology, semantics, syntax and pragmatics;

(d) Linguistic instruction directed toward proficiency and fluency with the patterns of language so that words and sentences are carriers of meaning; and

(e) Strategies that a pupil may use for decoding, encoding, word recognition, fluency and comprehension.

7. No apportionment of state money may be made to any school district or charter school for the instruction of pupils with disabilities and gifted and talented pupils until the program of instruction maintained therein for such pupils is approved by the Superintendent of Public Instruction as meeting the minimum standards prescribed by the State Board.

~~{7.}~~ 8. The Department shall, upon the request of the board of trustees of a school district, provide information to the board of trustees concerning the identification and evaluation of pupils with disabilities in accordance with the standards prescribed by the State Board.

~~{8.}~~ 9. The Department shall post on the Internet website maintained by the Department the data that is submitted to the United States Secretary of Education pursuant to 20 U.S.C. § 1418 within 30 days after submission of the data to the Secretary in a manner that does not result in the disclosure of data that is identifiable to an individual pupil.

Sec. 17. NRS 391.037 is hereby amended to read as follows:

391.037 1. The State Board shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions. ***The regulations prescribed pursuant to this paragraph must include, without limitation, training on how to identify a pupil who is at risk for dyslexia or related disorders.***

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. Except for an applicant who submits an application for the issuance of a license pursuant to subparagraph (1) of paragraph (a) or paragraph (g) or (j) of subsection 1 of NRS 391.019, an applicant for a license as a teacher or administrator or to perform some other educational function must submit with his or her application, in the form prescribed by the Superintendent of Public Instruction, proof that the applicant has satisfactorily completed a course of study and training approved by the State Board pursuant to subsection 1.

Sec. 18. (Deleted by amendment.)

Sec. 19. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 804 to Assembly Bill No. 341.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 351.

The following Senate amendment was read:

Amendment No. 781.

AN ACT relating to charter schools; revising the requirements for a project that is financed through bonds to benefit a charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Business and Industry to issue bonds and other obligations to finance the acquisition, construction, improvement, restoration or rehabilitation of property, buildings and facilities for charter schools if certain criteria are met. Existing law requires a charter school for whose benefit a project is being financed to have received, within the immediately preceding 3 consecutive school years, one of the two highest ratings of performance pursuant to the statewide system of accountability for public schools. (NRS 386.630, 386.632, 386.634) ~~[This]~~ **Section 1.8 of this** bill instead requires a charter school for whose benefit a project is being financed to have received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools. **Sections 1-1.4 and 2.2-2.8 of this bill clarify that the Director of the Department of Business and Industry has the authority to administer the Charter School Financing Law. (NRS 386.612-386.649)**

Under existing law, the State pledges not to repeal, amend or modify the Charter School Financing Law in a way that impairs any outstanding bonds until all the bonds have been discharged in full or provisions for their payment and redemption have been fully made. (NRS 386.646) Section 3.3 of this bill clarifies that such a pledge must not be construed to bind the State or the Legislature to continue to apportion funds to charter schools or to maintain such apportionments at any existing levels.

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

Section 1. NRS 386.616 is hereby amended to read as follows:

386.616 "Director of the Department of Business and Industry" means the Director of the Department of Business and Industry or any person within the Department of Business and Industry designated by the Director **of the Department of Business and Industry** to perform duties in connection with a project or the issuance of bonds pursuant to NRS 386.612 to 386.649, inclusive.

Sec. 1.2. NRS 386.619 is hereby amended to read as follows:

386.619 “Financing agreement” means an agreement by which the Director of the Department of Business and Industry agrees to issue bonds pursuant to NRS 386.612 to 386.649, inclusive, to finance one or more projects and the obligor agrees to:

1. Make payments directly or through notes, debentures, bonds or other secured or unsecured debt obligations of the obligor executed and delivered by the obligor to the Director of the Department of Business and Industry or his or her designee or assignee, including a trustee, sufficient to pay the principal of, premium, if any, and interest on the bonds;
2. Pay other amounts required by NRS 386.612 to 386.649, inclusive; and
3. Comply with all the applicable provisions of NRS 386.612 to 386.649, inclusive.

Sec. 1.4. NRS 386.630 is hereby amended to read as follows:

386.630 When the Director of the Department of Business and Industry has received requests from one or more charter schools, lessees, purchasers or other obligors, the Director of the Department of Business and Industry may issue revenue bonds to obtain money to fulfill the requests. Title to or in a project may at all times remain in the obligor or the obligor’s designee or assignee and, in that case, the bonds must be secured by a pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the obligor.

~~{Section 1.}~~ **Sec. 1.8.** NRS 386.632 is hereby amended to read as follows:

386.632 Except as otherwise provided in NRS 386.639, the Director of the Department of Business and Industry shall not finance a project unless, before financing the project, the Director of the Department of Business and Industry finds and the State Board of Finance approves the findings of the Director of the Department of Business and Industry that:

1. The project consists of any land, building or other improvement, and all real and personal properties necessary in connection therewith, which is suitable for new construction, improvement, restoration or rehabilitation of charter school facilities;
2. The charter school for whose benefit the project is being financed is not in default under the written charter or charter contract, as applicable, granted by its sponsor, as determined by the sponsor;
3. The charter school for whose benefit the project is being financed has received, within the immediately preceding ~~{3}~~ 2 consecutive school years, one of the ~~{two}~~ **three** highest ratings of performance pursuant to the statewide system of accountability for public schools, or has received equivalent ratings in another state, as determined by the Department of Education;
4. There are sufficient safeguards to ensure that all money provided by the Director of the Department of Business and Industry will be expended solely for the purposes of the project;
5. There are sufficient safeguards to ensure that the Director of the Department of Business and Industry will have the ability to monitor

compliance with the provisions of NRS 386.612 to 386.649, inclusive, on an ongoing basis with respect to the project;

6. Through the advice of counsel or other reliable source, the project has received all approvals by the local, state and federal governments which may be necessary to proceed with construction, improvement, rehabilitation or redevelopment of the project; and

7. There has been a request by a charter school, lessee, purchaser or other obligor to have the Director of the Department of Business and Industry issue bonds to finance the project.

Sec. 2. (Deleted by amendment.)

Sec. 2.2. NRS 386.633 is hereby amended to read as follows:

386.633 1. Except as otherwise provided in NRS 386.639, before financing a project pursuant to NRS 386.632, the Director of the Department of Business and Industry and the State Board of Finance must:

(a) Determine the total amount of money necessary to be provided by the Director of the Department of Business and Industry for financing the project.

(b) Except as otherwise provided in this subsection, receive a 5-year operating history from the contemplated charter school, lessee, purchaser or other obligor that will make or guarantee the payment of the principal, premium, if any, and interest on any bond issued. An operating history is not required if the bonds:

(1) Are to be sold only to qualified institutional buyers, as defined in Rule 144A of the Securities and Exchange Commission, 17 C.F.R. § 230.144A, in minimum denominations of at least \$100,000; or

(2) Will receive a rating within one of the top four rating categories of Moody's Investors Service, Inc., Standard and Poor's Rating Services or Fitch IBCA, Inc.

(c) Consider whether the contemplated charter school, lessee, purchaser or other obligor that will make or guarantee the payment of the principal, premium, if any, and interest on any bonds issued has received within the 12 months immediately preceding the date of the findings of the Director of the Department of Business and Industry, or then has or has not in effect, a rating within one of the top four rating categories of Moody's Investors Service, Inc., Standard and Poor's Rating Services or Fitch IBCA, Inc.

(d) Consider the extent to which the project is affected by any federal, state or local governmental action, activity, program or development.

(e) Consider the length of time the charter school, lessee, purchaser or other obligor of the project has maintained facilities appropriate to the community in this State.

2. The Director of the Department of Business and Industry may adopt regulations to set forth additional factors to be considered by the Director of the Department of Business and Industry and the State Board of Finance before financing a project pursuant to NRS 386.632.

Sec. 2.4. NRS 386.634 is hereby amended to read as follows:

386.634 1. The Director of the Department of Business and Industry may provide financing for a project pursuant to NRS 386.612 to 386.649, inclusive, if:

(a) The financing is limited in amount and purpose to the payment of the costs associated with:

(1) The acquisition, construction, improvement, restoration or rehabilitation of the project; and

(2) The cost of the project;

(b) The Director of the Department of Business and Industry makes the findings required by NRS 386.632; and

(c) The Director of the Department of Business and Industry complies with the guidelines established by the Director of the Department of Business and Industry pursuant to subsection 2.

2. The Director of the Department of Business and Industry shall establish guidelines for the provision of financing for a project pursuant to NRS 386.612 to 386.649, inclusive.

Sec. 2.6. NRS 386.637 is hereby amended to read as follows:

386.637 1. Any bonds issued pursuant to NRS 386.612 to 386.649, inclusive, must be authorized by an order of the Director of the Department of Business and Industry and must:

(a) Be in denominations;

(b) Bear the date or dates;

(c) Mature at the time or times, not exceeding 40 years after their respective dates;

(d) Bear interest at a rate or rates;

(e) Be in the form;

(f) Carry the registration privileges;

(g) Be executed in the manner;

(h) Be payable at the place or places within or without the State; and

(i) Be subject to the terms of redemption,

➔ as provided by the order authorizing their issuance.

2. Any bonds issued pursuant to NRS 386.612 to 386.649, inclusive, may be sold in one or more series at par, or below or above par, in the manner and for the price or prices which the Director of the Department of Business and Industry determines in his or her discretion, and are not required to obtain a credit rating. As an incidental expense to any project to be financed by the bonds, the Director of the Department of Business and Industry may employ financial and legal consultants in regard to the financing of the project on an ongoing basis.

3. Any bonds issued pursuant to NRS 386.612 to 386.649, inclusive, are fully negotiable under the terms of the Uniform Commercial Code—Investment Securities.

Sec. 2.8. NRS 386.639 is hereby amended to read as follows:

386.639 1. Any bonds issued pursuant to NRS 386.612 to 386.649, inclusive, may be refunded by the Director of the Department of Business and

Industry by the issuance of refunding bonds in an amount which the Director **of the Department of Business and Industry** determines necessary to refund the principal of the bonds to be so refunded, any unpaid interest thereon and any premiums and incidental expenses necessary to be paid in connection with refunding.

2. Refunding may be carried out whether the bonds to be refunded have matured or thereafter mature, either by sale of the refunding bonds and the application of the proceeds to the payment of the bonds to be refunded, or by exchange of the refunding bonds for the bonds to be refunded. The holders of the bonds to be refunded must not be compelled, without their consent, to surrender their bonds for payment or exchange before the date on which they are payable by maturity, option to redeem or otherwise, or if they are called for redemption before the date on which they are by their terms subject to redemption by option or otherwise.

3. All refunding bonds issued pursuant to this section must be payable solely from revenues and other money out of which the bonds to be refunded thereby are payable or from revenues out of which bonds of the same character may be made payable under this or any other law then in effect at the time of the refunding.

4. The Director of the Department of Business and Industry shall not issue refunding bonds unless, before the refinancing, the Director **of the Department of Business and Industry** finds that issuance of refunding bonds will provide a lower cost of financing for the obligor or provide some other public benefit, but the findings, determinations and approval required by NRS 386.632 are not required with respect to refunding bonds issued pursuant to this section.

Sec. 3. (Deleted by amendment.)

Sec. 3.3. NRS 386.646 is hereby amended to read as follows:

386.646 ~~{The}~~

1. Except as otherwise provided in subsection 2, the faith of the State is hereby pledged that NRS 386.612 to 386.649, inclusive, will not be repealed, amended or modified to impair any outstanding bonds or any revenues pledged to their payment, or to impair, limit or alter the rights or powers vested in a charter school to acquire, finance, improve and equip a project in any way that would jeopardize the interest of any lessee, purchaser or other obligor, or to limit or alter the rights or powers vested in the Director of the Department of Business and Industry to perform any agreement made with any lessee, purchaser or other obligor, until all bonds have been discharged in full or provisions for their payment and redemption have been fully made.

2. The provisions of subsection 1 must not be construed so as to bind the State, the Legislature or any agency of the foregoing to continue to apportion funds to charter schools or to maintain such apportionments at any existing levels.

Sec. 3.7. NRS 386.647 is hereby amended to read as follows:

386.647 1. NRS 386.612 to 386.649, inclusive, without reference to other statutes of this State, constitute full authority for the exercise of powers

granted in those sections, including, without limitation, the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized by NRS 386.612 to 386.649, inclusive, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 386.612 to 386.649, inclusive, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this State or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to NRS 386.612 to 386.649, inclusive. ~~Except that the provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after July 1, 2013, by the Director of the Department of Business and Industry for work to be done on a project.~~

5. Any bank or trust company located within or without this State may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 386.612 to 386.649, inclusive, without the necessity of associating with any other person or entity as cofiduciary, but such an association is not prohibited.

6. The powers conferred by NRS 386.612 to 386.649, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect, the powers conferred by any other law.

7. No part of NRS 386.612 to 386.649, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

8. The Director of the Department of Business and Industry or a person designated by the Director **of the Department of Business and Industry** may take any actions and execute and deliver any instruments, contracts, certificates and other documents, including the bonds, necessary or appropriate for the sale and issuance of the bonds or accomplishing the purposes of NRS 386.612 to 386.649, inclusive, without the assistance or intervention of any other officer.

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

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 781 to Assembly Bill No. 351.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 421.

The following Senate amendment was read:

Amendment No. 888.

AN ACT relating to education; creating the Spending and Government Efficiency Commission for public education ~~;~~ ~~and the Nevada System of Higher Education;~~ prescribing the membership and duties of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Spending and Government Efficiency Commission for the system of K-12 public education ~~.~~ ~~and the Nevada System of Higher Education.~~ The Commission is required to make periodic recommendations to the Governor identifying: (1) areas in which the public costs of public education ~~and the Nevada System of Higher Education~~ may be reduced; (2) areas in which increased efficiencies in public education ~~and the Nevada System of Higher Education~~ may be found; and (3) any means by which public education ~~and the Nevada System of Higher Education~~ may be improved.

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

Section 1. 1. There is hereby created the Spending and Government Efficiency Commission for the system of K-12 public education in this State ~~.~~ ~~and the Nevada System of Higher Education.~~ The Commission consists of 12 members appointed as follows:

- (a) Six members appointed by the Governor;
- (b) Two members appointed by the Governor from a list of six recommendations provided by the Senate Majority leader;
- (c) Two members appointed by the Governor from a list of six recommendations provided by the Speaker of the Assembly;
- (d) One member appointed by the Governor from a list of three recommendations provided by the Senate Minority leader; and
- (e) One member appointed by the Governor from a list of three recommendations provided by the Assembly Minority Leader.

➤ To the extent practicable, in appointing members to the Commission, the Governor shall ensure that the membership reflects the ethnic, gender and geographic diversity of this State.

2. The Governor shall appoint the Chair of the Commission from among its members.

3. The members of the Commission must be persons with expertise and experience in the operation of a business ~~but except that one of the members must be a retired teacher who taught pupils in kindergarten or grade 1 through 12 in a public school in this State regardless of whether the retired teacher has such expertise and experience.~~ A member may not have a personal or professional conflict of interest that would prevent the member from fully and objectively discharging his or her duties. A member may not derive any financial benefit from the work of the Commission, other than the general benefit received by all residents of this State from increased efficiency in the system of K-12 public education in this State ~~and the Nevada System of Higher Education.~~

4. Members of the Commission serve at the pleasure of the Governor.

5. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

6. A majority of the members of the Commission 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.

7. The Commission shall comply with the provisions of chapter 241 of NRS and all meetings must be conducted in accordance with that chapter.

8. The Department of Education shall provide administrative support to the Commission.

9. The Commission may appoint committees or subcommittees of its members to study the system of K-12 public education in this State ~~and the Nevada System of Higher Education~~ and any means by which the system of K-12 public education in this State ~~and the Nevada System of Higher Education~~ may be improved.

10. The Commission shall, not less frequently than every 90 days, meet and:

(a) Submit recommendations to the Governor:

(1) Identifying areas in which the public costs of the system of K-12 public education in this State ~~and the Nevada System of Higher Education~~ may be reduced;

(2) Identifying areas in which increased efficiencies in the system of K-12 public education in this State ~~and the Nevada System of Higher Education~~ may be found; and

(3) Identifying means by which the system of K-12 public education in this State ~~and the Nevada System of Higher Education~~ may be improved; or

(b) If the Commission does not have any recommendations, submit to the Governor a status report regarding the activities of the Commission for the period from the date on which the Commission last submitted to the Governor a status report or recommendations to the date on which the status report is submitted.

11. The Commission shall, on or before February 1, 2017, prepare and submit a final report to the Governor and the Director of the Legislative

Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature concerning its findings and recommendations.

Sec. 2. This act becomes effective on July 1, 2015, and expires by limitation on June 30, 2017.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 888 to Assembly Bill No. 421.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 447.

The following Senate amendment was read:

Amendment No. 806.

AN ACT relating to education; **authorizing the State Board of Education to provide for evaluations of certain licensed educational personnel and determine the manner in which to measure the performance of such personnel**; revising provisions relating to pupil achievement data used as a part of the statewide performance evaluation system; ~~delaying the implementation of certain provisions relating to the policy for evaluations of counselors, librarians and other licensed educational personnel;~~ revising the evaluation of teachers, ~~and~~ **administrators, and other licensed personnel** under the statewide performance evaluation system ~~for the 2015-2016 school year;~~ **; requiring the State Board to designate assessments that may be used to determine pupil achievement and prescribe the evaluation system and tools to be used by a school district for measuring of an employee's performance; authorizing a school district to apply to the State Board to use an evaluation system and tools and assessments that are different from those prescribed by the State Board;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to establish a statewide performance evaluation system **which incorporates multiple measures** to evaluate the overall performance of certain employees. (NRS 391.465) **Section 10 of this bill requires the State Board to prescribe the tools to be used by a school district for obtaining such measures. Section 10 also allows a school district to apply to the State Board to use an evaluation system and tools that are different than the evaluation system and tools prescribed by the State Board.**

Existing law requires the statewide performance evaluation system to: (1) prescribe the pupil achievement data that must be used as a part of the evaluation system; and (2) require that pupil achievement data account for at least 50 percent of the evaluation of certain employees. (NRS 391.465) ~~Section 11~~ **Sections 10 and 16 of this bill provide** ~~remove the requirement that~~ **pupil achievement data must be used as a part of the evaluation system for the 2015-2016 school year. Sections 11 and 16 of this bill reinstate the requirement that pupil achievement data must be used as a**

part of the evaluation system and provides that, for the 2016-2017 school year: (1) pupil achievement data derived from statewide examinations and assessments must account for ~~{25}~~ **at least 10** percent of the evaluation of a teacher when applicable; and (2) pupil achievement data derived from assessments approved by the board of trustees of the school district that employs the teacher must account for ~~{25}~~ **at least 10** percent of the ~~{evaluator}~~ **evaluation. Section 11 also: (1) requires the State Board to designate the assessments that may be used by a school district to determine pupil achievement; and (2) authorizes the board of trustees of a school district to apply to the Superintendent of Public Instruction for approval to use a different assessment. Sections 12 and 16 of this bill provide that, beginning with the 2017-2018 school year: (1) pupil achievement data derived from statewide examinations and assessments must account for at least 20 percent of the evaluation of a teacher when applicable; and (2) pupil achievement data derived from assessments approved by the board of trustees of the school district that employs the teacher must account for at least 20 percent of the evaluation.**

Existing law requires the board of trustees of each school district to develop a policy for objective evaluations **of teachers and administrators** that complies with the statewide performance evaluation system established by the State Board. Existing law requires this policy to include an evaluation of counselors, librarians and other licensed personnel ~~. 1, commencing with the 2015-2016 school year.~~ (NRS ~~391.3123, 391.3125~~) ~~1. Section 22 of chapter 496, Statutes of Nevada 2013, p. 3169.)~~ **Section {24} 4 of this bill (instead delays implementation until the 2016-2017 school year. Section 3 of this bill provides that the evaluation of teachers, administrators and other licensed personnel under the statewide performance evaluation system must not include an evaluation of the performance of pupils enrolled in the school for the 2015-2016 school year.) authorizes the State Board to provide for the evaluation of counselors, librarians and other licensed educational personnel and determine the manner in which to measure the performance of such personnel. Sections 6 and 8-12 of this bill require this policy to provide for the evaluation of administrators at a district level who provide direct supervision of the principal of a school.**

Existing law requires each probationary teacher or administrator to receive three evaluations during each school year of his or her probationary employment. (NRS 391.3127, 391.3129) Sections 5 and 6 of this bill require a probationary teacher or administrator to instead receive one evaluation during the first school year of his or her probationary employment that must be based in part upon at least three scheduled observations of the teacher or administrator. Sections 5 and 6 also: (1) reduce the number of observations required for a probationary teacher or administrator during his or her second and third years of probationary employment whose performance is designated as highly effective or effective; and (2) require a probationary teacher or administrator whose

performance is designated as minimally effective or ineffective to continue to receive three observations.

Existing law also requires each postprobationary teacher or administrator who receives an evaluation designating his or her overall performance as minimally effective or ineffective to be evaluated three times. (NRS 391.3125, 391.3127) Sections 5 and 6 instead require such a teacher or administrator to receive one evaluation which must be based in part upon at least three scheduled observations. Existing law requires a postprobationary teacher or administrator who receives an evaluation designating his or her overall performance as highly effective or effective to receive one evaluation which must be based in part upon at least: (1) one scheduled observation, if the teacher or administrator receives an evaluation designating his or her overall performance as highly effective; or (2) two scheduled observations, if the teacher or administrator receives an evaluation designating his or her overall performance as effective. (NRS 391.3125, 391.3127) Sections 5 and 6 instead require such an evaluation to be based on one scheduled observation.

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

Section 1. ~~[NRS 391.465 is hereby amended to read as follows:~~

~~391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance.~~

~~2. The statewide performance evaluation system must:~~

~~(a) Require that an employee's overall performance is determined to be:~~

~~(1) Highly effective;~~

~~(2) Effective;~~

~~(3) Minimally effective; or~~

~~(4) Ineffective.~~

~~(b) Include the criteria for making each designation identified in paragraph (a).~~

~~(c) Except as otherwise provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS 391.3127, require that pupil achievement data account for at least 50 percent of the evaluation.~~

~~(d) Prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c) [.] which must require, without limitation, that:~~

~~(1) Pupil achievement data derived from statewide examinations and assessments must account for 25 percent of the evaluation of a teacher when applicable; and~~

~~(2) Pupil achievement data derived from assessments approved by the board of trustees of the school district that employs the teacher and the~~

~~Superintendent of Public Instruction must account for 25 percent of the evaluation:~~

~~— (e) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, employs practices and strategies to involve and engage the parents and families of pupils.~~

~~— (f) Include a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.~~ **(Deleted by amendment.)**

Sec. 2. ~~[Section 22 of chapter 496, Statutes of Nevada 2013, at page 3169, is hereby amended to read as follows:~~

~~— Sec. 22. Commencing with the [2015-2016] 2016-2017 school year, the board of trustees of each school district shall implement and carry out the policy for evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators, required by NRS 391.3125, as amended by section 4 of this act.~~ **(Deleted by amendment.)**

Sec. 3. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.347 and 385.3572; and

(2) In a separate reporting for each group of pupils identified in the statewide system of accountability for public schools;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State;

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school; and

(3) Which must, to the extent money is available for this purpose, include, without limitation, a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in a manner that will allow for the disaggregation of each category;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the ratings of schools and, if available, school districts pursuant to the statewide system of accountability for public schools and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, the sponsors of charter schools, the school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

↪ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. ~~[Except as otherwise provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS 391.3127, information on pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465, must account for at least 50 percent, but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher or other employee.]~~

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data to the Department;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 4. NRS 391.3123 is hereby amended to read as follows:

391.3123 ~~[Commencing with the 2015-2016 school year, the board of trustees of each school district shall implement and carry out the policy.]~~ **The State Board may provide** for evaluations of counselors, librarians and other

licensed educational personnel, except for teachers and administrators, ~~[required by NRS 391.3125.]~~ **and determine the manner in which to measure the performance of such personnel, including, without limitation, whether to use pupil achievement data as part of the evaluation.**

Sec. 5. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers ~~[and other licensed personnel]~~ in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations **of teachers** in narrative form. The policy must comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. ~~[The policy must set forth a means according to which an employee's overall performance is determined to be highly effective, effective, minimally effective or ineffective. Except as otherwise provided in subsection 9, the policy must require that pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465, account for at least 50 percent of the evaluation.]~~ The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. ~~[In a similar manner, counselors, librarians and other licensed personnel must be evaluated.]~~ A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. The person charged with the evaluation of a teacher pursuant to this section shall hold a conference with the teacher before and after each scheduled observation of the teacher during the school year.

4. A probationary teacher must ~~[be evaluated three times]~~ **receive one evaluation** during each school year of his or her probationary employment. ~~[Each]~~ **The** evaluation must ~~[include]~~ **be based in part upon** at least ~~[one]~~ **three** scheduled ~~[observation]~~ **observations** of the teacher during the **first** school year **of his or her probationary period** as follows:

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

5. **If a probationary teacher receives an evaluation designating his or her overall performance as effective or highly effective:**

(a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled observations of the teacher which must occur within the times specified in paragraphs (b) and (c) of subsection 4.

(b) During the first and second school years of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation of the teacher which must occur within 120 days after the first day of instruction of the school year.

6. If a probationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective during the first or second school year of the probationary period, the probationary teacher must receive one evaluation during the immediately succeeding school year which is based in part upon three observations which must occur in accordance with the observation schedule set forth in subsection 4.

7. If a postprobationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary teacher must ~~be evaluated three times~~ receive one evaluation in the immediately succeeding school year which is based in part upon three observations which must occur in accordance with the observation schedule set forth in subsection 4. If a postprobationary teacher ~~is evaluated three times in a school year and he or she~~ receives ~~an evaluation designating~~ evidence from the first two observations during the school year indicating that, unless his or her performance improves, his or her overall performance ~~as~~ may be rated as minimally effective or ineffective ~~on the first or second evaluation, or both evaluations,~~ on the evaluation, the postprobationary teacher may request that the third ~~evaluation~~ observation be conducted by another administrator. If a postprobationary teacher requests that his or her third ~~evaluation~~ observation be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

~~6.~~ 8. If a postprobationary teacher receives an evaluation designating his or her overall performance as effective ~~or~~ or highly effective, the postprobationary teacher must ~~be evaluated~~ receive one ~~(time)~~ evaluation in the immediately succeeding school year. The evaluation must ~~include at least two scheduled observations as follows:~~

~~— (a) The first scheduled observation must occur within 80 days after the first day of instruction of the school year; and~~

~~— (b) The second scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.~~

~~7. If a postprobationary teacher receives an evaluation designating his or her overall performance as highly effective, the postprobationary teacher must be evaluated one time in the immediately succeeding school year. The evaluation must include~~ be based in part upon at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

~~{9.}~~ **9.** The evaluation of a probationary teacher or a postprobationary teacher pursuant to this section must comply with the regulations of the State Board adopted pursuant to NRS 391.465, which must include, without limitation:

- (a) An evaluation of the instructional practice of the teacher in the classroom;
- (b) An evaluation of the professional responsibilities of the teacher to support learning and promote the effectiveness of the school community;
- (c) Except as otherwise provided in subsection ~~{9.}~~ **10.**, an evaluation of the performance of pupils enrolled in the school;
- (d) An evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom;
- (e) Recommendations for improvements in the performance of the teacher;
- (f) A description of the action that will be taken to assist the teacher in the areas of instructional practice, professional responsibilities and the performance of pupils; and
- (g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

~~{9.}~~ **10.** The evaluation of a probationary teacher in his or her initial year of employment as a probationary teacher must not include an evaluation of the performance of pupils enrolled in the school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to NRS 391.3129.

~~{10.}~~ **11.** The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to improve his or her performance based upon the recommendations reported in the evaluation of the teacher.

Sec. 6. NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must provide for the evaluation of those administrators who provide primarily administrative services at the school level and who do not provide primarily direct instructional services to pupils, regardless of whether such an administrator is licensed as a teacher or administrator, including, without limitation, a principal and a vice principal.

The policy must also provide for the evaluation of those administrators at the district level who provide direct supervision of the principal of a school.

The policy must comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. ~~{The policy must set forth a means according to which an administrator's overall performance is determined to be highly effective, effective, minimally effective or ineffective.~~

~~Except as otherwise provided in subsection 8, the policy must require that pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465, account for at least 50 percent of the evaluation.~~ The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. The person charged with the evaluation of an administrator pursuant to this section shall hold a conference with the administrator before and after each scheduled observation of the administrator during the school year.

3. A probationary administrator must ~~(be evaluated three times)~~ **receive one evaluation** during each school year of his or her probationary employment. ~~(Each)~~ **The** evaluation must ~~(include)~~ **be based in part upon** at least ~~(one)~~ **three** scheduled ~~(observation)~~ **observations** of the probationary administrator during the **first** school year **of his or her probationary period which must occur** as follows:

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

4. **If a probationary administrator receives an evaluation designating his or her overall performance as effective or highly effective:**

(a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled observations of the administrator which must occur within the times specified in paragraphs (b) and (c) of subsection 3.

(b) During the first and second school year of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation of the administrator which must occur within 120 days after the first day of instruction of the school year.

5. **If a probationary administrator receives an evaluation designating his or her overall performance as minimally effective or ineffective during the first or second school year of the probationary period, the probationary administrator must receive one evaluation during the immediately succeeding school year which is based in part upon three observations which must occur in accordance with the observation schedule set forth in subsection 3.**

6. If a postprobationary administrator receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary administrator must ~~(be evaluated three times)~~ **receive one evaluation** in the immediately succeeding school year **which is based in part upon three observations which must occur** in accordance with the observation

schedule set forth in subsection 3. If a postprobationary administrator ~~is evaluated three times in a school year and he or she~~ receives ~~an evaluation designating~~ **evidence from the first two observations indicating that, unless his or her performance improves,** his or her overall performance ~~as~~ **may be rated as** minimally effective or ineffective ~~on the first or second evaluation, or both evaluations,~~ **on the evaluation,** the postprobationary administrator may request that the third ~~evaluation~~ **observation** be conducted by another administrator. If a postprobationary administrator requests that his or her third ~~evaluation~~ **observation** be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary administrator from a list of three candidates submitted by the superintendent.

~~5. 7.~~ **7.** If a postprobationary administrator receives an evaluation designating his or her overall performance as effective ~~or~~ **or highly effective,** the postprobationary administrator must ~~be evaluated~~ **receive** one ~~time~~ **evaluation** in the immediately succeeding school year. The evaluation must ~~include at least two scheduled observations as follows:~~

~~—(a) The first scheduled observation must occur within 80 days after the first day of instruction of the school year; and~~

~~—(b) The second scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.~~

~~6. If a postprobationary administrator receives an evaluation designating his or her overall performance as highly effective, the postprobationary administrator must be evaluated one time in the immediately succeeding school year. The evaluation must include~~ **be based in part upon** at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

~~7. 8.~~ **8.** The evaluation of an administrator pursuant to this section must comply with the regulations of the State Board adopted pursuant to NRS 391.465, which must include, without limitation:

(a) An evaluation of the instructional leadership practices of the administrator at the school;

(b) An evaluation of the professional responsibilities of the administrator to support learning and promote the effectiveness of the school community;

(c) Except as otherwise provided in subsection ~~8. 9.~~ **9.** an evaluation of the performance of pupils enrolled in the school;

(d) An evaluation of whether the administrator employs practices and strategies to involve and engage the parents and families of pupils enrolled in the school;

(e) Recommendations for improvements in the performance of the administrator; and

(f) A description of the action that will be taken to assist the administrator in the areas of instructional leadership practice, professional responsibilities and the performance of pupils.

~~10.~~ **9.** The evaluation of a probationary administrator in his or her initial year of probationary employment must not include an evaluation of the performance of pupils enrolled in the school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to NRS 391.3129.

~~9.~~ **10.** Each probationary administrator is subject to the provisions of NRS 391.3128 and 391.3197.

~~10.~~ **11.** Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

Sec. 7. NRS 391.3129 is hereby amended to read as follows:

391.3129 A postprobationary employee who receives an evaluation designating his or her overall performance as:

1. ~~If evaluated pursuant to NRS 391.3125 or 391.3127, as applicable:~~
 - ~~(a)~~ Minimally effective;
 - ~~(b)~~ **2.** Ineffective; or
 - ~~(c)~~ **3.** Minimally effective during 1 year of the 2-year consecutive period and ineffective during the other year of the period. ~~For~~
 - ~~2. If evaluated pursuant to any other system of evaluation, any designation which indicates that the overall performance of the employee is below average,~~
- ↪ for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.311 to 391.3197, inclusive, and must serve an additional probationary period in accordance with the provisions of NRS 391.3197.

Sec. 8. NRS 391.460 is hereby amended to read as follows:

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level **and administrators at the district level who provide direct supervision of the principal of a school,** and who do not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice

principal, ~~[-, counselors, librarians and other licensed educational personnel employed by school districts]~~ are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods, ~~[-, which includes evaluations based upon pupil achievement data as required by NRS 391.465,]~~

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers, ~~[-,]~~ **and** administrators, ~~[-, counselors, librarians and other licensed educational personnel]~~ throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers, ~~[-,]~~ **and** administrators to which paragraph (a) applies, ~~[-, counselors, librarians and other licensed educational personnel]~~ and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers, ~~[-,]~~ **and** administrators, ~~[-, counselors, librarians and other licensed educational personnel]~~ and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 9. NRS 391.460 is hereby amended to read as follows:

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level and administrators at the district level who provide

direct supervision of the principal of a school, and who do not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods, ~~and~~ **which includes evaluations based upon pupil achievement data as required by NRS 391.465;**

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers and administrators throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers and administrators to which paragraph (a) applies and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers and administrators; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 10. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. **Except as otherwise provided in subsection 4, the State Board**

shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

- (1) Highly effective;
- (2) Effective;
- (3) Minimally effective; or
- (4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

~~(c) Except as otherwise provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS 391.3127, require that pupil achievement data account for at least 50 percent of the evaluation.~~

~~(d) Prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c).~~

~~(e)~~ Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level **or administrator at the district level who provides direct supervision of the principal of a school,** and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, employs practices and strategies to involve and engage the parents and families of pupils.

~~(f)~~ **(d)** Include a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

Sec. 11. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's

performance. Except as otherwise provided in subsection 4, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

- (1) Highly effective;
- (2) Effective;
- (3) Minimally effective; or
- (4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph

(a).

(c) Except as otherwise provided in subsection 10 of NRS 391.3125 and subsection 9 of NRS 391.3127, require that pupil achievement data account for at least 20 percent of the evaluation.

(d) Except as otherwise provided in subsection 3, prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c) which must require that:

(1) Pupil achievement data derived from statewide examinations and assessments must account for at least 10 percent of the evaluation of a teacher or administrator, as applicable; and

(2) Pupil achievement data derived from assessments approved by the board of trustees of a school district that employs the teacher or administrator, as applicable, must account for at least 10 percent of the evaluation.

(e) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, employs practices and strategies to involve and engage the parents and families of pupils.

~~((d))~~ (f) Include a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.

3. The State Board shall, by regulation, designate the assessments that may be used by a school district to determine pupil achievement pursuant to subparagraph (2) of paragraph (d) of subsection 2. The board of trustees of a school district may select one or more of the assessments designated by the State Board to determine pupil achievement, or the board of trustees may

apply to the Superintendent of Public Instruction for approval to use a different assessment to determine pupil achievement.

4. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

Sec. 12. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 4, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

- (1) Highly effective;
- (2) Effective;
- (3) Minimally effective; or
- (4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) Except as otherwise provided in subsection 10 of NRS 391.3125 and subsection 9 of NRS 391.3127, require that pupil achievement data account for at least ~~20~~ **40** percent of the evaluation.

(d) Except as otherwise provided in subsection 3, prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c) which must require that:

(1) Pupil achievement data derived from statewide examinations and assessments must account for at least ~~40~~ **20** percent of the evaluation of a teacher or administrator, as applicable; and

(2) Pupil achievement data derived from assessments approved by the board of trustees of a school district that employs the teacher or administrator, as applicable, must account for at least ~~40~~ **20** percent of the evaluation.

(e) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal,

employs practices and strategies to involve and engage the parents and families of pupils.

(f) Include a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.

3. The State Board shall, by regulation, designate the assessments that may be used by a school district to determine pupil achievement pursuant to subparagraph (2) of paragraph (d) of subsection 2. The board of trustees of a school district may select one or more of the assessments designated by the State Board to determine pupil achievement, or the board of trustees may apply to the Superintendent of Public Instruction for approval to use a different assessment to determine pupil achievement.

4. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

~~[Sec. 3.]~~ **Sec. 13.** The evaluation of teachers, ~~[.]~~ and administrators ~~[and other licensed personnel]~~ pursuant to NRS 391.3125 or 391.3127 must not include ~~[an evaluation of the performance of pupils enrolled in the school]~~ **pupil achievement data** for the 2015-2016 school year.

Sec. 14. NRS 391.31211, 391.31212, 391.31213, 391.31214, 391.31215, 391.31216, 391.31217, 391.31218, 391.1219 and 391.3122 are hereby repealed.

Sec. 15. Any probationary or postprobationary teacher or administrator who was evaluated for the 2014-2015 school year must be evaluated for the 2015-2016 school year in the manner provided in NRS 391.3125 or 391.3127, as applicable, as amended by sections 5 and 6 of this act. For the purposes of the provisions of those sections, a teacher or administrator who received for the 2014-2015 school year or for any previous school year a rating of:

1. Satisfactory, must be considered to have received a rating of effective or highly effective.

2. Unsatisfactory, must be considered to have received a rating of minimally effective or ineffective.

~~{Sec. 4.}~~ Sec. 16. 1. This section and sections 1 to 8, inclusive, and sections 10, 13, 14 and 15 of this act ~~becomes~~ become effective on July 1, 2015.

2. Sections 9 and 11 of this act become effective on July 1, 2015, for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of those sections and on July 1, 2016, for all other purposes.

3. Section 12 of this act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

391.31211 For 2013-2014 school year: Application by school district to opt out of delay of implementation of statewide performance evaluation system; school district with approved application not required to participate in validation study.

391.31212 For 2014-2015 school year: Application by school district to opt out of delay of implementation of statewide performance evaluation system; school district with approved application not required to participate in validation study.

391.31213 Validation study of statewide performance evaluation system; selection of representative sample of teachers and administrators to participate; disciplinary decisions must not be based on evaluations conducted under validation study.

391.31214 Policy for evaluations of teachers and other licensed educational personnel instead of NRS 391.3125 during validation study.

391.31215 Policy for evaluation of administrators instead of NRS 391.3127 during validation study.

391.31216 Status of probationary employees during validation study.

391.31217 Report to Interim Finance Committee on results of 2013-2014 validation study; determination by Interim Finance Committee whether all school districts prepared to implement statewide performance evaluation system.

391.31218 Observation schedule for postprobationary teachers and administrators if statewide performance evaluation system implemented for 2014-2015 school year.

391.31219 Observation schedule for postprobationary teachers and administrators if statewide performance evaluation system implemented for 2015-2016 school year.

391.3122 Validation study of counselors, librarians and certain other educational personnel for 2014-2015 school year.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 806 to Assembly Bill No. 447.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 23.

The following Senate amendment was read:

Amendment No. 668.

AN ACT relating to elections; revising provisions governing regulations that the Secretary of State must adopt regarding the conduct of elections; changing the date of the general city election in certain cities that hold such elections in odd-numbered years; amending provisions relating to committees for political action and independent expenditures made for the purpose of affecting the outcome of elections; revising the beginning and ending dates of the period during which certain limits apply to the amount that may be committed or contributed to a candidate or a legal defense fund; providing that a petition to recall a public officer may only be signed by a registered voter who actually voted in the election at which the public officer was elected; revising other provisions governing recall petitions and elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to adopt regulations governing the conduct of primary, general, special and district elections. (NRS 293.247) **Section 1** of this bill makes various changes to the types of regulations that the Secretary of State must adopt governing the conduct of elections.

Existing law provides that certain cities must hold a general city election on the first Tuesday after the first Monday in June in odd-numbered years. (NRS 293C.140, 293C.145; Boulder City Charter § 96; Caliente City Charter § 5.010; Henderson City Charter § 5.020; Las Vegas City Charter § 5.020; North Las Vegas City Charter § 5.010; Yerington City Charter § 5.010) **Sections 1.3, 1.5, 7-13 and 15** of this bill change the date of the general city election in those cities so that it occurs 1 week later on the second Tuesday after the first Monday in June in odd-numbered years. **Sections 4-6** of this bill make the same change in the election date to the second Tuesday after the first Monday in June in odd-numbered years for certain local special elections seeking voter approval of certain local taxes and debt obligations. (NRS 350.020, 354.5982, 387.3285)

During the 77th Session of the Legislature in 2013, the Legislature enacted legislation that amended the definition of the term “committee for political action” in the campaign finance laws to include certain businesses or organizations that make expenditures of a certain amount in a calendar year for the purpose of affecting the outcome of any election or question on the ballot. (NRS 294A.0055, 294A.230; chapter 259, Statutes of Nevada 2013, pp. 1149-51) In 2013, the Legislature also enacted legislation that added a definition of the term “independent expenditure” to the campaign finance laws, but this newly defined term was not incorporated into the definition of the term “committee for political action.” (NRS 294A.0077; chapter 425, Statutes of Nevada 2013, p. 2379) **Sections 1.7 and 2.1** of this bill harmonize the 2013 legislation by incorporating the term “independent expenditure” into the definition of the term “committee for political action.”

Under existing law, a person may not contribute or commit to contribute more than \$5,000 for a primary election and \$5,000 for a general election to a candidate for state, district, county or township office during the period beginning 30 days before the start of the regular session of the Legislature immediately after a general election for that office and ending 30 days before the start of the regular session of the Legislature immediately following the next general election for that office. During the same period, a person is prohibited from making or committing to make a contribution to a legal defense fund of a candidate or public officer in an amount which exceeds \$10,000. Existing law also prohibits a candidate or public officer, as applicable, from accepting a contribution or commitment to make a contribution in excess of those amounts. (Nev. Const. Art. 2, § 10, NRS 294A.100, 294A.287) **Section 2** of this bill changes the period to which those contribution limits apply so that the period begins on January 1 immediately after a general election for an office and ends on December 31 immediately after the next general election for that office.

Existing law provides that a violation of the contribution limits to a candidate or a legal defense fund is a category E felony. (NRS 294A.100, 294A.287) **Section 14** of this bill provides that certain contributions made or committed to be made under existing law at the end of the contribution periods in early January 2011, 2013 or 2015 shall be deemed to have been made or committed to be made on December 31, 2010, 2012 or 2014, respectively, so that no person is guilty retrospectively of committing a crime as a result of the changes made by **section 2**.

Existing law requires a committee for the recall of a public officer to report certain contributions received and expenditures made by the committee during its recall efforts. Existing law also requires such a committee to comply with the reporting requirements when it does not submit a legally sufficient recall petition to the filing officer before the expiration of the period for circulating the petition for signatures. (NRS 294A.270, 294A.280) **Sections 2.3 and 2.5** of this bill clarify that such a committee must comply with the reporting requirements if it: (1) fails to submit the petition to the filing officer; (2) submits the petition to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures; or (3) otherwise submits a legally insufficient petition or suspends or ceases its efforts to obtain the necessary number of valid signatures.

Finally, in *Strickland v. Waymire*, 126 Nev. 230, 240 (2010), the Nevada Supreme Court held that Section 9 of Article 2 of the Nevada Constitution provides that, “[w]hile all registered voters can vote at a special recall election, only voters who voted at the relevant baseline election can qualify a recall petition” by signing a petition for the recall. **Section 3** of this bill conforms existing law to this ruling. (NRS 306.020)

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

Section 1. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election and are effective on or before the last business day of February immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

3. The regulations must prescribe:

- (a) ~~{The duties of election boards;~~
- ~~—(b) The type and amount of election supplies;~~
- ~~—(c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;~~
- ~~{(d) The method to be used in distributing ballots to precincts and districts;~~
- ~~—(e) The method of inspection and the disposition of ballot boxes;~~
- ~~—(f) { (b) The form and placement of instructions to voters;~~
- ~~{(g) The recess periods for election boards;~~
- ~~—(h) The size, lighting and placement of voting booths;~~
- ~~—(i) The amount and placement of guardrails and other furniture and equipment at voting places;~~
- ~~—(j) { (c) The disposition of election returns;~~
- ~~{(k) { (d) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;~~
- ~~{(l) { (e) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;~~
- ~~{(m) { (f) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;~~
- ~~{(n) { (g) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;~~
- ~~{(o) The procedures to be used for the disposition of absent ballots in case of an emergency;~~
- ~~—(p) { (h) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors or registered voters who are authorized to use approved electronic transmission pursuant to the provisions of this title;~~
- ~~{(q) { (i) The forms for applications to register to vote and any other forms necessary for the administration of this title; and~~

~~[(*)]~~ (j) Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

- (a) Laws and regulations concerning elections in this State;
- (b) Interpretations issued by the Secretary of State's Office; and
- (c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 1.3. NRS 293C.140 is hereby amended to read as follows:

293C.140 1. Except as otherwise provided in NRS 293C.115, a general city election must be held in each city of population categories one and two on the ~~first~~ **second** Tuesday after the first Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter as determined by law, ordinance or resolution, at which time there must be elected the elective city officers, the offices of which are required next to be filled by election. All candidates, except as otherwise provided in NRS 266.220, at the general city election must be voted upon by the electors of the city at large.

2. Unless the terms of office of city council members are extended by an ordinance adopted pursuant to NRS 293C.115, the terms of office are 4 years, which terms must be staggered. The council members elected to office immediately after incorporation shall decide, by lot, among themselves which of their offices expire at the next general city election, and thereafter the terms of office must be 4 years unless the terms are extended by an ordinance adopted pursuant to NRS 293C.115.

Sec. 1.5. NRS 293C.145 is hereby amended to read as follows:

293C.145 1. Except as otherwise provided in NRS 293C.115, a general city election must be held in each city of population category three on the ~~first~~ **second** Tuesday after the first Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter, as determined by ordinance.

2. There must be one mayor and three or five council members, as the city council shall provide by ordinance, for each city of population category three. Unless the terms of office of the mayor and the council members are extended by an ordinance adopted pursuant to NRS 293C.115, the terms of office of the mayor and the council members are 4 years, which terms must be staggered. The mayor and council members elected to office immediately after incorporation shall decide, by lot, among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years unless the terms are extended by an ordinance adopted pursuant to

NRS 293C.115. If a city council thereafter increases the number of council members, it shall, by lot, stagger the initial terms of the additional members.

3. Except as otherwise provided in NRS 293C.115, a candidate for any office to be voted for at the general city election must file a declaration of candidacy with the city clerk not less than 60 days nor more than 70 days before the day of the general city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the city council by ordinance or resolution.

4. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for the city council must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the electors of the city at large in accordance with the provisions of chapter 266 of NRS.

Sec. 1.7. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. “Committee for political action” means:

(a) Any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(1) Makes or intends to make contributions to candidates or other persons; or

(2) Makes or intends to make expenditures,
➤ designed to affect the outcome of any primary election, general election, special election or question on the ballot.

(b) Any business or social organization, corporation, partnership, association, trust, unincorporated organization or labor union:

(1) Which has as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot and for that purpose receives contributions in excess of \$1,500 in a calendar year or makes ~~independent~~ expenditures in excess of \$1,500 in a calendar year; or

(2) Which does not have as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot, but for the purpose of affecting the outcome of any election or question on the ballot receives contributions in excess of \$5,000 in a calendar year or makes **independent** expenditures in excess of \$5,000 in a calendar year.

2. “Committee for political action” does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) Except as otherwise provided in paragraph (b) of subsection 1, an individual corporation or other business organization who has filed articles of

incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) Except as otherwise provided in paragraph (b) of subsection 1, a labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

(h) A major or minor political party or any committee sponsored by a major or minor political party.

Sec. 2. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds \$5,000 for the primary election, regardless of the number of candidates for the office, and \$5,000 for the general election, regardless of the number of candidates for the office, during the period:

(a) Beginning ~~from 30 days before the regular session of the Legislature~~ **January 1 of the year** immediately following the last general election for the office and ending ~~30 days before the regular session of the Legislature~~ **December 31** immediately following the next general election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days after the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 2.1. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Except as otherwise provided in subsection 2, each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by the Secretary of State.

2. A person who qualifies as a committee for political action in accordance with:

(a) Subparagraph (1) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of \$1,500 in a calendar year or making ~~independent~~ expenditures in excess of \$1,500 in a calendar year; or

(b) Subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of \$5,000 in a calendar year or making **independent** expenditures in excess of \$5,000 in a calendar year,

➤ shall, not later than 7 calendar days after the qualifying event, register with the Secretary of State on forms supplied by the Secretary of State. When reporting contributions as required by this chapter, a person who qualifies as a committee for political action in accordance with subparagraph (2) of

paragraph (b) of subsection 1 of NRS 294A.0055 is required to report only those contributions received for the purpose of affecting the outcome of any primary election, general election, special election or any question on the ballot.

3. The form must require:

- (a) The name of the committee for political action;
- (b) The purpose for which it was organized;
- (c) The names, addresses and telephone numbers of its officers;
- (d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;
- (e) The name, address and telephone number of its registered agent; and
- (f) Any other information deemed necessary by the Secretary of State.

4. A committee for political action shall file with the Secretary of State:

(a) An amended form for registration within 30 days after any change in the information contained in the form for registration.

(b) A form for registration on or before January 15 of each year, regardless of whether there is a change in the information contained in the most recent form for registration filed by the committee for political action with the Secretary of State.

5. The Secretary of State shall include on the Secretary of State's Internet website the information required pursuant to subsection 3.

6. For purposes of the civil penalty that the Secretary of State may impose pursuant to NRS 294A.420 for violating the provisions of subsection 1 or 2, if a committee for political action fails to register with the Secretary of State pursuant to subsection 1 or 2, each time the committee for political action engages in any activity in this State constitutes a separate violation of subsection 1 or 2 for which the Secretary of State may impose a civil penalty.

Sec. 2.3. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in subsections 3 and 4, each committee for the recall of a public officer shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➤ report each contribution received or made by the committee for the recall of a public officer during the period in excess of \$100 and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.

2. ~~¶¶~~ ***Except as otherwise provided in subsection 3, if*** a petition for the recall of a public officer is not ~~filed~~ ***submitted to the filing officer*** before the expiration of the notice of intent ~~filed~~ ***pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of chapter 306 of NRS,*** the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee for the recall of a public officer, and each contribution made by the committee for the recall of a public officer in excess of \$100 and contributions made to one recipient which cumulatively exceed \$100. ***The provisions of this subsection apply to the committee for the recall of a public officer if the committee:***

(a) ***Fails to submit the petition to the filing officer as required by chapter 306 of NRS;***

(b) ***Submits the petition to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or***

(c) ***Otherwise submits a legally insufficient petition or suspends or ceases its efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS.***

3. If a district court determines that the petition for the recall of the public officer is legally insufficient pursuant to subsection 6 of NRS 306.040, the committee for the recall of a public officer shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the day of the district court's order, report each contribution received or made by the committee for the recall of a public officer in excess of \$100 and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.

4. If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:

(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;

(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and

(c) The 15th day of the second month after the special election, for the remaining period through the date of the special election,

➤ report each contribution received or made by the committee for the recall of a public officer in excess of \$100 and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.

5. Except as otherwise provided in NRS 294A.3737, each report of contributions must be filed electronically with the Secretary of State.

6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. The name and address of the contributor or recipient and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation.

Sec. 2.5. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in subsections 3 and 4, each committee for the recall of a public officer shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➤ report each expenditure made by the committee for the recall of a public officer during the period in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100.

2. ~~44~~ ***Except as otherwise provided in subsection 3, if a petition for the recall of a public officer is not ~~filed~~ submitted to the filing officer before the expiration of the notice of intent ~~is~~ pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of chapter 306 of NRS, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee for the recall of a public officer in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100. The provisions of this subsection apply to the committee for the recall of a public officer if the committee:***

(a) Fails to submit the petition to the filing officer as required by chapter 306 of NRS;

(b) Submits the petition to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Otherwise submits a legally insufficient petition or suspends or ceases its efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS.

3. If a district court determines that a petition for the recall of the public officer is legally insufficient pursuant to subsection 6 of NRS 306.040, the committee for the recall of a public officer shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the day of the district court's order, report each expenditure made by the committee for the recall of

a public officer in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100.

4. If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:

(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;

(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and

(c) The 15th of the second month after the special election, for the remaining period through the date of the special election,

➤ report each expenditure made by the committee for the recall of a public officer in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100.

5. Except as otherwise provided in NRS 294A.3737, each report of expenditures must be filed electronically with the Secretary of State.

6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. The name and address of the recipient and the date on which the expenditure was made must be included on the report for each expenditure, whether to a natural person, association or corporation.

Sec. 3. NRS 306.020 is hereby amended to read as follows:

306.020 1. Every public officer in the State of Nevada is subject to recall from office by the registered voters of the State or of the county, district or municipality that the public officer represents, as provided in this chapter and Section 9 of Article 2 of the Constitution of the State of Nevada. A public officer who is appointed to an elective office is subject to recall in the same manner as provided for an officer who is elected to that office.

2. The petition to recall a public officer may be signed by any registered voter of the State or of the county, district, municipality or portion thereof that the public officer represents ~~[-, regardless of whether the registered voter cast a ballot]~~ **who actually voted** in the election at which the public officer was elected.

3. The petition must, in addition to setting forth the reason why the recall is demanded:

(a) Contain the residence addresses of the signers and the date that the petition was signed;

(b) Contain a statement of the minimum number of signatures necessary to the validity of the petition;

(c) Contain at the top of each page and immediately above the signature line, in at least 10-point bold type, the words "Recall Petition";

(d) Include the date that a notice of intent was filed; and

(e) Have the designation: “Signatures of registered voters seeking the recall of (name of public officer for whom recall is sought)” on each page if the petition contains more than one page.

Sec. 4. NRS 350.020 is hereby amended to read as follows:

350.020 1. Except as otherwise provided by subsections 3 and 4, if a municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.

2. Such a special election may be held:

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

(b) On the ~~first~~ **second** Tuesday after the first Monday in June of an odd-numbered year, ***whether or not the municipality also holds a general municipal election on that date,***

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

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

which it is to be incurred. Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications must be made once in a newspaper of general circulation in the municipality. When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.

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

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

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

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

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

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

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

(b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the

current fiscal year to restore the reserve account to the level required pursuant to subsection 5.

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

- (a) For debt service in the current fiscal year;
- (b) For other purposes related to the bonds by the instrument pursuant to which the bonds were issued; and
- (c) To maintain the reserve account required pursuant to subsection 5,
 ➔ to be transferred to the county school district's fund for capital projects established pursuant to NRS 387.328 and used to pay the cost of capital projects which can lawfully be paid from that fund. Any such transfer must not limit the ability of the school district to issue bonds during the period of voter authorization if the findings and approvals required by subsection 4 are obtained.

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

Sec. 5. NRS 354.5982 is hereby amended to read as follows:

354.5982 1. The local government may exceed the limit imposed by NRS 354.59811 upon the calculated receipts from taxes ad valorem only if its governing body proposes to its registered voters an additional property tax, and the proposal is approved by a majority of the voters voting on the question at a general election, a general city election or a special election called for that purpose. The question submitted to the voters must contain the rate of the proposed additional property tax stated in dollars and cents per \$100 assessed valuation, the purpose of the proposed additional property tax, the duration of the proposed additional property tax and an estimate established by the governing body of the increase in the amount of property taxes that an owner of a new home with a fair market value of \$100,000 will pay per year as a result of the passage of the question. The duration of the levy must not exceed 30 years. The governing body may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition.

2. A special election may be held:

- (a) At any time, including, without limitation, on the date of a primary city election or a primary state election, if the governing body of the local government determines, by a unanimous vote, that an emergency exists; or
- (b) On the ~~first~~ **second** Tuesday after the first Monday in June of an odd-numbered year ~~if~~, **whether or not the local government also holds a general city election on that date.**

3. The determination made by the governing body pursuant to subsection 2 that an emergency exists is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this

subsection, “emergency” means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the local government to prevent or mitigate a substantial financial loss to the local government or to enable the governing body to provide an essential service to the residents of the local government.

4. To the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 for a local government, the Executive Director of the Department of Taxation shall add any amount approved by the Legislature for the cost to that local government of any substantial program or expense required by legislative enactment.

Sec. 6. NRS 387.3285 is hereby amended to read as follows:

387.3285 1. Upon the approval of a majority of the registered voters of a county voting upon the question at a general or special election, the board of county commissioners in each county with a school district whose enrollment is fewer than 25,000 pupils may levy a tax which, when combined with any tax imposed pursuant to NRS 387.3287, is not more than 75 cents on each \$100 of assessed valuation of taxable property within the county. The question submitted to the registered voters must contain the rate of the proposed additional property tax, stated in dollars and cents per \$100 assessed valuation, the purpose of the proposed additional property tax, the duration of the proposed additional property tax and an estimate established by the board of trustees of the increase in the amount of property taxes that an owner of a new home with a fair market value of \$100,000 will pay per year as a result of the passage of the question. The duration may not exceed 20 years.

2. Upon the approval of a majority of the registered voters of a county voting upon the question at a general or special election, the board of county commissioners in each county with a school district whose enrollment is 25,000 pupils or more may levy a tax which, when combined with any tax imposed pursuant to NRS 387.3287, is not more than 50 cents on each \$100 of assessed valuation of taxable property within the county. The question submitted to the registered voters must contain the rate of the proposed additional property tax, stated in dollars and cents per \$100 assessed valuation, the purpose of the proposed additional property tax, the duration of the proposed additional property tax and an estimate established by the board of trustees of the increase in the amount of property taxes that an owner of a new home with a fair market value of \$100,000 will pay per year as a result of the passage of the question. The duration may not exceed 20 years.

3. Any money collected pursuant to this section must be deposited in the county treasury to the credit of the fund for capital projects to be held and, except as otherwise provided in NRS 387.3287, to be expended in the same manner as other money deposited in that fund.

4. A special election may be held:

(a) At any time, including, without limitation, on the date of a primary city election or a primary state election if the board of trustees of the school district determines, by a unanimous vote, that an emergency exists; or

(b) On the ~~first~~ **second** Tuesday after the first Monday in June of an odd-numbered year ~~[-]~~, ***whether or not any local government also holds a general city election on that date.***

5. The determination made by the board of trustees pursuant to subsection 4 that an emergency exists is conclusive unless it is shown that the board of trustees acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board of trustees must be commenced within 15 days after the determination made by board of trustees is final. As used in this subsection, “emergency” means an unexpected occurrence or combination of occurrences that requires immediate action by the board of trustees of the school district to prevent or mitigate a substantial financial loss to the school district or to enable the board of trustees to provide an essential service.

Sec. 7. Section 96 of the Charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of municipal elections.

1. All municipal elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. All full terms of office in the City Council are 4 years, and Council Members must be elected at large without regard to precinct residency. Except as otherwise provided in subsection 8, two full-term Council Members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council Members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions. (Add. 17; Amd. 1; 11-5-1996)

3. In the event one or more 2-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available 2-year positions. (Add. 15; Amd. 2; 6-4-1991)

4. Except as otherwise provided in subsection 8, a primary municipal election must be held on the first Tuesday after the first Monday in April of each odd-numbered year and a general municipal election must be held on the ~~first~~ **second** Tuesday after the first Monday in June of each odd-numbered year.

5. A primary municipal election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary municipal election must not be held for the office of Mayor if no more than two candidates file for that position. The primary municipal election must be held for the purpose of eliminating candidates in excess

of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

6. If, in the primary municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, he or she shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general municipal election. (Add. 10; Amd. 7; 6-2-1981)

7. In each primary and general municipal election, voters are entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the municipal elections. (Add. 11; Amd. 5; 6-7-1983)

8. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

9. If the City Council adopts an ordinance pursuant to subsection 8, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

10. If the City Council adopts an ordinance pursuant to subsection 8, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

11. The conduct of all municipal elections must be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 8. Section 5.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1182, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) ~~{On the first Tuesday after the first Monday in June 1973, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and one Council Member who shall hold office for a period of 4 years and until their successors have been elected and qualified.~~

—(b)— On the ~~{first}~~ **second** Tuesday after the first Monday in June ~~{1975,}~~ **2019**, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members who shall hold

office for a period of 4 years and until their successors have been elected and qualified.

~~[(c) On the first Tuesday after the first Monday in June 1975, there shall be elected by the qualified voters of the City at a general municipal election to be held for that purpose one Council Member who shall hold office for a period of 2 years and until his or her successor has been elected and qualified.~~

~~—(d)]~~ **(b)** On the ~~[first]~~ **second** Tuesday after the first Monday in June ~~[1977,]~~ **2017**, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 9. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1215, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2:

(a) A general municipal election must be held in the City on the ~~[first]~~ **second** Tuesday after the first Monday in June of each odd-numbered year, at which time the registered voters of the City shall elect city officers to fill the available elective positions.

(b) All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.

(c) On the **second** Tuesday after the first Monday in June ~~[2001,]~~ **2019**, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his or her successor has been elected and qualified.

(d) On the **second** Tuesday after the first Monday in June ~~{2003}~~ **2021**, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.

(e) On the **second** Tuesday after the first Monday in June ~~{2005}~~ **2017**, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 10. Section 1.160 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 958, is hereby amended to read as follows:

Sec. 1.160 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the office of Mayor, Council Member or Municipal Judge must be filled by the majority vote of the entire City Council within 30 days after the occurrence of that vacancy. A person may be selected to fill a prospective vacancy before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official, including, without limitation, any applicable residency requirement.

2. Except as otherwise provided in section 5.010, no appointment extends beyond the first regular meeting of the City Council that follows the next general municipal election, at that election the office must be filled for the remainder of the unexpired term, or beyond the first regular meeting of the City Council after the **second** Tuesday after the first Monday in the next succeeding June in an odd-numbered year, if no general municipal election is held in that year.

Sec. 11. Section 5.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 263, Statutes of Nevada 2013, at page 1183, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2, a general municipal election must be held in the City on the **second** Tuesday after the first Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time there must be elected those officers whose offices are required to be filled by election in that year.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

5. All candidates for elective office, except the office of Council Member, must be voted upon by the registered voters of the City at large.

Sec. 12. Section 5.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 962, is hereby amended to read as follows:

Sec. 5.010 General municipal elections.

1. Except as otherwise provided in section 5.025:

(a) On the **second** Tuesday after the first Monday in June ~~{1977,}~~ **2017**, and at each successive interval of 4 years thereafter, there must be elected, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the **second** Tuesday after the first Monday in June ~~{1975,}~~ **2019**, and at each successive interval of 4 years thereafter, there must be elected, at a general municipal election to be held for that purpose, two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. In a general municipal election:

(a) A candidate for the office of City Council Member must be elected only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be elected by the registered voters of the City at large.

Sec. 13. Section 5.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1184, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) On the ~~first~~ **second** Tuesday after the first Monday in June ~~1975,~~ **2019**, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the ~~first~~ **second** Tuesday after the first Monday in June ~~1977,~~ **2017**, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 14. 1. For the purposes of NRS 294A.100, as amended by section 2 of this act:

(a) A person who, on or after January 1, 2011, and on or before January 8, 2011, made or committed to make a contribution to a candidate for an office having a term of 6 years, the last preceding general election for which was in 2010, shall be deemed to have made or committed to make the contribution on December 31, 2010.

(b) A candidate for an office described in paragraph (a) who, on or after January 1, 2011, and on or before January 8, 2011, accepted a contribution or a commitment to make a contribution, shall be deemed to have accepted the contribution or commitment on December 31, 2010.

(c) A person who, on or after January 1, 2013, and on or before January 5, 2013, made or committed to make a contribution to a candidate for an office having a term of 4 years or more, the last preceding general election for which was in 2012, shall be deemed to have made or committed to make the contribution on December 31, 2012.

(d) A candidate for an office described in paragraph (c) who, on or after January 1, 2013, and on or before January 5, 2013, accepted a contribution or a commitment to make a contribution, shall be deemed to have accepted the contribution or commitment on December 31, 2012.

(e) A person who, on or after January 1, 2015, and on or before January 3, 2015, made or committed to make a contribution to a candidate for an office having a term of 2 years or more, the last preceding general election for which was in 2014, shall be deemed to have made or committed to make the contribution on December 31, 2014.

(f) A candidate for an office described in paragraph (e) who, on or after January 1, 2015, and on or before January 3, 2015, accepted a contribution or a commitment to make a contribution, shall be deemed to have accepted the contribution or commitment on December 31, 2014.

2. For the purposes of NRS 294A.287, as affected by section 2 of this act:

(a) A person who, on or after January 1, 2011, and on or before January 8, 2011, made or committed to make a contribution to the legal defense fund of a candidate for an office having a term of 6 years or a public officer who held such an office, the last preceding general election for which was in 2010, shall be deemed to have made or committed to make the contribution on December 31, 2010.

(b) A candidate for an office or a public officer who held an office described in paragraph (a), the last preceding general election for which was in 2010, and who accepted a contribution or a commitment to make a contribution to his or her legal defense fund on or after January 1, 2011, and on or before January 8, 2011, shall be deemed to have accepted the contribution or commitment on December 31, 2010.

(c) A person who, on or after January 1, 2013, and on or before January 5, 2013, made or committed to make a contribution to the legal defense fund of a candidate for an office having a term of 4 years or more or a public officer who held such an office, the last preceding general election for which was in 2012, shall be deemed to have made or committed to make the contribution on December 31, 2012.

(d) A candidate for an office or a public officer who held an office described in paragraph (c), the last preceding general election for which was in 2012, and who accepted a contribution or a commitment to make a contribution to his or her legal defense fund on or after January 1, 2013, and on or before January 5, 2013, shall be deemed to have accepted the contribution or commitment on December 31, 2012.

(e) A person who, on or after January 1, 2015, and on or before January 3, 2015, made or committed to make a contribution to the legal defense fund of a candidate for an office having a term of 2 years or more or a public officer who held such an office, the last preceding general election for which was in 2014, shall be deemed to have made or committed to make the contribution on December 31, 2014.

(f) A candidate for an office or a public officer who held an office described in paragraph (e), the last preceding general election for which was in 2014, and who accepted a contribution or a commitment to make a contribution to his or her legal defense fund on or after January 1, 2015, and on or before January 3, 2015, shall be deemed to have accepted the contribution or commitment on December 31, 2014.

3. Nothing in this section authorizes a person to make a contribution or commitment to make a contribution, or a candidate or public officer to accept a contribution or commitment to make a contribution, in excess of the limits set forth in NRS 294A.100 or 294A.287.

Sec. 15. The amendatory provisions of this act do not abrogate or affect the current term of office of any municipal officer who is serving in that office on January 1, 2016.

Sec. 16. 1. This section and sections 1, 1.7 to 3, inclusive, and 14 of this act become effective on July 1, 2015.

2. Sections 1.3, 1.5, 4 to 13, inclusive, and 15 of this act become effective on January 1, 2016.

Assemblyman Stewart moved that the Assembly concur in the Senate Amendment No. 668 to Assembly Bill No. 23.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 94.

The following Senate amendment was read:

Amendment No. 676.

AN ACT relating to elections; authorizing election officials to establish systems for registered voters to elect to receive sample ballots by electronic means; ~~following~~ **clarifying provisions governing the confidentiality of certain information relating to registered voters; protecting the confidentiality of electronic mail addresses provided by** registered voters ~~[who participate in such systems to elect to have their electronic mail addresses withheld from the public]~~ **to election officials;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each county and city clerk to mail a sample ballot to each registered voter in the applicable county or city. (NRS 293.565, 293C.530) **Sections 2 and 4** of this bill authorize each county and city clerk to establish a system to distribute a sample ballot by electronic means to each registered voter who elects to receive sample ballots in that manner. Such a system ~~[must be approved by the Secretary of State and]~~ may include, without limitation, electronic mail or electronic access through an Internet website.

Existing law provides that **certain information relating to a registered voter is confidential and that** a registered voter may submit a written request to the county clerk to have his or her address and telephone number withheld from the public. (NRS 293.558) **Section 1.7** of this bill ~~follows~~ **clarifies that**

the following information relating to a registered voter is confidential: (1) the address and telephone number of the registered voter if requested by the registered voter; (2) an electronic mail address provided by the registered voter to carry out any state or federal law relating to the voting process, including an electronic mail address provided by a registered voter who participates in a system to distribute sample ballots by electronic means ~~[to elect to have his or her electronic mail address]~~; (3) the social security number and driver's license or identification card number of the registered voter; and (4) any other information relating to the registered voter that any state or federal law declares to be confidential or otherwise requires to be withheld from the public.

Sections 1, ~~[1.3, 1.5, 3, 3.5]~~ 3 and 5-10 of this bill make conforming changes.

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

Section 1. NRS 293.097 is hereby amended to read as follows:

293.097 **1.** "Sample ballot" means a document distributed by a county or city clerk upon which is ~~[printed]~~ **included** a list of the offices, candidates and ballot questions that will appear on a ballot.

2. The term includes , **without limitation**, any such document which is ~~[printed by]~~ **prepared on** a computer ~~[.]~~ **and distributed by mail or electronic means pursuant to NRS 293.565 or 293C.530.**

Sec. 1.3. ~~[NRS 293.301 is hereby amended to read as follows:~~

~~293.301 1. The county clerk of each county shall require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the county. Except as otherwise provided in NRS 293.5002 and 293.558, the alphabetical listing must include the name, address and political affiliation of each voter ~~[.]~~ **and the electronic mail address of the voter if provided by the voter pursuant to NRS 293.565 or 293C.530.** Not less than four times during the hours in which the polling place is open, an election board officer shall identify the name of each voter that voted since the last identification.~~

~~2. Each page of the alphabetical listing must contain a notice which reads substantially as follows:~~

~~It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to subsection 1 of NRS 293.301.~~

~~3. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name, address, **electronic mail address** or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.] (Deleted by amendment.)~~

Sec. 1.5. ~~{NRS 293.440 is hereby amended to read as follows:~~

~~293.440 1. Any person who desires a copy of any list of the persons who are registered to vote in any precinct, district or county may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to 1 cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be provided both to the state central committee of any major political party and to the county central committee of any major political party, and to the executive committee of any minor political party upon request, without charge.~~

~~2. Except as otherwise provided in NRS 293.5002 and 293.558, the copy of the list provided pursuant to this section must indicate the address, date of birth, telephone number and the serial number on each application to register to vote [.] and the electronic mail address of the voter if provided by the voter pursuant to NRS 293.565 or 293C.530. If the county maintains this information in a computer database, the date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the database and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year.~~

~~3. A county may not pay more than 10 cents per folio or more than \$6 per thousand copies for printed lists for a precinct or district.~~

~~4. A county which has a system of computers capable of recording information on magnetic tape or diskette shall, upon request of the state central committee or county central committee of any major political party or the executive committee of any minor political party which has filed a certificate of existence with the Secretary of State, record for both the state central committee and the county central committee of the major political party, if requested, and for the executive committee of the minor political party, if requested, on magnetic tape or diskette supplied by it:~~

~~(a) The list of persons who are registered to vote and the information required in subsection 2; and~~

~~(b) Not more than four times per year, as requested by the state or county central committee or the executive committee;~~

~~(1) A complete list of the persons who are registered to vote with a notation for the most recent entry of the date on which the entry or the latest change in the information was made; or~~

~~(2) A list that includes additions and revisions made to the list of persons who are registered to vote after a date specified by the state or county central committee or the executive committee.~~

~~5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a fee to cover the actual cost of providing the tape, diskette or list.~~

~~6. Any state or county central committee of a major political party, any executive committee of a minor political party or any member or representative of such a central committee or executive committee who~~

receives without charge a list of the persons who are registered to vote in any precinct, district or county pursuant to this section shall not:

- ~~(a) Use the list for any purpose that is not related to an election; or~~
- ~~(b) Sell the list for compensation or other valuable consideration.~~ **(Deleted by amendment.)**

Sec. 1.7. NRS 293.558 is hereby amended to read as follows:

293.558 1. The county or city clerk shall disclose the identification number of a registered voter to the public, including, without limitation:

- (a) In response to an inquiry received by the county or city clerk; or
- (b) By inclusion of the identification number of the registered voter on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

2. The county or city clerk shall not disclose ~~the~~:

(a) The social security number or the driver's license or identification card number of a registered voter ~~[-]~~, and such a number is confidential and is not a public book or record within the meaning of NRS 239.010.

(b) An electronic mail address provided by a registered voter to carry out any state or federal law relating to the voting process, and such an electronic mail address is confidential and is not a public book or record within the meaning of NRS 239.010. The county or city clerk may not release a registered voter's electronic mail address to a third party and may use such an electronic mail address only to:

(1) Communicate with the registered voter about the voting process, including, without limitation, as necessary to carry out the provisions of chapter 293D of NRS; and

(2) Distribute a sample ballot to the registered voter by electronic means if the county or city clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 or 293C.530 and the registered voter elects to receive a sample ballot by electronic means.

3. A registered voter may submit a written request to the county or city clerk to have his or her address and ~~withheld from the public the registered voter's address,~~ telephone number ~~withheld from the public, for electronic mail address if provided by the registered voter pursuant to NRS 293.565 or 293C.530.~~ Upon receipt of such a request, the county or city clerk shall not disclose the address ~~[-]~~ or telephone number ~~for electronic mail address~~ of the registered voter to the public, including, without limitation:

- (a) In response to an inquiry received by the county or city clerk; or
- (b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

4. No information relating to a registered voter may be withheld from the public other than ~~the~~:

(a) The address ~~[-]~~ and telephone number ~~[-]~~ of the registered voter if requested by the registered voter pursuant to this section;

(b) An electronic mail address ~~is~~ provided by the registered voter to carry out any state or federal law relating to the voting process;

(c) The social security number and driver's license or identification card number of ~~is~~ **the** registered voter ~~may~~ **; and**

(d) Any other information relating to the registered voter that any state or federal law declares to be confidential or otherwise requires to be withheld from the public.

Sec. 2. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. ***A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system ~~must be approved by the Secretary of State and~~ may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall ~~is~~***

~~(a) Distribute~~ **distribute** the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State ~~. **It and**~~

~~(b) If the system requires the registered voter to provide an electronic mail address to the county clerk, inform the registered voter that his or her electronic mail address will be available to the public unless the registered voter submits a written request to have his or her electronic mail address withheld from the public pursuant to NRS 293.558.~~

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Before the period for early voting for any election begins, the county clerk shall ~~cause to be mailed~~ **distribute** to each registered voter in the county ~~by mail or electronic means, as applicable, the~~ sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before ~~mailing~~ **distributing** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~{5.}~~ 7. Except as otherwise provided in subsection ~~{6.}~~ **8**, a sample ballot required to be ~~mailed~~ **distributed** pursuant to this section must:

(a) Be ~~printed~~ **prepared** in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice ~~printed~~ **prepared** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~{6.}~~ **8**. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~{7.}~~ **9**. The sample ballot ~~mailed~~ **distributed** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~printed~~ **prepared** in at least 14-point type, or larger when practicable.

~~{8.}~~ **10**. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~mailed~~ **distributed** to that person from the county are in large type.

~~{9.}~~ **11**. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or

disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~{10-}~~ **12.** The cost of ~~{mailing}~~ **distributing** sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 3. NRS 293.780 is hereby amended to read as follows:

293.780 1. A person who is entitled to vote shall not vote or attempt to vote more than once at the same election. Any person who votes or attempts to vote twice at the same election is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Notice of the provisions of subsection 1 must be given by the county or city clerk as follows:

- (a) ~~{Printed}~~ **Stated** on all sample ballots ~~{mailed;}~~ **distributed by mail or electronic means;**
- (b) Posted in boldface type at each polling place; and
- (c) Posted in boldface type at the office of the county or city clerk.

Sec. 3.5. ~~{NRS 293C.290 is hereby amended to read as follows:~~

~~293C.290 1. The city clerk shall require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the city. Except as otherwise provided in NRS 293.5002 and 293.558, the alphabetical listing must include the name and address of each voter [.] and the electronic mail address of the voter if provided by the voter pursuant to NRS 293C.530. Not less than four times during the hours in which the polling place is open, an election board officer shall identify the name of each voter who voted since the last identification.~~

~~2. Each page of the alphabetical listing must contain a notice which reads substantially as follows:~~

~~— It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to NRS 293C.290.~~

~~3. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or~~

prevent others from readily ascertaining the name, ~~[or] address or electronic mail address~~ of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor. **(Deleted by amendment.)**

Sec. 4. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. *A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system ~~must be approved by the Secretary of State and~~ may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall ~~not~~*

~~*(a) Distribute*~~ ***distribute*** the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State. ~~*It and*~~

~~*(b) If the system requires the registered voter to provide an electronic mail address to the city clerk, inform the registered voter that his or her electronic mail address will be available to the public unless the registered voter submits a written request to have his or her electronic mail address withheld from the public pursuant to NRS 293.558.*~~

2. *If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.*

3. Before the period for early voting for any election begins, the city clerk shall ~~cause to be mailed~~ ***distribute*** to each registered voter in the city ~~by~~ ***by mail or electronic means, as applicable, the*** sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before ~~mailing~~ ***distributing*** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~{2,}~~ 4. Except as otherwise provided in subsection ~~{4,}~~ 6, a sample ballot required to be ~~mailed~~ ***distributed*** pursuant to this section must:

(a) Be ~~printed~~ ***prepared*** in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice ~~printed~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~{3.}~~ 5. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

~~{4.}~~ 6. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~{5.}~~ 7. The sample ballot ~~{mailed}~~ **distributed** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~{printed}~~ **prepared** in at least 14-point type, or larger when practicable.

~~{6.}~~ 8. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots ~~{mailed}~~ **distributed** to that person from the city are in large type.

~~{7.}~~ 9. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

~~{8.}~~ 10. The cost of ~~{mailing}~~ **distributing** sample ballots for a city election must be borne by the city holding the election.

Sec. 5. NRS 244A.785 is hereby amended to read as follows:

244A.785 1. The board of county commissioners of a county whose population is 700,000 or more may, by ordinance, create one or more districts within the unincorporated area of the county for the support of public parks. Such a district may include territory within the boundary of an incorporated city if so provided by interlocal agreement between the county and the city.

2. The ordinance creating a district must specify its boundaries. The area included within the district may be contiguous or noncontiguous. The boundaries set by the ordinance are not affected by later annexations to or incorporation of a city.

3. The alteration of the boundaries of such a district may be initiated by:

(a) A petition proposed unanimously by the owners of the property which is located in the proposed area which was not previously included in the district; or

(b) A resolution adopted by the board of county commissioners on its own motion.

➡ If the board of county commissioners proposes on its own motion to alter the boundaries of a district for the support of public parks, it shall, at the next primary or general election, submit to the registered voters who reside in the proposed area which was not previously included in the district, the question of whether the boundaries of the district shall be altered. If a majority of the voters approve the question, the board shall, by ordinance, alter the boundaries of the district as approved by the voters.

4. The sample ballot required to be ~~mailed~~ **distributed** pursuant to NRS 293.565 must include for the question described in subsection 3, a disclosure of any future increase or decrease in costs which may be reasonably anticipated in relation to the purposes of the district for the support of public parks and its probable effect on the district's tax rate.

Sec. 6. NRS 266.0325 is hereby amended to read as follows:

266.0325 1. At least 10 days before an election held pursuant to NRS 266.029, the county clerk or registrar of voters shall ~~cause to be mailed~~ **distribute** to each qualified elector **by mail or electronic means, as applicable**, a sample ballot for the elector's precinct with a notice informing the elector of the location of the polling place for that precinct. **A sample ballot may be distributed by electronic means to an elector only if the county clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 and the elector elects to receive a sample ballot by electronic means.**

2. The sample ballot must:

(a) Be in the form required by NRS 266.032.

(b) Include the information required by NRS 266.032.

(c) Except as otherwise provided in subsection 3, be ~~printed~~ **prepared** in at least 12-point type.

(d) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the State, a county, a city, a township, a section or any combination thereof.

(e) Contain a copy of the map or plat that was submitted with the petition pursuant to NRS 266.019 and depicts the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.

(f) Include on the front page, in a separate box created by bold lines, a notice ~~printed~~ **prepared** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

4. The sample ballot ~~mailed~~ **distributed** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~printed~~ **prepared** in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~mailed~~ **distributed** to that person from the county are in large type.

Sec. 7. NRS 266.034 is hereby amended to read as follows:

266.034 1. The costs incurred by the board of county commissioners in carrying out the provisions relating to the incorporation, including the costs incurred in certifying the petition, publishing the notices, requesting the report pursuant to NRS 266.0261, conducting the public hearing and election, including the cost of ~~mailing~~ **distributing** the sample ballots, and any appeal pursuant to NRS 266.0265 are a charge against the county if the proposed incorporation is not submitted to the voters or the incorporation is disapproved by the voters, and a charge against the incorporated city if the incorporation is approved by the voters.

2. The costs incurred by the incorporators in carrying out the provisions relating to the incorporation, including the costs incurred in preparation of the petition for incorporation, preparation of the descriptions and map of the area proposed to be incorporated and circulation of the petition are chargeable to the incorporated city if the incorporation is approved by the voters.

Sec. 8. NRS 349.015 is hereby amended to read as follows:

349.015 1. Except as otherwise provided in subsection 3, the sample ballot required to be ~~mailed~~ **distributed** pursuant to NRS 293.565 or 293C.530, and the notice of election must contain:

- (a) The time and places of holding the election.
- (b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.
- (c) The purposes for which the bonds are to be issued.
- (d) A disclosure of any:

(1) Future increase or decrease in costs which can reasonably be anticipated in relation to the purposes for which the obligations are to be issued and its probable effect on the tax rate; and

(2) Requirement relating to the bond question which is imposed pursuant to a court order or state or federal statute and the probable consequences which will result if the bond question is not approved by the voters.

(e) An estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds.

(f) The maximum amount of the bonds.

(g) The maximum rate of interest.

(h) The maximum number of years which the bonds are to run.

2. Any election called pursuant to NRS 349.010 to 349.070, inclusive, may be consolidated with a primary or general election.

3. If the election is consolidated with a general election, the notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the general election.

Sec. 9. NRS 350.024 is hereby amended to read as follows:

350.024 1. The ballot question for a proposal submitted to the electors of a municipality pursuant to subsection 1 of NRS 350.020 must contain the principal amount of the general obligations to be issued or incurred, the purpose of the issuance or incurrence of the general obligations and an estimate established by the governing body of:

(a) The duration of the levy of property tax that will be used to pay the general obligations; and

(b) The average annual increase, if any, in the amount of property taxes that an owner of a new home with a fair market value of \$100,000 will pay for debt service on the general obligations to be issued or incurred.

2. Except as otherwise provided in subsection 4, the sample ballot required to be ~~mailed~~ **distributed** pursuant to NRS 293.565 or 293C.530 and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The ballot question.

(d) The maximum amount of the obligations, including the anticipated interest, separately stating the total principal, the total anticipated interest and the anticipated interest rate.

(e) An estimate of the range of property tax rates stated in dollars and cents per \$100 of assessed value necessary to provide for debt service upon the obligations for the dates when they are to be redeemed. The municipality shall, for each such date, furnish an estimate of the assessed value of the property against which the obligations are to be issued or incurred, and the governing body shall estimate the tax rate based upon the assessed value of the property as given in the assessor's estimates.

3. If an operating or maintenance rate is proposed in conjunction with the question to issue obligations, the questions may be combined, but the sample ballot and notice of election must each state the tax rate required for the obligations separately from the rate proposed for operation and maintenance.

4. Any election called pursuant to NRS 350.020 to 350.070, inclusive, may be consolidated with a primary or general municipal election or a primary or general state election. The notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the election with which it is consolidated.

5. If the election is a special election, the clerk shall cause notice of the close of registration to be published in a newspaper printed in and having a general circulation in the municipality once in each calendar week for 2 successive calendar weeks next preceding the close of registration for the election.

Sec. 10. NRS 350.027 is hereby amended to read as follows:

350.027 1. In addition to any requirements imposed pursuant to NRS 350.024, any sample ballot required to be ~~mailed~~ **distributed** pursuant to NRS 293.565 or 293C.530 and any notice of election, for an election that includes a proposal for the issuance by any municipality of any bonds or other securities, including an election that is not called pursuant to NRS 350.020 to 350.070, inclusive, must contain an estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds or other securities.

2. For the purposes of this section, “municipality” has the meaning ascribed to it in NRS 350.538.

Sec. 11. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2016, for all other purposes.

Assemblyman Stewart moved that the Assembly concur in the Senate Amendment No. 676 to Assembly Bill No. 94.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 457.

The following Senate amendment was read:

Amendment No. 793.

AN ACT relating to reports; revising provisions relating to reports submitted by certain entities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill revises provisions relating to reports required to be submitted by various governmental entities. **Section 1** of this bill eliminates the requirement for the Court Administrator to submit a separate report relating to certain statistics regarding specialty court programs, and instead requires such statistics to be included in the annual report on court statistics. **Section 1** also eliminates the requirement for the Court Administrator to submit a report containing statistics on cases relating to competency, convictions and malpractice of certain licensed medical professionals. **Sections 15 and 16** of this bill eliminate the requirement that court clerks submit such case statistics to the Office of Court Administrator. **Section 2** of this bill eliminates the requirement that the Supreme Court submit a report containing statistics on the use of arbitration and alternative dispute resolution in the court system.

Section 3 of this bill eliminates the requirements that the Central Repository for Nevada Records of Criminal History submit: (1) an annual report to the Governor containing statistical data relating to crime in this State; and (2) an annual report to the Director of the Legislative Counsel Bureau containing statistical data about domestic violence in this State. **Instead, section 3 only requires the Central Repository to post both reports on its Internet website.**

Section 8 of this bill eliminates the requirement that the Director of the Department of Administration submit a semiannual report detailing the royalties charged for the use of The Great Seal of the State of Nevada on medallions.

Section 9 of this bill eliminates the requirement that the Administrator of the Office of Economic Development submit a biennial report evaluating the effectiveness of the programs relating to zones for economic development established pursuant to chapter 274 of NRS. **Section 10** of this bill eliminates the requirement that the Employment Security Division of the Department of Employment, Training and Rehabilitation submit a biennial report relating to the use of the Old-Age and Survivors Insurance System. **Section 11** of this bill eliminates the requirement that the Committee on Local Government Finance file a biennial report relating to the fiscal impact on counties and incorporated cities of the formula used for tax distribution.

Section 13 of this bill eliminates the requirement that the Division of Public and Behavioral Health of the Department of Health and Human Services submit a report relating to complaints received and disciplinary action taken by the Division.

Section 14 of this bill eliminates the requirement that the Board for the Regulation of Liquefied Petroleum Gas submit a biennial report of the Board's receipts and expenditures and any complaints received by the Board.

Section 17 of this bill eliminates the requirement that the Real Estate Division of the Department of Business and Industry submit a biennial report relating to complaints received and disciplinary action taken by the Division.

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

Section 1. NRS 1.360 is hereby amended to read as follows:

1.360 Under the direction of the Supreme Court, the Court Administrator shall:

1. Examine the administrative procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this State and make recommendations, through the Chief Justice, for the improvement of those procedures;

2. Examine the condition of the dockets of the courts and determine the need for assistance by any court;

3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;

4. Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;

5. Prepare and submit a budget of state appropriations necessary for the maintenance and operation of the State Court System and make recommendations in respect thereto;

6. Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;

7. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;

8. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 regarding criminal and civil cases and make reports as to the cases filed in the district courts;

9. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;

10. On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report ~~compiling~~ :

(a) *Compiling* the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year; **and**

(b) *Concerning:*

(1) *The distribution of money deposited in the special account created by NRS 176.0613 to assist with funding and establishing specialty court programs;*

(2) *The current status of any specialty court programs to which money from the account was allocated since the last report;*

(3) *Statistics compiled from information required to be maintained by clerks of the district courts pursuant to NRS 3.275 concerning specialty courts, including, without limitation, the number of participants in such programs, the nature of the criminal charges that were filed against participants, the number of participants who have completed the programs and the disposition of the cases; and*

(4) *Such other related information as the Court Administrator deems appropriate; and*

11. ~~On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau a written report concerning:~~

~~—(a) The distribution of money deposited in the special account created pursuant to NRS 176.0613 to assist with funding and establishing specialty court programs;~~

~~—(b) The current status of any specialty court programs to which money from the account was allocated since the last report;~~

~~—(c) Statistics compiled from information required to be maintained by clerks of the district courts pursuant to NRS 3.275 concerning specialty courts, including, without limitation, the number of participants in such programs, the nature of the criminal charges that were filed against participants, the number of participants who have completed the programs and the disposition of the cases; and~~

~~—(d) Such other related information as the Court Administrator deems appropriate;~~

~~—12. On or before February 15 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling the information submitted by clerks of courts to the Court Administrator pursuant to NRS 630.307 and 633.533 which includes only aggregate information for statistical purposes and excludes any identifying information related to a particular person; and~~

~~—13.1~~ Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.

Sec. 2. NRS 38.255 is hereby amended to read as follows:

38.255 1. The rules adopted by the Supreme Court pursuant to NRS 38.253 to provide guidelines for the establishment by a district court of a program must include provisions for a:

(a) Mandatory program for the arbitration of civil actions pursuant to NRS 38.250.

(b) Voluntary program for the arbitration of civil actions if the cause of action arises in the State of Nevada and the amount in issue exceeds \$50,000 per plaintiff, exclusive of attorney's fees, interest and court costs.

(c) Voluntary program for the use of binding arbitration in all civil actions.

2. The rules must provide that the district court of any judicial district whose population is 100,000 or more:

(a) Shall establish programs pursuant to paragraphs (a), (b) and (c) of subsection 1.

(b) May set fees and charge parties for arbitration if the amount in issue exceeds \$50,000 per plaintiff, exclusive of attorney's fees, interest and court costs.

↪ The rules may provide for similar programs for the other judicial districts.

3. The rules must exclude the following from any program of mandatory arbitration:

(a) Actions in which the amount in issue, excluding attorney's fees, interest and court costs, is more than \$50,000 or less than the maximum jurisdictional amounts specified in NRS 4.370 and 73.010;

(b) Class actions;

(c) Actions in equity;

(d) Actions concerning the title to real estate;

- (e) Probate actions;
- (f) Appeals from courts of limited jurisdiction;
- (g) Actions for declaratory relief;
- (h) Actions involving divorce or problems of domestic relations;
- (i) Actions brought for relief based on any extraordinary writs;
- (j) Actions for the judicial review of an administrative decision;
- (k) Actions in which the parties, pursuant to a written agreement executed before the accrual of the cause of action or pursuant to rules adopted by the Supreme Court, have submitted the controversy to arbitration or any other alternative method for resolving a dispute;
- (l) Actions that present unusual circumstances that constitute good cause for removal from the program;
- (m) Actions in which any of the parties is incarcerated; and
- (n) Actions submitted to mediation pursuant to rules adopted by the Supreme Court.

4. The rules must include:

- (a) Provisions for the payment of fees to an arbitrator who is appointed to hear a case pursuant to the rules. The rules must provide that an arbitrator must be compensated at a rate of \$100 per hour, to a maximum of \$1,000 per case, unless otherwise authorized by the arbitration commissioner for good cause shown.
- (b) Guidelines for the award of attorney's fees and maximum limitations on the costs to the parties of the arbitration.
- (c) Disincentives to appeal.
- (d) Provisions for trial upon the exercise by either party of the party's right to a trial anew after the arbitration.

~~[5. The Supreme Court shall, on or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Chairs of the Assembly and Senate Standing Committees on Judiciary. The report must include, for the period since the previous such report, if any:~~

- ~~—(a) A listing of the number of actions which were submitted to arbitration or other alternative methods of resolving disputes pursuant to NRS 38.250 or 38.258 and their manner of disposition;~~
- ~~—(b) A statement of the amount of money collected in each judicial district pursuant to NRS 19.0315 and a summary of the manner in which the fees were expended; and~~
- ~~—(c) Any recommendations for legislation or other information regarding the programs on arbitration deemed relevant by the Supreme Court.]~~

Sec. 3. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

↪ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➡ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➡ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

↪ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) ~~On or before July 1 of each year, prepare and present to the Governor a printed~~ post on the Central Repository's Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor, posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) ~~On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session,~~ post on the Central Repository's Internet website a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the

Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) “Personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver’s license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

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

Sec. 4. NRS 179A.175 is hereby amended to read as follows:

179A.175 1. The Director of the Department shall establish within the Central Repository a program for reporting crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

2. The program must be designed to collect, compile and analyze statistical data about crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression. The Director shall adopt guidelines for the collection of the statistical data, including, but not limited to, the criteria to establish the presence of prejudice.

3. The Central Repository shall include in ~~its annual report to the Governor pursuant to subsection 6 of NRS 179A.075, and in~~ any ~~other~~ appropriate report ~~+~~ an independent section relating solely to the analysis of crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

4. Data acquired pursuant to this section must be used only for research or statistical purposes and must not contain any information that may reveal the identity of an individual victim of a crime.

5. As used in this section, “gender identity or expression” has the meaning ascribed to it in NRS 193.0148.

Sec. 5. NRS 179A.350 is hereby amended to read as follows:

179A.350 1. The Repository for Information Concerning Orders for Protection Against Domestic Violence is hereby created within the Central Repository.

2. Except as otherwise provided in subsection 6, the Repository for Information Concerning Orders for Protection Against Domestic Violence must contain a complete and systematic record of all temporary and extended orders for protection against domestic violence issued or registered in the State of Nevada, in accordance with regulations adopted by the Director of the Department, including, without limitation, any information received pursuant to NRS 33.095. Information received by the Central Repository pursuant to NRS 33.095 must be entered in the Repository for Information Concerning

Orders for Protection Against Domestic Violence not later than 8 hours after it is received by the Central Repository.

3. The information in the Repository for Information Concerning Orders for Protection Against Domestic Violence must be accessible by computer at all times to each agency of criminal justice.

4. On or before ~~February 15~~ **July 1** of each year, the Director of the Department shall submit to the Director of the Legislative Counsel Bureau a written report concerning all temporary and extended orders for protection against domestic violence issued pursuant to NRS 33.020 during the previous calendar year that were transmitted to the Repository for Information Concerning Orders for Protection Against Domestic Violence. The report must include, without limitation, information for each court that issues temporary or extended orders for protection against domestic violence concerning:

(a) The total number of temporary and extended orders that were granted by the court pursuant to NRS 33.020 during the calendar year to which the report pertains;

(b) The number of temporary and extended orders that were granted to women;

(c) The number of temporary and extended orders that were granted to men;

(d) The number of temporary and extended orders that were vacated or expired;

(e) The number of temporary orders that included a grant of temporary custody of a minor child; and

(f) The number of temporary and extended orders that were served on the adverse party.

5. The information provided pursuant to subsection 4 must include only aggregate information for statistical purposes and must exclude any identifying information relating to a particular person.

6. The Repository for Information Concerning Orders for Protection Against Domestic Violence must not contain any information concerning an event that occurred before October 1, 1998.

Sec. 6. NRS 213.10885 is hereby amended to read as follows:

213.10885 1. The Board shall adopt by regulation specific standards for each type of convicted person to assist the Board in determining whether to grant or revoke parole. The regulations must include standards for determining whether to grant or revoke the parole of a convicted person:

(a) Who committed a capital offense.

(b) Who was sentenced to serve a term of imprisonment for life.

(c) Who was convicted of a sexual offense involving the use or threat of use of force or violence.

(d) Who was convicted as a habitual criminal.

(e) Who is a repeat offender.

(f) Who was convicted of any other type of offense.

➔ The standards must be based upon objective criteria for determining the person's probability of success on parole.

2. In establishing the standards, the Board shall consider the information on decisions regarding parole that is compiled and maintained pursuant to NRS 213.10887 and all other factors which are relevant in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. The other factors the Board considers must include, but are not limited to:

- (a) The severity of the crime committed;
- (b) The criminal history of the person;
- (c) Any disciplinary action taken against the person while incarcerated;
- (d) Any previous parole violations or failures;
- (e) Any potential threat to society or to the convicted person; and
- (f) The length of his or her incarceration.

3. In determining whether to grant parole to a convicted person, the Board shall not consider whether the person has appealed the judgment of imprisonment for which the person is being considered for parole.

4. The standards adopted by the Board must provide for a greater punishment for a convicted person who has a history of repetitive criminal conduct or who commits a serious crime, with a violent crime considered the most serious, than for a convicted person who does not have a history of repetitive crimes and did not commit a serious crime.

5. The Board shall make available to the public a sample of the form the Board uses in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued.

6. On or before January 1 of each ~~even-numbered~~ **odd-numbered** year, the Board shall review comprehensively the standards adopted by the Board. The review must include a determination of whether the standards are effective in predicting the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. If a standard is found to be ineffective, the Board shall not use that standard in its decisions regarding parole and shall adopt revised standards as soon as practicable after the review.

7. The Board shall report to each regular session of the Legislature:

- (a) The number and percentage of the Board's decisions that conflicted with the standards;
- (b) The results and conclusions from the Board's review pursuant to subsection 6; and
- (c) Any changes in the Board's standards, policies, procedures, programs or forms that have been or will be made as a result of the review.

Sec. 7. NRS 213.10887 is hereby amended to read as follows:

213.10887 1. The Board shall compile and maintain detailed information concerning all decisions regarding parole. The information must include, but is not limited to:

- (a) The Board's reasons for each decision to grant, deny, revoke or continue parole.

(b) The number of decisions made by the Board granting parole, denying parole, revoking parole and continuing parole.

2. The Board shall ~~organize~~ :

(a) **Organize** and tabulate the information compiled pursuant to this section at regular intervals, which must not exceed 3 months ~~1-1~~ ; and

(b) **Publish such information on its Internet website.**

Sec. 8. NRS 235.016 is hereby amended to read as follows:

235.016 1. The Director shall set and collect a royalty for the use of The Great Seal of the State of Nevada from the mint which produces the medallions or bars. The amount of the royalty must be:

(a) Based on the usual and customary fee charged as a commission by dealers of similar medallions or bars; and

(b) Adjusted at least once each year to ensure it is competitive with the usual and customary fee.

2. ~~{The Director shall report every 6 months to the Legislature, if it is in session, or to the Interim Finance Committee, if the Legislature is not in session. The report must contain:~~

~~—(a) The amount of the royalties being charged; and~~

~~—(b) The information used to determine the usual and customary fee charged by dealers.~~

~~—3.} The money collected pursuant to this section must be deposited in the Account for the Division of Minerals created pursuant to NRS 513.103.~~

Sec. 9. NRS 274.090 is hereby amended to read as follows:

274.090 1. The Executive Director of the Office of Economic Development shall serve as Administrator.

2. The Administrator shall:

(a) Administer this chapter.

(b) ~~{Submit reports evaluating the effectiveness of the programs established pursuant to this chapter together with any suggestions for legislation to the Legislature by February 1 of every odd numbered year. The reports must contain statistics concerning initial and current population, employment, per capita income, corporate income and the construction of housing for each specially benefited zone.~~

~~—(c)} Adopt all necessary regulations to carry out the provisions of this chapter.~~

Sec. 10. NRS 287.230 is hereby amended to read as follows:

287.230 The state agency shall ~~1-~~

~~—1. Make} make~~ studies concerning the problem of Old-Age and Survivors Insurance protection for employees of the State and local governments and their instrumentalities and concerning the operation of agreements made and plans approved under NRS 287.050 to 287.240, inclusive.

~~{2. Submit a report to the Legislature at the beginning of each regular session covering the administration and operation of NRS 287.050 to 287.240, inclusive, during the preceding biennium, including such recommendations for amendments as it considers proper.}~~

Sec. 11. NRS 365.550 is hereby amended to read as follows:

365.550 1. Except as otherwise provided in subsection 2, the receipts of the tax levied pursuant to NRS 365.180 must be allocated monthly by the Department to the counties using the following formula:

(a) Determine the average monthly amount each county received in the Fiscal Year ending on June 30, 2003, and allocate to each county that amount, or if the total amount to be allocated is less than that amount, allocate to each county a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county in the Fiscal Year ending on June 30, 2003;

(b) If the total amount to be allocated is greater than the average monthly amount all counties received in the Fiscal Year ending on June 30, 2003, determine for each county an amount from the total amount to be allocated using the following formula:

(1) Multiply the county's percentage share of the total state population by 2;

(2) Add the percentage determined pursuant to subparagraph (1) to the county's percentage share of total mileage of improved roads or streets maintained by the county or an incorporated city located within the county;

(3) Divide the sum of the percentages determined pursuant to subparagraph (2) by 3; and

(4) Multiply the total amount to be allocated by the percentage determined pursuant to subparagraph (3);

(c) Identify each county for which the amount determined pursuant to paragraph (b) is greater than the amount allocated to the county pursuant to paragraph (a) and:

(1) Subtract the amount determined pursuant to paragraph (a) from the amount determined pursuant to paragraph (b); and

(2) Add the amounts determined pursuant to subparagraph (1) for all counties;

(d) Identify each county for which the amount determined pursuant to paragraph (b) is less than or equal to the amount allocated to the county pursuant to paragraph (a) and:

(1) Subtract the amount determined pursuant to paragraph (b) from the amount determined pursuant to paragraph (a); and

(2) Add the amounts determined pursuant to subparagraph (1) for all counties;

(e) Subtract the amount determined pursuant to subparagraph (2) of paragraph (d) from the amount determined pursuant to subparagraph (2) of paragraph (c);

(f) Divide the amount determined pursuant to subparagraph (1) of paragraph (c) for each county by the sum determined pursuant to subparagraph (2) of paragraph (c) for all counties to determine each county's percentage share of the sum determined pursuant to subparagraph (2) of paragraph (c); and

(g) In addition to the allocation made pursuant to paragraph (a), allocate to each county that is identified pursuant to paragraph (c) a percentage of the total amount determined pursuant to paragraph (e) that is equal to the percentage determined pursuant to paragraph (f).

2. At the end of each fiscal year, the Department shall:

(a) Determine the total amount to be allocated to all counties pursuant to subsection 1 for the current fiscal year; and

(b) Use the proceeds of the tax paid by a dealer, supplier or user for June of the current fiscal year to allocate to each county an amount determined pursuant to subsection 3.

3. If the total amount to be allocated to all the counties determined pursuant to paragraph (a) of subsection 2:

(a) Does not exceed the total amount that was received by all the counties for the Fiscal Year ending on June 30, 2003, the Department shall adjust the final monthly allocation to be made to each county so that each county is allocated a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county in the Fiscal Year ending on June 30, 2003.

(b) Exceeds the total amount that was received by all counties for the Fiscal Year ending on June 30, 2003, the Department shall:

(1) Identify the total amount allocated to each county for the Fiscal Year ending on June 30, 2003, and the total amount for the current fiscal year determined pursuant to paragraph (a) of subsection 2;

(2) Apply the formula set forth in paragraph (b) of subsection 1 using the amounts in subparagraph (1), instead of the monthly amounts, to determine the total allocations to be made to the counties for the current fiscal year; and

(3) Adjust the final monthly allocation to be made to each county to ensure that the total allocations for the current fiscal year equal the amounts determined pursuant to subparagraph (2).

4. Of the money allocated to each county pursuant to the provisions of subsections 1, 2 and 3:

(a) An amount equal to that part of the allocation which represents 1.25 cents of the tax per gallon must be used exclusively for the service and redemption of revenue bonds issued pursuant to NRS 373.131, for the construction, maintenance and repair of county roads, and for the purchase of equipment for that construction, maintenance and repair, under the direction of the boards of county commissioners of the several counties, and must not be used to defray expenses of administration.

(b) An amount equal to that part of the allocation which represents 2.35 cents of the tax per gallon must be allocated to the county, if there are no incorporated cities in the county, or, if there is at least one incorporated city in the county, allocated monthly by the Department to the county and each incorporated city in the county using, except as otherwise provided in paragraph (c), the following formula:

(1) Determine the average monthly amount the county and each incorporated city in the county received in the fiscal year ending on June 30, 2005, and allocate to the county and each incorporated city in the county that amount, or if the total amount to be allocated is less than that amount, allocate to the county and each incorporated city in the county a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county or incorporated city, as applicable, in the fiscal year ending on June 30, 2005.

(2) If the total amount to be allocated is greater than the average monthly amount the county and all incorporated cities within the county received in the fiscal year ending on June 30, 2005, determine for the county and each incorporated city in the county an amount from the total amount to be allocated using the following formula:

(I) One-fourth in proportion to total area.

(II) One-fourth in proportion to population.

(III) One-fourth in proportion to the total mileage of improved roads and streets maintained by the county or incorporated city in the county, as applicable.

(IV) One-fourth in proportion to vehicle miles of travel on improved roads and streets maintained by the county or incorporated city in the county, as applicable.

➡ For the purpose of applying the formula, the area of the county excludes the area included in any incorporated city.

(3) Identify whether the county or any incorporated city in the county had an amount determined pursuant to subparagraph (2) that was greater than the amount allocated to the county or incorporated city, as applicable, pursuant to subparagraph (1) and, if so:

(I) Subtract the amount determined pursuant to subparagraph (1) from the amount determined pursuant to subparagraph (2); and

(II) Add the amounts determined pursuant to sub-subparagraph (I) for the county and all incorporated cities in the county.

(4) Identify whether the county or any incorporated city in the county had an amount determined pursuant to subparagraph (2) that was less than or equal to the amount determined for the county or incorporated city, as applicable, pursuant to subparagraph (1) and, if so:

(I) Subtract the amount determined pursuant to subparagraph (2) from the amount determined pursuant to subparagraph (1); and

(II) Add the amounts determined pursuant to sub-subparagraph (I) for the county and all incorporated cities in the county.

(5) Subtract the amount determined pursuant to sub-subparagraph (II) of subparagraph (4) from the amount determined pursuant to sub-subparagraph (II) of subparagraph (3).

(6) Divide the amount determined pursuant to sub-subparagraph (I) of subparagraph (3) for the county and each incorporated city in the county by the sum determined pursuant to sub-subparagraph (II) of subparagraph (3) for

the county and all incorporated cities in the county to determine the county's and each incorporated city's percentage share of the sum determined pursuant to sub-subparagraph (II) of subparagraph (3).

(7) In addition to the allocation made pursuant to subparagraph (1), allocate to the county and each incorporated city in the county that is identified pursuant to subparagraph (3) a percentage of the total amount determined pursuant to subparagraph (5) that is equal to the percentage determined pursuant to subparagraph (6).

(c) At the end of each fiscal year, the Department shall:

(1) Determine the total amount to be allocated to a county and each incorporated city within the county pursuant to paragraph (b) for the current fiscal year; and

(2) Use the amount equal to that part of the allocation which represents 2.35 cents per gallon of the proceeds of the tax paid by a dealer, supplier or user for June of the current fiscal year to allocate to a county and each incorporated city in the county an amount determined pursuant to paragraph (d).

(d) If the total amount to be allocated to a county and all incorporated cities in the county determined pursuant to subparagraph (1) of paragraph (c):

(1) Does not exceed the total amount that was received by the county and all the incorporated cities in the county for the fiscal year ending on June 30, 2005, the Department shall adjust the final monthly amount allocated to the county and each incorporated city in the county so that the county and each incorporated city is allocated a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county or incorporated city, as applicable, in the fiscal year ending on June 30, 2005.

(2) Exceeds the total amount that was received by the county and all incorporated cities in the county for the fiscal year ending on June 30, 2005, the Department shall:

(I) Identify the total amount allocated to the county and each incorporated city in the county for the fiscal year ending on June 30, 2005, and the total amount for the current fiscal year determined pursuant to subparagraph (1) of paragraph (c);

(II) Apply the formula set forth in subparagraph (2) of paragraph (b) using the amounts in sub-subparagraph (I), instead of the monthly amounts, to determine the total allocations to be made to the county and the incorporated cities in the county for the current fiscal year; and

(III) Adjust the final monthly allocation to be made to the county and each incorporated city in the county to ensure that the total allocations for the current fiscal year equal the amounts determined pursuant to sub-subparagraph (II).

5. The amount allocated to the counties and incorporated cities pursuant to subsections 1 to 4, inclusive, must be remitted monthly. The State Controller shall draw his or her warrants payable to the county treasurer of each of the several counties and the city treasurer of each of the several incorporated cities,

as applicable, and the State Treasurer shall pay the warrants out of the proceeds of the tax levied pursuant to NRS 365.180.

6. The formula computations must be made as of July 1 of each year by the Department of Motor Vehicles, based on estimates which must be furnished by the Department of Transportation and, if applicable, any adjustments to the estimates determined to be appropriate by the Committee pursuant to subsection 10. Except as otherwise provided in subsection 10, the determination made by the Department of Motor Vehicles is conclusive.

7. The Department of Transportation shall complete:

(a) The estimates of the total mileage of improved roads or streets maintained by each county and incorporated city on or before August 31 of each year.

(b) A physical audit of the information submitted by each county and incorporated city pursuant to subsection 8 at least once every 10 years.

8. Each county and incorporated city shall, not later than March 1 of each year, submit a list to the Department of Transportation setting forth:

(a) Each improved road or street that is maintained by the county or city; and

(b) The beginning and ending points and the total mileage of each of those improved roads or streets.

↪ Each county and incorporated city shall, at least 10 days before the list is submitted to the Department of Transportation, hold a public hearing to identify and determine the improved roads and streets maintained by the county or city.

9. If a county or incorporated city does not agree with the estimates prepared by the Department of Transportation pursuant to subsection 7, the county or incorporated city may request that the Committee examine the estimates and recommend an adjustment to the estimates. Such a request must be submitted to the Committee not later than October 15.

10. The Committee shall hold a public hearing and review any request it receives pursuant to subsection 9 and determine whether an adjustment to the estimates is appropriate on or before December 31 of the year it receives a request pursuant to subsection 9. Any determination made by the Committee pursuant to this subsection is conclusive.

11. The Committee shall monitor the fiscal impact of the formula set forth in this section on counties and incorporated cities. ~~[Biennially, the Committee shall prepare a report concerning its findings and recommendations regarding that fiscal impact and submit the report on or before February 15 of each odd-numbered year to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Committees on Taxation of the Nevada Legislature for their review.]~~

12. As used in this section:

(a) "Committee" means the Committee on Local Government Finance created pursuant to NRS 354.105.

(b) “Construction, maintenance and repair” includes the acquisition, operation or use of any material, equipment or facility that is used exclusively for the construction, maintenance or repair of a county or city road and is necessary for the safe and efficient use of that road, including, without limitation:

- (1) Grades and regrades;
- (2) Graveling, oiling, surfacing, macadamizing and paving;
- (3) Sweeping, cleaning and sanding roads and removing snow from a road;
- (4) Crosswalks and sidewalks;
- (5) Culverts, catch basins, drains, sewers and manholes;
- (6) Inlets and outlets;
- (7) Retaining walls, bridges, overpasses, underpasses, tunnels and approaches;
- (8) Artificial lights and lighting equipment, parkways, control of vegetation and sprinkling facilities;
- (9) Rights-of-way;
- (10) Grade and traffic separators;
- (11) Fences, cattle guards and other devices to control access to a county or city road;
- (12) Signs and devices for the control of traffic; and
- (13) Facilities for personnel and the storage of equipment used to construct, maintain or repair a county or city road.

(c) “Improved road or street” means a road or street that is, at least:

- (1) Aligned and graded to allow reasonably convenient use by a motor vehicle; and
- (2) Drained sufficiently by a longitudinal and transverse drainage system to prevent serious impairment of the road or street by surface water.

(d) “Total mileage of an improved road or street” means the total mileage of the length of an improved road or street, without regard to the width of that road or street or the number of lanes it has for vehicular traffic.

Sec. 12. NRS 417.105 is hereby amended to read as follows:

417.105 1. ~~Each year on~~ **On** or before October 1 ~~of each even-numbered year,~~ the Department shall review the reports submitted pursuant to NRS 333.3368 and 338.13846.

2. In carrying out the provisions of subsection 1, the Department shall seek input from:

- (a) The Purchasing Division of the Department of Administration.
- (b) The State Public Works Board of the State Public Works Division of the Department of Administration.
- (c) The Office of Economic Development.
- (d) Groups representing the interests of veterans of the Armed Forces of the United States.
- (e) The business community.
- (f) Local businesses owned by veterans with service-connected disabilities.

3. After performing the duties described in subsections 1 and 2, the Department shall make recommendations to the Legislative Commission regarding the continuation, modification, promotion or expansion of the preferences for local businesses owned by veterans with service-connected disabilities which are described in NRS 333.3366 and 338.13844.

4. As used in this section:

(a) "Business owned by a veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13841.

(b) "Local business" has the meaning ascribed to it in NRS 333.3363.

(c) "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843.

Sec. 13. NRS 432A.190 is hereby amended to read as follows:

432A.190 1. The Division may deny an application for a license to operate a child care facility or may suspend or revoke such a license upon any of the following grounds:

(a) Violation by the applicant or licensee or an employee of the applicant or licensee of any of the provisions of this chapter or of any other law of this State or of the standards and other regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the child care facility for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the child care facility, or the clients of the outdoor youth program.

(e) Conviction of any crime listed in subsection 2 of NRS 432A.170 committed by the applicant or licensee or an employee of the applicant or licensee, or by a resident of the child care facility or participant in the outdoor youth program who is 18 years of age or older.

(f) Failure to comply with the provisions of NRS 432A.178.

(g) Substantiation of a report of child abuse or neglect made against the applicant or licensee.

(h) Conduct which is found to pose a threat to the health or welfare of a child or which demonstrates that the applicant or licensee is otherwise unfit to work with children.

(i) Violation by the applicant or licensee of the provisions of NRS 432A.1755 by continuing to employ a person, allowing a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to continue to reside in the child care facility or allowing a participant in an outdoor youth program to continue to participate in the program if the employee, or the resident or participant who is 18 years of age or older, has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a child care facility if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

- (a) Is convicted of violating any of the provisions of NRS 202.470;
- (b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or
- (c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a child care facility pursuant to subsection 2. The Division shall provide to a child care facility:

- (a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;
- (b) A report of any investigation conducted with respect to the complaint; and
- (c) A report of any disciplinary action taken against the facility.

➔ The facility shall make the information available to the public pursuant to NRS 432A.178.

4. In addition to any other disciplinary action, the Division may impose an administrative fine for a violation of any provision of this chapter or any regulation adopted pursuant thereto. The Division shall afford to any person so fined an opportunity for a hearing. Any money collected for the imposition of such a fine must be credited to the State General Fund.

~~15. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:~~

~~—(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and~~

~~—(b) Any disciplinary actions taken by the Division pursuant to subsection 2.~~

Sec. 14. NRS 590.505 is hereby amended to read as follows:

590.505 1. The Board may adopt a seal for its own use which must have imprinted thereon the words “Board for the Regulation of Liquefied Petroleum Gas.” The care and custody of the seal is the responsibility of the Secretary-Treasurer of the Board.

2. The Board may appoint an Executive Secretary and may employ or, pursuant to NRS 333.700, contract with such other technical, clerical or investigative personnel as it deems necessary. The Board shall fix the compensation of the Executive Secretary and all other employees and independent contractors. Such compensation must be paid out of the money of the Board. The Board may require the Executive Secretary and any other employees and independent contractors to give a bond to the Board for the

faithful performance of their duties, the premiums on the bond being paid out of the money of the Board.

3. In carrying out the provisions of NRS 590.465 to 590.645, inclusive, and holding its regular or special meetings, the Board:

(a) Shall adopt written policies setting forth procedures and methods of operation for the Board.

(b) May adopt such regulations as it deems necessary.

4. ~~The Board shall submit to the Legislature and the Governor a biennial report before September 1 of each even-numbered year, covering the biennium ending June 30 of that year, of its transactions during the preceding biennium, including a complete statement of the receipts and expenditures of the Board during the period and any complaints received by the Board.~~

—5.1 The Board shall keep accurate records, minutes and audio recordings or transcripts of all meetings and, except as otherwise provided in NRS 241.035, the records, minutes, audio recordings and transcripts so kept must be open to public inspection at all reasonable times. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035. The Board shall also keep a record of all applications for licenses and licenses issued by it. The record of applications and licenses is a public record.

Sec. 15. NRS 630.307 is hereby amended to read as follows:

630.307 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against a physician, perfusionist, physician assistant or practitioner of respiratory care on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

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

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

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

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

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

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

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

(a) Is mentally ill;

(b) Is mentally incompetent;

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

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

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

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

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

~~8.1~~ The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 16. NRS 633.533 is hereby amended to read as follows:

633.533 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against an osteopathic physician or physician assistant on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing

the complaint impossible or unfair to the person who is the subject of the complaint.

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

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

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

- (a) An investigation of the mental, medical or psychological competency of the osteopathic physician or physician assistant; or
- (b) Suspected or alleged substance abuse in any form by the osteopathic physician or physician assistant.

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

6. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that an osteopathic physician or physician assistant:

- (a) Is mentally ill;
 - (b) Is mentally incompetent;
 - (c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;
 - (d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or
 - (e) Is liable for damages for malpractice or negligence,
- ↪ within 45 days after the finding, judgment or determination.

~~17. On or before January 15 of each year, the clerk of every court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a~~

~~written report compiling the information that the clerk reported during the previous year to the Board regarding osteopathic physicians and physician assistants pursuant to paragraph (c) of subsection 6.]~~

Sec. 17. NRS 645.633 is hereby amended to read as follows:

645.633 1. The Commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of any of the following acts:

(a) Willfully using any trade name, service mark or insignie of membership in any real estate organization of which the licensee is not a member, without the legal right to do so.

(b) Violating any order of the Commission, any agreement with the Division, any of the provisions of this chapter, chapter 116, 119, 119A, 119B, 645A or 645C of NRS or any regulation adopted pursuant thereto.

(c) Paying a commission, compensation or a finder's fee to any person for performing the services of a broker, broker-salesperson or salesperson who has not secured a license pursuant to this chapter. This subsection does not apply to payments to a broker who is licensed in his or her state of residence.

(d) A conviction of, or the entry of a plea of guilty, guilty but mentally ill or nolo contendere to:

(1) A felony relating to the practice of the licensee, property manager or owner-developer; or

(2) Any crime involving fraud, deceit, misrepresentation or moral turpitude.

(e) Guaranteeing, or having authorized or permitted any person to guarantee, future profits which may result from the resale of real property.

(f) Failure to include a fixed date of expiration in any written brokerage agreement or failure to leave a copy of such a brokerage agreement or any property management agreement with the client.

(g) Accepting, giving or charging any undisclosed commission, rebate or direct profit on expenditures made for a client.

(h) Gross negligence or incompetence in performing any act for which the person is required to hold a license pursuant to this chapter, chapter 119, 119A or 119B of NRS.

(i) Any other conduct which constitutes deceitful, fraudulent or dishonest dealing.

(j) Any conduct which took place before the person became licensed which was in fact unknown to the Division and which would have been grounds for denial of a license had the Division been aware of the conduct.

(k) Knowingly permitting any person whose license has been revoked or suspended to act as a real estate broker, broker-salesperson or salesperson, with or on behalf of the licensee.

(l) Recording or causing to be recorded a claim pursuant to the provisions of NRS 645.8701 to 645.8811, inclusive, that is determined by a district court to be frivolous and made without reasonable cause pursuant to NRS 645.8791.

2. The Commission may take action pursuant to NRS 645.630 against a person who is subject to that section for the suspension or revocation of a real estate broker's, broker-salesperson's or salesperson's license issued by any other jurisdiction.

3. The Commission may take action pursuant to NRS 645.630 against any person who:

(a) Holds a permit to engage in property management issued pursuant to NRS 645.6052; and

(b) In connection with any property for which the person has obtained a property management agreement pursuant to NRS 645.6056:

(1) Is convicted of violating any of the provisions of NRS 202.470;

(2) Has been notified in writing by the appropriate governmental agency of a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to inform the owner of the property of such notification; or

(3) Has been directed in writing by the owner of the property to correct a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to correct the potential violation, if such corrective action is within the scope of the person's duties pursuant to the property management agreement.

4. The Division shall maintain a log of any complaints that it receives relating to activities for which the Commission may take action against a person holding a permit to engage in property management pursuant to subsection 3.

~~{5.—On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:~~

~~—(a) Any complaints included in the log maintained by the Division pursuant to subsection 4; and~~

~~—(b) Any disciplinary actions taken by the Commission pursuant to subsection 3.}~~

Sec. 18. (Deleted by amendment.)

Sec. 19. This act becomes effective on July 1, 2015.

Assemblyman Stewart moved that the Assembly concur in the Senate Amendment No. 793 to Assembly Bill No. 457.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 461.

The following Senate amendment was read:

Amend No. 777.

AN ACT relating to elections; providing certain remedies and penalties in preelection challenges to the qualifications of a candidate; ~~increasing~~ **prescribing** the penalty for a candidate who files certain documents containing a false statement; revising the forms for declarations of candidacy, acceptances of candidacy and declarations of residency; requiring certain proofs of identity and residency when filing for candidacy; making conforming changes to the

definition of “actual residence” for purposes of candidacy; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, there are several different types of preelection court actions that may be brought to challenge a candidate on grounds that the candidate fails to meet any qualification required for the office, including actions for a declaratory judgment or a writ of mandamus. (NRS 281.050, 293.182, 293C.186; *DeStefano v. Berkus*, 121 Nev. 627, 628-31 (2005); *Child v. Lomax*, 124 Nev. 600, 604-05 (2008)) **Section 1** of this bill provides that in any preelection action where the court finds that a candidate fails to meet any qualification required for the office: (1) the candidate is disqualified from taking office; and (2) the court may order the candidate to pay the attorney’s fees and costs of the party who brought the action, including the Attorney General or a district attorney or city attorney.

Existing law: (1) requires a candidate to file a declaration or acceptance of candidacy before his or her name may appear on a ballot; and (2) provides that a candidate who knowingly and willfully files a declaration or acceptance of candidacy which contains a false statement regarding residency is guilty of a gross misdemeanor. (NRS 293.1755, 293.177, 293C.185, 293C.200) Existing law also requires a candidate for election to the Legislature to file a declaration of residency with his or her declaration or acceptance of candidacy. (NRS 293.181) **Sections 1.5, 2, 3, 5 and 7** of this bill provide that a candidate who knowingly and willfully files a declaration of candidacy, acceptance of candidacy or declaration of residency which contains a false statement is guilty of a ~~category E felony~~ **gross misdemeanor**.

Existing law specifies the forms for a declaration or acceptance of candidacy and a declaration of residency and requires certain information to be included on the forms. Existing law also requires a candidate to present the filing officer with one type of acceptable identification or documentation as proof of the candidate’s identity and residency when the candidate files a declaration or acceptance of candidacy. (NRS 293.177, 293.181, 293C.185)

Sections 2, 3 and 5 revise the forms for a declaration or acceptance of candidacy and a declaration of residency to include a statement that the candidate understands that knowingly and willfully filing such a document which contains a false statement is a crime punishable as a ~~category E felony~~ **gross misdemeanor** and also subjects the candidate to a civil action disqualifying the candidate from taking office and making the candidate liable upon order of the court to pay the attorney’s fees and costs of the party who brings the action. **Sections 2 and 5** also require the candidate to present the filing officer with two types of acceptable identification and documentation as proof of the candidate’s identity and residency.

Existing law defines the term “actual residence” to mean the place where a candidate is legally domiciled and maintains a permanent habitation, and when a candidate maintains more than one place of permanent habitation, the place designated by the candidate as his or her principal permanent habitation is

deemed to be the candidate's actual residence. (NRS 281.050) The Nevada Supreme Court has held that the place designated by the candidate as his or her principal permanent habitation must be the place where the candidate actually resides and is legally domiciled in order for the candidate to be eligible to the office. (*Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 484-86 (2002); *Chachas v. Miller*, 120 Nev. 51, 53-56 (2004)) **Section 8** of this bill amends existing law to reflect the Supreme Court's holding.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other remedy or penalty provided by law, if a court of competent jurisdiction finds in any preelection action that a person who is a candidate for any office fails to meet any qualification required for the office pursuant to the Constitution or laws of this State:

(a) The person is disqualified from entering upon the duties of the office for which he or she filed a declaration of candidacy or acceptance of candidacy; and

(b) The court may order the person to pay the reasonable attorney's fees and costs of the party who brought the action, including, without limitation, the Attorney General or a district attorney or city attorney.

2. The provisions of this section apply to any preelection action brought to challenge a person who is a candidate for any office on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, including, without limitation, any action brought pursuant to NRS 281.050, 293.182 or 293C.186 or any action brought for:

(a) Declaratory or injunctive relief pursuant to chapter 30 or 33 of NRS;

(b) Writ relief pursuant to chapter 34 of NRS; or

(c) Any other legal or equitable relief.

Sec. 1.5. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which the person seeks, the person has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or will represent.

2. Any person who knowingly and willfully files ~~an acceptance of candidacy or~~ a declaration of candidacy **or acceptance of candidacy** which contains a false statement ~~[in this respect]~~ **regarding the person's residency in violation of this section** is guilty of a gross misdemeanor. ~~[category E felony and shall be punished as provided in NRS 193.130.]~~

3. The provisions of this section do not apply to candidates for the office of district attorney.

Sec. 2. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held ~~for~~ **and not** later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held ~~for~~ **and not** later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the Party nomination for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or

any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; ***that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a ~~category E felony as provided in NRS 193.1301~~ gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action;*** and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been

restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; ***that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a felony as provided in NRS 193.130, gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action;*** and ***that I understand that*** my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if ~~the~~ ***the candidate fails to comply with the following:***

(a) The ***candidate shall not list the*** candidate's address ~~is listed~~ as a post office box unless a street address has not been assigned to his or her residence; ~~for~~ ***and***

(b) The candidate ~~does not~~ ***shall*** present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; ~~for~~ ***and***

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's

name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

- (a) May not be withheld from the public; and
- (b) Must not contain the social security number, ~~for~~ driver's license or identification card number **or account number** of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:

- (a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and
- (b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

8. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a ~~category E felony and shall be punished as provided in NRS 193.130.~~ gross misdemeanor.

Sec. 3. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file with his or her declaration of candidacy or acceptance of candidacy a declaration of residency which must be in substantially the following form:

I, the undersigned, do swear or affirm under penalty of perjury that I have been a citizen resident of this State as required by NRS 218A.200 ***; that I understand that knowingly and willfully filing a declaration of residency which contains a false statement is a crime punishable as a felony as provided in NRS 193.1301 gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action;*** and ***that I*** have actually, as opposed to constructively, resided at the following residence or residences since November 1 of the preceding year:

.....	
Street Address	Street Address
.....	
City or Town	City or Town
.....	
State	State
From..... To.....	From..... To.....
Dates of Residency	Dates of Residency
.....	
Street Address	Street Address
.....	
City or Town	City or Town
.....	
State	State
From..... To.....	From..... To.....
Dates of Residency	Dates of Residency

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. Any person who knowingly and willfully files a declaration of residency which contains a false statement in violation of this section is

~~guilty of a category E felony and shall be punished as provided in NRS 193.130, gross misdemeanor.~~

Sec. 4. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 **working** days after the last day the person may withdraw his or her candidacy pursuant to NRS 293.202, an elector may file with the filing officer for the office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or ~~the laws of this State . [including, without limitation, a requirement concerning age or residency.]~~ **laws** of this State . Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~court~~ costs of the ~~challenged person.~~ **person who is being challenged.**

2. A challenge filed pursuant to subsection 1 must:

- (a) Indicate each qualification the person fails to meet;
- (b) Have attached all documentation and evidence supporting the challenge;

and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1:

(a) The Secretary of State shall immediately transmit the challenge to the Attorney General.

(b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or ~~the laws of this State, or if the person fails to appear at the hearing;~~ **laws** of this State, or if the person fails to appear at the hearing:

(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and

(b) The person is ~~[disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.]~~ **subject to the provisions of section 1 of this act.**

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~[court]~~ costs of the ~~[challenged person.]~~ **person who was challenged.**

Sec. 5. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

City of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; **that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false**

statement is a crime punishable as a ~~category E felony as provided in NRS 193.130~~ gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if ~~[-] the~~ **candidate fails to comply with the following:**

(a) The **candidate shall not list the** candidate's address ~~is listed~~ as a post office box unless a street address has not been assigned to the residence; ~~for~~ **and**

(b) The candidate ~~does not~~ **shall** present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; ~~for~~ **and**

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number , ~~for~~ driver's license or identification card number **or account number** of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service

of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

6. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

8. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a ~~category E felony and shall be punished as provided in NRS 193.130.~~ gross misdemeanor.

Sec. 6. NRS 293C.186 is hereby amended to read as follows:

293C.186 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 working days after the last day the person may withdraw his or her candidacy pursuant to NRS 293C.195, an elector may file with the city clerk a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the constitution or ~~a statute~~ **laws** of this State . ~~including, without limitation, a requirement concerning age or residency.~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~court~~ costs of the ~~challenged person.~~ **person who is being challenged.**

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall immediately transmit the challenge to the city attorney.

4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 **working** days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the constitution or ~~the statute~~ **laws** of this State, or if the person fails to appear at the hearing:

(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and

(b) The person is ~~disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.~~ **subject to the provisions of section 1 of this act.**

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~court~~ costs of the ~~challenged person.~~ **person who was challenged.**

Sec. 7. NRS 293C.200 is hereby amended to read as follows:

293C.200 1. In addition to any other requirement provided by law, no person may be a candidate for a city office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations or acceptances of candidacy for the office that the person seeks, the person has in accordance with NRS 281.050, actually, as opposed to constructively, resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or which he or she will represent.

2. Any person who knowingly and willfully files a declaration of candidacy or ~~an~~ acceptance of candidacy ~~that~~ **which** contains a false statement ~~in this respect~~ **regarding the person's residency in violation of this section** is guilty of a gross misdemeanor. ~~category E felony and shall be punished as provided in NRS 193.130.~~

Sec. 8. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to **his or her** eligibility to **any** office is the person's actual residence within the State, ~~for~~ county, ~~for~~ district, **ward, subdistrict or any other unit prescribed by law**, as

the case may be, during all the period for which residence is claimed by the person. If any person absents himself or herself from the jurisdiction of that person's residence with the intention in good faith to return without delay and continue such residence, the period of absence must not be considered in determining the question of residence.

2. If a person who has filed ~~as a candidate~~ **a declaration of candidacy or acceptance of candidacy** for **any** elective office moves the person's residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law ~~for which the person is a candidate and~~, **as the case may be**, in which the person is required actually, as opposed to constructively, to reside ~~to~~ **in order for the person to be eligible to the office**, a vacancy is created thereby and the appropriate action for filling the vacancy must be taken. A person shall be deemed to have moved the person's residence for the purposes of this section if:

(a) The person has acted affirmatively to remove himself or herself from one place; and

(b) The person has an intention to remain in another place.

3. The district court has jurisdiction to determine the question of residence in an action for declaratory judgment.

4. **If, in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is subject to the provisions of section 1 of this act.**

5. As used in this section ~~to~~ **“actual”** :

(a) **“Actual residence”** means the place **of permanent habitation** where a person **actually resides and** is legally domiciled ~~. and maintains a permanent habitation.~~ If the person maintains more than one ~~such~~ **place of permanent habitation**, the place the person declares to be the person's principal permanent habitation when filing a declaration **of candidacy** or ~~affidavit pursuant to NRS 293.177 or 293C.185 shall be deemed to~~ **acceptance of candidacy for any elective office must** be the ~~person's actual residence.~~ **place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.**

(b) **“Declaration of candidacy or acceptance of candidacy”** means a **declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS.**

Sec. 9. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act, and on January 1, 2016, for all other purposes.

Assemblyman Stewart moved that the Assembly do not concur in the Senate Amendment No. 777 to Assembly Bill No. 461.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462.

The following Senate amendment was read:

Amendment No. 677.

AN ACT relating to elections; revising the definitions of certain terms relating to elections; increasing the maximum number of registered voters that may be included in an election precinct; providing that election board officers are appointed for polling places; eliminating the requirements for county clerks to publish the full text of a statewide measure or county referendum three times; revising the requirements for certain information on ballots; revising requirements related to voter signatures at polling places; revising requirements relating to the publication of names of registered voters at polling places; revising certain information required for documents prepared during early voting; authorizing election officials to establish a system for registered voters to elect to receive sample ballots by electronic means; ~~allowing~~ **clarifying provisions governing the confidentiality of certain information relating to registered voters; protecting the confidentiality of electronic mail addresses provided by** registered voters ~~who participate in such systems to elect to have their electronic mail addresses withheld from the public;~~ **to election officials;** making various other changes relating to elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines rosters, sample ballots and tally lists that are used in elections. (NRS 293.095, 293.097, 293.113) **Sections 2-4** of this bill clarify that such items may be electronic.

The terms "election board register" and "roster" are defined terms that are used interchangeably throughout the provisions of law relating to elections. (NRS 293.040, 293.053, 293.095, 293.250, 293.273, 293.275, 293.277, 293.283, 293.285, 293.287, 293.303, 293.3082, 293.333, 293.3585, 293.3604, 293.363, 293.373, 293.391, 293.510, 293.511, 293.524, 293.525, 293.533, 293.541, 293.547, 293.548, 293.563, 293C.267, 293C.270, 293C.272, 293C.275, 293C.277, 293C.292, 293C.332, 293C.3585, 293C.3604, 293C.362, 293C.375, 293C.525, 293C.535) **Section 75** of this bill repeals the term "election board register," and **sections 13-16, 18, 29, 31-39, 46-48, 50, 61, 62 and 64** of this bill replace the term "election board register" with "roster."

Existing law requires an election precinct to have a maximum of 1,500 registered voters. (NRS 293.207) **Section 6** of this bill increases the maximum number to 3,000 registered voters.

Existing law provides that ~~the~~ **each** county **or city** clerk ~~for each county~~ shall appoint election board officers for the various precincts and districts in the county ~~or city, as applicable.~~ (NRS 293.217, 293C.220) ~~Section~~ **Sections 7 and 43** of this bill ~~clarifies~~ **clarify** that election board officers are

appointed for the polling places in the county ~~and the polling places and precincts in each city.~~ **Sections 1, 8, 9, 12, 13, 19-23, 27, 30, 39, ~~43-45,~~ 44, 45, 51-55, 59 and 66** of this bill make corresponding changes.

Existing law requires a county clerk to publish a copy of the full text of any proposed constitution, constitutional amendment, statewide measure, including a state referendum, and county referendum along with its condensation, explanation, arguments, rebuttals and fiscal note three times in a newspaper of general circulation in the county. (NRS 293.253, 295.045, 295.160) **Sections 10, 67 and 68** of this bill eliminate the requirements to publish the full text of a statewide measure three times, including a statewide referendum, and a county referendum.

Existing law provides for the ballots for a general election to include the name of an independent candidate for a partisan office followed by the word “independent” or the abbreviation “IND.” (NRS 293.267) **Section 11** of this bill provides for the use of the words “no political party” or the abbreviation “NPP” to follow the name of an independent candidate instead.

Existing law requires an election board officer in charge of the roster to announce the name of a voter applying to vote and take the voter’s signature to verify that it matches the signature or facsimile thereof in the original application. (NRS 293.285, 293.3585, 293C.275, 293C.3585) **Existing law also provides that if the voter is unable to sign his or her name, the voter must be identified by answering questions covering the personal data from the original application. (NRS 293.283, 293C.272) Sections 14.5, 15, 24, 46.5, 47 and ~~57~~ 56** of this bill provide that if **the voter is unable to sign his or her name or** the voter’s signature does not match, the voter must ~~provide~~ **be identified by: (1) answering questions covering the personal data from the application; (2) providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or (3) providing** certain proof of identification. ~~and~~ **If the voter’s signature has changed in comparison to the signature on the application, the voter must** update his or her signature.

Existing law requires an alphabetical listing of all registered voters for each precinct to be posted in a public area of each polling place in a county and city and for an election board officer to identify at certain times the names of each voter who has voted. (NRS 293.301, 293C.290) **Sections 17 and 49** of this bill authorize the county or city clerk of each county or city to: (1) require an election board officer to post the alphabetical listing at each precinct; or (2) publish on the Internet website of the county or city clerk, as applicable, the alphabetical listing of all registered voters for each precinct in the county or city, respectively. Regardless of which option is selected by the county or city clerk, **sections 17 and 49** require the alphabetical listings to be updated during the election.

Existing law provides that a voter’s precinct or voting district number must be included in certain documents used during early voting. (NRS 293.3585, 293.3604, 293C.3585, 293C.3604) **Sections 24-26 and 56-58** of this bill

clarify that during early voting, the precinct or voting district number must be included on the roster and the voting receipt if that information is available. The statements prepared by the election board and the ballots do not require the precinct or voting district number and are not required to be sorted by precinct or voting district at the close of early voting.

Existing law requires each county and city clerk to mail a sample ballot to each registered voter in the applicable county or city. (NRS 293.565, 293C.530) **Sections 40 and 63** of this bill authorize each county and city clerk to establish a system to distribute a sample ballot by electronic means to each registered voter who elects to receive sample ballots in that manner. Such a system ~~(must be approved by the Secretary of State and)~~ may include, without limitation, electronic mail or electronic access through an Internet website. **Sections 3, 41 ~~1, 63~~ and 69-74** of this bill make conforming changes.

Existing law provides that **certain information relating to a registered voter is confidential and that** a registered voter may submit a written request to the county clerk to have his or her address and telephone number withheld from the public. (NRS 293.558) **Section 38.5** of this bill ~~follows~~ **clarifies that the following information relating to a registered voter is confidential: (1) the address and telephone number of the registered voter if requested by the registered voter; (2) an electronic mail address provided by the registered voter to carry out any state or federal law relating to the voting process, including an electronic mail address provided by** a registered voter who participates in a system to distribute sample ballots by electronic means ~~(to elect to have his or her electronic mail address)~~ **; (3) the social security number and driver's license or identification card number of the registered voter; and (4) any other information relating to the registered voter that any state or federal law declares to be confidential or otherwise requires to be** withheld from the public. ~~[Sections 17, 29.5, 41 and 49 make conforming changes.]~~

Existing law provides for the chair and at least one other member of the election board to deliver the ballots and election materials to a receiving center or central counting place. (NRS 293B.335, 293C.635) **Sections 42 and 65** of this bill revise this provision to require at least two board members to deliver the ballots and election materials.

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

Section 1. NRS 293.040 is hereby amended to read as follows:

293.040 "Clerk" means the election board officer designated or assigned to make the record of the election in the roster, tally list and challenge list in the precinct, ~~for~~ district **or polling place** in which such officer is appointed.

Sec. 2. NRS 293.095 is hereby amended to read as follows:

293.095 "Roster" means the **record in printed or electronic** form furnished to election board officers **which contains a list of eligible voters and is** to be used for obtaining the signature of each person applying for a ballot.

Sec. 3. NRS 293.097 is hereby amended to read as follows:

293.097 **1.** “Sample ballot” means a document distributed by a county or city clerk upon which is ~~printed~~ **included** a list of the offices, candidates and ballot questions that will appear on a ballot.

2. The term includes , **without limitation**, any such document which is ~~printed by~~ **prepared on** a computer ~~and distributed by mail or by~~ **electronic means pursuant to NRS 293.565 or 293C.530.**

Sec. 4. NRS 293.113 is hereby amended to read as follows:

293.113 “Tally list” means ~~the~~ :

1. The paper form furnished to election board officers to be used in recording the number of votes cast for each candidate and question on the ballot ~~and~~ ; **or**

2. An electronically generated report of the number of votes cast for each candidate and question on the ballot.

Sec. 5. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates from the Secretary of State, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The names of the candidates.
5. A list of the offices to which the candidates seek nomination or election.

↪ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution ~~and~~ **or** constitutional amendment ~~for statewide measure~~ pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 6. NRS 293.207 is hereby amended to read as follows:

293.207 **1.** Election precincts must be established on the basis of the number of registered voters therein, with a maximum of ~~1,500~~ **3,000** registered voters who are not designated inactive pursuant to NRS 293.530 per precinct in those precincts in which a mechanical voting system is used.

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

Sec. 7. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various ~~precincts and districts~~ **polling places** in the county as provided in NRS 293.220 to 293.243, inclusive, and 293.384. The registered voters appointed as election board officers for any ~~precinct or district~~ **polling place** must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the absent ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the absent ballot central counting board. The deputized officer shall receive no additional compensation for services rendered as a deputy sheriff during the election for which the officer is deputized.

↪ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 8. NRS 293.2175 is hereby amended to read as follows:

293.2175 1. The county clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the county in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The county clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The county clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the pupil's assigned school counselor receives the county clerk's certificate and a written request signed

by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the county clerk may assign a trainee such duties as the county clerk deems appropriate. The county clerk shall not:

(a) Require the trainee to perform those duties later than 10 p.m. or any applicable curfew, whichever is earlier; or

(b) Assign more than one trainee to serve as an election board officer in any one ~~precinct~~ **polling place**.

4. The county clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 9. NRS 293.227 is hereby amended to read as follows:

293.227 1. Each election board must have one member designated as the chair by the county or city clerk. The election boards shall make the records of election required by this chapter.

2. The appointment of a trainee as set forth in NRS 293.2175 and 293C.222 may be used to determine the number of members on the election board, but under no circumstances may:

(a) The election board of any ~~precinct~~ **polling place** include more than one trainee; or

(b) A trainee serve as chair of the election board.

3. The county or city clerk shall conduct or cause to be conducted a school to acquaint the members of an election board with the election laws, duties of election boards, regulations of the Secretary of State and with the procedure for making the records of election and using the register for election boards.

4. The board of county commissioners of any county or the city council of any city may reimburse the members of an election board who attend the school for their travel expenses at a rate not exceeding 10 cents per mile.

Sec. 10. NRS 293.253 is hereby amended to read as follows:

293.253 1. The Secretary of State shall provide each county clerk with copies of any proposed constitution, constitutional amendment or statewide measure which will appear on the general election ballot, together with the copies of the condensations, explanations, arguments, rebuttals and fiscal notes prepared pursuant to NRS 218D.810, 293.250 and 293.252.

2. Whenever feasible, the Secretary of State shall provide those copies on or before the first Monday in August of the year in which the proposals will appear on the ballot. Copies of any additional proposals must be provided as soon after their filing as feasible.

3. Each county clerk shall cause a copy of the full text of any such constitution ~~or~~ amendment ~~for measure~~ and its condensation, explanation, arguments, rebuttals and fiscal note to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general

circulation in the county three times at intervals of not less than 7 days, the first publication to be on or before the first Monday in October. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.

4. If a copy *of any such constitution or amendment* is furnished by the Secretary of State too late to be published at 7-day intervals, it must be published three times at the longest intervals feasible in each county.

5. *Each county clerk shall cause a copy of the condensation of any statewide measure and its explanation, arguments, rebuttals and fiscal note to be published on or before the first Monday in October in a newspaper of general circulation in the county. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.*

6. The portion of the cost of publication which is attributable to publishing the questions, explanations, arguments, rebuttals and fiscal notes of proposed constitutions, constitutional amendments or statewide measures is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 11. NRS 293.267 is hereby amended to read as follows:

293.267 1. Ballots for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.

2. Except as otherwise provided in NRS 293.2565, names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

3. Except as otherwise provided in subsection 4:

(a) Immediately following the name of each candidate for a partisan office must appear the name or abbreviation of his or her political party, the ~~word “independent”~~ **words “no political party”** or the abbreviation ~~“IND,”~~ **“NPP,”** as the case may be.

(b) Immediately following the name of each candidate for a nonpartisan office must appear the word “nonpartisan” or the abbreviation “NP.”

4. Where a system of voting other than by paper ballot is used, the Secretary of State may provide for any placement of the name or abbreviation of the political party, the ~~word “independent”~~ **words “no political party”** or “nonpartisan” or the abbreviation ~~“IND”~~ **“NPP”** or “NP,” as appropriate, which clearly relates the designation to the name of the candidate to whom it applies.

5. If the Legislature rejects a statewide measure proposed by initiative and proposes a different measure on the same subject which the Governor approves, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:

The following questions are alternative approaches to the same issue, and only one approach may be enacted into law. Please vote for only one.

Sec. 12. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the ~~{precinct or district,}~~ **polling place**, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed.

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.

Sec. 13. NRS 293.275 is hereby amended to read as follows:

293.275 No election board may perform its duty in serving registered voters at any ~~{precinct or district,}~~ polling place in any election provided for in this title, unless it has before it the ~~{election board register,}~~ **roster** for ~~{its precinct or district,}~~ **the polling place.**

Sec. 14. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283 and 293.541, if a person's name appears in the ~~{election board register,}~~ **roster** or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the ~~{election board register,}~~ **roster** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's ~~{original,}~~ application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

- (a) The card issued to the voter at the time he or she registered to vote;
- (b) A driver's license;
- (c) An identification card issued by the Department of Motor Vehicles;
- (d) A military identification card; or
- (e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

Sec. 14.5. NRS 293.283 is hereby amended to read as follows:

293.283 ~~{Any,}~~

1. If, because of physical limitations, a registered voter ~~{who}~~ is unable to sign his or her name **in the roster as required by NRS 293.277, the voter** must be identified by ~~{answering,}~~ :

(a) Answering questions from the election board officer covering the personal data which is reported on the ~~(original)~~ application to register to vote ~~(The)~~;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

2. If the identity of the voter is verified, the election board officer ~~(in charge of)~~ shall indicate in the roster ~~(shall stamp, write or print)~~ "Identified ~~(as)~~" to the left of ~~()~~ by the voter's name.

Sec. 15. NRS 293.285 is hereby amended to read as follows:

293.285 ~~(A)~~

1. Except as otherwise provided in NRS 293.283, a registered voter applying to vote shall state his or her name to the election board officer in charge of the ~~(election board register,)~~ roster, and the officer shall immediately announce the name ~~(and take the registered voter's signature.)~~, instruct the voter to sign the roster and verify the signature of the voter ~~()~~ in the manner set forth in NRS 293.277.

2. If the signature does not match, the voter must ~~()~~

~~1. Provide~~ be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 ~~()~~ and

~~2. Update~~ other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 16. NRS 293.287 is hereby amended to read as follows:

293.287 1. A registered voter applying to vote at any primary election shall give his or her name and political affiliation, if any, to the election board officer in charge of the ~~(election board register,)~~ roster, and the officer shall immediately announce the name and political affiliation.

2. Any person's right to vote may be challenged by any registered voter upon:

(a) Any of the grounds allowed for a challenge in NRS 293.303;

(b) The ground that the person applying does not belong to the political party designated upon the ~~(register,)~~ roster; or

(c) The ground that the ~~(register)~~ roster does not show that the person designated the political party to which he or she claims to belong.

3. Any such challenge must be disposed of in the manner provided by NRS 293.303.

4. A registered voter who has designated on his or her application to register to vote an affiliation with a minor political party may vote a nonpartisan ballot at the primary election.

Sec. 17. NRS 293.301 is hereby amended to read as follows:

293.301 1. The county clerk of each county shall ~~require~~ :

(a) **Require** an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the county ~~;~~ **or**

(b) **Publish on the Internet website of the county clerk an alphabetical listing of all registered voters for each precinct in the county.**

2. Except as otherwise provided in NRS 293.5002 and 293.558, the alphabetical listing ~~required pursuant to~~ **by subsection 1** must include the name, ~~address~~ **precinct** and political affiliation of each voter. ~~[Not less than four times during the hours in which the polling place is open, an and the electronic mail address of the voter if provided by the voter pursuant to NRS 293.565 or 293C.530.]~~

3. **If the county clerk:**

(a) **Requires an alphabetical listing to be posted in each polling place pursuant to paragraph (a) of subsection 1:**

(1) An election board officer **at the polling place** shall, **not less than four times during the hours in which the polling place is open**, identify the name of each voter that voted ~~[since the last identification]~~.

~~—2.]~~ **at the polling place; and**

(2) Each page of the alphabetical listing **that is posted in a polling place** must contain a notice which reads substantially as follows:

It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to ~~[subsection 1 of]~~ NRS 293.301.

~~3.]~~ (b) **Publishes an alphabetical listing pursuant to paragraph (b) of subsection 1, the county clerk shall, not less than four times during the hours in which polling places in the county are open, identify on the Internet website of the county clerk the name of every voter who has voted at each polling place.**

4. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name, ~~address, electronic mail address,~~ **precinct** or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.

Sec. 18. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same

election. A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not belong to the political party designated upon the ~~{register,}~~ **roster**, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the ~~{register,}~~ **roster**";

(b) If the challenge is on the ground that the ~~{register,}~~ **roster** does not show that the challenged person designated the political party to which he or she claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the ~~{election board register,}~~ **roster**, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the ~~{election board register,}~~ **roster**";

(d) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this ~~{election board register,}~~ **roster**.

➡ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, ~~{he or she}~~ **the person** must not be issued a ballot, and the **election board** officer **shall indicate** in ~~{charge of}~~ the ~~{election board register,}~~ **roster** ~~{shall write the words}~~ "Challenged ~~{.....}~~" opposite his or her **"by the person's"** name ~~{in the election board register,}~~ **roster**.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue the person a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue the person a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification which contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of that person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 19. NRS 293.310 is hereby amended to read as follows:

293.310 1. Except as otherwise provided in NRS 293.330 and chapter 293D of NRS, a registered voter who requests and receives an absent voter's ballot may vote only by absent ballot at the election for which the absent ballot was issued.

2. If a registered voter has requested an absent ballot and the ballot has been mailed or issued, the county clerk shall notify the ~~precinct or district~~ **appropriate** election board that the registered voter has requested an absent ballot.

Sec. 20. NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in subsection 2 and NRS 293D.200, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver,

or cause to be delivered, that container to the ~~{precinct or district}~~ **appropriate** election board.

2. Except as otherwise provided in NRS 293D.200, if an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast a ballot, the county clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.

Sec. 21. NRS 293.333 is hereby amended to read as follows:

293.333 Except as otherwise provided in NRS 293D.200, on the day of an election, the ~~{precinct or district}~~ election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope or facsimile, must be called and checked as if the voter were voting in person;
2. The signature on the back of the return envelope or on the facsimile must be compared with that on the ~~{original}~~ application to register to vote;
3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and
4. The election board officers shall ~~{mark}~~ **indicate** in the roster ~~{opposite}~~ **"Voted" by** the name of the voter. ~~{the word "Voted;"}~~

Sec. 22. NRS 293.335 is hereby amended to read as follows:

293.335 When all absent ballots delivered to ~~{precinct or district}~~ **the** election boards have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes containing rejected ballots must be returned to the county clerk. On all envelopes containing rejected ballots the cause of rejection must be noted and the envelope signed by a majority of the election board officers.

Sec. 23. NRS 293.3576 is hereby amended to read as follows:

293.3576 1. The county clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:

(a) The location of each permanent and temporary polling place for early voting . ~~{and the election precincts served by each location.}~~

(b) The dates and hours that early voting will be conducted at each location.

2. The county clerk shall post a copy of the schedule on the bulletin board used for posting notice of meetings of the board of county commissioners. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The county clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

Sec. 24. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. ~~{Upon}~~ **Except as otherwise provided in NRS 293.283, upon** the appearance of a person to cast a ballot for early voting, ~~{the deputy clerk for early voting}~~ **an election board officer** shall:

(a) Determine that the person is a registered voter in the county . ~~{;}~~

(b) Instruct the voter to sign the roster for early voting . ~~{; and}~~

(c) Verify the signature of the voter ~~{against that contained on the original application to register to vote or a facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.}~~ **in the manner set forth in NRS 293.277.**

(d) Verify that the voter has not already voted in the current election pursuant to this section.

2. If the signature of the voter does not match, the voter must ~~fr~~

~~**(1) Provide**~~ **be identified by:**

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 ~~fr~~ and

~~**(2) Update**~~ **other than the card issued to the voter at the time he or she registered to vote.**

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

~~**(d) Verify that the voter has not voted in this election.**~~

~~**2.**~~ **4.** The county clerk shall prescribe a procedure, approved by the Secretary of State, to ~~{determine}~~ **verify** that the voter has not already voted **in the current election** pursuant to this section.

~~**3.**~~ **5.** The roster for early voting must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number ~~1-1~~, **if that information is available**; and

(c) The date of voting early in person.

~~4-1~~ **6.** When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the ~~deputy clerk for early voting,~~ **election board officer**, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

~~5-1~~ **7.** If the ballot is voted on a mechanical recording device which directly records the votes electronically, the ~~deputy clerk for early voting,~~ **election board officer** shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, **if that information is available**, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

~~6-1~~ **8.** A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 25. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) ~~The number of the precinct or voting district;~~

~~(3)~~ (3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

~~(4)~~ (3) The number of ballots voted on the mechanical recording device for that day; and

~~(5)~~ (4) The number of signatures in the roster for early voting for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

(d) Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) ~~{Sort the items by precinct or voting district;~~
~~(b) Count the number of ballots voted by precinct or voting district;~~
~~(c) Account for all~~ **Indicate the number of** ballots on an official statement of ballots; and

~~{(d)}~~ **(b)** Place the ~~{items}~~ **storage devices** in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the ~~{items}~~ **storage devices** to the central counting place.

Sec. 26. NRS 293.3608 is hereby amended to read as follows:

293.3608 On election day, the county clerk shall:

1. Ensure that each mechanical recording device used during the period for early voting provides a record of the total number of votes recorded on the device for each candidate and for or against each measure; and

2. Deliver to the central counting place:

(a) ~~{The items sorted and counted pursuant to subsection 3 of NRS 293.3604;~~
~~(b)}~~ The records provided pursuant to subsection 1; and

~~{(c)}~~ **(b)** The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting.

Sec. 27. NRS 293.365 is hereby amended to read as follows:

293.365 No counting board in any precinct, ~~for~~ district **or polling place** in which paper ballots are used may commence to count the votes until all ballots used or unused are accounted for.

Sec. 28. NRS 293.370 is hereby amended to read as follows:

293.370 ~~{1.}~~ When all the votes have been counted, the counting board officers shall ~~{enter on the}~~ **produce a** tally ~~{lists}~~ **list organized by precinct and ballot type indicating** ~~{the name of each candidate}~~ the number of votes ~~{the}~~ **that each** candidate received. The ~~{vote}~~ **votes** for and against any question submitted to the electors must be entered in the same manner.

~~{2. The tally lists must show the number of votes, other than absentee votes and votes in a mailing precinct, which each candidate received in each precinct at:~~

~~(a) A primary election held in an even numbered year; or~~
~~(b) A general election.~~

Sec. 29. NRS 293.373 is hereby amended to read as follows:

293.373 If paper ballots are used:

1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.

2. The ~~{other}~~ rosters and tally lists ~~{and the election board register}~~ must be returned to the county clerk.

Sec. 29.5. ~~{NRS 293.440 is hereby amended to read as follows:~~

~~293.440 1. Any person who desires a copy of any list of the persons who are registered to vote in any precinct, district or county may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to 1 cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be provided both to the state central committee of any major political party and to the county central committee of any major political party, and to the executive committee of any minor political party upon request, without charge.~~

~~2. Except as otherwise provided in NRS 293.5002 and 293.558, the copy of the list provided pursuant to this section must indicate the address, date of birth, telephone number and the serial number on each application to register to vote [.] and the electronic mail address of the voter if provided by the voter pursuant to NRS 293.565 or 293C.530. If the county maintains this information in a computer database, the date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the database and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year.~~

~~3. A county may not pay more than 10 cents per folio or more than \$6 per thousand copies for printed lists for a precinct or district.~~

~~4. A county which has a system of computers capable of recording information on magnetic tape or diskette shall, upon request of the state central committee or county central committee of any major political party or the executive committee of any minor political party which has filed a certificate of existence with the Secretary of State, record for both the state central committee and the county central committee of the major political party, if requested, and for the executive committee of the minor political party, if requested, on magnetic tape or diskette supplied by it:~~

~~(a) The list of persons who are registered to vote and the information required in subsection 2; and~~

~~(b) Not more than four times per year, as requested by the state or county central committee or the executive committee;~~

~~(1) A complete list of the persons who are registered to vote with a notation for the most recent entry of the date on which the entry or the latest change in the information was made; or~~

~~(2) A list that includes additions and revisions made to the list of persons who are registered to vote after a date specified by the state or county central committee or the executive committee.~~

~~5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a fee to cover the actual cost of providing the tape, diskette or list.~~

~~6. Any state or county central committee of a major political party, any executive committee of a minor political party or any member or representative of such a central committee or executive committee who receives without charge a list of the persons who are registered to vote in any precinct, district or county pursuant to this section shall not:~~
~~(a) Use the list for any purpose that is not related to an election; or~~
~~(b) Sell the list for compensation or other valuable consideration. (Deleted by amendment.)~~

Sec. 30. NRS 293.465 is hereby amended to read as follows:

293.465 If an election is prevented in any precinct or district by reason of the loss or destruction of the ballots intended for that precinct, or any other cause, the **appropriate** election officers ~~for~~ **in** that precinct or district shall make an affidavit setting forth that fact and transmit it to the appropriate board of county commissioners. Upon receipt of the affidavit and upon the application of any candidate for any office to be voted for by the registered voters of that precinct or district, the board of county commissioners shall order a new election in that precinct or district.

Sec. 31. NRS 293.510 is hereby amended to read as follows:

293.510 1. In counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept ~~in a separate binder which is marked with the number of the~~ **separately for each** precinct or district. ~~This binder constitutes the election board register.~~ **These applications must be used to prepare the rosters.**

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. In any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be ~~placed in separate binders which are marked with the number of the precinct or district. These binders constitute the election board registers.~~ **used to prepare the rosters.**

Sec. 32. NRS 293.511 is hereby amended to read as follows:

293.511 If a registrar of voters' register or ~~an election board register~~ **roster** is kept by computer, the register **or roster, as applicable,** must include

~~[all the information contained in the original applications to register to vote.]~~
the name, address, precinct, political affiliation and signature or facsimile thereof of each voter and any additional information required by the county clerk.

Sec. 33. NRS 293.524 is hereby amended to read as follows:

293.524 1. The Department of Motor Vehicles shall provide an application to register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. An application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. The county clerk shall accept any application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

5. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to register to vote.

6. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

7. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of registration from the Department to the appropriate county clerk for inclusion in the ~~[election board registers]~~ **rosters** and registrar of voters' register.

Sec. 34. NRS 293.525 is hereby amended to read as follows:

293.525 1. Any elector who is presently registered and has changed residence after the last preceding general election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:

(a) From one precinct to another or from one congressional district to another within the same county must be allowed to vote in the precinct where the elector previously resided after providing an oral or written affirmation before an election board officer attesting to his or her new address.

(b) Within the same precinct must be allowed to vote after providing an oral or written affirmation before an election board officer attesting to his or her new address.

2. If an elector alleges that the records in the registrar of voters' register or the ~~[election board register]~~ **roster** incorrectly indicate that the elector has changed residence, the elector must be permitted to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the county in the manner set forth in NRS 293.304.

4. The county clerk shall use any information regarding the current address of an elector obtained pursuant to this section to correct information in the registrar of voters' register and the ~~{election board register.}~~ **roster.**

Sec. 35. NRS 293.533 is hereby amended to read as follows:

293.533 Any elector may bring and any number of electors may join in an action or proceeding in a district court to compel the county clerk to enter the name of such elector or electors in the registrar of voters' register and the ~~{election board register.}~~ **roster.**

Sec. 36. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the registration concerning the identity or residence of the voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the voter's registration.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the ~~{election board register.}~~ **roster.**

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the ~~{election board register.}~~ **roster.**

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the ~~{election board register.}~~ **roster.**

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot

voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:

- (a) Address at which a person actually resides; or
- (b) Residence or identity of a person.

Sec. 37. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

(a) File the challenge in the registrar of voters' register and:

(1) In counties where records of registration are not kept by computer, he or she shall attach a copy of the challenge to the challenged registration in the ~~election board register.~~ **roster.**

(2) In counties where records of registration are kept by computer, he or she shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the ~~election board register.~~ **roster.**

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.

(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.

6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

Sec. 38. NRS 293.548 is hereby amended to read as follows:

293.548 1. A person who files a written challenge pursuant to NRS 293.547 or an affidavit pursuant to NRS 293.535 may withdraw the challenge or affidavit not later than the 25th day before the date of the election, by submitting a written request to the county clerk. Upon receipt of the request, the county clerk shall:

(a) Remove the challenge or affidavit from the registrar of voters' register, any ~~election board register~~ **roster** and any other record in which the challenge or affidavit has been filed or entered;

(b) If a notice of the challenge or affidavit has been mailed to the person who is the subject of the challenge or affidavit, mail a notice and a copy of the request to withdraw to that person; and

(c) If a notice of the challenge has been mailed to the district attorney, mail a notice and a copy of the request to withdraw to the district attorney.

2. If the county clerk receives a request to withdraw pursuant to subsection 1, the county clerk shall withdraw the person's challenge or affidavit.

Sec. 38.5. NRS 293.558 is hereby amended to read as follows:

293.558 1. The county or city clerk shall disclose the identification number of a registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county or city clerk; or

(b) By inclusion of the identification number of the registered voter on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

2. The county or city clerk shall not disclose ~~the~~ :

(a) The social security number or the driver's license or identification card number of a registered voter ~~is~~, and such a number is confidential and is not a public book or record within the meaning of NRS 239.010.

(b) An electronic mail address provided by a registered voter to carry out any state or federal law relating to the voting process, and such an electronic mail address is confidential and is not a public book or record within the meaning of NRS 239.010. The county or city clerk may not release a registered voter's electronic mail address to a third party and may use such an electronic mail address only to:

(1) Communicate with the registered voter about the voting process, including, without limitation, as necessary to carry out the provisions of chapter 293D of NRS; and

(2) Distribute a sample ballot to the registered voter by electronic means if the county or city clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 or 293C.530 and the registered voter elects to receive a sample ballot by electronic means.

3. A registered voter may submit a written request to the county or city clerk to have his or her address and ~~withheld from the public the registered voter's address,~~ telephone number withheld from the public, ~~for electronic mail address if provided by the registered voter pursuant to NRS 293.565 or 293C.530.~~ Upon receipt of such a request, the county or city clerk shall not

disclose the address ~~[,]~~ or telephone number ~~[for electronic mail address]~~ of the registered voter to the public, including, without limitation:

- (a) In response to an inquiry received by the county or city clerk; or
- (b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

4. No information relating to a registered voter may be withheld from the public other than ~~the~~:

(a) The address ~~[,]~~ and telephone number ~~[,]~~ of the registered voter if requested by the registered voter pursuant to this section;

(b) An electronic mail address ~~[,]~~ provided by the registered voter to carry out any state or federal law relating to the voting process;

(c) The social security number and driver's license or identification card number of ~~the~~ the registered voter ~~may~~; and

(d) Any other information relating to the registered voter that any state or federal law declares to be confidential or otherwise requires to be withheld from the public.

Sec. 39. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall ~~;~~:

~~—(a) In counties where records of registration are not kept by computer, prepare for each ~~[precinct or district]~~ polling place a ~~[binder]~~ roster containing ~~[in alphabetical order the original applications to register to vote of the electors]~~ the registered voters ~~[in the precinct or district]~~. The binder constitutes the election board register.~~

~~—(b) In counties where records of registration are kept by computer, have printed and placed in a binder for each precinct or district a computer listing in alphabetical order of the applications to register to vote of the electors in the precinct or district. The binder constitutes the election board register.~~
assigned eligible to vote at the polling place.

2. ~~[Each election board register]~~ **The roster** must be delivered or caused to be delivered by the county or city clerk to an election **board** officer of the proper ~~[precinct or district]~~ **polling place** before the opening of the polls.

Sec. 40. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

- (a) If applicable, the statement required by NRS 293.267;
- (b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;
- (c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment,

statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word “Incumbent” must appear on the ballot next to the name of the candidate who is the incumbent, the word “Incumbent” must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. *A county clerk may establish a system for distributing sample ballots to each registered voter who elects to receive a sample ballot by electronic means. Such a system ~~must be approved by the Secretary of State and~~ may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by such electronic means, the county clerk shall ~~for~~*

~~—(a) Distribute~~ *distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State. ~~for~~ and*

~~—(b) If the system requires the registered voter to provide an electronic mail address to the county clerk, inform the registered voter that his or her electronic mail address will be available to the public unless the registered voter submits a written request to have his or her electronic mail address withheld from the public pursuant to NRS 293.558.~~

5. *If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.*

6. Before the period for early voting for any election begins, the county clerk shall ~~cause to be mailed~~ *distribute* to each registered voter in the county ~~by mail or electronic means, as applicable, the~~ sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before ~~mailing~~ **distributing** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~{5-}~~ 7. Except as otherwise provided in subsection ~~{6-}~~ 8, a sample ballot required to be ~~mailed~~ **distributed** pursuant to this section must:

- (a) Be ~~printed~~ **prepared** in at least 12-point type; and
- (b) Include on the front page, in a separate box created by bold lines, a notice ~~printed~~ **prepared** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~{6-}~~ 8. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~{7-}~~ 9. The sample ballot ~~mailed~~ **distributed** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~printed~~ **prepared** in at least 14-point type, or larger when practicable.

~~{8-}~~ 10. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~mailed~~ **distributed** to that person from the county are in large type.

~~{9-}~~ 11. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~{10.}~~ **12.** The cost of ~~{mailing}~~ **distributing** sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 41. NRS 293.780 is hereby amended to read as follows:

293.780 1. A person who is entitled to vote shall not vote or attempt to vote more than once at the same election. Any person who votes or attempts to vote twice at the same election is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Notice of the provisions of subsection 1 must be given by the county or city clerk as follows:

(a) ~~{Printed}~~ **Stated** on all sample ballots ~~{mailed;}~~ **distributed by mail or electronic means;**

(b) Posted in boldface type at each polling place; and

(c) Posted in boldface type at the office of the county or city clerk.

Sec. 42. NRS 293B.335 is hereby amended to read as follows:

293B.335 1. ~~{The chair and at}~~ **At** least ~~{one other member}~~ **two members** of the election board shall deliver the sealed container to a receiving center or to the central counting place, as directed by the county clerk. If practicable, the ~~{other board member}~~ **members** must be of ~~{a}~~ different political ~~{party than the chair.}~~ **parties.**

2. ~~{The chair}~~ **At least two members of the election board** shall provide for the transportation or other disposition of all other supplies and election materials as directed by the county clerk.

3. Any member of the general public may observe the delivery of a sealed container to a receiving center or to the central counting place if he or she does not interfere with the delivery of the sealed container.

Sec. 43. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various **polling places and** precincts ~~{and districts}~~ in the city as provided in NRS 293.225, 293.227, 293C.227 to 293C.245, inclusive, and 293C.382. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board or the absent ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board or the absent ballot central counting board. The deputized officer may not receive any additional compensation for the services he or she provides as an officer during the election for which the officer is deputized.

➡ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 44. NRS 293C.222 is hereby amended to read as follows:

293C.222 1. The city clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the city in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The city clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The city clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the assigned school counselor of the pupil receives the city clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the city clerk may assign a trainee such duties as the city clerk deems appropriate. The city clerk shall not:

(a) Require the trainee to perform those duties later than 10 p.m., or any applicable curfew, whichever is earlier; or

(b) Assign more than one trainee to serve as an election board officer in any one ~~precinct~~ **polling place**.

4. The city clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 45. NRS 293C.267 is hereby amended to read as follows:

293C.267 1. Except as otherwise provided in subsection 2 and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the ~~precinct or district~~ **polling place**, as shown on the roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay until the count is completed.

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during

the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.

Sec. 46. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. ~~[[If]]~~ **Except as otherwise provided in NRS 293C.272, if a** person's name appears in the ~~{election board register}~~ **roster** or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the ~~{election board register}~~ **roster** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's ~~{original}~~ application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

- (a) The card issued to the voter at the time he or she registered to vote;
- (b) A driver's license;
- (c) An identification card issued by the Department of Motor Vehicles;
- (d) A military identification card; or
- (e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

Sec. 46.5. **NRS 293C.272 is hereby amended to read as follows:**

293C.272 ~~{Any}~~

1. If, because of physical limitations, a registered voter ~~{who}~~ is unable to sign his or her name **in the roster as required by NRS 293C.270, the voter** must be identified by ~~{answering}~~ :

(a) Answering questions **from the election board officer** covering the personal data ~~{that}~~ **which** is reported on the ~~{original}~~ application to register to vote ~~{The}~~ ;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

2. If the identity of the voter is verified, the election board officer ~~{in charge of}~~ **shall indicate in** the roster ~~{shall stamp, write or print}~~ "Identified ~~{as}~~ to the left of ~~{}~~ " by the voter's name.

Sec. 47. NRS 293C.275 is hereby amended to read as follows:

293C.275 ~~{A}~~

1. Except as otherwise provided in NRS 293C.272, a registered voter who applies to vote must state his or her name to the election board officer in charge of the ~~{election board register}~~ **roster**, and the officer shall immediately announce the name ~~{and take the registered voter's signature.}~~ **, instruct the voter to sign the roster and verify the signature of the voter** ~~{in the manner set forth in NRS 293C.270.}~~

2. If the signature does not match, the voter must ~~{}~~

~~**1. Provide**~~ **be identified by:**

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 ~~}; and~~

~~2. Update}~~ other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 48. NRS 293C.277 is hereby amended to read as follows:

293C.277 1. A registered voter who applies to vote at an election must give his or her name to the election board officer in charge of the ~~election board register,}~~ **roster**, and the officer shall immediately announce the name of the voter.

2. Any person's right to vote may be challenged by a registered voter upon any of the grounds allowed for a challenge in NRS 293C.292. Any such challenge must be disposed of in the manner provided in NRS 293C.292.

Sec. 49. NRS 293C.290 is hereby amended to read as follows:

293C.290 1. The city clerk shall ~~require~~ :

(a) Require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the city ~~}; or~~

(b) Publish on the Internet website of the city clerk an alphabetical listing of all registered voters for each precinct in the city.

2. Except as otherwise provided in NRS 293.5002 and 293.558, the alphabetical listing required by subsection 1 must include the name ~~};~~ **precinct** and ~~address~~ **precinct** of each voter. ~~[Not less than four times during the hours in which the polling place is open, an~~ **and the electronic mail address of the voter if provided by the voter pursuant to NRS 293C.530.]**

3. **If the city clerk:**

(a) Requires an alphabetical listing to be posted in each polling place pursuant to paragraph (a) of subsection 1:

(1) An election board officer **at the polling place** shall , **not less than four times during the hours in which the polling place is open**, identify the name of each voter who voted ~~{since the last identification.~~

~~—2.}~~ **at the polling place; and**

(2) Each page of the alphabetical listing **that is posted in a polling place** must contain a notice which reads substantially as follows:

It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to NRS 293C.290.

~~{3-}~~ (b) *Publishes an alphabetical listing pursuant to paragraph (b) of subsection 1, the city clerk shall, not less than four times during the hours in which polling places in the city are open, identify on the Internet website of the city clerk the name of every voter who has voted at each polling place.*

4. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name ~~or address or electronic mail address~~ precinct of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.

Sec. 50. NRS 293C.292 is hereby amended to read as follows:

293C.292 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct or district upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the ~~{election board register,} roster,~~ "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the ~~{election board register,} roster";~~

(b) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(c) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this ~~{election board register,} roster."~~

➔ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. If the challenged person refuses to execute the oath or affirmation so tendered, ~~he or she~~ the person must not be issued a ballot, and the election board officer shall indicate in ~~{charge of,} the {election board register,} roster~~ [shall write the words] "Challenged [.....]" opposite his or her, "by the person's name . [in the election board register. roster.]

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293C.295.

5. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue him or her a ballot.

6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification that contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

8. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 51. NRS 293C.307 is hereby amended to read as follows:

293C.307 1. Except as otherwise provided in NRS 293C.330, a registered voter who requests and receives an absent voter's ballot may vote only by absent ballot at the election for which the absent ballot was issued.

2. If a registered voter has requested an absent ballot and the ballot has been mailed or issued, the city clerk shall notify the ~~the precinct or district~~ **appropriate** election board that the registered voter has requested an absent ballot.

Sec. 52. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in subsection 2 and NRS 293D.200, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the ~~the precinct or district~~ **appropriate** election board.

2. Except as otherwise provided in NRS 293D.200, if an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the city clerk shall

check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the city clerk's register. If the city clerk determines that the absent voter is entitled to cast a ballot, the city clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the city clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.

Sec. 53. NRS 293C.332 is hereby amended to read as follows:

293C.332 Except as otherwise provided in NRS 293D.200, on the day of an election, the ~~{precinct or district}~~ election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope or facsimile, must be called and checked as if the voter were voting in person;
2. The signature on the back of the return envelope or on the facsimile must be compared with that on the ~~{original}~~ application to register to vote;
3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and
4. The election board officers shall ~~{mark}~~ **indicate** in the roster ~~{opposite}~~ **"Voted" by** the name of the voter ~~{the word "Voted."}~~

Sec. 54. NRS 293C.335 is hereby amended to read as follows:

293C.335 When all absent ballots delivered to ~~{precinct or district}~~ **the** election boards have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes containing rejected ballots must be returned to the city clerk. On all envelopes containing the rejected ballots the cause of rejection must be noted and the envelope signed by a majority of the election board officers.

Sec. 55. NRS 293C.3576 is hereby amended to read as follows:

293C.3576 1. The city clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:

- (a) The location of each permanent and temporary polling place for early voting ~~{and the election precincts served by each location.}~~
- (b) The dates and hours that early voting will be conducted at each location.

2. The city clerk shall post a copy of the schedule on the bulletin board used for posting notice of the meetings of the city council. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The city clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

Sec. 56. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. ~~Upon~~ **Except as otherwise provided in NRS 293C.272, upon** the appearance of a person to cast a ballot for early voting, ~~the deputy clerk for early voting~~ **an election board officer** shall:

(a) Determine that the person is a registered voter in the county . ~~};~~
 (b) Instruct the voter to sign the roster for early voting . ~~}; and~~
 (c) Verify the signature of the voter ~~against that contained on the original application to register to vote or a facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.~~ **in the manner set forth in NRS 293C.270.**

(d) Verify that the voter has not already voted in the current election pursuant to this section.

2. If the signature does not match, the voter must ~~};~~

~~— (1) Provide~~ **be identified by:**

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 ~~}; and~~

~~— (2) Update~~ **other than the card issued to the voter at the time he or she registered to vote.**

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

~~— (d) Verify that the voter has not voted in this election.~~

~~— 2.1~~ **4.** The city clerk shall prescribe a procedure, approved by the Secretary of State, to ~~determine~~ **verify** that the voter has not already voted **in the current election** pursuant to this section.

~~— 3.1~~ **5.** The roster for early voting must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number ~~};~~ **, if that information is available;** and

(c) The date of voting early in person.

~~4.1~~ **6.** When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the ~~{deputy clerk for early voting}~~ **election board officer**, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

~~5.1~~ **7.** If the ballot is voted on a mechanical recording device which directly records the votes electronically, the ~~{deputy clerk for early voting}~~ **election board officer** shall:

- (a) Prepare the mechanical recording device for the voter;
- (b) Ensure that the voter's precinct or voting district, **if that information is available**, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and
- (c) Allow the voter to cast a vote.

~~6.1~~ **8.** A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 57. NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

- 1. At the close of each voting day, the election board shall:
 - (a) Prepare and sign a statement for the polling place. The statement must include:

- (1) The title of the election;
 - (2) ~~{The number of the precinct or voting district}~~;
 - ~~—(3)}~~ The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

~~{(4)}~~ **(3)** The number of ballots voted on the mechanical recording device for that day; and

~~{(5)}~~ **(4)** The number of signatures in the roster for early voting for that day.

- (b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

- (a) The statements for all polling places for early voting;
- (b) The voting rosters used for early voting;
- (c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and
- (d) Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

- (a) ~~{Sort the items by precinct or voting district}~~;

~~—(b) Count the number of ballots voted by precinct or voting district;~~
~~—(c) Account for all~~ **Indicate the number of** ballots on an official statement of ballots; and

~~[(d)] (b)~~ Place the ~~items~~ **storage devices** in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the ~~items~~ **storage devices** to the central counting place.

Sec. 58. NRS 293C.3608 is hereby amended to read as follows:

293C.3608 On election day, the city clerk shall:

1. Ensure that each mechanical recording device used during the period for early voting provides a record ~~(printed on paper)~~ of the total number of votes recorded on the device for each candidate and for or against each measure; and

2. Deliver to the central counting place:

(a) ~~The items sorted and counted~~ **storage devices required pursuant to subsection 3 of NRS 293C.3604;**

~~—(b)]~~ The records ~~(printed on paper)~~ provided pursuant to subsection 1; and

~~[(c)] (b)~~ The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting.

Sec. 59. NRS 293C.365 is hereby amended to read as follows:

293C.365 A counting board in any precinct , ~~for~~ district **or polling place** in which paper ballots are used may not begin to count the votes until all ballots used or unused are accounted for.

Sec. 60. NRS 293C.372 is hereby amended to read as follows:

293C.372 When all the votes have been counted, the counting board officers shall ~~enter on the~~ **produce a tally list organized by precinct and ballot type indicating** ~~(the name of each candidate)~~ the number of votes ~~(the)~~ **each** candidate received. The ~~vote~~ **votes** for and against any question submitted to the electors must be entered in the same manner.

Sec. 61. NRS 293C.375 is hereby amended to read as follows:

293C.375 If paper ballots are used:

1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the city clerk.

2. The ~~other~~ rosters and tally lists ~~(and the election board register)~~ must be returned to the city clerk.

Sec. 62. NRS 293C.525 is hereby amended to read as follows:

293C.525 1. Any elector who is registered to vote and has changed residence after the last preceding general city election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:

(a) From one precinct to another within the same city must be allowed to vote in the precinct where the elector previously resided after providing an oral

or written affirmation before an election board officer attesting to his or her new address.

(b) Within the same precinct must be allowed to vote after providing an oral or written affirmation before an election board officer attesting to his or her new address.

2. If an elector alleges that the records in the registrar of voters' register or the ~~election board register~~ **roster** incorrectly indicate that the elector has changed residence, the elector must be allowed to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the city in the manner set forth in NRS 293C.295.

Sec. 63. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. ***A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system ~~must be approved by the Secretary of State and~~ may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall ~~fr~~***

~~***(a) Distribute***~~ ***distribute*** the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State. ~~***fr and***~~

~~***(b) If the system requires the registered voter to provide an electronic mail address to the city clerk, inform the registered voter that his or her electronic mail address will be available to the public unless the registered voter submits a written request to have his or her electronic mail address withheld from the public pursuant to NRS 203.558.***~~

2. ***If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.***

3. Before the period for early voting for any election begins, the city clerk shall ~~cause to be mailed~~ ***distribute*** to each registered voter in the city ~~***at***~~ ***by mail or electronic means, as applicable, the*** sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before ~~***mailing***~~ ***distributing*** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~{2-}~~ 4. Except as otherwise provided in subsection ~~{4-}~~ 6, a sample ballot required to be ~~{mailed}~~ **distributed** pursuant to this section must:

- (a) Be ~~{printed}~~ **prepared** in at least 12-point type;
- (b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and
- (c) Include on the front page, in a separate box created by bold lines, a notice ~~{printed}~~ **prepared** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~{3-}~~ 5. The word “Incumbent” must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

~~{4-}~~ 6. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~{5-}~~ 7. The sample ballot ~~{mailed}~~ **distributed** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~{printed}~~ **prepared** in at least 14-point type, or larger when practicable.

~~{6-}~~ 8. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots ~~{mailed}~~ **distributed** to that person from the city are in large type.

~~{7-}~~ 9. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter’s regularly designated polling place.

~~{8-}~~ 10. The cost of ~~{mailing}~~ **distributing** sample ballots for a city election must be borne by the city holding the election.

Sec. 64. NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. The county clerk shall use the statewide voter registration list to prepare for the city clerk of each incorporated city within the county the ~~{election board register}~~ **roster** of all electors eligible to vote at a regular or special city election.

3. The ~~{official register}~~ **rosters** must be prepared, ~~{in suitable books,}~~ one for each ward or other voting district within each incorporated city. The entries in the ~~{election board register}~~ **roster** must be arranged alphabetically with the surnames first.

4. The county clerk shall keep duplicate originals or copies of the applications to register to vote ~~{contained in the official register}~~ in the county clerk's office.

Sec. 65. NRS 293C.635 is hereby amended to read as follows:

293C.635 1. ~~{The chair and at}~~ **At** least ~~{one other member}~~ **two members** of the election board shall deliver the sealed container to a receiving center or to the central counting place, as directed by the city clerk.

2. The ~~{chair}~~ **members of the election board described in subsection 1** shall provide for the transportation or other disposition of all other supplies and election materials as directed by the city clerk.

3. Any member of the general public may observe the delivery of a sealed container to a receiving center or to the central counting place if he or she does not interfere with the delivery of the sealed container.

Sec. 66. NRS 293C.710 is hereby amended to read as follows:

293C.710 If a city election is prevented in any precinct or district by reason of the loss or destruction of the ballots intended for that precinct or district, or any other cause, the **appropriate** election officers ~~{for}~~ **in** that precinct or district shall make an affidavit setting forth that fact and transmit it to the governing body of the appropriate city. Upon receipt of the affidavit and upon the application of any candidate for any city office to be voted for by the registered voters of that precinct or district, the governing body of the city shall order a new election in that precinct or district.

Sec. 67. NRS 295.045 is hereby amended to read as follows:

295.045 1. A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

2. The Secretary of State shall certify the questions to the county clerks, and they shall publish them in accordance with the provisions of law requiring county clerks to publish ~~{questions and proposed constitutional amendments which are to be submitted for popular vote.}~~ **statewide measures pursuant to NRS 293.253.**

3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

4. Where a mechanical voting system is used, the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.

Sec. 68. NRS 295.160 is hereby amended to read as follows:

295.160 1. If the petition is determined to be sufficient, the county clerk shall, at the next general election, submit the act or resolution, by appropriate questions on the ballot, for the approval or disapproval of the people of that county.

2. The county clerk shall publish those questions in accordance with the provisions of law requiring county clerks to publish ~~questions and proposed constitutional amendments which are to be submitted for popular vote.~~ **statewide measures pursuant to NRS 293.253.**

Sec. 69. NRS 244A.785 is hereby amended to read as follows:

244A.785 1. The board of county commissioners of a county whose population is 700,000 or more may, by ordinance, create one or more districts within the unincorporated area of the county for the support of public parks. Such a district may include territory within the boundary of an incorporated city if so provided by interlocal agreement between the county and the city.

2. The ordinance creating a district must specify its boundaries. The area included within the district may be contiguous or noncontiguous. The boundaries set by the ordinance are not affected by later annexations to or incorporation of a city.

3. The alteration of the boundaries of such a district may be initiated by:

(a) A petition proposed unanimously by the owners of the property which is located in the proposed area which was not previously included in the district; or

(b) A resolution adopted by the board of county commissioners on its own motion.

➡ If the board of county commissioners proposes on its own motion to alter the boundaries of a district for the support of public parks, it shall, at the next primary or general election, submit to the registered voters who reside in the proposed area which was not previously included in the district, the question of whether the boundaries of the district shall be altered. If a majority of the voters approve the question, the board shall, by ordinance, alter the boundaries of the district as approved by the voters.

4. The sample ballot required to be ~~mailed~~ **distributed** pursuant to NRS 293.565 must include for the question described in subsection 3, a disclosure of any future increase or decrease in costs which may be reasonably anticipated in relation to the purposes of the district for the support of public parks and its probable effect on the district's tax rate.

Sec. 70. NRS 266.0325 is hereby amended to read as follows:

266.0325 1. At least 10 days before an election held pursuant to NRS 266.029, the county clerk or registrar of voters shall ~~cause to be mailed~~

distribute to each qualified elector **by mail or electronic means, as applicable**, a sample ballot for the elector's precinct with a notice informing the elector of the location of the polling place for that precinct. **A sample ballot may be distributed by electronic means to an elector only if the county clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 and the elector elects to receive a sample ballot by electronic means.**

2. The sample ballot must:

(a) Be in the form required by NRS 266.032.

(b) Include the information required by NRS 266.032.

(c) Except as otherwise provided in subsection 3, be ~~printed~~ **prepared** in at least 12-point type.

(d) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the State, a county, a city, a township, a section or any combination thereof.

(e) Contain a copy of the map or plat that was submitted with the petition pursuant to NRS 266.019 and depicts the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.

(f) Include on the front page, in a separate box created by bold lines, a notice ~~printed~~ **prepared** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

4. The sample ballot ~~mailed~~ **distributed** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~printed~~ **prepared** in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~mailed~~ **distributed** to that person from the county are in large type.

Sec. 71. NRS 266.034 is hereby amended to read as follows:

266.034 1. The costs incurred by the board of county commissioners in carrying out the provisions relating to the incorporation, including the costs incurred in certifying the petition, publishing the notices, requesting the report pursuant to NRS 266.0261, conducting the public hearing and election, including the cost of ~~mailing~~ **distributing** the sample ballots, and any appeal pursuant to NRS 266.0265 are a charge against the county if the proposed incorporation is not submitted to the voters or the incorporation is disapproved by the voters, and a charge against the incorporated city if the incorporation is approved by the voters.

2. The costs incurred by the incorporators in carrying out the provisions relating to the incorporation, including the costs incurred in preparation of the petition for incorporation, preparation of the descriptions and map of the area proposed to be incorporated and circulation of the petition are chargeable to the incorporated city if the incorporation is approved by the voters.

Sec. 72. NRS 349.015 is hereby amended to read as follows:

349.015 1. Except as otherwise provided in subsection 3, the sample ballot required to be ~~mailed~~ **distributed** pursuant to NRS 293.565 or 293C.530, and the notice of election must contain:

- (a) The time and places of holding the election.
- (b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.
- (c) The purposes for which the bonds are to be issued.
- (d) A disclosure of any:

(1) Future increase or decrease in costs which can reasonably be anticipated in relation to the purposes for which the obligations are to be issued and its probable effect on the tax rate; and

(2) Requirement relating to the bond question which is imposed pursuant to a court order or state or federal statute and the probable consequences which will result if the bond question is not approved by the voters.

(e) An estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds.

(f) The maximum amount of the bonds.

(g) The maximum rate of interest.

(h) The maximum number of years which the bonds are to run.

2. Any election called pursuant to NRS 349.010 to 349.070, inclusive, may be consolidated with a primary or general election.

3. If the election is consolidated with a general election, the notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the general election.

Sec. 73. NRS 350.024 is hereby amended to read as follows:

350.024 1. The ballot question for a proposal submitted to the electors of a municipality pursuant to subsection 1 of NRS 350.020 must contain the principal amount of the general obligations to be issued or incurred, the purpose of the issuance or incurrence of the general obligations and an estimate established by the governing body of:

(a) The duration of the levy of property tax that will be used to pay the general obligations; and

(b) The average annual increase, if any, in the amount of property taxes that an owner of a new home with a fair market value of \$100,000 will pay for debt service on the general obligations to be issued or incurred.

2. Except as otherwise provided in subsection 4, the sample ballot required to be ~~mailed~~ **distributed** pursuant to NRS 293.565 or 293C.530 and the notice of election must contain:

- (a) The time and places of holding the election.
- (b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.
- (c) The ballot question.
- (d) The maximum amount of the obligations, including the anticipated interest, separately stating the total principal, the total anticipated interest and the anticipated interest rate.
- (e) An estimate of the range of property tax rates stated in dollars and cents per \$100 of assessed value necessary to provide for debt service upon the obligations for the dates when they are to be redeemed. The municipality shall, for each such date, furnish an estimate of the assessed value of the property against which the obligations are to be issued or incurred, and the governing body shall estimate the tax rate based upon the assessed value of the property as given in the assessor's estimates.

3. If an operating or maintenance rate is proposed in conjunction with the question to issue obligations, the questions may be combined, but the sample ballot and notice of election must each state the tax rate required for the obligations separately from the rate proposed for operation and maintenance.

4. Any election called pursuant to NRS 350.020 to 350.070, inclusive, may be consolidated with a primary or general municipal election or a primary or general state election. The notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the election with which it is consolidated.

5. If the election is a special election, the clerk shall cause notice of the close of registration to be published in a newspaper printed in and having a general circulation in the municipality once in each calendar week for 2 successive calendar weeks next preceding the close of registration for the election.

Sec. 74. NRS 350.027 is hereby amended to read as follows:

350.027 1. In addition to any requirements imposed pursuant to NRS 350.024, any sample ballot required to be ~~mailed~~ **distributed** pursuant to NRS 293.565 or 293C.530 and any notice of election, for an election that includes a proposal for the issuance by any municipality of any bonds or other securities, including an election that is not called pursuant to NRS 350.020 to 350.070, inclusive, must contain an estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds or other securities.

2. For the purposes of this section, "municipality" has the meaning ascribed to it in NRS 350.538.

Sec. 75. NRS 293.053 is hereby repealed.

Sec. 76. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and
2. On January 1, 2016, for all other purposes.

TEXT OF REPEALED SECTION

293.053 “Election board register” defined. “Election board register” means the record of registered voters provided to election boards.

Assemblyman Stewart moved that the Assembly concur in the Senate Amendment No. 677 to Assembly Bill No. 462.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Joint Resolution No. 10.

The following Senate amendment was read:

Amendment No. 867.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide a citizens’ commission to establish the ~~salaries~~ **compensation** of certain elected officers.

Legislative Counsel’s Digest:

Existing law establishes the salaries of the various constitutional officers of this State, members of the Senate and Assembly, justices of the Supreme Court, judges of the Court of Appeals and district judges. (NRS 2.050, 2A.080, 3.030, 218A.630, 218A.635, 223.050, 224.050, 225.050, 226.090, 227.060, 228.070) Existing law also creates an advisory Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers which is empowered to review and make recommendations to the Legislature concerning the salary of the various offices within its purview. (NRS 281.157-281.1575) This resolution proposes to revise the Nevada Constitution to reserve to a Citizens’ Commission on ~~Salaries~~ **Compensation** for Certain Elected Officers the power to establish salaries **and benefits** for various offices within this State, including members of the Senate and Assembly, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Court. ~~It, and to establish salaries for various other offices within this State, including county commissioners, district attorneys, sheriffs, county clerks, county assessors, county recorders, county treasurers and public administrators.~~ This resolution also authorizes the Commission to: (1) fix the compensation of the members of the Legislature for each calendar day of service during any regular or special session of the Legislature; and (2) provide compensation to

members of the Legislature for the performance of duties as a member of the Legislature outside of a regular or special session.

WHEREAS, The Nevada Legislature established the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers in 1993; and

WHEREAS, While the Commission is empowered by law to review compensation, hold public hearings and make recommendations for revisions to compensation for the various offices within its purview, it serves a purely advisory function and its recommendations have no effect unless enacted by the Legislature; and

WHEREAS, A constitutional amendment is required to fully empower such a commission to engage in a comprehensive review of the compensation given to various officers within this State and put into effect its findings; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 33A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 33A. 1. *The Legislature shall provide by law for a Citizens' Commission on ~~Salaries~~ Compensation for Certain Elected Officers.*

2. *The Commission must consist of seven members appointed by the Governor who have diverse personal and professional interests and reside in various geographical areas of this State of which:*

(a) *One member has expertise in public compensation and is ~~appointed~~ recommended by the ~~Speaker of the Assembly~~ Public Employees' Retirement Board or its successor organization;*

(b) *One member ~~is appointed by the Minority Leader of the Assembly~~ represents a nonprofit public interest organization;*

(c) *One member ~~is appointed by the Majority Leader of the Senate~~ represents the general public;*

(d) *One member ~~is appointed by the Minority Leader of the Senate~~ has experience with the operation of independent businesses in this State and is recommended by an organization which represents the interests of independent businesses in this State;*

(e) ~~Two members are appointed by the Governor;~~ *One member has experience with the operation of a retailer in this State and is recommended by an organization which represents the interests of retailers in this State; and*

(f) ~~One member is appointed by the Chief Justice of the Supreme Court;~~ *Two members have experience as officers or members of a labor organization in this State and are recommended by a labor organization in this State.*

3. *Each member of the Commission must be a resident of this State and must not be a state officer, public employee or lobbyist, or a parent,*

spouse, sibling, child or dependent relative of a state officer, public employee or lobbyist.

4. Except as otherwise provided in this subsection, the term of office of each member of the Commission is 4 years. ~~{The member first appointed by the Speaker of the Assembly and the member first appointed by the Majority Leader of the Senate shall each serve an initial term of 2 years.}~~ The Governor shall appoint ~~one~~ three of the members first appointed by him or her for ~~an~~ initial ~~term~~ terms of 2 years. If a vacancy occurs, the ~~appointing authority~~ Governor shall fill the vacancy for the unexpired term in the same manner as the original appointment, within 30 days after the vacancy occurs. A member of the Commission may not serve more than two terms.

5. ~~{An appointing authority}~~ The Governor may remove a member of the Commission only for cause of incapacity, incompetence, neglect of duty, malfeasance in office or failure to meet a qualification set forth in subsection 3.

6. The Commission shall elect a Chair from among its members. Except as otherwise provided in this section, the Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties. The affirmative vote of a majority of all the members appointed to the Commission is required to take action.

7. Members of the Commission are entitled to:

(a) The compensation provided by law for members of the Commission on Judicial Discipline who are not judicial officers; and

(b) The per diem allowance and travel expenses provided by law for state officers and employees generally.

8. The Commission shall:

(a) Study the relationship of salaries and benefits to the duties of the members of the Legislature, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Courts;

(b) Study the relationship of salaries to the duties of county commissioners, district attorneys, sheriffs, county clerks, county assessors, county recorders, county treasurers and public administrators;

(c) Compare the salaries and benefits of the elected officers set forth in paragraph (a) to the salaries and benefits of persons who are employed by a public or private employer and who have similar qualifications as those elected officers;

~~—(e)—~~ and compare the salaries of the elected officers set forth in paragraph (b) to the salaries of persons who are employed by a public or private employer and who have similar qualifications as those elected officers;

(d) Fix the salaries and benefits of the elected officers set forth in paragraph (a) ~~and~~ and fix the salaries of the elected officers set forth in paragraph (b); and

~~((e))~~ (e) Carry out any duties provided by the Legislature.

9. The Commission may increase, but not diminish, the salary and benefits of an elected officer set forth in paragraph (a) of subsection 8 during his or her term of office. Except for the initial schedule of salaries and benefits for elected officers filed pursuant to subsection 10, the Commission may not increase or decrease the salary of any elected officer by more than 15 percent of the salary of that elected officer provided in the immediately preceding schedule of salaries for elected officers. The Commission may exercise any powers conferred by the Legislature.

10. The Commission shall file its initial schedule of salaries and benefits for elected officers with the Secretary of State not later than January 1, 2019, and shall file a schedule of salaries and benefits not later than January 1 of each odd-numbered year thereafter. Each schedule of salaries and benefits is effective:

(a) For members of the Legislature, for the period from the first Monday of February immediately following the January 1 that the schedule is due through the day before the first Monday of February of the next odd-numbered year; and

(b) For all other elected officers set forth in paragraph (a) or (b) of subsection 8, for the period from July 1 immediately following the January 1 that the schedule is due through June 30 of the next odd-numbered year.

The Legislature shall provide by law for setting apart from each year's revenues a sufficient amount of money to pay such salaries ~~and~~ and benefits.

11. Before the Commission may file a schedule of salaries and benefits with the Secretary of State, the Commission shall hold at least four meetings to receive public testimony on the schedule. At the last public hearing before the schedule is filed with the Secretary of State, the Commission shall adopt the schedule as originally proposed or as amended. All meetings of the Commission are subject to the provisions of any open meeting laws made applicable generally to other public bodies.

12. The Legislative Counsel Bureau shall include in the Nevada Revised Statutes a copy of the most recent schedule of salaries and benefits established by the Commission and filed with the Secretary of State.

And be it further

RESOLVED, That Section 32 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 32. The Legislature shall have power to increase, diminish, consolidate or abolish the following county officers: County Clerks, County Recorders, Auditors, Sheriffs, District Attorneys and Public Administrators. The Legislature shall provide for their election by the people, and fix by law their duties and *, unless fixed by the Citizens' Commission on Compensation for Certain Elected Officers pursuant to Section 33A of this Article, fix their* compensation. County Clerks shall be ex-officio Clerks of the Courts of Record and of the Boards of County Commissioners in and for their respective counties.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 33. The members of the Legislature shall receive for their services a compensation to be fixed by ~~law~~ *the Citizens' Commission on ~~{Salaries}~~ Compensation for Certain Elected Officers pursuant to Section 33A of this Article* and paid out of the public treasury, for ~~not to exceed 60 days~~ *each calendar day of service* during any regular session of the Legislature and ~~not to exceed 20 days~~ during any special session ~~. If, but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected; Provided, that an~~ *The Citizens' Commission on ~~{Salaries}~~ Compensation for Certain Elected Officers may provide for the compensation of members of the Legislature for the performance of duties as a member of the Legislature outside of a regular or special session. An* appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court, the judges of the court of appeals and the district judges are each entitled to receive for their services a compensation to be fixed by ~~law~~ *the Citizens' Commission on ~~{Salaries}~~ Compensation for Certain Elected Officers pursuant to Section 33A of Article 4* and paid in the manner provided by law ~~. If, which must not be increased or diminished during the term for which they have been elected, unless~~ *If a vacancy occurs, in which case* the successor of the former incumbent is entitled to receive ~~only such salary as may be~~ *the salary and benefits provided for that office by ~~law~~ the Citizens' Commission on ~~{Salaries}~~ Compensation for Certain Elected Officers pursuant to Section 33A of Article 4* at the time of his *or her* election or

appointment. ~~[A provision must be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation.]~~

And be it further

RESOLVED, That Section 9 of Article 15 of the Nevada Constitution be repealed.

TEXT OF REPEALED SECTION

Sec: 9. Increase or decrease of compensation of officers whose compensation fixed by constitution. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution; Provided, no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.

Assemblyman Stewart moved that the Assembly concur in the Senate Amendment No. 867 to Assembly Joint Resolution No. 10.

Motion carried by a constitutional majority.

Resolution ordered to enrollment.

Assembly Bill No. 8.

The following Senate amendment was read:

Amendment No. 671.

AN ACT relating to children; revising provisions concerning advertisements for the placement of children for adoption or permanent free care; prohibiting the use of restraints on children during court proceedings under certain circumstances unless ordered by the court; prohibiting certain transfers of children; prohibiting the trafficking of children; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any person or organization, other than an agency which provides child welfare services or a licensed child-placing agency, who advertises in any periodical or newspaper, or by radio or other public medium, that the person or organization will place children for adoption or accept, supply, provide or obtain children for adoption is guilty of a misdemeanor. (NRS 127.310) **Section 1** of this bill specifically applies this prohibition to a person or organization who advertises through a computerized communication system, including, without limitation, electronic mail, an Internet website or an Internet account.

Section 3.5 of this bill prohibits the use of an instrument of restraint on a child during a court proceeding, unless ~~it is (1)~~ the restraint is necessary to prevent the child from inflicting harm on himself or herself or another person or to prevent the child from escaping the courtroom ~~. It; and (2) there is not a less restrictive alternative to prevent such harm or escape.~~ **Section 3.5** further requires the court to hold a hearing under certain circumstances to determine

whether the use of an instrument of restraint on a child is necessary and to consider certain factors in making its determination. Under **section 3.5**, the court must make specific findings of fact and conclusions of law to support its determination.

Section 4 of this bill enacts provisions prohibiting the trafficking of children. **Section 4** provides that a person shall not recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of a child or a person with custody of a child places the child in the physical custody of another person who is not related to the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child. **Section 4** further provides that certain placements of a child are not prohibited, including, without limitation, the placement of a child with a relative or stepparent, the placement of a child with or by a licensed child-placing agency or agency which provides child welfare services and the placement of a child with a person that is approved by a court of competent jurisdiction. A person who violates **section 4** is guilty of a category C felony, and **section 5** of this bill requires a court to order that a person convicted of a violation of **section 4** pay restitution to the victim of the crime.

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

Section 1. NRS 127.310 is hereby amended to read as follows:

127.310 1. Except as otherwise provided in NRS 127.240, 127.283 and 127.285, any person or organization other than an agency which provides child welfare services who, without holding a valid unrevoked license to place children for adoption issued by the Division:

(a) Places, arranges the placement of, or assists in placing or in arranging the placement of, any child for adoption or permanent free care; or

(b) Advertises ~~in any periodical or newspaper, or by radio or other public medium,~~ that he or she will place children for adoption ~~or permanent free care,~~ or accept, supply, provide or obtain children for adoption ~~or permanent free care,~~ or causes any advertisement to be ~~published in or by any public medium~~ **disseminated** soliciting, requesting or asking for any child or children for adoption ~~or permanent free care,~~

↪ is guilty of a misdemeanor.

2. Any person who places, accepts placement of, or aids, abets or counsels the placement of any child in violation of NRS 127.280, 127.2805 and 127.2815 is guilty of a misdemeanor.

3. A periodical, newspaper, radio station, **Internet website** or other public medium is not subject to any criminal penalty or civil liability for ~~publishing or broadcasting~~ **disseminating** an advertisement that violates the provisions of this section.

4. A child-placing agency shall include in any advertisement concerning its services ~~published in any periodical or newspaper or by radio or other public medium~~ a statement which:

- (a) Confirms that the child-placing agency holds a valid, unrevoked license issued by the Division; and
- (b) Indicates any license number issued to the child-placing agency by the Division.

5. *As used in this section:*

(a) *“Advertise” or “advertisement” means a communication that originates within this State by any public medium, including, without limitation, a newspaper, periodical, telephone book listing, outdoor advertising, sign, radio, television or a computerized communication system, including, without limitation, electronic mail, an Internet website or an Internet account.*

(b) *“Internet account” means an account created within a bounded system established by an Internet-based service that requires a user to input or store information in an electronic device in order to view, create, use or edit the account information, profile, display, communications or stored data of the user.*

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. Chapter 62D of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An instrument of restraint may be used on a child during a court proceeding only if ~~it~~*

~~—(a) The~~ *the restraint is necessary to prevent the child from:*

~~—(1) (a) Inflicting physical harm on himself or herself or another person; or~~

~~—(2) (b) Escaping from the courtroom, ~~it~~ and~~

~~—(b) There is not a less restrictive alternative to prevent such physical harm or escape from the courtroom, including, without limitation, the presence of court personnel, law enforcement officers or bailiffs.~~

2. *Whenever practical, the judge shall provide the:*

(a) *Child and his or her attorney an opportunity to be heard ~~and contest~~ regarding the use of an instrument of restraint before the judge orders the use of an instrument of restraint.*

(b) *Prosecuting attorney an opportunity to be heard ~~and argue that~~ regarding whether the use of an instrument of restraint is necessary pursuant to subsection 1.*

3. *In making a determination pursuant to subsection 2 as to whether an instrument of restraint is necessary pursuant to subsection 1, the court shall consider the following factors:*

(a) *Any previous escapes or attempted escapes by the child.*

(b) *Evidence of a present plan of escape by the child.*

(c) A ~~substantiated~~ credible threat by the child to harm himself or herself or another person.

(d) A history of self-destructive tendencies by the child.

(e) Any ~~substantiated~~ credible threat of ~~to rescue~~ an attempt to escape by a person not in custody.

(f) Whether the child is subject to a proceeding ~~for~~ :

(1) That is not in the jurisdiction of the juvenile court pursuant to subsection 3 of NRS 62B.330; or

(2) For transfer or certification for criminal proceedings as an adult pursuant to NRS ~~62B.335, 62B.390~~ or 62B.400.

(g) Any other factor that is relevant in determining whether the use of an instrument of restraint on the child is necessary pursuant to subsection 1.

4. The determination of the judge pursuant to subsection 2 must contain specific findings of fact and conclusions of law supporting the determination.

5. If an instrument of restraint is used on a child, the restraint must allow the child limited movement of his or her hands to hold any document or writing necessary to participate in the proceeding.

6. As used in this section, “instrument of restraint” includes, without limitation, handcuffs, chains, irons and straightjackets.

Sec. 4. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person shall not:

(a) Recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of the child or a person with custody of the child places the child in the physical custody of another person who is not a relative of the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child.

(b) Sell, transfer or arrange for the sale or transfer of a child to another person for money or anything of value or receive a child in exchange for money or anything of value.

2. The provisions of subsection 1 do not apply to:

(a) A placement of a child with a relative, stepparent, child-placing agency or an agency which provides child welfare services;

(b) A placement of a child by a child-placing agency or an agency which provides child welfare services;

(c) A temporary placement of a child with another person by a parent of the child or a person with legal or physical custody of the child, with an intent to return for the child, including, without limitation, a temporary placement of a child while the parent of the child or the person with legal or physical custody of the child is on vacation, incarcerated, serving in the military, receiving medical treatment or incapacitated;

(d) A placement of a child in accordance with NRS 127.330, 159.205 or 159.215;

(e) A placement of a child that is approved by a court of competent jurisdiction; or

(f) Delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

3. A person who violates the provisions of subsection 1 is guilty of trafficking in children and shall be punished for a category C felony as provided in NRS 193.130.

4. As used in this section:

(a) "Advertise" has the meaning ascribed to it in NRS 127.310.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(c) "Child" means a person who is less than 18 years of age.

(d) "Child-placing agency" has the meaning ascribed to it in NRS 127.220.

Sec. 5. NRS 200.469 is hereby amended to read as follows:

200.469 1. In addition to any other penalty, the court may order a person convicted of violation of any provision of NRS 200.467 or 200.468 **or section 4 of this act** to pay restitution to the victim as provided in subsection 2.

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

(c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;

(d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;

(e) The cost of repatriation of the victim to his or her home country, if applicable; and

(f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.467 or 200.468 ~~or~~ **or section 4 of this act.**

3. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

4. As used in this section, "victim" means any person:

(a) Against whom a violation of any provision of NRS 200.467 or 200.468 **or section 4 of this act** has been committed; or

(b) Who is the surviving child of such a person.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 671 to Assembly Bill No. 8.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 49.

The following Senate amendment was read:

Amendment No. 917.

AN ACT relating to crimes; establishing the crime of unlawful dissemination of an intimate image of a person; prohibiting ~~the electronic dissemination or the sale of~~ **certain acts relating to** an intimate image of another person ~~; in certain circumstances; prohibiting a person from demanding payment of money, property, services or anything else of value from a person in exchange for removing an intimate image from public view;~~ revising provisions relating to sexual assault and the abuse of a child; setting forth provisions relating to expert testimony in a prosecution for pandering or sex trafficking; revising provisions concerning acts of open or gross lewdness, open and indecent or obscene exposure, ~~and~~ lewdness with a child ~~revising provisions relating to~~ **and** statutory sexual seduction; revising provisions relating to sexual conduct between certain pupils and certain employees of or volunteers at a school and between certain students and certain employees of a college or university; setting forth various provisions relating to the admissibility of evidence and expert testimony in criminal and juvenile delinquency actions; prohibiting a court from ordering the victim of or a witness to a sexual offense to take or submit to a psychological or psychiatric examination in ~~in~~ **certain** criminal or juvenile delinquency ~~action relating to the commission of the sexual offense;~~ **actions;** authorizing the court to exclude in certain circumstances the testimony of a licensed psychologist, psychiatrist or clinical worker ~~; who performed a psychological or psychiatric examination on such a victim or witness;~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-6.5 of this bill establish the crime of unlawful dissemination of an intimate image of a person. **Section 3** defines the term “intimate image” generally as a photograph, film, videotape or other recorded image, or any reproduction thereof, which depicts: (1) the fully exposed nipple of the female breast of another person; or (2) one or more persons engaged in sexual conduct. **Section 3** also provides that an image which would otherwise constitute an intimate image is not an intimate image if the person depicted in the image: (1) is not clearly identifiable; (2) voluntarily exposed himself or herself in a public or commercial setting; or (3) is a public figure.

Section 5 provides that a person commits the crime of unlawful dissemination of an intimate image and is guilty of a category D felony when, with the intent to harass, harm or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person: (1) did not give prior consent to the electronic dissemination or sale; (2) had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public; and (3) was at least 18 years of age when the intimate image was created. **Section 5** also sets forth certain exceptions regarding when an intimate image may be

lawfully electronically disseminated. Under **section 6**, a person is guilty of a category D felony if he or she demands payment of money, property, services or anything else of value from a person in exchange for removing an intimate image from public view. **Section 6.5** provides that the provisions of **sections 1-6** must not be construed to impose liability on an interactive computer service, as that term is defined in federal law, for any content provided by another person.

Existing law provides that a person who forces another person under certain circumstances to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. (NRS 200.366) **Section 8** of this bill additionally provides that a person who commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. **Section 8** further provides that, except in certain circumstances, such provisions do not apply to a person who commits any such act upon a child under the age of 14 years if the person committing the act is less than 18 years of age and is not more than 2 years older than the person upon whom the act is committed.

Existing law also provides that a person who commits any act of open or gross lewdness or who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty of a gross misdemeanor for the first offense and a category D felony for any subsequent offense. (NRS 201.210, 201.220) Under **sections 13 and 14** of this bill, if a person commits any such offense and he or she has previously been convicted of a sexual offense, or if the person commits any such offense in the presence of a child under the age of 18 years or a vulnerable person, the person is guilty of a category D felony.

Additionally, under existing law, a person who commits certain acts with a child under the age of 14 years is guilty of lewdness with a child and is guilty of a category A felony. (NRS 201.230) **Section 15** of this bill ~~increases that age to 16 years and~~ **provides that a person is guilty of lewdness with a child if the person: (1) is 18 years of age or older and commits certain acts with a child under the age of 16 years; or (2) is under the age of 18 years and commits certain acts with a child under the age of 14 years. Section 15 also** provides that if a person commits lewdness with: (1) a child under the age of 14, he or she is guilty of a category A felony; and (2) a child who is 14 or 15, he or she is guilty of a category B felony. ~~[Section 15 also provides that, except in certain circumstances, such provisions do not apply to a person who commits any such act if the person is less than 18 years of age and is not more than 2 years older than the person upon whom the act is committed.]~~

Section 7 of this bill revises the definition of the term “statutory sexual seduction,” and **section 8.5** of this bill revises the penalties imposed for the crime of statutory sexual seduction. ~~[Section 15 provides that an act which constitutes the crime of statutory sexual seduction does not constitute lewdness with a child.]~~

Section 10 of this bill provides that certain persons are guilty of a category A felony if they willfully cause, permit or allow a child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect, and substantial bodily or mental harm results to the child which includes certain severe injuries.

Sections 18 and 19 of this bill revise the punishment imposed for: (1) certain employees of or volunteers at a school who engage in sexual conduct with certain pupils; and (2) certain employees of a college or university who engage in sexual conduct with certain students.

Sections 12, 23 and 24 of this bill revise various provisions relating to the admissibility of expert testimony and evidence in certain criminal and juvenile delinquency cases. **Section 12** provides that in a prosecution for pandering or sex trafficking, certain expert testimony that is offered by the prosecution or defense is admissible for any relevant purpose, but certain other expert testimony cannot be offered against the defendant to prove the occurrence of an act which forms the basis of a criminal charge against the defendant. Under **section 23**, expert testimony offered by the prosecution or defense which concerns the behavior of a defendant in preparing a child under the age of 18 or a vulnerable person for sexual abuse by the defendant is admissible for any purpose. **Section 24** prohibits a court in a criminal or juvenile delinquency action relating to the commission of a sexual offense from ordering a victim of or witness to a sexual offense to take or submit to a psychological or psychiatric examination. **Section 24** also authorizes the court to exclude the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on a victim or witness in certain circumstances.

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6.5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Intimate image”:*

1. *Except as otherwise provided in subsection 2, includes, without limitation, a photograph, film, videotape or other recorded image which depicts:*

(a) The fully exposed nipple of the female breast of another person, including through transparent clothing; or

(b) One or more persons engaged in sexual conduct.

2. *Does not include an image which would otherwise constitute an intimate image pursuant to subsection 1, but in which the person depicted in the image:*

- (a) *Is not clearly identifiable;*
- (b) *Voluntarily exposed himself or herself in a public or commercial setting; or*

(c) *Is a public figure.*

Sec. 4. *“Sexual conduct” has the meaning ascribed to it in NRS 200.700.*

Sec. 5. 1. *Except as otherwise provided in subsection 3, a person commits the crime of unlawful dissemination of an intimate image when, with the intent to harass, harm or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person:*

- (a) *Did not give prior consent to the electronic dissemination or the sale of the intimate image;*
- (b) *Had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public; and*
- (c) *Was at least 18 years of age when the intimate image was created.*

2. *A person who commits the crime of unlawful dissemination of an intimate image is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

3. *The provisions of this section do not apply to the electronic dissemination of an intimate image for the purpose of:*

- (a) *A legitimate public interest;*
- (b) *Reporting unlawful conduct;*
- (c) *Any lawful law enforcement or correctional activity;*
- (d) *Investigation or prosecution of a violation of this section; or*
- (e) *Preparation for or use in any legal proceeding.*

4. *A person who commits the crime of unlawful dissemination of an intimate image is not considered a sex offender and is not subject to registration or community notification as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.*

Sec. 6. *Any person who demands payment of money, property, services or anything else of value from a person in exchange for removing an intimate image from public view is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

Sec. 6.5. 1. *The provisions of sections 2 to 6.5, inclusive, of this act must not be construed to impose liability on an interactive computer service for any content provided by another person.*

2. *As used in subsection 1, “interactive computer service” has the meaning ascribed to it in 47 U.S.C. § 230(f)(2).*

Sec. 7. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, unless the context otherwise requires:

1. *“Offense involving a pupil” means any of the following offenses:*

- (a) *Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.*

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

2. “Perpetrator” means a person who commits a sexual offense, an offense involving a pupil or sex trafficking.

3. “Sex trafficking” means a violation of subsection 2 of NRS 201.300.

4. “Sexual offense” means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

5. “Sexual penetration” means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person’s body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. ***The term does not include any such conduct for medical purposes.***

6. “Statutory sexual seduction” means ~~1:~~

~~—(a) Ordinary~~ **ordinary** sexual intercourse, anal intercourse, ~~[cunnilingus or fellatio]~~ **or sexual penetration** committed by a person 18 years of age or older with a person ~~[under the age of 16 years; or~~

~~—(b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons.]~~ **who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.**

7. “Victim” means a person who is a victim of a sexual offense, an offense involving a pupil or sex trafficking.

Sec. 8. NRS 200.366 is hereby amended to read as follows:

200.366 1. A person ~~[who subjects]~~ **is guilty of sexual assault if he or she:**

(a) Subjects another person to sexual penetration, or ~~[who]~~ forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct ~~[or]; or [who commits]~~

(b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast . ~~[is guilty of sexual assault.]~~

2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:

(a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.

(b) If no substantial bodily harm to the victim results, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:

(a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.

(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 25 years has been served.

(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 35 years has been served.

4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:

(a) A sexual assault pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,

↪ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

5. *The provisions of this section do not apply to a person who is less than 18 years of age and who commits any of the acts described in paragraph (b) of subsection 1 if the person is not more than 2 years older than the person upon whom the act was committed unless:*

(a) The person committing the act uses force or threatens the use of force; or

~~(b) The person upon whom the act is committed suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness that is apparent or known to the person committing the act; or~~

~~(c) The victim has diminished capacity at the time of the offense as a result of drug or alcohol use; committing the act knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct.~~

6. For the purpose of this section, “other sexual offense against a child” means any act committed by an adult upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262; or

(d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony.

Sec. 8.5. NRS 200.368 is hereby amended to read as follows:

200.368 ~~Except under circumstances where a greater penalty is provided in NRS 201.540, a~~ A person who commits statutory sexual seduction shall be punished:

1. If the person is 21 years of age or older ~~for a category C felony as provided in NRS 193.130.~~ **at the time of the commission of the offense, 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 10 years, and may be further punished by a fine of not more than \$10,000.**

2. ~~Except as otherwise provided in subsection 3, if~~ the person is under the age of 21 years, for a gross misdemeanor.

3. **If the person is under the age of 21 years and has previously been convicted of a sexual offense, as defined in NRS 179D.097, for a category D felony as provided in NRS 193.130.**

Sec. 9. NRS 200.400 is hereby amended to read as follows:

200.400 1. As used in this section:

(a) “Battery” means any willful and unlawful use of force or violence upon the person of another.

(b) “Strangulation” has the meaning ascribed to it in NRS 200.481.

2. A person who is convicted of battery with the intent to commit mayhem, robbery or grand larceny 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.

3. A person who is convicted of battery with the intent to kill is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

4. A person who is convicted of battery with the intent to commit sexual assault shall be punished:

(a) If the crime results in substantial bodily harm to the victim or is committed by strangulation, for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served . ~~as determined by the verdict of the jury, or the judgment of the court if there is no jury.~~

(b) If the crime does not result in substantial bodily harm to the victim and the victim is 16 years of age or older, for a category A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of life with the possibility of parole.

(c) If the crime does not result in substantial bodily harm to the victim and the victim is a child under the age of 16, for a category A felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of life with the possibility of parole.

➡ In addition to any other penalty, a person convicted pursuant to this subsection may be punished by a fine of not more than \$10,000.

Sec. 10. NRS 200.508 is hereby amended to read as follows:

200.508 1. A person who willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served; or

(2) *If the child is less than 18 years of age and the resulting harm includes, without limitation, one or more of the following injuries:*

(I) Skull fracture;

(II) Depressed skull fracture;

(III) Cerebral laceration;

(IV) Cerebral contusion;

(V) Subarachnoid hemorrhage;

(VI) Subdural hemorrhage in the brain, neck or spinal cord;

(VII) Epidural hemorrhage;

(VIII) Intracranial hemorrhage;

(IX) Cerebral edema caused by trauma;

(X) Multiple fractures of the skull or face with injuries to other bones of the body;

(XI) Contusion of the cerebellum or brain stem;

(XII) Optic nerve injury;

(XIII) Retinal hemorrhage;

(XIV) Loss of eyesight;

(XV) Loss of hearing; or

(XVI) Speech impairment or loss of speech,

➡ *is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, or for a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served.*

(3) In all other such cases to which subparagraph (1) **or** (2) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, 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; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, 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 15 years,

↪ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

2. A person who is responsible for the safety or welfare of a child ***pursuant to NRS 432B.130*** and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(2) ***If the child is less than 18 years of age and the resulting harm includes, without limitation, one or more of the following injuries:***

(I) Skull fracture;

(II) Depressed skull fracture;

(III) Cerebral laceration;

(IV) Cerebral contusion;

(V) Subarachnoid hemorrhage;

(VI) Subdural hemorrhage in the brain, neck or spinal cord;

(VII) Epidural hemorrhage;

(VIII) Intracranial hemorrhage;

(IX) Cerebral edema caused by trauma;

(X) Multiple fractures of the skull or face with injuries to other bones

of the body;

(XI) Contusion of the cerebellum or brain stem;

(XII) Optic nerve injury;

(XIII) Retinal hemorrhage;

(XIV) Loss of eyesight;

(XV) Loss of hearing; or

(XVI) Speech impairment or loss of speech,

↪ ***is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole***

beginning when a minimum of 5 years has been served, or for a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served.

(3) In all other such cases to which subparagraph (1) **or** (2) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a gross misdemeanor; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category C felony and shall be punished as provided in NRS 193.130,

↪ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

3. A person does not commit a violation of subsection 1 or 2 by virtue of the sole fact that the person delivers or allows the delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

4. As used in this section:

(a) "Abuse or neglect" means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in paragraph (d) and NRS 432B.070, 432B.100, 432B.110, 432B.140 and 432B.150, under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

(c) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

(d) "Physical injury" means:

(1) Permanent or temporary disfigurement; or

(2) Impairment of any bodily function or organ of the body.

(e) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior.

Sec. 11. NRS 200.604 is hereby amended to read as follows:

200.604 1. Except as otherwise provided in subsection 4, a person shall not knowingly and intentionally capture an image of the private area of another person:

(a) Without the consent of the other person; and

(b) Under circumstances in which the other person has a reasonable expectation of privacy.

2. Except as otherwise provided in subsection 4, a person shall not distribute, disclose, display, transmit or publish an image that the person knows or has reason to know was made in violation of subsection 1.

3. ~~{A}~~ ***Unless a greater penalty is provided pursuant to section 5 of this act, a*** person who violates this section:

(a) For a first offense, is guilty of a gross misdemeanor.

(b) For a second or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. This section does not prohibit any lawful law enforcement or correctional activity, including, without limitation, capturing, distributing, disclosing, displaying, transmitting or publishing an image for the purpose of investigating or prosecuting a violation of this section.

5. If a person is charged with a violation of this section, any image of the private area of a victim that is contained within:

(a) Court records;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

↪ is confidential and, except as otherwise provided in subsections 6 and 7, must not be inspected by or released to the general public.

6. An image that is confidential pursuant to subsection 5 may be inspected or released:

(a) As necessary for the purposes of investigation and prosecution of the violation;

(b) As necessary for the purpose of allowing a person charged with a violation of this section and his or her attorney to prepare a defense; and

(c) Upon authorization by a court of competent jurisdiction as provided in subsection 7.

7. A court of competent jurisdiction may authorize the inspection or release of an image that is confidential pursuant to subsection 5, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the inspection or release; and

(b) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

8. As used in this section:

(a) “Broadcast” means to transmit electronically an image with the intent that the image be viewed by any other person.

(b) “Capture,” with respect to an image, means to videotape, photograph, film, record by any means or broadcast.

(c) “Female breast” means any portion of the female breast below the top of the areola.

(d) “Private area” means the naked or undergarment clad genitals, pubic area, buttocks or female breast of a person.

(e) “Under circumstances in which the other person has a reasonable expectation of privacy” means:

(1) Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of his or her private area would be captured; or

(2) Circumstances in which a reasonable person would believe that his or her private area would not be visible to the public, regardless of whether the person is in a public or private place.

Sec. 12. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

In a prosecution for pandering or sex trafficking pursuant to NRS 201.300, expert testimony concerning:

1. The prostitution subculture, including, without limitation, the effect of physical, emotional or mental abuse on the beliefs, behavior and perception of the alleged victim of the pandering or sex trafficking that is offered by the prosecution or defense is admissible for any relevant purpose, including, without limitation, to demonstrate:

(a) The dynamics of and the manipulation and psychological control measures used in the relationship between a prostitute and a person who engages in pandering or sex trafficking in violation of NRS 201.300; and

(b) The normal behavior and language used in the prostitution subculture.

2. The effect of pandering or sex trafficking may not be offered against a defendant pursuant to subsection 1 to prove the occurrence of an act which forms the basis of a criminal charge against the defendant.

Sec. 13. NRS 201.210 is hereby amended to read as follows:

201.210 1. A person who commits any act of open or gross lewdness is guilty:

(a) ~~For~~ ***Except as otherwise provided in this subsection, for*** the first offense, of a gross misdemeanor.

(b) For any subsequent offense, ***or if the person has previously been convicted of a sexual offense as defined in NRS 179D.097, of a category D felony and shall be punished as provided in NRS 193.130.***

(c) For an offense committed in the presence of a child under the age of 18 years or a vulnerable person as defined in paragraph (a) of subsection 7 of NRS 200.5092, of a category D felony and shall be punished as provided in NRS 193.130.

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open or gross lewdness.

Sec. 14. NRS 201.220 is hereby amended to read as follows:

201.220 1. A person who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty:

(a) ~~For~~ ***Except as otherwise provided in this subsection, for*** the first offense, of a gross misdemeanor.

(b) For any subsequent offense, ***or if the person has previously been convicted of a sexual offense as defined in NRS 179D.097, of a category D felony and shall be punished as provided in NRS 193.130.***

(c) ***For an offense committed in the presence of a child under the age of 18 years or a vulnerable person as defined in paragraph (a) of subsection 7 of NRS 200.5092, of a category D felony and shall be punished as provided in NRS 193.130.***

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open and indecent or obscene exposure of her body.

Sec. 15. NRS 201.230 is hereby amended to read as follows:

201.230 1. A person ~~[who]~~ **is guilty of lewdness with a child if he or she:**

(a) Is 18 years of age or older and willfully and lewdly commits any lewd or lascivious act, other than acts constituting the ~~crime [crimes]~~ of sexual assault, ~~[or statutory sexual seduction,]~~ upon or with the body, or any part or member thereof, of a child under the age of ~~[14] 16~~ years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, ~~[is guilty of lewdness with a child.]; or~~

(b) Is under the age of 18 years and willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child.

2. Except as otherwise provided in ~~[subsection 3,]~~ **subsections 4, 4.1 and 5,** a person who commits lewdness with a child **under the age of 14 years** is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.

3. ***Except as otherwise provided in subsection 4, a person who commits lewdness with a child who is 14 or 15 years of age is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000.***

4. ~~[A]~~ **Except as otherwise provided in subsection 5, a** person who commits lewdness with a child and who has been previously convicted of:

(a) Lewdness with a child pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute lewdness with a child pursuant to this section or any other sexual offense against a child,

↪ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

~~{4.} 5. [The provisions of this section do not apply to a person who is less than 18 years of age and who commits any act described in subsection 1 if the person is not more than 2 years older than the person upon whom the act was committed unless:~~

~~— (a) The person committing the act uses force or threatens the use of force;~~

~~— (b) The person upon whom the act is committed suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness that is apparent or known to the person committing the act; or~~

~~— (c) The victim has diminished capacity at the time of the offense as a result of drug or alcohol use.] A person who is under the age of 18 years and who commits lewdness with a child under the age of 14 years commits a delinquent act.~~

6. For the purpose of this section, “other sexual offense against a child” has the meaning ascribed to it in subsection ~~{5}~~ **6** of NRS 200.366.

Sec. 16. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, **and section 12 of this act**, unless the context otherwise requires:

1. “Adult” means a person 18 years of age or older.

2. “Child” means a person less than 18 years of age.

3. “Induce” means to persuade, encourage, inveigle or entice.

4. “Prostitute” means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.

5. “Prostitution” means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.

6. “Sexual conduct” means any of the acts enumerated in subsection 4.

7. “Transports” means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 17. NRS 201.520 is hereby amended to read as follows:

201.520 “Sexual conduct” means:

1. Ordinary sexual intercourse;

2. Anal intercourse;

3. Fellatio, cunnilingus or other oral-genital contact;

4. Physical contact by a person with the unclothed genitals or pubic area of another person for the purpose of arousing or gratifying the sexual desire of either person;

5. Penetration, however slight, by a person of an object into the genital or anal opening of the body of another person for the purpose of arousing or gratifying the sexual desire of either person;

6. Masturbation or the lewd exhibition of unclothed genitals; ~~{or}~~

7. Sado-masochistic abuse ~~{-}~~; **or**

8. Any lewd or lascivious act upon or with the body, or any part or member thereof, of another person.

Sec. 18. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection ~~{4,}~~ **3**, a person who:

(a) Is 21 years of age or older;

(b) Is or was employed in a position of authority by a public school or private school or is or was volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil who is 16 or 17 years of age and:

(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

~~{-} is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~— 2. Except as otherwise provided in subsection 4, a person who:~~

~~— (a) Is 21 years of age or older;~~

~~— (b) Is or was employed in a position of authority by a public school or private school or is or was volunteering in a position of authority at a public or private school; and~~

~~— (c) Engages in sexual conduct with a pupil who is 14 or 15 years of age and:~~

~~— (1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or~~

~~— (2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,}~~

↪ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than ~~{1-year}~~ **2 years and a maximum term of not more than ~~{6}~~ **20** years, and may be further punished by a fine of not more than ~~[\$5,000-] \$10,000.~~**

~~{3-}~~ **2.** For the purposes of ~~{subsections}~~ **subsection 1**, ~~{and 2,}~~ a person shall be deemed to be or have been employed in a position of authority by a public school or private school or deemed to be or have been volunteering in a position of authority at a public or private school if the person is or was employed or volunteering as:

(a) A teacher or instructor;

(b) An administrator;

(c) A head or assistant coach; or

(d) A teacher's aide or an auxiliary, nonprofessional employee who assists licensed personnel in the instruction or supervision of pupils pursuant to NRS 391.100.

~~{4.}~~ 3. The provisions of this section do not apply to a person who is married to the pupil.

Sec. 19. NRS 201.550 is hereby amended to read as follows:

201.550 1. Except as otherwise provided in subsection 3, a person who:

(a) Is 21 years of age or older;

(b) Is employed in a position of authority by a college or university; and

(c) Engages in sexual conduct with a student who is 16 or 17 years of age and who is enrolled in or attending the college or university at which the person is employed,

↪ is guilty of a category ~~{C}~~ **B** felony and shall be punished ~~as provided in NRS 193.130.~~ **by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than \$10,000.**

2. For the purposes of subsection 1, a person shall be deemed to be employed in a position of authority by a college or university if the person is employed as:

(a) A teacher, instructor or professor;

(b) An administrator; or

(c) A head or assistant coach.

3. The provisions of this section do not apply to a person who is married to the student.

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 48.045 is hereby amended to read as follows:

48.045 1. Evidence of a person's character or a trait of his or her character is not admissible for the purpose of proving that the person acted in conformity therewith on a particular occasion, except:

(a) Evidence of a person's character or a trait of his or her character offered by an accused, and similar evidence offered by the prosecution to rebut such evidence;

(b) Evidence of the character or a trait of character of the victim of the crime offered by an accused, subject to the procedural requirements of NRS 48.069 where applicable, and similar evidence offered by the prosecution to rebut such evidence; and

(c) Unless excluded by NRS 50.090, evidence of the character of a witness, offered to attack or support his or her credibility, within the limits provided by NRS 50.085.

2. Evidence of other crimes, wrongs or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

3. *Nothing in this section shall be construed to prohibit the admission of evidence in a criminal prosecution for a sexual offense that a person committed another crime, wrong or act that constitutes a separate sexual offense. As used in this subsection, "sexual offense" has the meaning ascribed to it in NRS 179D.097.*

Sec. 22. Chapter 50 of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.

Sec. 23. 1. *In any criminal or juvenile delinquency action, expert testimony offered by the prosecution or defense which concerns the behavior of a defendant in preparing a child under the age of 18 years or a vulnerable person as defined in NRS 200.5092 for sexual abuse by the defendant is admissible for any relevant purpose. Such expert testimony may concern, without limitation:*

(a) *The effect on the victim from the defendant creating a physical or emotional relationship with the victim before the sexual abuse; and*

(b) *Any behavior of the defendant that was intended to reduce the resistance of the victim to the sexual abuse or reduce the likelihood that the victim would report the sexual abuse.*

2. *As used in this section, "sexual abuse" has the meaning ascribed to it in NRS 432B.100.*

Sec. 24. 1. *In any criminal or juvenile delinquency action relating to the commission of a sexual offense, a court may not order the victim of or a witness to the sexual offense to take or submit to a psychological or psychiatric examination.*

2. *The court may exclude the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on the victim or witness if:*

(a) *There is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness by a licensed psychologist, psychiatrist or clinical worker; and*

(b) *The victim or witness refuses to submit to an additional psychological or psychiatric examination by a licensed psychologist, psychiatrist or clinical worker.*

3. *In determining whether there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness pursuant to subsection 2, the court must consider whether:*

(a) *There is a reasonable basis for believing that the mental or emotional state of the victim or witness may have affected his or her ability to perceive and relate events relevant to the criminal prosecution; and*

(b) *Any corroboration of the offense exists beyond the testimony of the victim or witness.*

4. *If the court determines there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness, the court shall issue a factual finding that details with*

particularity the reasons why an additional psychological or psychiatric examination of the victim or witness is warranted.

5. If the court issues a factual finding pursuant to subsection 4 and the victim or witness consents to an additional psychological or psychiatric examination, the court shall set the parameters for the examination consistent with the purpose of determining the ability of the victim or witness to perceive and relate events relevant to the criminal prosecution.

6. As used in this section, "sexual offense" includes, without limitation:

- (a) Sexual assault pursuant to NRS 200.366;*
- (b) Statutory sexual seduction pursuant to NRS 200.368;*
- (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;*
- (d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;*

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Open or gross lewdness pursuant to NRS 201.210;

(h) Indecent or obscene exposure pursuant to NRS 201.220;

(i) Lewdness with a child pursuant to NRS 201.230;

(j) Sexual penetration of a dead human body pursuant to NRS 201.450;

(k) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;

(l) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;

(m) Luring a child or a person with mental illness pursuant to NRS 201.560;

(n) An offense that is found to be sexually motivated pursuant to NRS 175.547 or 207.193;

(o) Pandering of a child pursuant to NRS 201.300;

(p) Any other offense that has an element involving a sexual act or sexual conduct with another person; or

(q) Any attempt or conspiracy to commit an offense listed in this subsection.

Sec. 25. NRS 50.260 is hereby amended to read as follows:

50.260 As used in NRS 50.260 to 50.345, inclusive, **and section 23 of this act**, unless the context otherwise requires, "prohibited substance" has the meaning ascribed to it in NRS 484C.080.

Sec. 26. NRS 432B.140 is hereby amended to read as follows:

432B.140 Negligent treatment or maltreatment of a child occurs if a child ~~has been subjected to harmful behavior that [communicates rejection or] is [threatening, intimidating, disparaging,] terrorizing [or humiliating, has been subjected to painful or abusive conduct,], degrading, painful or~~

emotionally traumatic, has been abandoned, is without proper care, control ~~and~~ or supervision or lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

Sec. 27. 1. The amendatory provisions of sections 1 to 5, inclusive, 6.5 and 11 of this act apply to an intimate image that is electronically disseminated or sold on or after October 1, 2015.

2. The amendatory provisions of section 6 of this act apply to an intimate image that is electronically disseminated or sold before, on or after October 1, 2015, if, on or after October 1, 2015, a person:

(a) Demands payment of money, property, services or anything else of value from a person in exchange for removing the intimate image from public view; or

(b) Directly or indirectly counsels, hires, commands, induces or otherwise procures another person to demand payment of money, property, services or anything else of value from a person in exchange for removing the intimate image from public view.

3. The amendatory provisions of sections 7 to 10, inclusive, 13, 14, 15, 17, 18, 19 and 26 of this act apply to an offense that is committed on or after October 1, 2015.

4. The amendatory provisions of sections 12, 16 and 20 to 25, inclusive, of this act apply to a court proceeding that is commenced on or after October 1, 2015.

5. As used in this section, “intimate image” has the meaning ascribed to it in section 3 of this act.

Sec. 28. (Deleted by amendment.)

Assemblyman Hansen moved that the Assembly concur in Senate Amendment No. 917 to Assembly Bill No. 49.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 932.

AN ACT relating to crimes; establishing the crime of unlawful dissemination of an intimate image of a person; prohibiting certain acts relating to an intimate image of another person; revising provisions relating to sexual assault and the abuse of a child; setting forth provisions relating to expert testimony in a prosecution for pandering or sex trafficking; revising provisions concerning acts of open or gross lewdness, open and indecent or obscene exposure, lewdness with a child and statutory sexual seduction; ~~revising provisions relating to sexual conduct between certain pupils and certain employees of or volunteers at a school and between certain students and certain employees of a college or university;~~ setting forth various provisions relating to the admissibility of evidence and expert testimony in criminal and juvenile delinquency actions; prohibiting a court from ordering

the victim of or a witness to a sexual offense to take or submit to a psychological or psychiatric examination in certain criminal or juvenile delinquency actions; authorizing the court to exclude in certain circumstances the testimony of a licensed psychologist, psychiatrist or clinical worker; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-6.5 of this bill establish the crime of unlawful dissemination of an intimate image of a person. **Section 3** defines the term "intimate image" generally as a photograph, film, videotape or other recorded image, or any reproduction thereof, which depicts: (1) the fully exposed nipple of the female breast of another person; or (2) one or more persons engaged in sexual conduct. **Section 3** also provides that an image which would otherwise constitute an intimate image is not an intimate image if the person depicted in the image: (1) is not clearly identifiable; (2) voluntarily exposed himself or herself in a public or commercial setting; or (3) is a public figure.

Section 5 provides that a person commits the crime of unlawful dissemination of an intimate image and is guilty of a category D felony when, with the intent to harass, harm or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person: (1) did not give prior consent to the electronic dissemination or sale; (2) had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public; and (3) was at least 18 years of age when the intimate image was created. **Section 5** also sets forth certain exceptions regarding when an intimate image may be lawfully electronically disseminated. Under **section 6**, a person is guilty of a category D felony if he or she demands payment of money, property, services or anything else of value from a person in exchange for removing an intimate image from public view. **Section 6.5** provides that the provisions of **sections 1-6** must not be construed to impose liability on an interactive computer service, as that term is defined in federal law, for any content provided by another person.

Existing law provides that a person who forces another person under certain circumstances to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. (NRS 200.366) **Section 8** of this bill additionally provides that a person who commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. **Section 8** further provides that, except in certain circumstances, such provisions do not apply to a person who commits any such act upon a child under the age of 14 years if the person committing the act is less than 18 years of age and is not more than 2 years older than the person upon whom the act is committed.

Existing law also provides that a person who commits any act of open or gross lewdness or who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty of a gross misdemeanor

for the first offense and a category D felony for any subsequent offense. (NRS 201.210, 201.220) Under **sections 13 and 14** of this bill, if a person commits any such offense and he or she has previously been convicted of a sexual offense, or if the person commits any such offense in the presence of a child under the age of 18 years or a vulnerable person, the person is guilty of a category D felony.

Additionally, under existing law, a person who commits certain acts with a child under the age of 14 years is guilty of lewdness with a child and is guilty of a category A felony. (NRS 201.230) **Section 15** of this bill provides that a person is guilty of lewdness with a child if the person: (1) is 18 years of age or older and commits certain acts with a child under the age of 16 years; or (2) is under the age of 18 years and commits certain acts with a child under the age of 14 years. **Section 15** also provides that if a person commits lewdness with: (1) a child under the age of 14, he or she is guilty of a category A felony; and (2) a child who is 14 or 15, he or she is guilty of a category B felony.

Section 7 of this bill revises the definition of the term “statutory sexual seduction,” and **section 8.5** of this bill revises the penalties imposed for the crime of statutory sexual seduction.

Section 10 of this bill provides that certain persons are guilty of a category A felony if they willfully cause, permit or allow a child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect, and substantial bodily or mental harm results to the child which includes certain severe injuries.

~~[Sections 18 and 19 of this bill revise the punishment imposed for: (1) certain employees of or volunteers at a school who engage in sexual conduct with certain pupils; and (2) certain employees of a college or university who engage in sexual conduct with certain students.]~~

Sections 12, 23 and 24 of this bill revise various provisions relating to the admissibility of expert testimony and evidence in certain criminal and juvenile delinquency cases. **Section 12** provides that in a prosecution for pandering or sex trafficking, certain expert testimony that is offered by the prosecution or defense is admissible for any relevant purpose, but certain other expert testimony cannot be offered against the defendant to prove the occurrence of an act which forms the basis of a criminal charge against the defendant. Under **section 23**, expert testimony offered by the prosecution or defense which concerns the behavior of a defendant in preparing a child under the age of 18 or a vulnerable person for sexual abuse by the defendant is admissible for any purpose. **Section 24** prohibits a court in a criminal or juvenile delinquency action relating to the commission of a sexual offense from ordering a victim of or witness to a sexual offense to take or submit to a psychological or psychiatric examination. **Section 24** also authorizes the court to exclude the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on a victim or witness in certain circumstances.

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6.5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. "Intimate image":

1. *Except as otherwise provided in subsection 2, includes, without limitation, a photograph, film, videotape or other recorded image which depicts:*

(a) The fully exposed nipple of the female breast of another person, including through transparent clothing; or

(b) One or more persons engaged in sexual conduct.

2. *Does not include an image which would otherwise constitute an intimate image pursuant to subsection 1, but in which the person depicted in the image:*

(a) Is not clearly identifiable;

(b) Voluntarily exposed himself or herself in a public or commercial setting; or

(c) Is a public figure.

Sec. 4. *"Sexual conduct" has the meaning ascribed to it in NRS 200.700.*

Sec. 5. 1. *Except as otherwise provided in subsection 3, a person commits the crime of unlawful dissemination of an intimate image when, with the intent to harass, harm or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person:*

(a) Did not give prior consent to the electronic dissemination or the sale of the intimate image;

(b) Had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public; and

(c) Was at least 18 years of age when the intimate image was created.

2. *A person who commits the crime of unlawful dissemination of an intimate image is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

3. *The provisions of this section do not apply to the electronic dissemination of an intimate image for the purpose of:*

(a) A legitimate public interest;

(b) Reporting unlawful conduct;

(c) Any lawful law enforcement or correctional activity;

(d) Investigation or prosecution of a violation of this section; or

(e) Preparation for or use in any legal proceeding.

4. *A person who commits the crime of unlawful dissemination of an intimate image is not considered a sex offender and is not subject to*

registration or community notification as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

Sec. 6. *Any person who demands payment of money, property, services or anything else of value from a person in exchange for removing an intimate image from public view is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

Sec. 6.5. 1. *The provisions of sections 2 to 6.5, inclusive, of this act must not be construed to impose liability on an interactive computer service for any content provided by another person.*

2. *As used in subsection 1, “interactive computer service” has the meaning ascribed to it in 47 U.S.C. § 230(f)(2).*

Sec. 7. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, unless the context otherwise requires:

1. “Offense involving a pupil” means any of the following offenses:

(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

2. “Perpetrator” means a person who commits a sexual offense, an offense involving a pupil or sex trafficking.

3. “Sex trafficking” means a violation of subsection 2 of NRS 201.300.

4. “Sexual offense” means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

5. “Sexual penetration” means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person’s body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. ***The term does not include any such conduct for medical purposes.***

6. “Statutory sexual seduction” means ~~the~~

~~—(a) Ordinary, **ordinary** sexual intercourse, anal intercourse, ~~cunnilingus or fellatio~~ or sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years; or~~

~~—(b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons, who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.~~

7. “Victim” means a person who is a victim of a sexual offense, an offense involving a pupil or sex trafficking.

Sec. 8. NRS 200.366 is hereby amended to read as follows:

200.366 1. A person ~~who subjects~~ ***is guilty of sexual assault if he or she:***

(a) Subjects another person to sexual penetration, or ~~who~~ forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct ~~he is guilty of sexual assault~~; **or**

(b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast.

2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:

(a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.

(b) If no substantial bodily harm to the victim results, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:

(a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.

(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 25 years has been served.

(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 35 years has been served.

4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:

(a) A sexual assault pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,

➤ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

5. ***The provisions of this section do not apply to a person who is less than 18 years of age and who commits any of the acts described in paragraph (b)***

of subsection 1 if the person is not more than 2 years older than the person upon whom the act was committed unless:

(a) The person committing the act uses force or threatens the use of force; or

(b) The person committing the act knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct.

6. For the purpose of this section, “other sexual offense against a child” means any act committed by an adult upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262; or

(d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony.

Sec. 8.5. NRS 200.368 is hereby amended to read as follows:

200.368 ~~Except under circumstances where a greater penalty is provided in NRS 201.540, a]~~ A person who commits statutory sexual seduction shall be punished:

1. If the person is 21 years of age or older ~~1. for a category C felony as provided in NRS 193.130.]~~ **at the time of the commission of the offense, 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 10 years, and may be further punished by a fine of not more than \$10,000.**

2. ~~[[1] Except as otherwise provided in subsection 3, if~~ the person is under the age of 21 years, for a gross misdemeanor.

3. **If the person is under the age of 21 years and has previously been convicted of a sexual offense, as defined in NRS 179D.097, for a category D felony as provided in NRS 193.130.**

Sec. 9. NRS 200.400 is hereby amended to read as follows:

200.400 1. As used in this section:

(a) “Battery” means any willful and unlawful use of force or violence upon the person of another.

(b) “Strangulation” has the meaning ascribed to it in NRS 200.481.

2. A person who is convicted of battery with the intent to commit mayhem, robbery or grand larceny 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.

3. A person who is convicted of battery with the intent to kill is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

4. A person who is convicted of battery with the intent to commit sexual assault shall be punished:

(a) If the crime results in substantial bodily harm to the victim or is committed by strangulation, for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served . ~~f~~

~~as determined by the verdict of the jury, or the judgment of the court if there is no jury.~~

(b) If the crime does not result in substantial bodily harm to the victim and the victim is 16 years of age or older, for a category A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of life with the possibility of parole.

(c) If the crime does not result in substantial bodily harm to the victim and the victim is a child under the age of 16, for a category A felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of life with the possibility of parole.

➔ In addition to any other penalty, a person convicted pursuant to this subsection may be punished by a fine of not more than \$10,000.

Sec. 10. NRS 200.508 is hereby amended to read as follows:

200.508 1. A person who willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served; or

(2) *If the child is less than 18 years of age and the resulting harm includes, without limitation, one or more of the following injuries:*

(I) Skull fracture;

(II) Depressed skull fracture;

(III) Cerebral laceration;

(IV) Cerebral contusion;

(V) Subarachnoid hemorrhage;

(VI) Subdural hemorrhage in the brain, neck or spinal cord;

(VII) Epidural hemorrhage;

(VIII) Intracranial hemorrhage;

(IX) Cerebral edema caused by trauma;

(X) Multiple fractures of the skull or face with injuries to other bones of the body;

(XI) Contusion of the cerebellum or brain stem;

(XII) Optic nerve injury;

(XIII) Retinal hemorrhage;

(XIV) Loss of eyesight;

(XV) Loss of hearing; or

(XVI) Speech impairment or loss of speech,

↪ ***is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, or for a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served.***

(3) In all other such cases to which subparagraph (1) ***or*** (2) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, 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; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, 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 15 years,

↪ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

2. A person who is responsible for the safety or welfare of a child ***pursuant to NRS 432B.130*** and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(2) ***If the child is less than 18 years of age and the resulting harm includes, without limitation, one or more of the following injuries:***

(I) Skull fracture;

(II) Depressed skull fracture;

(III) Cerebral laceration;

(IV) Cerebral contusion;

(V) Subarachnoid hemorrhage;

(VI) Subdural hemorrhage in the brain, neck or spinal cord;

(VII) Epidural hemorrhage;

(VIII) Intracranial hemorrhage;

(IX) Cerebral edema caused by trauma;

(X) Multiple fractures of the skull or face with injuries to other bones of the body;

(XI) Contusion of the cerebellum or brain stem;

(XII) Optic nerve injury;

(XIII) Retinal hemorrhage;

(XIV) Loss of eyesight;

(XV) Loss of hearing; or

(XVI) Speech impairment or loss of speech,

↪ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, or for a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served.

(3) In all other such cases to which subparagraph (1) **or** (2) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a gross misdemeanor; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category C felony and shall be punished as provided in NRS 193.130,

↪ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

3. A person does not commit a violation of subsection 1 or 2 by virtue of the sole fact that the person delivers or allows the delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

4. As used in this section:

(a) "Abuse or neglect" means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in paragraph (d) and NRS 432B.070, 432B.100, 432B.110, 432B.140 and 432B.150, under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

(c) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

(d) “Physical injury” means:

- (1) Permanent or temporary disfigurement; or
- (2) Impairment of any bodily function or organ of the body.

(e) “Substantial mental harm” means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior.

Sec. 11. NRS 200.604 is hereby amended to read as follows:

200.604 1. Except as otherwise provided in subsection 4, a person shall not knowingly and intentionally capture an image of the private area of another person:

- (a) Without the consent of the other person; and
- (b) Under circumstances in which the other person has a reasonable expectation of privacy.

2. Except as otherwise provided in subsection 4, a person shall not distribute, disclose, display, transmit or publish an image that the person knows or has reason to know was made in violation of subsection 1.

3. ~~{A}~~ ***Unless a greater penalty is provided pursuant to section 5 of this act, a*** person who violates this section:

- (a) For a first offense, is guilty of a gross misdemeanor.
- (b) For a second or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. This section does not prohibit any lawful law enforcement or correctional activity, including, without limitation, capturing, distributing, disclosing, displaying, transmitting or publishing an image for the purpose of investigating or prosecuting a violation of this section.

5. If a person is charged with a violation of this section, any image of the private area of a victim that is contained within:

- (a) Court records;
- (b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;
- (c) Records of criminal history, as that term is defined in NRS 179A.070; and
- (d) Records in the Central Repository for Nevada Records of Criminal History,

↪ is confidential and, except as otherwise provided in subsections 6 and 7, must not be inspected by or released to the general public.

6. An image that is confidential pursuant to subsection 5 may be inspected or released:

- (a) As necessary for the purposes of investigation and prosecution of the violation;
- (b) As necessary for the purpose of allowing a person charged with a violation of this section and his or her attorney to prepare a defense; and
- (c) Upon authorization by a court of competent jurisdiction as provided in subsection 7.

7. A court of competent jurisdiction may authorize the inspection or release of an image that is confidential pursuant to subsection 5, upon application, if the court determines that:

- (a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the inspection or release; and
- (b) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

8. As used in this section:

- (a) "Broadcast" means to transmit electronically an image with the intent that the image be viewed by any other person.
- (b) "Capture," with respect to an image, means to videotape, photograph, film, record by any means or broadcast.
- (c) "Female breast" means any portion of the female breast below the top of the areola.
- (d) "Private area" means the naked or undergarment clad genitals, pubic area, buttocks or female breast of a person.
- (e) "Under circumstances in which the other person has a reasonable expectation of privacy" means:
 - (1) Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of his or her private area would be captured; or
 - (2) Circumstances in which a reasonable person would believe that his or her private area would not be visible to the public, regardless of whether the person is in a public or private place.

Sec. 12. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

In a prosecution for pandering or sex trafficking pursuant to NRS 201.300, expert testimony concerning:

1. The prostitution subculture, including, without limitation, the effect of physical, emotional or mental abuse on the beliefs, behavior and perception of the alleged victim of the pandering or sex trafficking that is offered by the prosecution or defense is admissible for any relevant purpose, including, without limitation, to demonstrate:

(a) The dynamics of and the manipulation and psychological control measures used in the relationship between a prostitute and a person who engages in pandering or sex trafficking in violation of NRS 201.300; and

(b) The normal behavior and language used in the prostitution subculture.

2. The effect of pandering or sex trafficking may not be offered against a defendant pursuant to subsection 1 to prove the occurrence of an act which forms the basis of a criminal charge against the defendant.

Sec. 13. NRS 201.210 is hereby amended to read as follows:

201.210 1. A person who commits any act of open or gross lewdness is guilty:

(a) ~~For~~ ***Except as otherwise provided in this subsection, for*** the first offense, of a gross misdemeanor.

(b) For any subsequent offense, ***or if the person has previously been convicted of a sexual offense as defined in NRS 179D.097,*** of a category D felony and shall be punished as provided in NRS 193.130.

(c) For an offense committed in the presence of a child under the age of 18 years or a vulnerable person as defined in paragraph (a) of subsection 7 of NRS 200.5092, of a category D felony and shall be punished as provided in NRS 193.130.

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open or gross lewdness.

Sec. 14. NRS 201.220 is hereby amended to read as follows:

201.220 1. A person who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty:

(a) ~~For~~ ***Except as otherwise provided in this subsection, for*** the first offense, of a gross misdemeanor.

(b) For any subsequent offense, ***or if the person has previously been convicted of a sexual offense as defined in NRS 179D.097,*** of a category D felony and shall be punished as provided in NRS 193.130.

(c) For an offense committed in the presence of a child under the age of 18 years or a vulnerable person as defined in paragraph (a) of subsection 7 of NRS 200.5092, of a category D felony and shall be punished as provided in NRS 193.130.

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open and indecent or obscene exposure of her body.

Sec. 15. NRS 201.230 is hereby amended to read as follows:

201.230 1. A person ~~who~~ ***is guilty of lewdness with a child if he or she:***

(a) Is 18 years of age or older and willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of ~~14~~ ***16*** years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child ~~who is guilty of lewdness with a child.~~ ***; or***

(b) Is under the age of 18 years and willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child.

2. Except as otherwise provided in ~~subsection 3,~~ ***subsections 4 and 5,*** a person who commits lewdness with a child ***under the age of 14 years*** is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole

beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.

3. ***Except as otherwise provided in subsection 4, a person who commits lewdness with a child who is 14 or 15 years of age is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000.***

4. ~~{A}~~ ***Except as otherwise provided in subsection 5, a person who commits lewdness with a child and who has been previously convicted of:***

(a) Lewdness with a child pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute lewdness with a child pursuant to this section or any other sexual offense against a child,

↪ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

~~{4}~~ 5. ***A person who is under the age of 18 years and who commits lewdness with a child under the age of 14 years commits a delinquent act.***

6. For the purpose of this section, “other sexual offense against a child” has the meaning ascribed to it in subsection ~~{5}~~ 6 of NRS 200.366.

Sec. 16. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, ***and section 12 of this act***, unless the context otherwise requires:

1. “Adult” means a person 18 years of age or older.

2. “Child” means a person less than 18 years of age.

3. “Induce” means to persuade, encourage, inveigle or entice.

4. “Prostitute” means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.

5. “Prostitution” means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.

6. “Sexual conduct” means any of the acts enumerated in subsection 4.

7. “Transports” means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 17. NRS 201.520 is hereby amended to read as follows:

201.520 “Sexual conduct” means:

1. Ordinary sexual intercourse;

2. Anal intercourse;

3. Fellatio, cunnilingus or other oral-genital contact;

4. Physical contact by a person with the unclothed genitals or pubic area of another person for the purpose of arousing or gratifying the sexual desire of either person;

5. Penetration, however slight, by a person of an object into the genital or anal opening of the body of another person for the purpose of arousing or gratifying the sexual desire of either person;

6. Masturbation or the lewd exhibition of unclothed genitals; ~~{or}~~

7. Sado-masochistic abuse ~~{}~~; **or**

8. Any lewd or lascivious act upon or with the body, or any part or member thereof, of another person.

Sec. 18. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection ~~{4,}~~ **3**, a person who:

(a) Is 21 years of age or older;

(b) Is or was employed in a position of authority by a public school or private school or is or was volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil who is 16 or 17 years of age and:

(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

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

~~2. Except as otherwise provided in subsection 4, a person who:~~

~~—(a) Is 21 years of age or older;~~

~~—(b) Is or was employed in a position of authority by a public school or private school or is or was volunteering in a position of authority at a public or private school; and~~

~~—(c) Engages in sexual conduct with a pupil who is 14 or 15 years of age and:~~

~~—(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or~~

~~—(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,~~

~~↪ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year **2 years** and a maximum term of not more than 6 **20** years, and may be further punished by a fine of not more than \$5,000. **\$10,000.**~~

~~3. **21**~~ For the purposes of ~~{subsections}~~ **subsection 1**, ~~{and 2,}~~ a person shall be deemed to be or have been employed in a position of authority by a public school or private school or deemed to be or have been volunteering in a position of authority at a public or private school if the person is or was employed or volunteering as:

(a) A teacher or instructor;

(b) An administrator;

(c) A head or assistant coach; or

(d) A teacher's aide or an auxiliary, nonprofessional employee who assists licensed personnel in the instruction or supervision of pupils pursuant to NRS 391.100.

~~{4.}~~ 3. The provisions of this section do not apply to a person who is married to the pupil.

Sec. 19. ~~[NRS 201.550 is hereby amended to read as follows:~~

~~201.550 1. Except as otherwise provided in subsection 3, a person who:~~

~~—(a) Is 21 years of age or older;~~

~~—(b) Is employed in a position of authority by a college or university; and~~

~~—(c) Engages in sexual conduct with a student who is 16 or 17 years of age and who is enrolled in or attending the college or university at which the person is employed;~~

~~— is guilty of a category [C] B felony and shall be punished [as provided in NRS 192.130.] by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than \$10,000.~~

~~2. For the purposes of subsection 1, a person shall be deemed to be employed in a position of authority by a college or university if the person is employed as:~~

~~—(a) A teacher, instructor or professor;~~

~~—(b) An administrator; or~~

~~—(c) A head or assistant coach.~~

~~3. The provisions of this section do not apply to a person who is married to the student.~~ **(Deleted by amendment.)**

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 48.045 is hereby amended to read as follows:

48.045 1. Evidence of a person's character or a trait of his or her character is not admissible for the purpose of proving that the person acted in conformity therewith on a particular occasion, except:

(a) Evidence of a person's character or a trait of his or her character offered by an accused, and similar evidence offered by the prosecution to rebut such evidence;

(b) Evidence of the character or a trait of character of the victim of the crime offered by an accused, subject to the procedural requirements of NRS 48.069 where applicable, and similar evidence offered by the prosecution to rebut such evidence; and

(c) Unless excluded by NRS 50.090, evidence of the character of a witness, offered to attack or support his or her credibility, within the limits provided by NRS 50.085.

2. Evidence of other crimes, wrongs or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

3. *Nothing in this section shall be construed to prohibit the admission of evidence in a criminal prosecution for a sexual offense that a person committed another crime, wrong or act that constitutes a separate sexual offense. As used in this subsection, "sexual offense" has the meaning ascribed to it in NRS 179D.097.*

Sec. 22. Chapter 50 of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.

Sec. 23. 1. *In any criminal or juvenile delinquency action, expert testimony offered by the prosecution or defense which concerns the behavior of a defendant in preparing a child under the age of 18 years or a vulnerable person as defined in NRS 200.5092 for sexual abuse by the defendant is admissible for any relevant purpose. Such expert testimony may concern, without limitation:*

(a) *The effect on the victim from the defendant creating a physical or emotional relationship with the victim before the sexual abuse; and*

(b) *Any behavior of the defendant that was intended to reduce the resistance of the victim to the sexual abuse or reduce the likelihood that the victim would report the sexual abuse.*

2. *As used in this section, "sexual abuse" has the meaning ascribed to it in NRS 432B.100.*

Sec. 24. 1. *In any criminal or juvenile delinquency action relating to the commission of a sexual offense, a court may not order the victim of or a witness to the sexual offense to take or submit to a psychological or psychiatric examination.*

2. *The court may exclude the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on the victim or witness if:*

(a) *There is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness by a licensed psychologist, psychiatrist or clinical worker; and*

(b) *The victim or witness refuses to submit to an additional psychological or psychiatric examination by a licensed psychologist, psychiatrist or clinical worker.*

3. *In determining whether there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness pursuant to subsection 2, the court must consider whether:*

(a) *There is a reasonable basis for believing that the mental or emotional state of the victim or witness may have affected his or her ability to perceive and relate events relevant to the criminal prosecution; and*

(b) *Any corroboration of the offense exists beyond the testimony of the victim or witness.*

4. *If the court determines there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness, the court shall issue a factual finding that details with*

particularity the reasons why an additional psychological or psychiatric examination of the victim or witness is warranted.

5. *If the court issues a factual finding pursuant to subsection 4 and the victim or witness consents to an additional psychological or psychiatric examination, the court shall set the parameters for the examination consistent with the purpose of determining the ability of the victim or witness to perceive and relate events relevant to the criminal prosecution.*

6. *As used in this section, “sexual offense” includes, without limitation:*

(a) *Sexual assault pursuant to NRS 200.366;*

(b) *Statutory sexual seduction pursuant to NRS 200.368;*

(c) *Battery with intent to commit sexual assault pursuant to NRS 200.400;*

(d) *Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;*

(e) *An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;*

(f) *Incest pursuant to NRS 201.180;*

(g) *Open or gross lewdness pursuant to NRS 201.210;*

(h) *Indecent or obscene exposure pursuant to NRS 201.220;*

(i) *Lewdness with a child pursuant to NRS 201.230;*

(j) *Sexual penetration of a dead human body pursuant to NRS 201.450;*

(k) *An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;*

(l) *An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;*

(m) *Luring a child or a person with mental illness pursuant to NRS 201.560;*

(n) *An offense that is found to be sexually motivated pursuant to NRS 175.547 or 207.193;*

(o) *Pandering of a child pursuant to NRS 201.300;*

(p) *Any other offense that has an element involving a sexual act or sexual conduct with another person; or*

(q) *Any attempt or conspiracy to commit an offense listed in this subsection.*

Sec. 25. NRS 50.260 is hereby amended to read as follows:

50.260 As used in NRS 50.260 to 50.345, inclusive, **and section 23 of this act**, unless the context otherwise requires, “prohibited substance” has the meaning ascribed to it in NRS 484C.080.

Sec. 26. NRS 432B.140 is hereby amended to read as follows:

432B.140 Negligent treatment or maltreatment of a child occurs if a child **has been subjected to harmful behavior that is terrorizing, degrading, painful or emotionally traumatic**, has been abandoned, is without proper care, control ~~and~~ or supervision or lacks the subsistence, education, shelter,

medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

Sec. 27. 1. The amendatory provisions of sections 1 to 5, inclusive, 6.5 and 11 of this act apply to an intimate image that is electronically disseminated or sold on or after October 1, 2015.

2. The amendatory provisions of section 6 of this act apply to an intimate image that is electronically disseminated or sold before, on or after October 1, 2015, if, on or after October 1, 2015, a person:

(a) Demands payment of money, property, services or anything else of value from a person in exchange for removing the intimate image from public view; or

(b) Directly or indirectly counsels, hires, commands, induces or otherwise procures another person to demand payment of money, property, services or anything else of value from a person in exchange for removing the intimate image from public view.

3. The amendatory provisions of sections 7 to 10, inclusive, 13, 14, 15, 17, 18, 19 and 26 of this act apply to an offense that is committed on or after October 1, 2015.

4. The amendatory provisions of sections 12, 16 and 20 to 25, inclusive, of this act apply to a court proceeding that is commenced on or after October 1, 2015.

5. As used in this section, “intimate image” has the meaning ascribed to it in section 3 of this act.

Sec. 28. (Deleted by amendment.)

Assemblyman Hansen moved that the Assembly concur in Senate Amendment No. 932 to Assembly Bill No. 49.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 964.

AN ACT relating to crimes; establishing the crime of unlawful dissemination of an intimate image of a person; prohibiting certain acts relating to an intimate image of another person; revising provisions relating to sexual assault and the abuse of a child; setting forth provisions relating to expert testimony in a prosecution for pandering or sex trafficking; revising provisions concerning acts of open or gross lewdness, open and indecent or obscene exposure, lewdness with a child and statutory sexual seduction; setting forth various provisions relating to the admissibility of evidence and expert testimony in criminal and juvenile delinquency actions; prohibiting a court from ordering the victim of or a witness to a sexual offense to take or submit to a psychological or psychiatric examination in certain criminal or juvenile delinquency actions; authorizing the court to exclude in certain circumstances the testimony of a licensed psychologist, psychiatrist or clinical

worker; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-6.5 of this bill establish the crime of unlawful dissemination of an intimate image of a person. **Section 3** defines the term "intimate image" generally as a photograph, film, videotape or other recorded image, or any reproduction thereof, which depicts: (1) the fully exposed nipple of the female breast of another person; or (2) one or more persons engaged in sexual conduct. **Section 3** also provides that an image which would otherwise constitute an intimate image is not an intimate image if the person depicted in the image: (1) is not clearly identifiable; (2) voluntarily exposed himself or herself in a public or commercial setting; or (3) is a public figure.

Section 5 provides that a person commits the crime of unlawful dissemination of an intimate image and is guilty of a category D felony when, with the intent to harass, harm or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person: (1) did not give prior consent to the electronic dissemination or sale; (2) had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public; and (3) was at least 18 years of age when the intimate image was created. **Section 5** also sets forth certain exceptions regarding when an intimate image may be lawfully electronically disseminated. Under **section 6**, a person is guilty of a category D felony if he or she demands payment of money, property, services or anything else of value from a person in exchange for removing an intimate image from public view. **Section 6.5** provides that the provisions of **sections 1-6** must not be construed to impose liability on an interactive computer service, as that term is defined in federal law, for any content provided by another person.

Existing law provides that a person who forces another person under certain circumstances to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. (NRS 200.366) **Section 8** of this bill additionally provides that a person who commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. **Section 8** further provides that, except in certain circumstances, such provisions do not apply to a person who commits any such act upon a child under the age of 14 years if the person committing the act is less than 18 years of age and is not more than 2 years older than the person upon whom the act is committed.

Existing law also provides that a person who commits any act of open or gross lewdness or who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty of a gross misdemeanor for the first offense and a category D felony for any subsequent offense. (NRS 201.210, 201.220) Under **sections 13 and 14** of this bill, if a person commits any such offense and he or she has previously been convicted of a

sexual offense, or if the person commits any such offense in the presence of a child under the age of 18 years or a vulnerable person, the person is guilty of a category D felony.

Additionally, under existing law, a person who commits certain acts with a child under the age of 14 years is guilty of lewdness with a child and is guilty of a category A felony. (NRS 201.230) **Section 15** of this bill provides that a person is guilty of lewdness with a child if the person: (1) is 18 years of age or older and commits certain acts with a child under the age of 16 years; or (2) is under the age of 18 years and commits certain acts with a child under the age of 14 years. **Section 15** also provides that if a person commits lewdness with: (1) a child under the age of 14, he or she is guilty of a category A felony; and (2) a child who is 14 or 15, he or she is guilty of a category B felony.

Section 7 of this bill revises the definition of the term “statutory sexual seduction,” and **section 8.5** of this bill revises the penalties imposed for the crime of statutory sexual seduction.

~~[Section 10 of this bill provides that certain persons are guilty of a category A felony if they willfully cause, permit or allow a child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect, and substantial bodily or mental harm results to the child which includes certain severe injuries.]~~

Sections 12, 23 and 24 of this bill revise various provisions relating to the admissibility of expert testimony and evidence in certain criminal and juvenile delinquency cases. **Section 12** provides that in a prosecution for pandering or sex trafficking, certain expert testimony that is offered by the prosecution or defense is admissible for any relevant purpose, but certain other expert testimony cannot be offered against the defendant to prove the occurrence of an act which forms the basis of a criminal charge against the defendant. Under **section 23**, expert testimony offered by the prosecution or defense which concerns the behavior of a defendant in preparing a child under the age of 18 or a vulnerable person for sexual abuse by the defendant is admissible for any purpose. **Section 24** prohibits a court in a criminal or juvenile delinquency action relating to the commission of a sexual offense from ordering a victim of or witness to a sexual offense to take or submit to a psychological or psychiatric examination. **Section 24** also authorizes the court to exclude the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on a victim or witness in certain circumstances.

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6.5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Intimate image”:*

1. *Except as otherwise provided in subsection 2, includes, without limitation, a photograph, film, videotape or other recorded image which depicts:*

(a) *The fully exposed nipple of the female breast of another person, including through transparent clothing; or*

(b) *One or more persons engaged in sexual conduct.*

2. *Does not include an image which would otherwise constitute an intimate image pursuant to subsection 1, but in which the person depicted in the image:*

(a) *Is not clearly identifiable;*

(b) *Voluntarily exposed himself or herself in a public or commercial setting; or*

(c) *Is a public figure.*

Sec. 4. *“Sexual conduct” has the meaning ascribed to it in NRS 200.700.*

Sec. 5. 1. *Except as otherwise provided in subsection 3, a person commits the crime of unlawful dissemination of an intimate image when, with the intent to harass, harm or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person:*

(a) *Did not give prior consent to the electronic dissemination or the sale of the intimate image;*

(b) *Had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public; and*

(c) *Was at least 18 years of age when the intimate image was created.*

2. *A person who commits the crime of unlawful dissemination of an intimate image is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

3. *The provisions of this section do not apply to the electronic dissemination of an intimate image for the purpose of:*

(a) *A legitimate public interest;*

(b) *Reporting unlawful conduct;*

(c) *Any lawful law enforcement or correctional activity;*

(d) *Investigation or prosecution of a violation of this section; or*

(e) *Preparation for or use in any legal proceeding.*

4. *A person who commits the crime of unlawful dissemination of an intimate image is not considered a sex offender and is not subject to registration or community notification as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.*

Sec. 6. *Any person who demands payment of money, property, services or anything else of value from a person in exchange for removing an*

intimate image from public view is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 6.5. 1. *The provisions of sections 2 to 6.5, inclusive, of this act must not be construed to impose liability on an interactive computer service for any content provided by another person.*

2. As used in subsection 1, “interactive computer service” has the meaning ascribed to it in 47 U.S.C. § 230(f)(2).

Sec. 7. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, unless the context otherwise requires:

1. “Offense involving a pupil” means any of the following offenses:

(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

2. “Perpetrator” means a person who commits a sexual offense, an offense involving a pupil or sex trafficking.

3. “Sex trafficking” means a violation of subsection 2 of NRS 201.300.

4. “Sexual offense” means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

5. “Sexual penetration” means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person’s body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. ***The term does not include any such conduct for medical purposes.***

6. “Statutory sexual seduction” means ~~1-~~

~~—(a) Ordinary~~ **ordinary** sexual intercourse, anal intercourse, ~~cunnilingus or fellatio~~ **or sexual penetration** committed by a person 18 years of age or older with a person ~~under the age of 16 years; or~~

~~—(b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons.~~ **who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.**

7. “Victim” means a person who is a victim of a sexual offense, an offense involving a pupil or sex trafficking.

Sec. 8. NRS 200.366 is hereby amended to read as follows:

200.366 1. A person ~~who subjects~~ **is guilty of sexual assault if he or she:**

(a) Subjects another person to sexual penetration, or ~~who~~ forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of

resisting or understanding the nature of his or her conduct ~~he is guilty of sexual assault~~; or

(b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast.

2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:

(a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.

(b) If no substantial bodily harm to the victim results, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:

(a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.

(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 25 years has been served.

(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 35 years has been served.

4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:

(a) A sexual assault pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,

is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

5. **The provisions of this section do not apply to a person who is less than 18 years of age and who commits any of the acts described in paragraph (b) of subsection 1 if the person is not more than 2 years older than the person upon whom the act was committed unless:**

(a) The person committing the act uses force or threatens the use of force;
or

(b) The person committing the act knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct.

6. For the purpose of this section, “other sexual offense against a child” means any act committed by an adult upon a child constituting:

- (a) Incest pursuant to NRS 201.180;
- (b) Lewdness with a child pursuant to NRS 201.230;
- (c) Sado-masochistic abuse pursuant to NRS 201.262; or
- (d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony.

Sec. 8.5. NRS 200.368 is hereby amended to read as follows:

200.368 ~~Except under circumstances where a greater penalty is provided in NRS 201.540, a~~ A person who commits statutory sexual seduction shall be punished:

1. If the person is 21 years of age or older ~~for a category C felony as provided in NRS 193.130.~~ ***at the time of the commission of the offense, 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 10 years, and may be further punished by a fine of not more than \$10,000.***

2. ~~Except as otherwise provided in subsection 3, if~~ the person is under the age of 21 years, for a gross misdemeanor.

3. ***If the person is under the age of 21 years and has previously been convicted of a sexual offense, as defined in NRS 179D.097, for a category D felony as provided in NRS 193.130.***

Sec. 9. NRS 200.400 is hereby amended to read as follows:

200.400 1. As used in this section:

(a) “Battery” means any willful and unlawful use of force or violence upon the person of another.

(b) “Strangulation” has the meaning ascribed to it in NRS 200.481.

2. A person who is convicted of battery with the intent to commit mayhem, robbery or grand larceny 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.

3. A person who is convicted of battery with the intent to kill is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

4. A person who is convicted of battery with the intent to commit sexual assault shall be punished:

(a) If the crime results in substantial bodily harm to the victim or is committed by strangulation, for a category A felony by imprisonment in the state prison:

- (1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served . ~~It~~

~~as determined by the verdict of the jury, or the judgment of the court if there is no jury.~~

(b) If the crime does not result in substantial bodily harm to the victim and the victim is 16 years of age or older, for a category A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of life with the possibility of parole.

(c) If the crime does not result in substantial bodily harm to the victim and the victim is a child under the age of 16, for a category A felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of life with the possibility of parole.

➤ In addition to any other penalty, a person convicted pursuant to this subsection may be punished by a fine of not more than \$10,000.

Sec. 10. NRS 200.508 is hereby amended to read as follows:

200.508 1. A person who willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served; or

(2) ~~If the child is less than 18 years of age and the resulting harm includes, without limitation, one or more of the following injuries:~~

- ~~(I) Skull fracture;~~
- ~~(II) Depressed skull fracture;~~
- ~~(III) Cerebral laceration;~~
- ~~(IV) Cerebral contusion;~~
- ~~(V) Subarachnoid hemorrhage;~~
- ~~(VI) Subdural hemorrhage in the brain, neck or spinal cord;~~
- ~~(VII) Epidural hemorrhage;~~
- ~~(VIII) Intracranial hemorrhage;~~
- ~~(IX) Cerebral edema caused by trauma;~~
- ~~(X) Multiple fractures of the skull or face with injuries to other bones of the body;~~
- ~~(XI) Contusion of the cerebellum or brain stem;~~
- ~~(XII) Optic nerve injury;~~
- ~~(XIII) Retinal hemorrhage;~~
- ~~(XIV) Loss of eyesight;~~
- ~~(XV) Loss of hearing; or~~
- ~~(XVI) Speech impairment or loss of speech;~~

~~is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, or for a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served.~~

~~— (3)~~ In all other such cases to which subparagraph (1) ~~for (2)~~ does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, 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; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, 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 15 years,

↪ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

2. A person who is responsible for the safety or welfare of a child *pursuant to NRS 432B.130* and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(2) ~~If the child is less than 18 years of age and the resulting harm includes, without limitation, one or more of the following injuries:~~

- ~~(I) Skull fracture;~~
- ~~(II) Depressed skull fracture;~~
- ~~(III) Cerebral laceration;~~
- ~~(IV) Cerebral contusion;~~
- ~~(V) Subarachnoid hemorrhage;~~
- ~~(VI) Subdural hemorrhage in the brain, neck or spinal cord;~~
- ~~(VII) Epidural hemorrhage;~~
- ~~(VIII) Intracranial hemorrhage;~~
- ~~(IX) Cerebral edema caused by trauma;~~

~~_____ (X) Multiple fractures of the skull or face with injuries to other bones of the body;~~

~~_____ (XI) Contusion of the cerebellum or brain stem;~~

~~_____ (XII) Optic nerve injury;~~

~~_____ (XIII) Retinal hemorrhage;~~

~~_____ (XIV) Loss of eyesight;~~

~~_____ (XV) Loss of hearing; or~~

~~_____ (XVI) Speech impairment or loss of speech;~~

~~→ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, or for a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served.~~

~~_____ (3)~~ In all other such cases to which subparagraph (1) ~~for (2)~~ does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a gross misdemeanor; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category C felony and shall be punished as provided in NRS 193.130,

↪ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

3. A person does not commit a violation of subsection 1 or 2 by virtue of the sole fact that the person delivers or allows the delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

4. As used in this section:

(a) “Abuse or neglect” means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in paragraph (d) and NRS 432B.070, 432B.100, 432B.110, 432B.140 and 432B.150, under circumstances which indicate that the child’s health or welfare is harmed or threatened with harm.

(b) “Allow” means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

(c) “Permit” means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

(d) “Physical injury” means:

(1) Permanent or temporary disfigurement; or

(2) Impairment of any bodily function or organ of the body.

(e) “Substantial mental harm” means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior.

Sec. 11. NRS 200.604 is hereby amended to read as follows:

200.604 1. Except as otherwise provided in subsection 4, a person shall not knowingly and intentionally capture an image of the private area of another person:

(a) Without the consent of the other person; and

(b) Under circumstances in which the other person has a reasonable expectation of privacy.

2. Except as otherwise provided in subsection 4, a person shall not distribute, disclose, display, transmit or publish an image that the person knows or has reason to know was made in violation of subsection 1.

3. ~~{A}~~ ***Unless a greater penalty is provided pursuant to section 5 of this act, a*** person who violates this section:

(a) For a first offense, is guilty of a gross misdemeanor.

(b) For a second or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. This section does not prohibit any lawful law enforcement or correctional activity, including, without limitation, capturing, distributing, disclosing, displaying, transmitting or publishing an image for the purpose of investigating or prosecuting a violation of this section.

5. If a person is charged with a violation of this section, any image of the private area of a victim that is contained within:

(a) Court records;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

↪ is confidential and, except as otherwise provided in subsections 6 and 7, must not be inspected by or released to the general public.

6. An image that is confidential pursuant to subsection 5 may be inspected or released:

(a) As necessary for the purposes of investigation and prosecution of the violation;

(b) As necessary for the purpose of allowing a person charged with a violation of this section and his or her attorney to prepare a defense; and

(c) Upon authorization by a court of competent jurisdiction as provided in subsection 7.

7. A court of competent jurisdiction may authorize the inspection or release of an image that is confidential pursuant to subsection 5, upon application, if the court determines that:

- (a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the inspection or release; and
- (b) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

8. As used in this section:

- (a) "Broadcast" means to transmit electronically an image with the intent that the image be viewed by any other person.
- (b) "Capture," with respect to an image, means to videotape, photograph, film, record by any means or broadcast.
- (c) "Female breast" means any portion of the female breast below the top of the areola.
- (d) "Private area" means the naked or undergarment clad genitals, pubic area, buttocks or female breast of a person.
- (e) "Under circumstances in which the other person has a reasonable expectation of privacy" means:
 - (1) Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of his or her private area would be captured; or
 - (2) Circumstances in which a reasonable person would believe that his or her private area would not be visible to the public, regardless of whether the person is in a public or private place.

Sec. 12. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

In a prosecution for pandering or sex trafficking pursuant to NRS 201.300, expert testimony concerning:

1. The prostitution subculture, including, without limitation, the effect of physical, emotional or mental abuse on the beliefs, behavior and perception of the alleged victim of the pandering or sex trafficking that is offered by the prosecution or defense is admissible for any relevant purpose, including, without limitation, to demonstrate:

(a) The dynamics of and the manipulation and psychological control measures used in the relationship between a prostitute and a person who engages in pandering or sex trafficking in violation of NRS 201.300; and

(b) The normal behavior and language used in the prostitution subculture.

2. The effect of pandering or sex trafficking may not be offered against a defendant pursuant to subsection 1 to prove the occurrence of an act which forms the basis of a criminal charge against the defendant.

Sec. 13. NRS 201.210 is hereby amended to read as follows:

201.210 1. A person who commits any act of open or gross lewdness is guilty:

(a) ~~For~~ ***Except as otherwise provided in this subsection, for*** the first offense, of a gross misdemeanor.

(b) For any subsequent offense, ***or if the person has previously been convicted of a sexual offense as defined in NRS 179D.097,*** of a category D felony and shall be punished as provided in NRS 193.130.

(c) For an offense committed in the presence of a child under the age of 18 years or a vulnerable person as defined in paragraph (a) of subsection 7 of NRS 200.5092, of a category D felony and shall be punished as provided in NRS 193.130.

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open or gross lewdness.

Sec. 14. NRS 201.220 is hereby amended to read as follows:

201.220 1. A person who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty:

(a) ~~For~~ ***Except as otherwise provided in this subsection, for*** the first offense, of a gross misdemeanor.

(b) For any subsequent offense, ***or if the person has previously been convicted of a sexual offense as defined in NRS 179D.097,*** of a category D felony and shall be punished as provided in NRS 193.130.

(c) For an offense committed in the presence of a child under the age of 18 years or a vulnerable person as defined in paragraph (a) of subsection 7 of NRS 200.5092, of a category D felony and shall be punished as provided in NRS 193.130.

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open and indecent or obscene exposure of her body.

Sec. 15. NRS 201.230 is hereby amended to read as follows:

201.230 1. A person ~~who~~ ***is guilty of lewdness with a child if he or she:***

(a) Is 18 years of age or older and willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of ~~14~~ ***16*** years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child ~~who is guilty of lewdness with a child.~~ ***; or***

(b) Is under the age of 18 years and willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child.

2. Except as otherwise provided in ~~subsection 3,~~ ***subsections 4 and 5,*** a person who commits lewdness with a child ***under the age of 14 years*** is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole

beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.

3. ***Except as otherwise provided in subsection 4, a person who commits lewdness with a child who is 14 or 15 years of age is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000.***

4. ~~{A}~~ ***Except as otherwise provided in subsection 5, a person who commits lewdness with a child and who has been previously convicted of:***

(a) Lewdness with a child pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute lewdness with a child pursuant to this section or any other sexual offense against a child,

↪ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

~~{4}~~ 5. ***A person who is under the age of 18 years and who commits lewdness with a child under the age of 14 years commits a delinquent act.***

6. For the purpose of this section, “other sexual offense against a child” has the meaning ascribed to it in subsection ~~{5}~~ 6 of NRS 200.366.

Sec. 16. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, ***and section 12 of this act***, unless the context otherwise requires:

1. “Adult” means a person 18 years of age or older.

2. “Child” means a person less than 18 years of age.

3. “Induce” means to persuade, encourage, inveigle or entice.

4. “Prostitute” means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.

5. “Prostitution” means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.

6. “Sexual conduct” means any of the acts enumerated in subsection 4.

7. “Transports” means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 17. NRS 201.520 is hereby amended to read as follows:

201.520 “Sexual conduct” means:

1. Ordinary sexual intercourse;

2. Anal intercourse;

3. Fellatio, cunnilingus or other oral-genital contact;

4. Physical contact by a person with the unclothed genitals or pubic area of another person for the purpose of arousing or gratifying the sexual desire of either person;

5. Penetration, however slight, by a person of an object into the genital or anal opening of the body of another person for the purpose of arousing or gratifying the sexual desire of either person;

6. Masturbation or the lewd exhibition of unclothed genitals; ~~{or}~~

7. Sado-masochistic abuse ~~{-}~~; **or**

8. Any lewd or lascivious act upon or with the body, or any part or member thereof, of another person.

Sec. 18. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection ~~{4,}~~ **3**, a person who:

(a) Is 21 years of age or older;

(b) Is or was employed in a position of authority by a public school or private school or is or was volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil who is 16 or 17 years of age and:

(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

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

2. ~~{Except as otherwise provided in subsection 4, a person who:~~

~~—(a) Is 21 years of age or older;~~

~~—(b) Is or was employed in a position of authority by a public school or private school or is or was volunteering in a position of authority at a public or private school; and~~

~~—(c) Engages in sexual conduct with a pupil who is 14 or 15 years of age and:~~

~~—(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or~~

~~—(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,~~

~~➔ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.~~

~~—3.}~~ For the purposes of ~~{subsections}~~ **subsection 1**, ~~{and 2,}~~ a person shall be deemed to be or have been employed in a position of authority by a public school or private school or deemed to be or have been volunteering in a position of authority at a public or private school if the person is or was employed or volunteering as:

(a) A teacher or instructor;

(b) An administrator;

(c) A head or assistant coach; or

(d) A teacher's aide or an auxiliary, nonprofessional employee who assists licensed personnel in the instruction or supervision of pupils pursuant to NRS 391.100.

~~{4.}~~ 3. The provisions of this section do not apply to a person who is married to the pupil.

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 48.045 is hereby amended to read as follows:

48.045 1. Evidence of a person's character or a trait of his or her character is not admissible for the purpose of proving that the person acted in conformity therewith on a particular occasion, except:

(a) Evidence of a person's character or a trait of his or her character offered by an accused, and similar evidence offered by the prosecution to rebut such evidence;

(b) Evidence of the character or a trait of character of the victim of the crime offered by an accused, subject to the procedural requirements of NRS 48.069 where applicable, and similar evidence offered by the prosecution to rebut such evidence; and

(c) Unless excluded by NRS 50.090, evidence of the character of a witness, offered to attack or support his or her credibility, within the limits provided by NRS 50.085.

2. Evidence of other crimes, wrongs or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

3. *Nothing in this section shall be construed to prohibit the admission of evidence in a criminal prosecution for a sexual offense that a person committed another crime, wrong or act that constitutes a separate sexual offense. As used in this subsection, "sexual offense" has the meaning ascribed to it in NRS 179D.097.*

Sec. 22. Chapter 50 of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.

Sec. 23. 1. *In any criminal or juvenile delinquency action, expert testimony offered by the prosecution or defense which concerns the behavior of a defendant in preparing a child under the age of 18 years or a vulnerable person as defined in NRS 200.5092 for sexual abuse by the defendant is admissible for any relevant purpose. Such expert testimony may concern, without limitation:*

(a) The effect on the victim from the defendant creating a physical or emotional relationship with the victim before the sexual abuse; and

(b) Any behavior of the defendant that was intended to reduce the resistance of the victim to the sexual abuse or reduce the likelihood that the victim would report the sexual abuse.

2. *As used in this section, “sexual abuse” has the meaning ascribed to it in NRS 432B.100.*

Sec. 24. 1. *In any criminal or juvenile delinquency action relating to the commission of a sexual offense, a court may not order the victim of or a witness to the sexual offense to take or submit to a psychological or psychiatric examination.*

2. *The court may exclude the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on the victim or witness if:*

(a) *There is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness by a licensed psychologist, psychiatrist or clinical worker; and*

(b) *The victim or witness refuses to submit to an additional psychological or psychiatric examination by a licensed psychologist, psychiatrist or clinical worker.*

3. *In determining whether there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness pursuant to subsection 2, the court must consider whether:*

(a) *There is a reasonable basis for believing that the mental or emotional state of the victim or witness may have affected his or her ability to perceive and relate events relevant to the criminal prosecution; and*

(b) *Any corroboration of the offense exists beyond the testimony of the victim or witness.*

4. *If the court determines there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness, the court shall issue a factual finding that details with particularity the reasons why an additional psychological or psychiatric examination of the victim or witness is warranted.*

5. *If the court issues a factual finding pursuant to subsection 4 and the victim or witness consents to an additional psychological or psychiatric examination, the court shall set the parameters for the examination consistent with the purpose of determining the ability of the victim or witness to perceive and relate events relevant to the criminal prosecution.*

6. *As used in this section, “sexual offense” includes, without limitation:*

(a) *Sexual assault pursuant to NRS 200.366;*

(b) *Statutory sexual seduction pursuant to NRS 200.368;*

(c) *Battery with intent to commit sexual assault pursuant to NRS 200.400;*

(d) *Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;*

(e) *An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;*

(f) *Incest pursuant to NRS 201.180;*

(g) *Open or gross lewdness pursuant to NRS 201.210;*

(h) *Indecent or obscene exposure pursuant to NRS 201.220;*

(i) *Lewdness with a child pursuant to NRS 201.230;*

- (j) Sexual penetration of a dead human body pursuant to NRS 201.450;*
- (k) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;*
- (l) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;*
- (m) Luring a child or a person with mental illness pursuant to NRS 201.560;*
- (n) An offense that is found to be sexually motivated pursuant to NRS 175.547 or 207.193;*
- (o) Pandering of a child pursuant to NRS 201.300;*
- (p) Any other offense that has an element involving a sexual act or sexual conduct with another person; or*
- (q) Any attempt or conspiracy to commit an offense listed in this subsection.*

Sec. 25. NRS 50.260 is hereby amended to read as follows:

50.260 As used in NRS 50.260 to 50.345, inclusive, **and section 23 of this act**, unless the context otherwise requires, “prohibited substance” has the meaning ascribed to it in NRS 484C.080.

Sec. 26. NRS 432B.140 is hereby amended to read as follows:

432B.140 Negligent treatment or maltreatment of a child occurs if a child **has been subjected to harmful behavior that is terrorizing, degrading, painful or emotionally traumatic**, has been abandoned, is without proper care, control ~~and~~ or supervision or lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

Sec. 27. 1. The amendatory provisions of sections 1 to 5, inclusive, 6.5 and 11 of this act apply to an intimate image that is electronically disseminated or sold on or after October 1, 2015.

2. The amendatory provisions of section 6 of this act apply to an intimate image that is electronically disseminated or sold before, on or after October 1, 2015, if, on or after October 1, 2015, a person:

(a) Demands payment of money, property, services or anything else of value from a person in exchange for removing the intimate image from public view; or

(b) Directly or indirectly counsels, hires, commands, induces or otherwise procures another person to demand payment of money, property, services or anything else of value from a person in exchange for removing the intimate image from public view.

3. The amendatory provisions of sections 7 to 10, inclusive, 13, 14, 15, 17, 18, 19 and 26 of this act apply to an offense that is committed on or after October 1, 2015.

4. The amendatory provisions of sections 12, 16 and 20 to 25, inclusive, of this act apply to a court proceeding that is commenced on or after October 1, 2015.

5. As used in this section, “intimate image” has the meaning ascribed to it in section 3 of this act.

Sec. 28. (Deleted by amendment.)

Assemblyman Hansen moved that the Assembly concur in Senate Amendment No. 964 to Assembly Bill No. 49.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 50.

The following Senate amendment was read:

Amendment No. 729.

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

Legislative Counsel’s Digest:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Mail;
2. Commercial carrier;
3. Telephone, facsimile, electronic mail or other electronic medium or device;
4. A face-to-face meeting; or
5. A special event or promotion.

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

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

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

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

(a) *The information required by subsection 4; and*

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

3. *If a charitable organization is:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) A statement that the contribution:

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

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

2. A solicitation for a contribution by, for or on behalf of a charitable organization or nonprofit organization by means of electronic medium or device, other than electronic mail, is deemed to comply with the requirements of subsection 1 if:

(a) The information required to be disclosed pursuant to subsection 1 may be obtained from an Internet website maintained by the charitable organization or nonprofit organization;

(b) The charitable organization or nonprofit organization provides a hyperlink to that Internet website; and

(c) The statement required by paragraph (e) of subsection 1 is located conspicuously on that Internet website or on the page of that Internet website where the donor commits to the charitable contribution.

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

~~3.~~ 4. A disclosure ~~statement~~ provided in connection with an appeal for funds to benefit a particular person or his or her immediate family must contain:

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

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

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

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

1. Directed only to a total of fewer than 15 persons annually;
2. Directed to persons who are related within the third degree of consanguinity or affinity to the officers, directors, trustees or executive personnel of the charitable organization or nonprofit organization;
3. Conducted by an alumni association of an accredited institution which solicits only persons who have an established affiliation with the institution, including, without limitation, current and former students, members of the faculty or staff, or persons who are within the third degree of consanguinity or affinity of such persons;
4. Conducted by a public broadcast organization which meets the eligibility requirements established by the Corporation for Public Broadcasting;
5. Conducted by a church or one or more of its integrated auxiliaries or by a convention or association of churches that is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C.

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

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

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

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

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

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

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

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

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

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

(2) May be provided electronically.

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

of the violation by providing written notice to the charitable organization. The notice:

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

(2) May be provided electronically.

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

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

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

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

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

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

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

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

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

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

chapter, NRS 598.1305 or any other provision of the laws of this State governing the solicitation of charitable contributions.

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

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

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

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

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

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

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

3. Issue certificates evidencing membership and issue identity cards.

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

5. Levy dues, assessments and fees.

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

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

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

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

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

11. Have one or more offices, and hold, purchase, mortgage and convey real and personal property in this State, and in any of the several states, territories, possessions and dependencies of the United States, the District of Columbia and any foreign countries.

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

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

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

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

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

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

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

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

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

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

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

~~—2.1~~ A person, in planning, conducting or executing a solicitation for or on behalf of a charitable organization or nonprofit corporation, shall not:

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

(b) Omit any material fact deemed to be equivalent to a false, misleading or deceptive claim or representation if the omission, when considering what has been said or implied, has or would have the capacity, tendency or effect of deceiving or misleading a person acting reasonably under the circumstances.

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

~~—4.1~~ 2. Notwithstanding any other provisions of this chapter, the Attorney General has primary jurisdiction to investigate and prosecute a violation of this section.

~~{5.1~~ 3. Except as otherwise provided in NRS 41.480 and 41.485, a violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

~~{6.1~~ 4. As used in this section:

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

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

(1) Mail;

(2) Commercial carrier;

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

(4) A face-to-face meeting.

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

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

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

Sec. 28. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
2. On October 1, 2015, for all other purposes.

LEADLINES OF REPEALED SECTIONS

82.382 “Charitable contribution” defined.

82.387 Applicability.

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

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

82.402 Penalty for failure to register with Secretary of State.

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

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

82.417 Regulations.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 729 to Assembly Bill No. 50.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 51.

The following Senate amendment was read:

Amendment No. 844.

AN ACT relating to securities; **requiring broker-dealers and investment advisers to provide training to certain persons concerning identifying the**

suspected exploitation of an older person or vulnerable person; requiring certain persons who work for broker-dealers and investment advisers to report the suspected or known exploitation of an older person or vulnerable person; authorizing the Administrator of the Securities Division of the Office of the Secretary of State to adopt regulations relating to the federal Jumpstart Our Business Startups Act; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Uniform Securities Act which sets forth provisions governing the sale and purchase of securities in this State in a manner consistent with federal laws and regulations. (Chapter 90 of NRS) Sections 9.2-9.9 of this bill require broker-dealers and investment advisers to provide training to certain persons concerning the identification and reporting of suspected exploitation of older persons and vulnerable persons. "Older person" is defined in existing law as a person who is 60 years of age or older. "Vulnerable person" is defined in existing law as a person who is 18 years of age or older who: (1) suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or (2) has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living. (NRS 200.5092) Section 9.8 specifies which sales representatives, representatives of an investment adviser and officers and employees of broker-dealers or investment advisers must receive the training, when the training must be provided and the content of the training. Section 9.8 further requires those persons to report incidents that reasonably appear to be exploitation of an older person or vulnerable person. Section 9.9 requires each broker-dealer and investment adviser to designate a person to whom such reports must be made. The person so designated is then responsible for determining when a formal report must be reported to the appropriate agency.

Existing law authorizes the imposition or granting of certain actions and penalties against a person who has violated any provision of state law or a regulation or order of the Administrator of the Securities Division of the Office of the Secretary of State relating to securities, including civil penalties, restitution and costs of investigation and prosecution of such a violation. (NRS 90.630, 90.640, 90.650) **Sections 11-13** of this bill revise those provisions to include, if the violation was committed against an older person or vulnerable person, the imposition or granting of civil penalties, restitution and costs of investigation and prosecution in amounts equal to twice the amounts that would otherwise have been imposed or granted.

Section 10 of this bill authorizes the Administrator to adopt regulations consistent with the federal Jumpstart Our Business Startups Act (Pub. L. No. 112-106), including regulations relating to the creation and oversight of funding portals for the purchase of securities.

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

Section 1. Chapter 90 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 9.2. As used in sections 9.2 to 9.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 9.3 to 9.7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 9.3. “Designated reporter” means a person designated by a broker-dealer or investment adviser to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 9.9 of this act.

Sec. 9.4. “Exploitation” has the meaning ascribed to it in subsection 2 of NRS 200.5092.

Sec. 9.5. “Older person” has the meaning ascribed to it in subsection 5 of NRS 200.5092.

Sec. 9.6. “Reasonable cause to believe” has the meaning ascribed to it in NRS 200.50925.

Sec. 9.7. “Vulnerable person” has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 9.8. 1. Each broker-dealer and investment adviser shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each sales representative, representative of the investment adviser and officer and employee of the broker-dealer or investment adviser who may:

(a) As part of his or her regular duties for the broker-dealer or investment adviser, come into direct contact with an older person or vulnerable person;

(b) Review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with the offer, sale or purchase of securities; or

(c) Offer advice as to the value or advisability of investing in, purchasing or selling securities to an older person or vulnerable person.

2. The training required pursuant to subsection 1:

(a) Must be provided as soon as reasonably practicable, but not later than 6 months after the sales representative, representative of the investment

adviser or officer or employee is employed by the broker-dealer or investment adviser; and

(b) May be part of any existing continuing education or training program required to be completed by the sales representative, representative of the investment adviser or officer or employee of the broker-dealer or investment adviser.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation of an older person or vulnerable person are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. A sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his or her scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to a designated reporter pursuant to section 9.9 of this act.

Sec. 9.9. 1. Each broker-dealer and investment adviser shall designate a person or persons to whom a sales representative, representative of the investment adviser or officer or employee of the broker-dealer or investment adviser must report known or suspected exploitation of an older person or vulnerable person.

2. If a sales representative, representative of an investment adviser or officer or employee of the broker-dealer or investment adviser reports known or suspected exploitation of an older person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected exploitation occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of an older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the agency alleged to have committed the act or omission.

4. If a sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable.

5. If the designated reporter knows or has reasonable cause to believe that the exploitation of a vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the agency alleged to have committed the act or omission.

6. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any fact or information that forms the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

7. A sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser and a designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report pursuant to this section in good faith.

Sec. 10. 1. The Administrator may adopt, by regulation or order, any filing requirements, registration exemptions and licensing requirements which are consistent with the Jumpstart Our Business Startups Act, Public Law 112-106, and any regulation adopted pursuant thereto by the United States Securities and Exchange Commission, including, without limitation, regulations relating to the creation and oversight of funding portals.

2. As used in this section, “funding portal” has the meaning ascribed to it in section 3(a)(80) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. §§ 78a et seq.

Sec. 11. NRS 90.630 is hereby amended to read as follows:

90.630 1. If the Administrator reasonably believes, whether or not based upon an investigation conducted under NRS 90.620, that:

(a) The sale of a security is subject to registration under this chapter and the security is being offered or has been offered or sold by the issuer or another person in violation of NRS 90.460; or

(b) A person is acting as a broker-dealer or investment adviser in violation of NRS 90.310 or 90.330,

➔ the Administrator, in addition to any specific power granted under this chapter and subject to compliance with the requirements of NRS 90.820, may issue, without a prior hearing, a summary order against the person engaged in the prohibited activities, directing the person to desist and refrain from further activity until the security is registered or the person is licensed under this chapter. The summary order to cease and desist must state the section of this chapter or regulation or order of the Administrator under this chapter which the Administrator reasonably believes has been or is being violated.

2. If the Administrator reasonably believes, whether or not based upon an investigation conducted under NRS 90.620, that a person has violated this chapter or a regulation or order of the Administrator under this chapter, the Administrator, in addition to any specific power granted under this chapter, after giving notice by registered or certified mail and conducting a hearing in an administrative proceeding, unless the right to notice and hearing is waived by the person against whom the sanction is imposed, may:

(a) Issue an order against the person to cease and desist;

(b) Censure the person if he or she is a licensed broker-dealer, sales representative, investment adviser or representative of an investment adviser;

(c) Bar or suspend the person from association with a licensed broker-dealer or investment adviser in this State;

(d) Issue an order against an applicant, licensed person or other person who willfully violates this chapter, imposing a civil penalty of not more than \$25,000 for each violation ~~to~~ or , ***if the violation was committed against an older person or vulnerable person, a civil penalty equal to twice the amount of the civil penalty that would otherwise have been imposed pursuant to this paragraph, not to exceed \$50,000 for each violation; or***

(e) Initiate one or more of the actions specified in NRS 90.640.

3. If the person to whom the notice is addressed pursuant to subsection 2 does not request a hearing within 45 days after receipt of the notice, the person waives the right to a hearing and the Administrator shall issue a permanent order. If a hearing is requested, the Administrator shall set the matter for hearing not less than 15 days nor more than 60 days after the Administrator receives the request for a hearing. The Administrator shall promptly notify the parties by registered or certified mail of the time and place set for the hearing.

4. Imposition of the sanctions under this section is limited as follows:

(a) If the Administrator revokes the license of a broker-dealer, sales representative, investment adviser or representative of an investment adviser or bars a person from association with a licensed broker-dealer or investment

adviser under this section or NRS 90.420, the imposition of that sanction precludes imposition of a civil penalty under subsection 2; and

(b) The imposition by the Administrator of one or more sanctions under subsection 2 with respect to a specific violation precludes the Administrator from later imposing any other sanctions under paragraphs (a) to (d), inclusive, of subsection 2 with respect to the violation.

5. For the purposes of determining any sanction to be imposed pursuant to paragraphs (a) to (d), inclusive, of subsection 2, the Administrator shall consider, among other factors, the frequency and persistence of the conduct constituting a violation of this chapter, or a regulation or order of the Administrator under this chapter, the number of persons adversely affected by the conduct and the resources of the person committing the violation.

6. If a sanction is imposed pursuant to this section, reimbursement for the costs of the proceeding, including investigative costs and attorney's fees incurred, may be ordered and recovered by the Administrator. Money recovered for reimbursement of the investigative costs and attorney's fees must be deposited in the State General Fund for credit to the Secretary of State's Operating General Fund Budget Account.

7. As used in this section:

(a) *"Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.*

(b) *"Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.*

(c) *"Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.*

Sec. 12. NRS 90.640 is hereby amended to read as follows:

90.640 1. Upon a showing by the Administrator that a person has violated or is about to violate this chapter, or a regulation or order of the Administrator under this chapter, the appropriate district court may grant or impose one or more of the following appropriate legal or equitable remedies:

(a) Upon a showing that a person has violated this chapter, or a regulation or order of the Administrator under this chapter, the court may singly or in combination:

(1) Issue a temporary restraining order, permanent or temporary prohibitory or mandatory injunction or a writ of prohibition or mandamus;

(2) Impose a civil penalty of not more than \$25,000 for each violation ~~or~~ **or, if the violation was committed against an older person or vulnerable person, a civil penalty equal to twice the amount of the civil penalty that would otherwise have been imposed pursuant to this subparagraph, not to exceed \$50,000 for each violation;**

(3) Issue a declaratory judgment;

(4) Order restitution to investors ~~or~~ **which, if the violation was committed against an older person or vulnerable person, must be in an amount equal to twice the amount of restitution that would otherwise have been ordered pursuant to this subparagraph;**

(5) Provide for the appointment of a receiver or conservator for the defendant or the defendant's assets;

(6) Order payment of the Division's investigative costs ~~to or~~ **which, if the violation was committed against an older person or vulnerable person, must be in an amount equal to twice the amount of the Division's investigative costs that would otherwise have been ordered for payment pursuant to this subparagraph; or**

(7) Order such other relief as the court deems just.

(b) Upon a showing that a person is about to violate this chapter, or a regulation or order of the Administrator under this chapter, a court may issue:

(1) A temporary restraining order;

(2) A temporary or permanent injunction; or

(3) A writ of prohibition or mandamus.

2. In determining the appropriate relief to grant, the court shall consider enforcement actions taken and sanctions imposed by the Administrator under NRS 90.630 in connection with the transactions constituting violations of this chapter or a regulation or order of the Administrator under this chapter. If a remedial action is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Administrator.

3. The court shall not require the Administrator to post a bond in an action under this section.

4. Upon a showing by the administrator or securities agency of another state that a person has violated the securities act of that state or a regulation or order of the administrator or securities agency of that state, the appropriate district court may grant, in addition to any other legal or equitable remedies, one or more of the following remedies:

(a) Appointment of a receiver, conservator or ancillary receiver or conservator for the defendant or the defendant's assets located in this State; or

(b) Other relief as the court deems just.

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

(a) **"Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.**

(b) **"Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.**

(c) **"Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.**

Sec. 13. NRS 90.650 is hereby amended to read as follows:

90.650 1. A person who willfully violates:

(a) A provision of this chapter, except NRS 90.600, or who violates NRS 90.600 knowing that the statement made is false or misleading in any material respect;

(b) A regulation adopted pursuant to this chapter; or

(c) An order denying, suspending or revoking the effectiveness of registration or an order to cease and desist issued by the Administrator pursuant to this chapter,

↪ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, or by a fine of not more than \$500,000, or by both fine and imprisonment, for each violation. In addition to any other penalty, the court shall order the person to pay restitution and may order the person to repay the costs of investigation and prosecution incurred by the Division and the Office of the Attorney General. ***If the violation was committed against an older person or vulnerable person, any restitution and costs of investigation and prosecution imposed by the court must be in an amount equal to twice the amount that would otherwise have been imposed by the court.*** Money recovered for reimbursement of the costs of investigation and prosecution must be deposited in the State General Fund for credit to the Secretary of State's Operating General Fund Budget Account.

2. A person convicted of violating a regulation or order under this chapter may be fined, but must not be imprisoned, if the person proves lack of knowledge of the regulation or order.

3. This chapter does not limit the power of the State to punish a person for conduct which constitutes a crime under other law.

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

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 844 to Assembly Bill No. 51.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 67.

The following Senate amendment was read:

Amendment No. 728.

AN ACT relating to public safety; revising provisions governing the admission into evidence of certain affidavits and declarations in certain criminal proceedings; specifying certain conditions under which a person is deemed not to be in actual physical control of a vehicle; revising provisions governing the administration of certain tests for the presence of alcohol, controlled substances and prohibited substances; revising provisions concerning the revocation of a license, permit or privilege to drive; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a person to drive, operate or be in actual physical control of a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance, or both. (NRS 484C.110, 484C.120, 488.410)

Sections 9.3 and 20 of this bill define the term "under the influence" for the purposes of existing law relating to driving, operating or being in actual physical control of a vehicle or vessel while under the influence of intoxicating

liquor or a controlled substance, or both. **Section 9.5** of this bill provides that a person shall be deemed not to be in actual physical control of a vehicle if: (1) the person is asleep inside the vehicle; ~~and~~ (2) **the person is not in the driver's seat of the vehicle;** (3) **the engine of the vehicle is not running;** (4) **the vehicle is lawfully parked;** ~~and~~ (5) **under the facts presented, it is evident that the person could not have driven the vehicle to the location while under the influence of intoxicating liquor, a controlled substance or a prohibited substance.**

Existing law allows the affidavits and declarations of certain persons to be admitted as evidence during a criminal proceeding to prove certain facts relating to the testing of the blood, breath or urine of a defendant to determine the presence or concentration of alcohol or certain other substances. In a felony trial, if the defendant objects in writing to the admission of such affidavits or declarations, the court must not admit the affidavit or declaration into evidence and the prosecution may cause the witness to testify at trial concerning the information contained in the affidavit or declaration. A defendant in a misdemeanor trial, however, must also establish that: (1) there is a substantial and bona fide dispute between the prosecution and the defense regarding the facts in the declaration; and (2) it is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined. (NRS 50.315) The Nevada Supreme Court has held that the additional requirements imposed on a misdemeanor defendant under existing law violate a defendant's constitutional right to confront the witnesses against him or her and are therefore unconstitutional. (*City of Reno v. Howard*, 130 Nev. Adv. Op. 12, 318 P.3d 1063 (2014))

Section 1 of this bill eliminates the constitutional defect identified by the Nevada Supreme Court and provides instead that an affidavit or declaration must not be admitted as evidence during a misdemeanor trial to prove certain facts relating to the testing of the blood, breath or urine of a defendant to determine the presence or concentration of alcohol or certain other substances if, not later than 10 days before the date set for trial or such shorter time before the date set for trial as authorized by the court, the defendant objects in writing to the admission of the affidavit or declaration. Under **section 1**, if the affidavit or declaration is not admitted into evidence, the prosecution may produce the witness to provide testimony at trial concerning the information contained in the affidavit or declaration at trial.

Under existing law, a person who drives a vehicle in this State is deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present. If a person who has thus given his or her "implied consent" to an evidentiary test refuses to submit to the test when directed to do so by a police officer who has reason to believe that the person was driving a vehicle or operating a vessel while under the influence of alcohol or a controlled substance, existing law

authorizes the police officer to direct that reasonable force be used to obtain a sample of blood from the person to be tested. (NRS 484C.160) The Nevada Supreme Court has held that the consent implied by a person's decision to drive in this State is not voluntary consent to an evidentiary blood test and, thus, existing laws that allow a police officer to obtain a blood sample from a person without a warrant and without voluntary consent are unconstitutional. (*Byars v. State*, 130 Nev. Adv. Op. No. 85, 336 P.3d 939 (2014))

Sections 12 and 14 of this bill eliminate the constitutional defect identified by the Nevada Supreme Court and provide instead that if a person refuses to submit to an evidentiary blood test at the request of a police officer: (1) the officer may apply for a warrant or other court order directing the use of reasonable force to obtain the blood sample; and (2) the person's driver's license must be revoked for a certain period. **Section 14** further authorizes the revocation of a person's license, permit or privilege to drive if an evidentiary test reveals the presence of a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription or hold a valid registry identification card. **Sections 15 and 16** of this bill make corresponding revisions to provisions of existing law which establish the procedure for effecting such a revocation and provide for an administrative hearing to challenge such a revocation. **Section 25** of this bill makes comparable changes to existing law concerning the evidentiary tests of persons who operate or exercise actual physical control over vessels on the waters of this State. **Section 5** of this bill makes comparable changes to existing law concerning evidentiary tests of persons who have actual physical possession of a firearm.

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

Section 1. NRS 50.315 is hereby amended to read as follows:

50.315 1. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person is admissible in evidence in any criminal or administrative proceeding to prove:

(a) That the affiant or declarant has been certified by the Director of the Department of Public Safety as being competent to operate devices of a type certified by the Committee on Testing for Intoxication as accurate and reliable for testing a person's breath to determine the concentration of alcohol in his or her breath;

(b) The identity of a person from whom the affiant or declarant obtained a sample of breath; and

(c) That the affiant or declarant tested the sample using a device of a type so certified and that the device was functioning properly.

2. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who has examined a prepared chemical solution or gas that has been used in calibrating, or verifying the calibration of, a device for testing another's breath to determine the concentration of alcohol in his or her

breath is admissible in evidence in any criminal or administrative proceeding to prove:

- (a) The occupation of the affiant or declarant; and
- (b) That the solution or gas has the chemical composition necessary for use in accurately calibrating, or verifying the calibration of, the device.

3. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who calibrates a device for testing another's breath to determine the concentration of alcohol in his or her breath is admissible in evidence in any criminal or administrative proceeding to prove:

- (a) The occupation of the affiant or declarant;
- (b) That on a specified date the affiant or declarant calibrated the device at a named law enforcement agency by using the procedures and equipment prescribed in the regulations of the Committee on Testing for Intoxication;
- (c) That the calibration was performed within the period required by the Committee's regulations; and
- (d) Upon completing the calibration of the device, it was operating properly.

4. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration made under the penalty of perjury of a person who withdraws a sample of blood from another for analysis by an expert as set forth in NRS 50.320 is admissible in any criminal or administrative proceeding to prove:

- (a) The occupation of the affiant or declarant;
- (b) The identity of the person from whom the affiant or declarant withdrew the sample;
- (c) The fact that the affiant or declarant kept the sample in his or her sole custody or control and in substantially the same condition as when he or she first obtained it until delivering it to another; and
- (d) The identity of the person to whom the affiant or declarant delivered it.

5. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who receives from another a sample of blood or urine or other tangible evidence that is alleged to contain alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance may be admitted in any criminal or civil or administrative proceeding to prove:

- (a) The occupation of the affiant or declarant;
- (b) The fact that the affiant or declarant received a sample or other evidence from another person and kept it in his or her sole custody or control in substantially the same condition as when he or she first received it until delivering it to another; and
- (c) The identity of the person to whom the affiant or declarant delivered it.

6. If, ~~at or before the time of trial,~~ **not later than 10 days before the date set for trial or such shorter time before the date set for trial as authorized by the court,** the defendant ~~establishes that:~~

~~—(a) There is a substantial and bona fide dispute regarding the facts in the affidavit or declaration; and~~

~~—(b) It is in the best interests of justice that the witness who signed the affidavit or declaration be cross examined,}~~ **objects in writing to admitting into evidence the affidavit or declaration,**

~~{→}~~ the court **shall not admit the affidavit or declaration into evidence and** may order the prosecution to produce the witness and may continue the trial for any time the court deems reasonably necessary to receive such testimony. The time within which a trial is required is extended by the time of the continuance.

7. During any trial in which the defendant has been accused of committing a felony, the defendant may object in writing to admitting into evidence an affidavit or declaration described in this section. If the defendant makes such an objection, the court shall not admit the affidavit or declaration into evidence and the prosecution may cause the person to testify to any information contained in the affidavit or declaration.

8. The Committee on Testing for Intoxication shall adopt regulations prescribing the form of the affidavits and declarations described in this section.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 202.257 is hereby amended to read as follows:

202.257 1. It is unlawful for a person who:

(a) Has a concentration of alcohol of 0.10 or more in his or her blood or breath; or

(b) Is under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him or her incapable of safely exercising actual physical control of a firearm,

→ to have in his or her actual physical possession any firearm. This prohibition does not apply to the actual physical possession of a firearm by a person who was within the person's personal residence and had the firearm in his or her possession solely for self-defense.

2. Any evidentiary test to determine whether a person has violated the provisions of subsection 1 must be administered in the same manner as an evidentiary test that is administered pursuant to NRS 484C.160 to 484C.250, inclusive, except that submission to the evidentiary test is required of any person who is ~~directed~~ **requested** by a police officer to submit to the test. If a person to be tested fails to submit to a required test as ~~directed~~ **requested** by a police officer, the officer may ~~direct~~ **apply for a warrant or court order directing** that reasonable force be used to the extent necessary to obtain the samples of blood from the person to be tested, if the officer has reasonable cause to believe that the person to be tested was in violation of this section.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

4. A firearm is subject to forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, only if, during the violation of subsection 1, the firearm is brandished, aimed or otherwise handled by the person in a manner which endangered others.

5. As used in this section, the phrase “concentration of alcohol of 0.10 or more in his or her blood or breath” means 0.10 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. Chapter 484C of NRS is hereby amended by adding thereto the provisions set forth as sections 9.3 and 9.5 of this act.

Sec. 9.3. *“Under the influence” means impaired to a degree that renders a person incapable of safely driving or exercising actual physical control of a vehicle.*

Sec. 9.5. *For the purposes of this chapter, a person shall be deemed not to be in actual physical control of a vehicle if:*

1. *The person is asleep inside the vehicle; ~~and~~*
2. *The person is not in the driver’s seat of the vehicle;*
3. *The engine of the vehicle is not running;*
4. *The vehicle is lawfully parked ~~for~~; and*
5. *Under the facts presented, it is evident that the person could not have driven the vehicle to the location while under the influence of intoxicating liquor, a controlled substance or a prohibited substance.*

Sec. 10. NRS 484C.010 is hereby amended to read as follows:

484C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484C.020 to 484C.100, inclusive, **and section 9.3 of this act** have the meanings ascribed to them in those sections.

Sec. 11. NRS 484C.150 is hereby amended to read as follows:

484C.150 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the ~~direction~~ **request** of a police officer at the scene of a vehicle accident or collision or where the police officer stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. If the person fails to submit to the test, the officer shall ~~seize~~ :

(a) **Seize** the license or permit of the person to drive as provided in NRS 484C.220 ; and

(b) If reasonable grounds otherwise exist, arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 484C.160.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 12. NRS 484C.160 is hereby amended to read as follows:

484C.160 1. Except as otherwise provided in subsections ~~{3 and 4,}~~ **4 and 5**, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the ~~{direction}~~ **request** of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~{;}~~ or **with a prohibited substance in his or her blood or urine; or**

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. **A police officer who requests that a person submit to a test pursuant to subsection 1 shall inform the person that his or her license, permit or privilege to drive will be revoked if he or she fails to submit to the test.**

3. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

~~{3,}~~ 4. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

~~{4,}~~ 5. If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses **whose testimony in court {;} or an administrative hearing is necessary because of the use of the blood test. The expenses of such a witness may be assessed at an hourly rate of not less than:**

- (1) Fifty dollars for travel to and from the place of the proceeding; and**
- (2) One hundred dollars for giving or waiting to give testimony.**

(c) ~~{A police officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:~~

~~— (1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or~~

~~— (2) Has been convicted within the previous 7 years of:~~

~~— (I) A violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of another jurisdiction that prohibits the same or similar conduct; or~~

~~— (II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).~~

~~—5.} Except as otherwise provided in NRS 484C.200, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.~~

6. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may ~~{direct}~~ **request that** the person ~~{to}~~ submit to a blood or urine test, or both . ~~{, in addition to the breath test.~~

~~—6.} 7. Except as otherwise provided in subsections {3 and 5,} **4 and 6**, a police officer shall not {direct} **request that** a person {to} submit to a urine test.~~

~~{7.} 8. If a person to be tested fails to submit to a required test as {directed} **requested** by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:~~

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~{;}~~ or **with a prohibited substance in his or her blood or urine; or**

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430,

→ the officer may ~~{direct}~~ **apply for a warrant or court order directing** that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. ~~{Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the concentration of alcohol or presence of a controlled substance or another prohibited substance in his or her blood.~~

~~—8.} 9. If a person who is less than 18 years of age is {directed} **requested** to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.~~

Sec. 13. NRS 484C.200 is hereby amended to read as follows:

484C.200 1. Except as otherwise provided in subsection 2, an evidentiary test of breath to determine the concentration of alcohol in a

person's breath may be used to establish that concentration only if two consecutive samples of the person's breath are taken and:

(a) The difference between the concentration of alcohol in the person's breath indicated by the two samples is less than or equal to 0.02;

(b) If the provisions of paragraph (a) do not apply, a third evidentiary test of breath is administered and the difference between the concentration of alcohol in the person's breath indicated by the third sample and one of the first two samples is less than or equal to 0.02; or

(c) If the provisions of paragraphs (a) and (b) do not apply, a fourth evidentiary test is administered. Except as otherwise provided in NRS 484C.160, the fourth evidentiary test must be a blood test.

2. If the person fails to provide the second or third consecutive sample, or to submit to the fourth evidentiary test, the results of the first test may be used alone as evidence of the concentration of alcohol in the person's breath. If for some other reason a second, third or fourth sample is not obtained, the results of the first test may be used with all other evidence presented to establish the concentration.

3. If a person refuses or otherwise fails to provide a second or third consecutive sample or submit to a fourth evidentiary test, ~~if a police officer may direct that reasonable force be used to obtain a sample or conduct a test pursuant to~~ **such refusal or failure constitutes a failure to submit to a required test as provided in NRS 484C.160.**

Sec. 14. NRS 484C.210 is hereby amended to read as follows:

484C.210 1. ***If a person fails to submit to an evidentiary test as requested by a police officer pursuant to NRS 484C.160, the license, permit or privilege to drive of the person must be revoked as provided in NRS 484C.220, and the person is not eligible for a license, permit or privilege to drive for a period of:***

(a) One year; or

(b) Three years, if the license, permit or privilege to drive of the person has been revoked during the immediately preceding 7 years for failure to submit to an evidentiary test.

2. If the result of a test given under NRS 484C.150 or 484C.160 shows that a person had a concentration of alcohol of 0.08 or more in his or her blood or breath ***or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140,*** at the time of the test, the license, permit or privilege of the person to drive must be revoked as provided in NRS 484C.220 and the person is not eligible for a license, permit or privilege for a period of 90 days.

~~{2-}~~ 3. If a revocation of a person's license, permit or privilege to drive under NRS 62E.640 or 483.460 follows a revocation under subsection ~~{1}~~ 2 which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the Department shall cancel the revocation

under that subsection and give the person credit for any period during which the person was not eligible for a license, permit or privilege.

~~§ 4.~~ 4. Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

Sec. 15. NRS 484C.220 is hereby amended to read as follows:

484C.220 1. As agent for the Department, the officer who ***requested that a test be given pursuant to NRS 484C.150 or 484C.160 or who*** obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who ***failed to submit to a test requested by the police officer pursuant to NRS 484C.150 or 484C.160 or who*** has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a ***controlled substance or*** prohibited substance in his or her blood or urine ~~for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140,~~ if that person is present, and shall seize the license or permit to drive of the person. The officer shall then ***, unless the information is expressly set forth in the order of revocation,*** advise the person of his or her right to administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a detectable amount of a ***controlled substance or*** prohibited substance in his or her blood or urine ~~for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140,~~ the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, ***if any,*** a written certificate that the officer had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle ~~with~~ :

(a) ***With*** a concentration of alcohol of 0.08 or more in his or her blood or breath or with a detectable amount of a ***controlled substance or*** prohibited

substance in his or her blood or urine ~~that~~ **for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140,** as determined by a chemical test ~~that~~ ; or

(b) While under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine and the person refused to submit to a required evidentiary test.

↪ The certificate must also indicate whether the officer served an order of revocation on the person and whether the officer issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at the person's last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484C.230 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 16. NRS 484C.230 is hereby amended to read as follows:

484C.230 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484C.220, the person may request in writing a hearing by the Department to review the order of revocation, but the person is only entitled to one hearing. The hearing must be conducted ~~within 15 days after receipt of the request, or~~ as soon ~~thereafter~~ as is practicable ~~in the county where the requester resides unless the parties agree otherwise.~~ **at any location, if the hearing officer permits each party and witness to attend the hearing by telephone, videoconference or other electronic means.** The Director or agent of the Director may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. Unless the person is ineligible for a temporary license pursuant to NRS 484C.220, the Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person ~~is at~~ :

(a) Failed to submit to a required test provided for in NRS 484C.150 or 484C.160; or

(b) At the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a *controlled substance* or prohibited substance in his or her blood or urine ~~for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140.~~

➔ Upon an affirmative finding on ~~this~~ **either** issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.

Sec. 17. NRS 484C.240 is hereby amended to read as follows:

484C.240 1. If a person refuses to submit to a required chemical test provided for in NRS 484C.150 or 484C.160, evidence of that refusal is admissible in any criminal or administrative action arising out of acts alleged to have been committed while the person was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140.~~ **or with a prohibited substance in his or her blood or urine; or**

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. Except as otherwise provided in subsection 3 of NRS 484C.150, a court or hearing officer may not exclude evidence of a required test or failure to submit to such a test if the police officer or other person substantially complied with the provisions of NRS 484C.150 to 484C.250, inclusive, and 484C.600 to 484C.640, inclusive.

3. If a person submits to a chemical test provided for in NRS 484C.150 or 484C.160, full information concerning that test must be made available, upon request of the person, to the person or his or her attorney.

4. Evidence of a required test is not admissible in a criminal or administrative proceeding unless it is shown by documentary or other evidence that the law enforcement agency calibrated the breath-testing device and otherwise maintained it as required by the regulations of the Committee on Testing for Intoxication.

Sec. 18. NRS 484C.250 is hereby amended to read as follows:

484C.250 1. The results of any blood test administered under the provisions of NRS 484C.160 or 484C.180 are not admissible in any hearing or criminal action arising out of acts alleged to have been committed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ***or with a prohibited substance in his or her blood or urine*** or who was engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a police officer or the person to be tested to administer the test.

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 488.035 is hereby amended to read as follows:

488.035 As used in this chapter, unless the context otherwise requires:

1. “Aquatic invasive species” means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

2. “Aquatic plant material” means aquatic plants or parts of plants that are dependent on an aquatic environment to survive.

3. “Commission” means the Board of Wildlife Commissioners.

4. “Conveyance” means a motor vehicle, trailer or any other equipment used to transport a vessel or containers or devices used to haul water on a vessel that may contain or carry an aquatic invasive species or aquatic plant material.

5. “Decontaminate” means eliminate any aquatic invasive species on a vessel or conveyance in a manner specified by the Commission which may include, without limitation, washing the vessel or conveyance, draining the

water in the vessel or conveyance, drying the vessel or conveyance or chemically, thermally or otherwise treating the vessel or conveyance.

6. “Department” means the Department of Wildlife.

7. “Flat wake” means the condition of the water close astern a moving vessel that results in a flat wave disturbance.

8. “Interstate waters of this State” means waters forming the boundary between the State of Nevada and an adjoining state.

9. “Legal owner” means a secured party under a security agreement relating to a vessel or a renter or lessor of a vessel to the State or any political subdivision of the State under a lease or an agreement to lease and sell or to rent and purchase which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

10. “Motorboat” means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

11. “Operate” means to navigate or otherwise use a motorboat or a vessel.

12. “Owner” means:

(a) A person having all the incidents of ownership, including the legal title of a vessel, whether or not he or she lends, rents or pledges the vessel; and

(b) A debtor under a security agreement relating to a vessel.

➡ “Owner” does not include a person defined as a “legal owner” under subsection 9.

13. “Prohibited substance” has the meaning ascribed to it in NRS 484C.080.

14. “Registered owner” means the person registered by the Commission as the owner of a vessel.

15. ***“Under the influence” means impaired to a degree that renders a person incapable of safely operating or exercising actual physical control of a vessel.***

16. A vessel is “under way” if it is adrift, making way or being propelled, and is not aground, made fast to the shore, or tied or made fast to a dock or mooring.

~~{16.}~~ 17. “Vessel” means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

~~{17.}~~ 18. “Waters of this State” means any waters within the territorial limits of this State.

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 488.450 is hereby amended to read as follows:

488.450 1. Any person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to have given consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the ~~direction~~ **request** of a peace officer after a vessel accident or collision or

where an officer stops a vessel, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person fails to submit to the test, the officer shall **, if reasonable grounds otherwise exist**, arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 488.460.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 25. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to have given consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the ~~direction~~ **request** of a peace officer having reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance ~~};~~ or **with a prohibited substance in his or her blood or urine; or**

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses **whose testimony** in court ~~};~~

is necessary because of the use of the blood test. The expenses of such a witness may be assessed at an hourly rate of not less than:

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) ~~A peace officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:~~

~~— (1) Caused death or substantial bodily harm to another person as a result of operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425; or~~

~~— (2) Has been convicted within the previous 7 years of:~~

~~— (I) A violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of another jurisdiction that prohibits the same or similar conduct; or~~

~~— (II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).}~~ ***Except as otherwise provided in NRS 488.470, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.***

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may ~~direct~~ ***request that*** the person ~~to~~ submit to a blood or urine test, or both . ~~{, in addition to the breath test.}~~

6. Except as otherwise provided in subsections 3 and 5, a peace officer shall not ~~direct~~ ***request that*** a person ~~to~~ submit to a urine test.

7. If a person to be tested fails to submit to a required test as ~~directed~~ ***requested*** by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance ~~{;}~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425,

↪ the officer may ~~direct~~ ***apply for a warrant or court order directing*** that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. ~~{Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the alcoholic content or presence of a controlled substance or another prohibited substance in the person's blood.}~~

8. If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing

the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 26. NRS 488.470 is hereby amended to read as follows:

488.470 1. Except as otherwise provided in subsection 2, an evidentiary test of breath to determine the concentration of alcohol in a person's breath may be used to establish that concentration only if two consecutive samples of the person's breath are taken and:

(a) The difference between the concentration of alcohol in the person's breath indicated by the two samples is less than or equal to 0.02;

(b) If the provisions of paragraph (a) do not apply, a third evidentiary test of breath is administered and the difference between the concentration of alcohol in the person's breath indicated by the third sample and one of the first two samples is less than or equal to 0.02; or

(c) If the provisions of paragraphs (a) and (b) do not apply, a fourth evidentiary test is administered. Except as otherwise provided in NRS 488.460, the fourth evidentiary test must be a blood test.

2. If the person fails to provide the second or third consecutive sample, or to submit to the fourth evidentiary test, the results of the first test may be used alone as evidence of the concentration of alcohol in the person's breath. If for some other reason a second, third or fourth sample is not obtained, the results of the first test may be used with all other evidence presented to establish the concentration.

3. If a person refuses or otherwise fails to provide a second or third consecutive sample or submit to a fourth evidentiary test, ~~a peace officer may direct that reasonable force be used to obtain a sample or conduct a test pursuant to~~ **such refusal or failure constitutes a failure to submit to a required evidentiary test as provided in NRS 488.460.**

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 488.500 is hereby amended to read as follows:

488.500 1. The results of any blood test administered under the provisions of NRS 488.460 or 488.490 are not admissible in any criminal action arising out of acts alleged to have been committed by a person who was operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or **with a prohibited substance in his or her blood or urine or** who was engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of

competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a peace officer or the person to be tested to administer the test.

Sec. 30. (Deleted by amendment.)

Sec. 31. 1. This section and sections 2 to 30, inclusive, of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2015.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 728 to Assembly Bill No. 67.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 69.

The following Senate amendment was read:

Amendment No. 748.

AN ACT relating to courts; revising provisions governing the recycling of paper and paper products by courts; revising provisions governing the duties of court clerks and justices of the peace in relation to the fees charged by those officials; revising provisions governing the collection and reporting of certain statistical information by district courts, justice courts and municipal courts; changing the term “county clerk” to “clerk of the court” in certain statutes relating to the fees charged by clerks of the district courts; removing provisions requiring courts to provide to the Court Administrator certain orders relating to bail forfeitures; **repealing provisions governing an offer of judgment;** repealing the requirement that the Nevada Supreme Court decide an appeal from a judgment imposing the death penalty within a certain period; repealing provisions governing the selection of panels of jurors by boards of county commissioners; revising various other provisions relating to court administration; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires courts, the Legislative Counsel Bureau, state agencies, school districts and the Nevada System of Higher Education to recycle paper and paper products unless a waiver is granted because the cost of recycling is unreasonable or would place an undue burden on the entity. (NRS 1.115, 218F.310, 232.007, 386.4159, 396.437) To obtain such a waiver: (1) the Nevada Supreme Court must apply to the Interim Finance Committee; (2) a

district court or justice court must apply to the board of county commissioners of the county in which the court is located; and (3) a municipal court must apply to the governing body of the city in which it is located. (NRS 1.115) **Section 1** of this bill removes existing provisions regarding a waiver of the requirement for courts to recycle and, instead, requires courts to recycle to the extent reasonably possible.

Existing law requires the Clerk of the Supreme Court to post in a conspicuous place in his or her office a table of the fees charged by the Clerk. (NRS 2.250) **Section 2** of this bill requires the table of fees to be posted by conventional or electronic means and requires the table of fees to be posted on the Internet website of the Clerk.

Existing law requires district courts, justice courts and municipal courts to submit to the Court Administrator a report of statistical information concerning the workload of those courts. (NRS 3.243, 4.175, 5.045) Existing law further requires the clerk of a district court to obtain and file certain information concerning the nature of each criminal and civil case filed with the court. (NRS 3.275) **Sections 3, 4, 8 and 10** of this bill amend these provisions to require district courts, justice courts and municipal courts to submit a report of statistical information to the Court Administrator pursuant to the uniform system for collecting and compiling statistical information concerning the State Court System which is prescribed by the Supreme Court.

Existing law requires each justice of the peace to charge and collect certain fees and to pay those fees to the county treasurer not later than the first Monday of each month. (NRS 4.063, 4.065, 4.071) **Sections 4.2, 4.4 and 4.6** of this bill require that the fees be paid on or before the fifth day of the month. Under existing law, a justice of the peace is required to pay to the county treasurer the amount of each fine that is paid or bail that is forfeited within 30 days after such payment or forfeiture. (NRS 176.285) **Section 35.5** of this bill requires such payments to be made on or before the fifth day of the month immediately following the month in which the fine is paid or the bail forfeited.

Existing law contains various provisions governing the fees charged by justices of the peace and clerks of the district court and imposes certain penalties for the failure to comply with these provisions. (NRS 4.080-4.140, 19.040-19.110) **Sections 5 and 31** of this bill specifically authorize justices of the peace and clerks of the district courts to maintain in electronic format the fee book required by existing law. **Sections 6 and 32** of this bill require justices of the peace and clerks of the district courts to submit to the county official designated by the board of county commissioners a monthly financial statement of the fees collected by them rather than a quarterly financial statement. **Sections 7 and 27** of this bill require justices of the peace and clerks of the district courts to post tables of fees: (1) by conventional or electronic means in their offices; and (2) on their Internet websites. **Section 9** of this bill specifically authorizes a justice of the peace to keep his or her docket in written or electronic format.

Existing law authorizes jurors to be selected by a jury commissioner designated by the district court or, in counties where there is no jury commissioner, by the board of county commissioners. (NRS 6.045-6.090) **Sections 11 and 41** of this bill remove provisions relating to the selection of jurors by a board of county commissioners.

Under existing law, county clerks are ex officio clerks of the district court in and for their counties. (Nev. Const. Art. 4, § 32; NRS 3.250, 246.060) The Nevada Supreme Court has ruled that “[a] district court may exercise control over the court clerk’s office either directly, by assuming all or part of the court clerk’s functions, or indirectly, by supervising the county clerk in the performance of his or her duties as the *ex officio* court clerk.” (*State ex rel. Harvey v. Second Jud. Dist. Ct.*, 117 Nev. 754, 772 (2001)) **Sections 12-33 and 35** of this bill change the term “county clerk” to “clerk of the court” in various statutes relating to the fees charged for the filing of certain documents in the district court and other services provided by the clerk of a district court.

Under existing law, a person may register an order for protection against domestic violence issued by a court in another state by presenting a certified copy of the order to the clerk of the court in a judicial district in which the person believes that enforcement may be necessary. (NRS 33.090) **Section 34** of this bill: (1) provides that such an order may be registered in a court of competent jurisdiction in the judicial district in which the person believes that enforcement may be necessary; and (2) authorizes a copy of such an order to be forwarded by conventional or electronic means to the appropriate law enforcement agency.

Existing law requires a court, upon entering an order of probation or suspension of sentence, to direct the clerk of the court to certify a copy of the records in the case and deliver a copy of the records in the case to the Chief Parole and Probation Officer. (NRS 176A.220) **Section 36** of this bill removes the requirement that the clerk certify a copy of the records and authorizes the clerk to deliver the records to the Chief in writing, by electronic means or by affording the Chief access to an electronic system necessary to retrieve the records.

Sections 37-40 of this bill remove provisions of existing law which require a court to provide to the Court Administrator a copy of: (1) an order of bail forfeiture; (2) an order exonerating a surety of a bail bond; and (3) an order setting aside a bail forfeiture. (NRS 178.508, 178.509, 178.512, 178.514)

Section 41 removes certain provisions of existing law, including provisions: (1) requiring the Clerk of the Supreme Court to publish a list of certain cases in a newspaper; (2) governing an offer of judgment; (3) establishing penalties for justices of the peace and county clerks who fail to perform certain duties; ~~(3)~~ **(4)** requiring justices of the peace to keep records of certain traffic violations; and ~~(4)~~ **(5)** requiring the Nevada Supreme Court to decide an appeal from a judgment imposing the death penalty within a certain period.

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

Section 1. NRS 1.115 is hereby amended to read as follows:

1.115 1. Except as otherwise provided in this section, each court of justice for this State shall recycle or cause to be recycled , ***to the extent reasonably possible***, the paper and paper products it uses. This subsection does not apply to confidential documents if there is an additional cost for recycling those documents.

2. ~~{A court of justice may apply for a waiver from the requirements of subsection 1. For such a waiver, the Supreme Court or the Court of Appeals must apply to the Interim Finance Committee, a district court or a justice court must apply to the board of county commissioners of the county in which it is located and a municipal court must apply to the governing body of the city in which it is located. A waiver must be granted if it is determined that the cost to recycle or cause to be recycled the paper and paper products used by the court is unreasonable and would place an undue burden on the operations of the court.~~

~~3. The Court Administrator shall, after consulting with the State Department of Conservation and Natural Resources, prescribe the procedure for the disposition of the paper and paper products to be recycled. The Court Administrator may prescribe a procedure for the recycling of other waste materials produced on the premises of the court building.~~

~~4. Any money received by a court of justice for recycling or causing to be recycled the paper and paper products it uses must be paid by the clerk of that court to the State Treasurer for credit to the State General Fund.~~

~~5.} As used in this section:~~

(a) “Paper” includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.

(b) “Paper product” means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.

Sec. 2. NRS 2.250 is hereby amended to read as follows:

2.250 1. The Clerk of the Supreme Court may demand and receive for the services of the Clerk rendered in discharging the duties imposed upon him or her by law the following fees:

(a) Except as otherwise provided in paragraph (d), whenever an appeal is taken to the Supreme Court, or whenever a special proceeding by way of mandamus, certiorari, prohibition, quo warranto, habeas corpus, or otherwise is brought in or to the Supreme Court, the appellant and any cross-appellant or

the party bringing a special proceeding shall, at or before the appeal, cross-appeal or petition for a special proceeding has been entered on the docket, pay to the Clerk of the Supreme Court the sum of \$200.

(b) Except as otherwise provided in paragraph (d), a party to an appeal or special proceeding who petitions the Supreme Court for a rehearing shall, at the time of filing such a petition, pay to the Clerk of the Supreme Court the sum of \$100.

(c) Except as otherwise provided in paragraph (d), in addition to the fees required pursuant to paragraphs (a) and (b):

(1) Whenever an appeal is taken to the Supreme Court, or whenever a special proceeding by way of mandamus, certiorari, prohibition, quo warranto, habeas corpus, or otherwise is brought in or to the Supreme Court, the appellant and any cross-appellant or the party bringing a special proceeding shall, at or before the appeal, cross-appeal or petition for a special proceeding has been entered on the docket, pay to the Clerk of the Supreme Court a court automation fee of \$50.

(2) A party to an appeal or special proceeding who petitions the Supreme Court for a rehearing shall, at the time of filing such a petition, pay to the Clerk of the Supreme Court a court automation fee of \$50.

➔ The Clerk of the Supreme Court shall remit the fees collected pursuant to this paragraph to the State Controller for credit to a special account in the State General Fund. The State Controller shall distribute the money received to the Office of Court Administrator to be used for advanced and improved technological purposes in the Supreme Court. The special account is restricted to the use specified, and the balance in the special account must be carried forward at the end of each fiscal year. As used in this paragraph, “technological purposes” means the acquisition or improvement of technology, including, without limitation, acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology.

(d) No fees may be charged by the Clerk in:

(1) Any action brought in or to the Supreme Court wherein the State of Nevada or any county, city or town thereof, or any officer or commission thereof is a party in his, her or its official or representative capacity, against the State of Nevada, county, city, town, officer or commission;

(2) A habeas corpus proceeding of a criminal or quasi-criminal nature; or

(3) An appeal taken from, or a special proceeding arising out of, a criminal proceeding.

(e) A fee of \$60 for Supreme Court decisions in pamphlet form for each year, or a fee of \$30 for less than a 6 months’ supply of decisions, to be collected from each person who requests such decisions, except those persons and agencies set forth in NRS 2.345. The Clerk may charge a reasonable fee to all parties, including, without limitation, the persons and agencies set forth

in NRS 2.345, for access to decisions of the Supreme Court compiled in an electronic format.

(f) A fee from a person who requests a photostatic copy or a photocopy print of any paper or document in an amount determined by the justices of the Supreme Court.

2. The Clerk of the Supreme Court shall not charge any fee that is not authorized by law.

3. The Clerk of the Supreme Court shall keep a fee book **or electronic record** in which the Clerk shall enter in detail the title of the matter, proceeding or action, and the fees charged therein. The fee book **or electronic record, as applicable**, must be open to public inspection in the office of the Clerk.

4. The Clerk of the Supreme Court shall publish and post **by conventional or electronic means**, in some conspicuous place in the Clerk's office **and on the Internet website of the Clerk**, a table of fees for public inspection. ~~The Clerk shall forfeit a sum of not less than \$20 for each day of his or her omission to do so, which sum with costs may be recovered by any person by filing an action before any justice of the peace of the same county.~~

5. All fees prescribed in this section must be paid in advance, if demanded. If the Clerk of the Supreme Court has not received any or all of the fees which are due to the Clerk for services rendered in any suit or proceeding, the Clerk may have execution therefor in the Clerk's own name against the party from whom they are due, to be issued from the Supreme Court upon order of a justice thereof or from the Court upon affidavit filed.

6. The Clerk of the Supreme Court shall give a receipt on demand of the party paying a fee. The receipt must specify the title of the cause in which the fee is paid and the date and the amount of the payment.

7. The Clerk of the Supreme Court shall, when depositing with the State Treasurer money received for Court fees, render to the State Treasurer a brief note of the cases in which the money was received.

Sec. 3. NRS 3.243 is hereby amended to read as follows:

3.243 In the time and manner prescribed by the Supreme Court, the Chief Judge of the judicial district or, if the district has no Chief Judge, a district judge designated by mutual consent of the district judges of that district, shall submit to the Court Administrator a report of the statistical information required pursuant to ~~this section and such other~~ **the uniform system for collecting and compiling** statistical information ~~as~~ **regarding the State Court System which** is prescribed by the Supreme Court. ~~The report must include, without limitation, statistical information concerning:~~

~~1. Those cases which are pending and undecided and the judge to whom each case has been assigned;~~

~~2. The type and number of cases each judge considered during the preceding month;~~

~~3. The number of cases submitted to each judge during the preceding month;~~

~~4. The number of cases decided by each judge during the preceding month; and~~

~~5. The number of full judicial days in which each judge appeared in court or in chambers in performance of his or her duties during the preceding month.]~~

Sec. 4. NRS 3.275 is hereby amended to read as follows:

3.275 1. The clerk of each district court shall obtain and file information ~~[regarding the nature of each criminal and civil case filed with the district court. If the]~~ **necessary to complete the report of statistical information required by NRS 3.243, including, without limitation, information relating to the referral of a** criminal case ~~[is referred]~~ to a specialty court program, ~~[the clerk must obtain and file information regarding the nature of the case and the program to which the defendant was referred.]~~ **using the case management system provided by the Court Administrator.**

2. The clerk shall provide a form approved by the Court Administrator for obtaining the information required by subsection 1 ~~[.]~~ **for each civil case filed in the district court.** No ~~[criminal or]~~ civil case may be filed in the district court unless the initial pleading is accompanied by the form, signed by the initiating party or his or her representative. ~~[In addition to the information on the form, the]~~

3. **The** clerk shall maintain information concerning the disposition of each criminal **and civil** case and, if applicable, whether ~~[the]~~ **a criminal** defendant successfully completed ~~[a]~~ **the** specialty court program ~~[.]~~ **to which he or she was referred.**

4. The clerk shall maintain the information ~~[contained in the form and collected pursuant to subsection 2]~~ **described in this section** in a ~~[separate system of filing to allow]~~ **manner that allows** the retrieval of statistics relating to each criminal and civil action filed in the district courts ~~[.]~~ **as required to complete the report required by NRS 3.243.**

Sec. 4.2. NRS 4.063 is hereby amended to read as follows:

4.063 1. In a county whose population is 100,000 or more, the justice of the peace shall, on the commencement of any action or proceeding in the justice court for which a fee is required, and on the answer or appearance of any party in any such action or proceeding for which a fee is required, charge and collect a fee of not less than \$5 but not more than \$10 from the party commencing, answering or appearing in the action or proceeding. The fee required pursuant to this section is in addition to any other fee required by law.

2. On or before the ~~[first Monday]~~ **fifth day** of each month, the justice of the peace shall pay over to the county treasurer the amount of all fees collected by the justice of the peace pursuant to subsection 1 **during the preceding month** for credit to an account for dispute resolution in the county general fund. The money in that account must not be used for purposes other than the programs established pursuant to NRS 3.500 and 244.1607.

3. The board of county commissioners of any other county may impose by ordinance an additional filing fee of not more than \$10 to be paid on the

commencement of any action or proceeding in the justice court for which a fee is required and on the filing of any answer or appearance in any such action or proceeding for which a fee is required. On or before the fifth day of each month, in a county where this fee has been imposed, the justice of the peace shall account for and pay over to the county treasurer all fees collected during the preceding month pursuant to this subsection for credit to an account for dispute resolution in the county general fund. The money in the account must be used only to support a program established pursuant to NRS 3.500 or 244.1607.

Sec. 4.4. NRS 4.065 is hereby amended to read as follows:

4.065 1. The justice of the peace shall, on the commencement of any action or proceeding in the justice court for which a fee is required, and on the answer or appearance of any defendant in any such action or proceeding for which a fee is required, charge and collect a fee of \$1 from the party commencing, answering or appearing in the action or proceeding. These fees are in addition to any other fee required by law.

2. On or before the ~~first Monday~~ **fifth day** of each month, the justice of the peace shall pay over to the county treasurer the amount of all fees collected by the justice of the peace pursuant to subsection 1 **during the preceding month** for credit to the State General Fund. Quarterly, the county treasurer shall remit all money so collected to the State Controller, who shall place the money in an account in the State General Fund for use by the Executive Director of the Department of Taxation to administer the provisions of NRS 360.283 and 360.289.

Sec. 4.6. NRS 4.071 is hereby amended to read as follows:

4.071 1. In addition to any other fee required by law, in each county that charges a fee pursuant to NRS 19.031 to offset a portion of the costs of providing legal services without a charge to indigent or elderly persons, a board of county commissioners may impose by ordinance a filing fee to offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence to be remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent in an amount not to exceed \$10 to be paid on the commencement of any action or proceeding in the justice court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

2. On or before the ~~first Monday~~ **fifth day** of each month, in a county in which a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by the justice of the peace during the preceding month. The county treasurer shall remit quarterly to the organization to which the fees are to be paid pursuant to subsection 1 all the money received by the county treasurer from the justice of the peace.

3. Any fees collected pursuant to this section must be used for the benefit of the persons to whom the organization operating the program for legal services that receives money pursuant to this section provides legal services without a charge.

Sec. 5. NRS 4.090 is hereby amended to read as follows:

4.090 The justice of the peace shall keep in his or her office a fee book **or electronic record** in which he or she shall enter in detail the title of the matter, proceeding or action, and the fees charged therein. The fee book **or electronic record, as applicable**, shall be open to public inspection.

Sec. 6. NRS 4.100 is hereby amended to read as follows:

4.100 1. On ~~the first Mondays of January, April, July and October, the justices~~ **or before the 15th day of each month, a justice** of the peace who ~~receive~~ **receives** fees pursuant to the provisions of NRS 4.060, 4.063 and 4.065 shall make out and file with the ~~boards~~ **county official designated by the board** of county commissioners of ~~their several counties~~ **his or her county** a full and correct statement ~~under oath~~ of all fees or compensation, of whatever nature or kind, received in ~~their several~~ **his or her** official ~~capacities~~ **capacity** during the preceding ~~3 months~~ **month**. In the statement ~~they~~ **, the justice of the peace** shall set forth the cause in which, and the services for which, such fees or compensation were received.

2. This section does not require personal attendance in filing statements, which may be transmitted by mail or otherwise directed to the ~~clerk of~~ **county official designated by** the board of county commissioners.

Sec. 7. NRS 4.130 is hereby amended to read as follows:

4.130 Any justice of the peace receiving fees as provided by law shall publish and set up **by conventional or electronic means**, in some conspicuous place in his or her office **and on the Internet website of the justice court**, a ~~fee~~ **table of fees** for public inspection. ~~A sum not exceeding \$20 for each day of his or her omission so to do shall be forfeited, which sum with costs may be recovered by any person by an action before any justice of the peace of the same county.~~

Sec. 8. NRS 4.175 is hereby amended to read as follows:

4.175 In the time and manner prescribed by the Supreme Court, the justice of the peace of a township or, if there is more than one justice of the peace of a township, a justice of the peace designated by mutual consent of the other justices of the peace of that township, shall submit to the Court Administrator a written report of the statistical information required pursuant to ~~this section and such other~~ **the uniform system for collecting and compiling** statistical information ~~as~~ **regarding the State Court System which is** prescribed by the Supreme Court. ~~The report must include, without limitation, statistical information concerning:~~

- ~~1. Those cases which are pending and undecided and the justice of the peace to whom each case has been assigned;~~
- ~~2. The type and number of cases each justice of the peace considered during the preceding month;~~

~~—3. The number of cases submitted to each justice of the peace during the preceding month;~~

~~—4. The number of cases decided by each justice of the peace during the preceding month; and~~

~~—5. The number of full judicial days in which each justice of the peace appeared in court or in chambers in performance of his or her duties during the preceding month.]~~

Sec. 9. NRS 4.230 is hereby amended to read as follows:

4.230 ~~[(1)]~~ Every justice must keep a docket, **by conventional or electronic means**, in which the justice must enter:

~~[(a)]~~ 1. The title of every action or proceeding.

~~[(b)]~~ 2. The object of the action or proceeding; and if a sum of money be claimed, the amount thereof.

~~[(c)]~~ 3. The date of the summons, and the time of its return; and if an order to arrest the defendant be made, or a writ of attachment be issued, a statement of the fact.

~~[(d)]~~ 4. The time when the parties, or either of them, appear, or their nonappearance, if default be made; a minute of the pleadings and motions; if in writing, referring to them; if not in writing, a concise statement of the material parts of the pleading.

~~[(e)]~~ 5. Every adjournment, stating on whose application and to what time.

~~[(f)]~~ 6. The demand for a trial by jury, when the same is made, and by whom made, the order for the jury, and the time appointed for the return of the jury and for the trial.

~~[(g)]~~ 7. The names of the jurors who appear and are sworn, and the names of all witnesses sworn, and at whose request.

~~[(h)]~~ 8. The verdict of the jury, and when received; if the jury disagree and are discharged, the fact of such disagreement and discharge.

~~[(i)]~~ 9. The judgment of the court, specifying the costs included, and the time when rendered.

~~[(j)]~~ 10. The issuing of the execution, when issued and to whom; the renewals thereof, if any, and when made, and a statement of any money paid to the justice, when and by whom.

~~[(k)]~~ 11. The receipt of a notice of appeal, if any be given, and of the appeal bond, if any be filed.

~~[(2)] The Court Administrator shall prescribe the form of the docket and of any other appropriate records to be kept by the justice, which form may vary from court to court according to the number and kind of cases customarily heard.]~~

Sec. 10. NRS 5.045 is hereby amended to read as follows:

5.045 In the time and manner prescribed by the Supreme Court, the municipal judge of a city or, if there is more than one municipal judge for a city, a municipal judge designated by mutual consent of the other municipal judges of that city, shall submit to the Court Administrator a written report of

the statistical information required pursuant to ~~{this section and such other}~~ ***the uniform system for collecting and compiling*** statistical information ~~{as}~~ ***regarding the State Court System which is*** prescribed by the Supreme Court. ~~{The report must include, without limitation, statistical information concerning:~~

- ~~—1. Those cases which are pending and undecided and the municipal judge to whom each case has been assigned;~~
- ~~—2. The type and number of cases each municipal judge considered during the preceding month;~~
- ~~—3. The number of cases submitted to each municipal judge during the preceding month;~~
- ~~—4. The number of cases decided by each municipal judge during the preceding month; and~~
- ~~—5. The number of full judicial days in which each municipal judge appeared in court or in chambers in performance of his or her duties during the preceding month.}~~

Sec. 11. NRS 6.090 is hereby amended to read as follows:

6.090 1. ~~{To constitute a regular panel of trial jurors for the district court in a county in which the board of county commissioners selects jurors on an annual basis, such number of names as the district judge may direct must be drawn from the jury box. The district judge shall make and file with the county clerk an order that a regular panel of trial jurors be drawn, and the number of jurors to be drawn must be named in the order. The drawing must take place in the office of the county clerk, during regular office hours, in the presence of all persons who may choose to witness it. The panel must be drawn by the district judge and clerk, or, if the district judge so directs, by any one of the county commissioners of the county and the clerk. If the district judge directs that the panel be drawn by one of the county commissioners of the county and the clerk, the district judge shall make and file with the clerk an order designating the name of the county commissioner and fixing the number of names to be drawn as trial jurors and the time at which the persons whose names are so drawn are required to attend in court.~~

~~—2. The drawing, for jurors drawn pursuant to subsection 1, must be conducted as follows:~~

~~—(a) The number to be drawn having been previously determined by the district judge, the box containing the names of the jurors must first be thoroughly shaken. It must then be opened and the district judge and clerk, or one of the county commissioners of the county and the clerk, if the district judge has so ordered, shall alternately draw therefrom one ballot until of nonexempt jurors the number determined upon is obtained.~~

~~—(b) If the officers drawing the jury deem that the attendance of any juror whose name is drawn cannot be obtained conveniently and inexpensively to the county, by reason of the distance of the juror's residence from the court or other cause, the juror's name may be returned to the box and in its place the~~

~~name of another juror drawn whose attendance the officers may deem can be obtained conveniently and inexpensively to the county.~~

~~—(c) A list of the names obtained must be made out and certified by the officers drawing the jury. The list must remain in the clerk's office subject to inspection by any officer or attorney of the court, and the clerk shall immediately issue a venire.~~

~~—3.1~~ Whenever trial jurors are selected by a jury commissioner, the district judge may direct the jury commissioner to summon and assign to that court the number of qualified jurors the jury commissioner determines to be necessary for the formation of the petit jury. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists have been established by the jury commissioner.

~~4.1~~ 2. Every person named in the venire must be served by the sheriff personally or by the sheriff or the jury commissioner by mailing a summons to the person, commanding the person to attend as a juror at a time and place designated therein. Mileage is allowed only for personal service. The postage must be paid by the sheriff or the jury commissioner, as the case may be, and allowed him or her as other claims against the county. The sheriff shall make return of the venire at least the day before the day named for their appearance, after which the venire is subject to inspection by any officer or attorney of the court.

Sec. 12. NRS 6.150 is hereby amended to read as follows:

6.150 1. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court is entitled to a fee of \$40 for each day after the second day of jury selection that the person is in attendance in response to the venire or summons, including Sundays and holidays.

2. Each grand juror and trial juror in the district court or justice court actually sworn and serving is entitled to a fee of \$40 a day as compensation for each day of service.

3. In addition to the fees specified in subsections 1 and 2, a board of county commissioners may provide that, for each day of such attendance or service, each person is entitled to be paid the per diem allowance and travel expenses provided for state officers and employees generally.

4. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court and each grand juror and trial juror in the district court or justice court is entitled to receive 36.5 cents a mile for each mile necessarily and actually traveled if the home of the person summoned or serving as a juror is 30 miles or more from the place of trial.

5. If the home of a person summoned or serving as such a juror is 65 miles or more from the place of trial and the selection, inquiry or trial lasts more than 1 day, the person is entitled to receive an allowance for lodging at the rate established for state employees, in addition to his or her daily compensation for attendance or service, for each day on which the person does not return to his or her home.

6. In civil cases, any fee, per diem allowance, travel expense or other compensation due each juror engaged in the trial of the cause must be paid each day in advance to the clerk of the court, or the justice of the peace, by the party who has demanded the jury. If the party paying this money is the prevailing party, the money is recoverable as costs from the losing party. If the jury from any cause is discharged in a civil action without finding a verdict and the party who demands the jury subsequently obtains judgment, the money so paid is recoverable as costs from the losing party.

7. The money paid by ~~the county~~ **the clerk of the court** to jurors for their services in a civil action or proceeding, which the ~~county~~ **clerk of the court** has received from the party demanding the jury, must be deducted from the total amount due them for attendance as such jurors, and any balance is a charge against the county.

Sec. 13. NRS 6.160 is hereby amended to read as follows:

6.160 The ~~county~~ **clerk of the court** in cases in the district court and the deputy clerk of the justice court in cases in the justice court shall keep a payroll, enrolling thereon the names of all jurors, the number of days in attendance and the actual number of miles traveled by the shortest and most practical route in going to and returning from the place where the court is held, and at the conclusion of a trial may:

1. Give a statement of the amounts due to the jurors to the county auditor, who shall draw warrants upon the county treasurer for the payment thereof; or

2. Make an immediate payment in cash of the amount owing to each juror.
 ↪ These payments must be made from and to the extent allowed by the fees collected from the demanding party, pursuant to the provisions of NRS 6.150, and from and to the extent allowed by any other fees which have been collected pursuant to law. The clerk shall obtain from each juror so paid a receipt signed by him or her and indicating the date of payment, the date of service and the amount paid. A duplicate of this receipt must be immediately delivered to the appropriate county auditor, county recorder or county comptroller.

Sec. 14. Chapter 19 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 16 of this act.

Sec. 15. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 19.010 and section 16 of this act have the meanings ascribed to them in those sections.*

Sec. 16. *“Clerk of the court” means:*

1. *In a county where the district court in and for that county has not appointed a clerk, the county clerk when acting as ex officio clerk of the district court.*

2. *In a county where the district court in and for that county has appointed a clerk, the clerk of the district court.*

Sec. 17. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute, ~~each~~ **the county clerk or clerk of the court, as applicable**, shall charge and collect the following fees:

On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer	\$56.00
On an appeal to the district court of any case from a justice court or a municipal court, or on the transfer of any case from a justice court or a municipal court.....	\$42.00
On the filing of a petition for letters testamentary, letters of administration, setting aside an estate without administration, or a guardianship, which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:	
Where the stated value of the estate is more than \$2,500.....	72.00
Where the stated value of the estate is \$2,500 or less, no fee may be charged or collected.	
On the filing of a petition to contest any will or codicil, to be paid by the petitioner.....	44.00
On the filing of an objection or cross-petition to the appointment of an executor, administrator or guardian, or an objection to the settlement of account or any answer in an estate or guardianship matter.....	44.00
On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants	44.00
For filing a notice of appeal	24.00
For issuing a transcript of judgment and certifying thereto.....	3.00
For preparing any copy of any record, proceeding or paper, for each page, unless such fee is waived by the county clerk or clerk of the court	0.50
For each certificate of the clerk, under the seal of the court.....	3.00
For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for a certificate of the county clerk or clerk of the court	5.00
For filing all papers not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity	15.00
For issuing any certificate under seal, not otherwise provided for.....	6.00
For searching records or files in the office of the county clerk or clerk of the court , for each year, unless such fee is waived by the county clerk or clerk of the court, as applicable	\$0.50

For filing and recording a bond of a notary public, per name 15.00
 For entering the name of a firm or corporation in the register of
 the county clerk 20.00

2. A county clerk may charge and collect, in addition to any fee that a county clerk is otherwise authorized to charge and collect, an additional fee not to exceed \$5 for filing and recording a bond of a notary public, per name. On or before the fifth day of each month, the county clerk shall pay to the county treasurer the amount of fees collected by the county clerk pursuant to this subsection for credit to the account established pursuant to NRS 19.016.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk ~~[-] or clerk of the court, as applicable.~~

4. The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk **or clerk of the court, as applicable**, in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

5. No fee may be charged to any attorney at law admitted to practice in this State for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or the defendant's attorney in any criminal case or in habeas corpus proceedings.

6. Each county clerk **and clerk of the court** shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

Sec. 18. NRS 19.030 is hereby amended to read as follows:

19.030 1. Except as otherwise provided by specific statute, on the commencement of any civil action or proceeding in the district court, other than the commencement of a proceeding for an adoption, the ~~county~~ clerk of ~~each county,~~ **the court**, in addition to any other fees provided by law, shall charge and collect \$32 from the party commencing the action or proceeding.

2. On or before the first Monday of each month, the ~~county~~ clerk **of the court** shall pay over to the county treasurer an amount equal to \$32 per civil case commenced as provided in subsection 1, for the preceding calendar month, and the county treasurer shall place that money to the credit of the State **General** Fund. The county treasurer shall remit quarterly all such fees turned over to the county treasurer by the ~~county~~ clerk **of the court** to the State Controller to be placed by the State Controller in the State General Fund.

Sec. 19. NRS 19.0302 is hereby amended to read as follows:

19.0302 1. Except as otherwise provided by specific statute and in addition to any other fee required by law, ~~each~~ **the** clerk of the court ~~for county clerk, as appropriate,~~ shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the district court, other than those listed in paragraphs (c), (e) and (f), or on the transfer of any action or proceeding from a district court

of another county, to be paid by the party commencing the action, proceeding or transfer \$99

(b) On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants \$99

(c) On the filing of a petition for letters testamentary, letters of administration or a guardianship, which fee does not include the court fee prescribed by NRS 19.020, to be paid by the petitioner:

(1) Where the stated value of the estate is \$200,000 or more \$352

(2) Where the stated value of the estate is more than \$20,000 but less than \$200,000 \$99

(3) Where the stated value of the estate is \$20,000 or less, no fee may be charged or collected.

(d) On the filing of a motion for summary judgment or a joinder thereto \$200

(e) On the commencement of an action defined as a business matter pursuant to the local rules of practice and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding thereto \$1,359

(f) On the commencement of:

(1) An action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or

(2) Any other action defined as “complex” pursuant to the local rules of practice,

➡ and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding \$349

(g) On the filing of a third-party complaint, to be paid by the filing party \$135

(h) On the filing of a motion to certify or decertify a class, to be paid by the filing party \$349

(i) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court \$10

2. Except as otherwise provided in subsection 4, fees collected pursuant to this section must be deposited into a special account administered by the county and maintained for the benefit of the *district* court. The money in that account must be used only:

(a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff;

(b) To reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature; and

(c) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraphs (a) and (b), to:

(1) Acquire land on which to construct additional facilities for the district court or a regional justice center that includes the district court;

(2) Construct or acquire additional facilities for the district court or a regional justice center that includes the district court;

(3) Renovate or remodel existing facilities for the district court or a regional justice center that includes the district court;

(4) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the district court or a regional justice center that includes the district court;

(5) Acquire advanced technology;

(6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the district court or a regional justice center that includes the district court;

(7) In a county whose population is less than 100,000, support court appointed special advocate programs for children, at the discretion of the judges of the judicial district;

(8) In a county whose population is less than 100,000, support legal services to the indigent and to be used by the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent; or

(9) Be carried forward to the next fiscal year.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the clerk of the court . ~~for county clerk.~~

4. Each clerk of the court ~~for county clerk~~ shall, on or before the fifth day of each month, account for and pay to the county treasurer:

(a) In a county whose population is 100,000 or more, an amount equal to \$10 of each fee collected pursuant to paragraphs (a) and (b) of subsection 1 during the preceding month. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the clerk of the court ~~for county clerk~~ pursuant to this paragraph.

(b) All remaining fees collected pursuant to this section during the preceding month.

Sec. 20. NRS 19.031 is hereby amended to read as follows:

19.031 1. Except as otherwise provided in subsection 2 and NRS 19.034 , in each county in which legal services are provided without charge to indigent or elderly persons through a program for legal aid organized under the auspices of the State Bar of Nevada, a county or local bar association, a county or municipal program for legal services or other program funded by this State or

the United States to provide legal assistance, the ~~{county}~~ clerk **of the court** shall, on the commencement of any civil action or proceeding in the district court for which a filing fee is required, and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, charge and collect a fee of \$25 from the party commencing or appearing in the action or proceeding. These fees are in addition to any other fees required by law.

2. In each county described in subsection 1, the ~~{county}~~ clerk **of the court** shall, on the commencement of any action provided for in chapter 125 of NRS, and on the filing of any answer or appearance in any such action, charge and collect a fee of \$14 from the party commencing or appearing in the action. These fees are in addition to any other fees required by law.

3. On or before the first Monday of each month, the ~~{county}~~ clerk **of the court** shall pay over to the county treasurer the amount of all fees collected by the ~~{county}~~ clerk **of the court** pursuant to subsections 1 and 2. Except as otherwise provided in subsection 5, the county treasurer shall remit quarterly to the organization operating the program for legal services all the money received by the county treasurer from the ~~{county}~~ clerk **of the court**.

4. The organization operating the program for legal services shall use any money received pursuant to subsection 3 as follows:

(a) From each \$25 collected pursuant to subsection 1:

(1) Fifteen dollars and fifty cents for the benefit of indigent persons in the county; and

(2) Nine dollars and fifty cents for the benefit of elderly persons in the county.

(b) From each \$14 collected pursuant to subsection 2:

(1) Ten dollars for the benefit of indigent persons in the county; and

(2) Four dollars for the benefit of elderly persons in the county.

5. If the county treasurer receives notice from the State or a political subdivision that an award of attorney's fees or costs has been made to an organization that receives money pursuant to this section and has been paid, the county treasurer shall:

(a) Deduct an amount equal to the award from the amount to be paid to the organization; and

(b) Remit an equal amount to the State or to the political subdivision that paid the fees or costs at the time when the county treasurer would have paid it to the organization.

6. The fees which are collected from a county must be used for the benefit of the indigent or elderly persons in that county.

Sec. 21. NRS 19.0312 is hereby amended to read as follows:

19.0312 1. Except as otherwise provided in subsection 2, in addition to any other fee required by law, in each county that charges a fee pursuant to NRS 19.031 to offset a portion of the costs of providing legal services without a charge to indigent or elderly persons, a board of county commissioners may impose by ordinance a filing fee to offset a portion of the costs of providing

pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence to be remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent in an amount not to exceed:

(a) Ten dollars to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

(b) Twenty-five dollars to be paid on the filing of any motion or other paper that seeks to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and on the filing of any answer or response to such a motion or other paper.

2. A board of county commissioners may not by ordinance impose a filing fee pursuant to paragraph (b) of subsection 1 for:

(a) A motion filed solely to adjust the amount of support for a child set forth in a final order; or

(b) A motion for reconsideration or for a new trial that is filed within 10 days after a final judgment or decree has been issued.

3. On or before the first Monday of each month, in a county in which a fee has been imposed pursuant to subsection 1, the ~~{county}~~ clerk **of the court** shall account for and pay over to the county treasurer any such fees collected by the ~~{county}~~ clerk **of the court** during the preceding month. The county treasurer shall remit quarterly to the organization to which the fees are to be paid pursuant to subsection 1 all the money received by the county treasurer from the ~~{county}~~ clerk **of the court**.

4. Any fees collected pursuant to this section must be used for the benefit of the persons to whom the organization operating the program for legal services that receives money pursuant to this section provides legal services without a charge.

Sec. 22. NRS 19.0313 is hereby amended to read as follows:

19.0313 1. Except as otherwise provided in NRS 19.034, in a county whose population is 100,000 or more, the ~~{county}~~ clerk **of the court** shall, on the commencement of any civil action or proceeding in the district court for which a filing fee is required, and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, charge and collect not less than \$5 but not more than \$10 from the party commencing, answering or appearing in the action or proceeding. The fee required pursuant to this section is in addition to any other fee required by law.

2. On or before the first Monday of each month, the ~~{county}~~ clerk **of the court** shall pay over to the county treasurer the amount of all fees collected by the ~~{county}~~ clerk **of the court** pursuant to subsection 1 for use in the programs established in accordance with NRS 3.500 and 244.1607.

3. Except as otherwise provided in NRS 19.034, the board of county commissioners of any other county may impose by ordinance an additional

filing fee of not more than \$10 to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required. On or before the fifth day of each month, in a county where this fee has been imposed, the ~~{county}~~ clerk **of the court** shall account for and pay over to the county treasurer all fees collected during the preceding month pursuant to this subsection for credit to an account for dispute resolution in the county general fund. The money in the account must be used only to support a program established pursuant to NRS 3.500 or 244.1607.

Sec. 23. NRS 19.0315 is hereby amended to read as follows:

19.0315 1. Except as otherwise provided in NRS 19.034, on the commencement of any civil action or proceeding in the district court for which a filing fee is required, and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, a board of county commissioners may impose by ordinance a filing fee in an amount not to exceed \$15 to offset a portion of the costs of providing programs of alternative dispute resolution on the party commencing, answering or appearing in the action or proceeding. These fees are in addition to any other fee required by law.

2. On or before the first Monday of each month, the ~~{county}~~ clerk **of the court** shall pay over to the county treasurer the amount of all fees collected by the ~~{county}~~ clerk **of the court** pursuant to subsection 1 for credit to an account for court programs for alternative dispute resolution in the county general fund. The money in the account must be used only to support programs for the arbitration of civil actions pursuant to NRS 38.250 and programs for the resolution of disputes through the use of other alternative methods of resolving disputes pursuant to NRS 38.258.

3. The provisions of this section apply only in judicial districts in which a program for alternative dispute resolution has been established pursuant to NRS 38.250 or 38.258.

4. As used in this section, “alternative dispute resolution” means alternative methods of resolving disputes, including, without limitation, arbitration and mediation.

Sec. 24. NRS 19.033 is hereby amended to read as follows:

19.033 1. In each county, on the commencement of any action for divorce in the district court, the ~~{county}~~ clerk **of the court** shall charge and collect, in addition to other fees required by law, a fee of \$20. The fee must be paid by the party commencing the action.

2. On or before the first Monday of each month, the ~~{county}~~ clerk **of the court** shall pay over to the county treasurer an amount equal to all fees collected by the ~~{county}~~ clerk **of the court** pursuant to subsection 1, and the county treasurer shall place that amount to the credit of the State General Fund. Quarterly, the county treasurer shall remit all money so collected to the State Controller, who shall place the money in an account in the State General Fund for use by the Director of the Department of Employment, Training and

Rehabilitation to administer the provisions of NRS 388.605 to 388.655, inclusive.

3. The board of county commissioners of any county may impose by ordinance an additional filing fee of not more than \$6 to be paid by the defendant in an action for divorce, annulment or separate maintenance. In a county where this fee has been imposed:

(a) On the appearance of a defendant in the action in the district court, the ~~{county}~~ clerk ~~{-}~~ **of the court**, in addition to any other fees provided by law, shall charge and collect from the defendant the prescribed fee to be paid upon the filing of the first paper in the action by the defendant.

(b) On or before the fifth day of each month, the ~~{county}~~ clerk **of the court** shall account for and pay to the county treasurer all fees collected during the preceding month pursuant to paragraph (a).

Sec. 25. NRS 19.034 is hereby amended to read as follows:

19.034 If the agency which provides child welfare services, or a child-placing agency licensed by the Division of Child and Family Services of the Department of Health and Human Services pursuant to chapter 127 of NRS, consents to the adoption of a child with special needs pursuant to NRS 127.186, ~~{a county}~~ **the clerk of the court** shall reduce the total filing fee to not more than \$1 for filing the petition to adopt such a child.

Sec. 26. NRS 19.035 is hereby amended to read as follows:

19.035 Notwithstanding any other provision of this chapter, ~~{a county}~~ **the clerk of the court** shall neither charge nor collect any fee for any service rendered by the ~~{county}~~ clerk **of the court** to:

1. The State of Nevada;
2. The county ~~{off}~~ **in** which he or she is ~~{county}~~ clerk ~~{-}~~ **of the court**;
3. Any city or town within that county;
4. The school district of that county;
5. Any general improvement district which is located within that county;

or

6. Any officer of the State, that county or any such city, town, school district or general improvement district in the officer's official capacity.

Sec. 27. NRS 19.040 is hereby amended to read as follows:

19.040 ~~{1-}~~ Every ~~{county}~~ clerk **of the court** shall publish and set up **by conventional or electronic means**, in some conspicuous place in his or her office **and on the Internet website of the clerk of the court**, a table of fees according to this chapter for the inspection of all persons who have business in the office of the ~~{county clerk}~~.

~~—2. Any county clerk who fails to comply with the provisions of subsection 1 shall forfeit for each day of omission a sum not exceeding \$20, which, together with costs, may be recovered by any person in an action before a justice of the peace of the same county.~~ **clerk of the court.**

Sec. 28. NRS 19.050 is hereby amended to read as follows:

19.050 Except as otherwise provided in subsection 8 of NRS 127.186, when by law any publication is required to be made by a ~~{county}~~ clerk **of the**

court of any suit, process, notice, order or other paper, the cost of such publication shall, if demanded, be tendered by the party to whom such order, process, notice or other paper was granted before the ~~{county}~~ clerk **of the court** shall be compelled to make publication thereof.

Sec. 29. NRS 19.060 is hereby amended to read as follows:

19.060 Except as otherwise provided by specific statute, all fees prescribed in this chapter must be paid in advance, if demanded. If ~~{any county}~~ **a clerk of the court** has not received any or all of the fees which may be due for services rendered by the ~~{county}~~ clerk **of the court** in any suit or proceeding, the ~~{county}~~ clerk **of the court** may have execution therefor in ~~this or her own~~ **the clerk's** name against the party or parties from whom they are due, to be issued from the court where the action is pending, upon the order of the judge or court upon affidavit filed.

Sec. 30. NRS 19.070 is hereby amended to read as follows:

19.070 A ~~{county}~~ clerk **of the court** shall not charge any fee that is not authorized by law.

Sec. 31. NRS 19.080 is hereby amended to read as follows:

19.080 ~~{Each county}~~ **The clerk of the court** shall keep in his or her office, open to public inspection, a fee book **or electronic record** in which the ~~{county}~~ clerk **of the court** shall enter in detail the fees charged with the title or the case number of the matter, proceeding or action in which they were charged.

Sec. 32. NRS 19.090 is hereby amended to read as follows:

19.090 1. ~~{Each county}~~ **The clerk of the court** shall, on ~~{the first Monday in January, April, July and October,}~~ **or before the 15th day of each month**, make out and file with the **county official designated by the** board of county commissioners a full and correct statement under oath of all fees, percentage or compensation, of whatever nature or kind, received in his or her official capacity during the preceding ~~{3 months,}~~ **month**. In the statement, the ~~{county}~~ clerk **of the court** shall set forth the cause in which and the services for which such compensations were received.

2. Nothing in this section shall be so construed as to require personal attendance in filing the statements, and such statements may be transmitted by mail, express or otherwise directed to the **county official designated by the** board of county commissioners.

Sec. 33. NRS 19.110 is hereby amended to read as follows:

19.110 ~~{If any county}~~ **The clerk {takes} of the court shall not take** more or greater fees than are authorized by law ~~. {, the county clerk shall be liable to indictment, and on conviction shall be removed from office and fined in any sum not exceeding \$1,000.}~~

Sec. 34. NRS 33.090 is hereby amended to read as follows:

33.090 1. A person may register an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States by presenting a certified copy of the order to the clerk of ~~{the}~~ **a**

court **of competent jurisdiction** in a judicial district in which the person believes that enforcement may be necessary.

2. The clerk of the court shall:

- (a) Maintain a record of each order registered pursuant to this section;
- (b) Provide the protected party with a ~~certified~~ copy of the order registered pursuant to this section bearing proof of registration with the court;
- (c) Forward, **by conventional or electronic means**, by the end of the next business day, a copy of an order registered pursuant to this section to the appropriate law enforcement agency which has jurisdiction over the residence, school, child care facility or other provider of child care, or place of employment of the protected party or the child of the protected party; and
- (d) Inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

3. The clerk of the court shall not:

- (a) Charge a fee for registering an order or for providing a certified copy of an order pursuant to this section.
- (b) Notify the party against whom the order has been made that an order for protection against domestic violence issued by the court of another state, territory or Indian tribe has been registered in this State.

4. A person who registers an order pursuant to this section must not be charged to have the order served in this State.

Sec. 34.5. NRS 40.650 is hereby amended to read as follows:

40.650 1. If a claimant unreasonably rejects a reasonable written offer of settlement made as part of a response pursuant to paragraph (b) of subsection 2 of NRS 40.6472 and thereafter commences an action governed by NRS 40.600 to 40.695, inclusive, the court in which the action is commenced may:

- (a) Deny the claimant's attorney's fees and costs; and
 - (b) Award attorney's fees and costs to the contractor.
- ➔ Any sums paid under a homeowner's warranty, other than sums paid in satisfaction of claims that are collateral to any coverage issued to or by the contractor, must be deducted from any recovery.
2. If a contractor, subcontractor, supplier or design professional fails to:
- (a) Comply with the provisions of NRS 40.6472;
 - (b) Make an offer of settlement;
 - (c) Make a good faith response to the claim asserting no liability;
 - (d) Agree to a mediator or accept the appointment of a mediator pursuant to NRS 40.680; or
 - (e) Participate in mediation,
- ➔ the limitations on damages and defenses to liability provided in NRS 40.600 to 40.695, inclusive, do not apply and the claimant may commence an action or amend a complaint to add a cause of action for a constructional defect without satisfying any other requirement of NRS 40.600 to 40.695, inclusive.

3. If a residence or appurtenance that is the subject of the claim is covered by a homeowner's warranty that is purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive, a claimant shall diligently pursue a claim under the contract. If coverage under a homeowner's warranty is denied by an insurer in bad faith, the homeowner and the contractor, subcontractor, supplier or design professional have a right of action for the sums that would have been paid if coverage had been provided, plus reasonable attorney's fees and costs.

4. Nothing in this section prohibits an offer of judgment pursuant to Rule 68 of the Nevada Rules of Civil Procedure ~~for NRS 41.115~~ if the offer of judgment includes all damages to which the claimant is entitled pursuant to NRS 40.655.

Sec. 35. NRS 41.260 is hereby amended to read as follows:

41.260 There shall be no fee charged or collected by ~~any county~~ **the clerk of the court** for any proceeding under the provisions of NRS 41.209 to 41.260, inclusive.

Sec. 35.2. NRS 92A.500 is hereby amended to read as follows:

92A.500 1. The court in a proceeding to determine fair value shall determine all of the costs of the proceeding, including the reasonable compensation and expenses of any appraisers appointed by the court. The court shall assess the costs against the subject corporation, except that the court may assess costs against all or some of the dissenters, in amounts the court finds equitable, to the extent the court finds the dissenters acted arbitrarily, vexatiously or not in good faith in demanding payment.

2. The court may also assess the fees and expenses of the counsel and experts for the respective parties, in amounts the court finds equitable:

(a) Against the subject corporation and in favor of all dissenters if the court finds the subject corporation did not substantially comply with the requirements of NRS 92A.300 to 92A.500, inclusive; or

(b) Against either the subject corporation or a dissenter in favor of any other party, if the court finds that the party against whom the fees and expenses are assessed acted arbitrarily, vexatiously or not in good faith with respect to the rights provided by NRS 92A.300 to 92A.500, inclusive.

3. If the court finds that the services of counsel for any dissenter were of substantial benefit to other dissenters similarly situated, and that the fees for those services should not be assessed against the subject corporation, the court may award to those counsel reasonable fees to be paid out of the amounts awarded to the dissenters who were benefited.

4. In a proceeding commenced pursuant to NRS 92A.460, the court may assess the costs against the subject corporation, except that the court may assess costs against all or some of the dissenters who are parties to the proceeding, in amounts the court finds equitable, to the extent the court finds that such parties did not act in good faith in instituting the proceeding.

5. To the extent the subject corporation fails to make a required payment pursuant to NRS 92A.460, 92A.470 or 92A.480, the dissenter may bring a

cause of action directly for the amount owed and, to the extent the dissenter prevails, is entitled to recover all expenses of the suit.

6. This section does not preclude any party in a proceeding commenced pursuant to NRS 92A.460 or 92A.490 from applying the provisions of N.R.C.P. 68, ~~for NRS 17.115.~~

Sec. 35.5. NRS 176.285 is hereby amended to read as follows:

176.285 In Justice Court, when a fine is paid or bail is forfeited, the justice must pay the same to the county treasurer ~~{within 30 days thereafter.}~~ ***on or before the fifth day of the month immediately following the month in which the fine is paid or bail is forfeited.***

Sec. 36. NRS 176A.220 is hereby amended to read as follows:

176A.220 1. The court shall, upon the entering of an order of probation or suspension of sentence, as provided for in this chapter, direct the clerk of the court to ~~{certify}~~ ***deliver*** a copy of the records in the case ~~{and deliver the copy}~~ to the Chief Parole and Probation Officer.

2. ***At the court's discretion, the court may direct the clerk of the court to deliver the copy of the records in the case in writing, by electronic means or by providing the Chief Parole and Probation Officer access to the electronic systems necessary to retrieve the records.***

Sec. 37. NRS 178.508 is hereby amended to read as follows:

178.508 1. If the defendant fails to appear when the defendant's presence in court is lawfully required for the commission of a misdemeanor and the failure to appear is not excused or is lawfully required for the commission of a gross misdemeanor or felony, the court shall:

- (a) Enter upon its minutes that the defendant failed to appear;
- (b) Not later than 45 days after the date on which the defendant failed to appear, order the issuance of a warrant for the arrest of the defendant; and
- (c) If the undertaking exceeds \$50 or money deposited instead of bail bond exceeds \$500, direct that each surety and the local agent of each surety, or the depositor if the depositor is not the defendant, be given notice that the defendant has failed to appear, by certified mail within 20 days after the date on which the defendant failed to appear. The court shall execute an affidavit of such mailing to be kept as an official public record of the court and shall direct that a copy of the notice be transmitted to the prosecuting attorney at the same time that notice is given to each surety or the depositor.

2. Except as otherwise provided in subsection 3 and NRS 178.509, an order of forfeiture of any undertaking or money deposited instead of bail bond must be prepared by the clerk of the court and signed by the court. An order of forfeiture must include the date on which the forfeiture becomes effective. ~~{If the defendant who failed to appear has been charged with the commission of a gross misdemeanor or felony, a copy of the order must be forwarded to the Office of Court Administrator.}~~ The undertaking or money deposited instead of bail bond is forfeited 180 days after the date on which the notice is mailed pursuant to subsection 1.

3. The court may extend the date of the forfeiture for any reasonable period set by the court if the surety or depositor submits to the court:

(a) An application for an extension and the court determines that the surety or the depositor is making reasonable and ongoing efforts to bring the defendant before the court.

(b) An application for an extension on the ground that the defendant is temporarily prevented from appearing before the court because the defendant:

- (1) Is ill;
- (2) Is insane; or
- (3) Is being detained by civil or military authorities,

➡ and the court, upon hearing the matter, determines that one or more of the grounds described in this paragraph exist and that the surety or depositor did not in any way cause or aid the absence of the defendant.

Sec. 38. NRS 178.509 is hereby amended to read as follows:

178.509 1. If the defendant fails to appear when the defendant's presence in court is lawfully required, the court shall not exonerate the surety before the date of forfeiture prescribed in NRS 178.508 unless:

(a) The defendant appears before the court and the court, upon hearing the matter, determines that the defendant has presented a satisfactory excuse or that the surety did not in any way cause or aid the absence of the defendant; or

(b) The surety submits an application for exoneration on the ground that the defendant is unable to appear because the defendant:

- (1) Is dead;
- (2) Is ill;
- (3) Is insane;
- (4) Is being detained by civil or military authorities; or
- (5) Has been deported,

➡ and the court, upon hearing the matter, determines that one or more of the grounds described in this paragraph exist and that the surety did not in any way cause or aid the absence of the defendant.

2. If the requirements of subsection 1 are met, the court may exonerate the surety upon such terms as may be just.

~~{3. If the court exonerates a surety pursuant to this section and there is any undertaking or money deposited instead of bail bond where the defendant has been charged with a gross misdemeanor or felony, the court shall:~~

- ~~—(a) Prepare an order exonerating the surety; and~~
- ~~—(b) Forward a copy of the order to the Office of Court Administrator.}~~

Sec. 39. NRS 178.512 is hereby amended to read as follows:

178.512 1. The court shall not set aside a forfeiture unless:

(a) The surety submits an application to set it aside on the ground that the defendant:

(1) Has appeared before the court since the date of the forfeiture and has presented a satisfactory excuse for the defendant's absence;

(2) Was dead before the date of the forfeiture but the surety did not know and could not reasonably have known of the defendant's death before that date;

(3) Was unable to appear before the court before the date of the forfeiture because of the defendant's illness or insanity, but the surety did not know and could not reasonably have known of the illness or insanity before that date;

(4) Was unable to appear before the court before the date of the forfeiture because the defendant was being detained by civil or military authorities, but the surety did not know and could not reasonably have known of the defendant's detention before that date; or

(5) Was unable to appear before the court before the date of the forfeiture because the defendant was deported, but the surety did not know and could not reasonably have known of the defendant's deportation before that date,

➤ and the court, upon hearing the matter, determines that one or more of the grounds described in this subsection exist and that the surety did not in any way cause or aid the absence of the defendant; and

(b) The court determines that justice does not require the enforcement of the forfeiture.

2. If the court sets aside a forfeiture pursuant to subsection 1 and the forfeiture includes any undertaking or money deposited instead of bail bond where the defendant has been charged with a gross misdemeanor or felony, the court shall make a written finding in support of setting aside the forfeiture. ~~[The court shall mail a copy of the order setting aside the forfeiture to the Office of Court Administrator immediately upon entry of the order.]~~

Sec. 40. NRS 178.514 is hereby amended to read as follows:

178.514 1. When a forfeiture has not been set aside, the court shall on motion enter a judgment of default and execution may issue thereon.

2. If ~~[the Office of Court Administrator has not received]~~ an order setting aside a forfeiture **has not been entered** within 180 days after the issuance of the order of forfeiture, ~~[the Court Administrator shall request that the court that ordered the forfeiture institute proceedings to enter a judgment of default with respect to the amount of the undertaking or money deposited instead of bail bond with the court. Not later than 30 days after receipt of the request from the Office of Court Administrator,]~~ the court shall enter judgment by default and commence execution proceedings therein.

3. By entering into a bond the obligors submit to the jurisdiction of the court and irrevocably appoint the clerk of the court as their agent upon whom any papers affecting their liability may be served. Their liability may be enforced on motion and such notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies to the obligors to their last known addresses.

Sec. 41. NRS 2.260, 4.110, 4.200, 4.250, 4.330, 5.075, 6.050, 6.060, 6.070, 6.080, 17.115, 19.100 and 177.267 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

2.260 List of cases submitted to be published monthly by Clerk.

4.110 Penalty for failure to comply with statutory requirements.

4.200 Duty to record violations concerning motor vehicles.

4.250 Docket must be kept by justice of the peace.

4.330 Justice of the peace to receive all money collected and pay it to parties.

5.075 Form of docket and records.

6.050 Estimate of required number of jurors by district court; selection by county commissioners.

6.060 Names of persons selected to be placed in jury box.

6.070 Juror not serving; name drawn again; exemption.

6.080 Selection of additional jurors by county commissioners when names in jury box exhausted; open venire.

17.115 Offer of judgment.

19.100 Penalty for violating NRS 19.070, 19.080 or 19.090.

177.267 Time within which court of appeals or Supreme Court shall render opinion on appeal from judgment of death.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 748 to Assembly Bill No. 69.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 113.

The following Senate amendment was read:

Amendment No. 709.

AN ACT relating to juvenile justice; revising provisions governing the sealing of juvenile records; setting forth factors that the juvenile court may consider in determining whether a child has been rehabilitated to the satisfaction of the juvenile court; providing that certain portions of juvenile records relating to certain civil judgments must not be sealed until the judgment is satisfied or expires; including the Chief of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services as a person entitled to notification of the filing of a petition for the sealing of juvenile records and authorized to testify at a hearing on the petition if the circumstances warrant; revising the circumstances in which the juvenile court may order the inspection of sealed juvenile records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if a child is less than 21 years of age, the child or a probation officer on behalf of the child may petition the juvenile court for an order sealing all records relating to the child. (NRS 62H.130) **Section 1** of this bill revises the requirements for such a petition to be filed. Existing law also provides that the juvenile court shall enter an order sealing all records relating to a child if the juvenile court finds that: (1) during the previous 3 years, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude; and (2) the child has been rehabilitated to the satisfaction of the juvenile court. (NRS 62H.130) **Section 1** instead provides that if the juvenile court makes such findings, then the juvenile court: (1) may enter an

order sealing all records relating to the child if the child is less than 18 years of age; and (2) shall enter an order sealing all records relating to the child if the child is 18 years of age or older. **Section 1** also: (1) sets forth various factors that the juvenile court may consider in determining whether a child has been rehabilitated to the satisfaction of the juvenile court; and (2) provides that if the juvenile court retains jurisdiction over a civil judgment and a person against whom the civil judgment was entered, the case caption, case number and order entering the civil judgment must not be sealed until the civil judgment is satisfied or expires.

Existing law requires the juvenile court to notify the district attorney and, in certain circumstances, the chief probation officer, if a petition is filed to seal juvenile records. Additionally, the district attorney and the chief probation officer, any of their deputies or any other person who has evidence that is relevant to consideration of the petition is authorized to testify at the hearing on the petition. (NRS 62H.130, 62H.150) **Sections 1 and 3** of this bill include the Chief of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services as a person who, if the circumstances warrant, is entitled to notification of the filing of a petition for the sealing of juvenile records and is authorized to testify at a hearing on the petition.

Existing law further provides that the juvenile court may order the inspection of juvenile records that are sealed in certain circumstances, including if the juvenile court determines that the inspection of the records is necessary to perform bona fide outcome and recidivism studies. (NRS 62H.170) **Section 4** of this bill: (1) adds to these circumstances the situation in which the person who is the subject of the records has committed an act which subjects the person to the jurisdiction of the juvenile court and which may form the basis of a civil action and a person who, in good faith, intends to bring or has brought the civil action, or any other person who is a party to the civil action, petitions the juvenile court to permit inspection of the records to obtain information relating to the person who is the subject of the records; and (2) specifies that performing bona fide outcome and recidivism studies may include using personal identifying information from sealed juvenile records to perform criminal background checks on persons who were adjudicated pursuant to title 5 of NRS.

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

Section 1. NRS 62H.130 is hereby amended to read as follows:

62H.130 1. If a child is less than 21 years of age, the child or a probation *or parole* officer on behalf of the child may petition the juvenile court for an order sealing all records relating to the child. The petition may be filed ~~not~~ :
(a) *Not* earlier than 3 years after the child ~~is~~

~~—(a) Was~~ **was** last adjudicated in need of supervision , ~~for~~ adjudicated delinquent ~~for~~ or **placed under the supervision of the juvenile court pursuant to NRS 62C.230; and**

(b) ~~Was last referred to the juvenile court,~~
~~→ whichever is later.~~ **If, at the time the petition is filed, the child does not have any delinquent or criminal charges pending.**

2. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and, if a probation **or parole** officer is not the petitioner, the chief probation officer ~~for~~ **or the Chief of the Youth Parole Bureau.**

3. The district attorney and the chief probation officer ~~for~~ or any of their deputies, **the Chief of the Youth Parole Bureau or his or her designee**, or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.

4. ~~After~~ **Except as otherwise provided in subsection 6, after** the hearing on the petition, ~~the juvenile court shall enter an order sealing all records relating to the child~~ if the juvenile court finds that ~~for~~:

~~—(a) During~~ **during** the applicable 3-year period, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude ~~for~~ and ~~the~~ **the** child has been rehabilitated to the satisfaction of the juvenile court ~~for~~ , **the juvenile court:**

(a) **May enter an order sealing all records relating to the child if the child is less than 18 years of age; and**

(b) **Shall enter an order sealing all records relating to the child if the child is 18 years of age or older.**

5. **In determining whether a child has been rehabilitated to the satisfaction of the juvenile court pursuant to subsection 4, the juvenile court may consider:**

(a) **The age of the child;**

(b) **The nature of the offense and the role of the child in the commission of the offense;**

(c) **The behavior of the child after the child was last adjudicated in need of supervision or adjudicated delinquent, placed under the informal supervision of a probation officer pursuant to NRS 62C.200 or placed under the supervision of the juvenile court pursuant to NRS 62C.230 ; ~~for placed with a suitable person or in an appropriate facility by a probation officer pursuant to subsection 5 of NRS 62C.200;~~**

(d) **The response of the child to any treatment or rehabilitation program;**

(e) **The education and employment history of the child;**

(f) **The statement of the victim;**

(g) **The nature of any criminal offense for which the child was convicted;**

(h) **Whether the sealing of the record would be in the best interest of the child and the State; and**

(i) **Any other circumstance that may relate to the rehabilitation of the child.**

6. *If the juvenile court retains jurisdiction over a civil judgment and a person against whom the civil judgment was entered pursuant to NRS 62B.420, the case caption, case number and order entering the civil judgment must not be sealed until the civil judgment is satisfied or expires. After the civil judgment is satisfied or expires, the child or a person named as a judgment debtor may file a petition to seal such information.*

Sec. 2. NRS 62H.140 is hereby amended to read as follows:

62H.140 Except as otherwise provided in NRS **62H.130 and** 62H.150, when a child reaches 21 years of age, all records relating to the child must be sealed automatically.

Sec. 3. NRS 62H.150 is hereby amended to read as follows:

62H.150 1. If a child is adjudicated delinquent for an unlawful act listed in subsection 6 and the records relating to that unlawful act have not been sealed by the juvenile court pursuant to NRS 62H.130 before the child reaches 21 years of age, ***unless the records have not been sealed pursuant to subsection 6 of NRS 62H.130,*** those records must not be sealed before the child reaches 30 years of age.

2. After the child reaches 30 years of age, the child may petition the juvenile court for an order sealing those records.

3. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and the chief probation officer ~~§~~ ***or the Chief of the Youth Parole Bureau.***

4. The district attorney and the chief probation officer ~~§~~ or any of their deputies, ***the Chief of the Youth Parole Bureau or his or her designee,*** or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.

5. After the hearing on the petition, the juvenile court may enter an order sealing the records relating to the child if the juvenile court finds that, during the period since the child reached 21 years of age, the child has not been convicted of any offense, except for minor moving or standing traffic offenses.

6. The provisions of this section apply to any of the following unlawful acts:

(a) An unlawful act which, if committed by an adult, would have constituted:

(1) Sexual assault pursuant to NRS 200.366;

(2) Battery with intent to commit sexual assault pursuant to NRS 200.400; or

(3) Lewdness with a child pursuant to NRS 201.230.

(b) An unlawful act which would have been a felony if committed by an adult and which involved the use or threatened use of force or violence.

Sec. 4. NRS 62H.170 is hereby amended to read as follows:

62H.170 1. Except as otherwise provided in this section, if the records of a person are sealed:

(a) All proceedings recounted in the records are deemed never to have occurred; and

(b) The person may reply accordingly to any inquiry concerning the proceedings and the acts which brought about the proceedings.

2. The juvenile court may order the inspection of records that are sealed if:

(a) The person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the persons named in the petition;

(b) An agency charged with the medical or psychiatric care of the person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the agency;

(c) A ~~{district}~~ **prosecuting** attorney or ~~{an attorney representing}~~ a defendant in a criminal action petitions the juvenile court to permit the inspection of the records to obtain information relating to the persons , **including the defendant**, who were involved in the acts detailed in the records; ~~{or}~~

(d) *The person who is the subject of the records has committed an act which subjects the person to the jurisdiction of the juvenile court and which may form the basis of a civil action and a person who, in good faith, intends to bring or has brought the civil action, or any other person who is a party to the civil action, petitions the juvenile court to permit the inspection of the records to obtain information relating to the person who is the subject of the records; or*

(e) The juvenile court determines that the inspection of the records is necessary to:

(1) Perform bona fide outcome and recidivism studies ~~{;}~~ , **which may include, without limitation, using personal identifying information from sealed juvenile records to perform criminal background checks on persons who were adjudicated pursuant to this title;**

(2) Further bona fide research to determine the effectiveness of juvenile justice services;

(3) Improve the delivery of juvenile justice services; or

(4) Obtain additional resources for the delivery of juvenile justice services.

➔ Personal identifying information contained in records inspected **or obtained from criminal background checks** pursuant to this paragraph must remain confidential in a manner consistent with any applicable laws and regulations.

3. Upon its own order, any court of this State may inspect records that are sealed if the records relate to a person who is less than 21 years of age and who is to be sentenced by the court in a criminal proceeding.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 709 to Assembly Bill No. 113.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 114.

The following Senate amendment was read:

Amendment No. 711.

AN ACT relating to restitution; providing that a judgment requiring the payment of restitution ~~expires 10 years after the date on which the judgment is rendered;~~ **does not expire until it is satisfied;** exempting such a judgment from the time limitation for commencing an action upon or seeking the renewal thereof; ~~until the judgment expires;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a judgment which, among other things, requires a defendant in a criminal action to pay restitution constitutes a lien which is enforceable as a judgment in a civil action. (NRS 176.275) Existing law also provides that an action upon a judgment or decree or for the renewal of such judgment or decree must be commenced within 6 years. (NRS 11.190) This bill: (1) provides that a judgment requiring a defendant in a criminal action or a parent or guardian of a child to pay restitution ~~expires 10 years after the date on which the judgment is rendered;~~ **does not expire until it is satisfied;** and (2) exempts such a judgment from the time limitation for commencing an action or seeking the renewal thereof. ~~until the judgment expires.~~

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

Section 1. NRS 176.275 is hereby amended to read as follows:

176.275 **1.** A judgment which imposes a fine or administrative assessment or requires a defendant to pay restitution or repay the expenses of a defense constitutes a lien in like manner as a judgment for money rendered in a civil action.

2. A judgment which requires a defendant to pay restitution:

(a) May be recorded, docketed and enforced as any other judgment for money rendered in a civil action.

(b) ~~Expires 10 years after the date on which~~ Does not expire until the judgment is ~~rendered;~~ satisfied.

3. An independent action to enforce a judgment which requires a defendant to pay restitution may be commenced at any time. ~~before the judgment expires.~~

Sec. 2. NRS 176A.850 is hereby amended to read as follows:

176A.850 **1.** A person who:

(a) Has fulfilled the conditions of probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

➤ may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge ~~it~~ **and is enforceable pursuant to NRS 176.275.**

3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:

(a) Is free from the terms and conditions of probation.

(b) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(c) Four years after the date of honorable discharge from probation, is restored to the right to hold office.

(d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.

(e) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

(f) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

(g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

(h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

(i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➡ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon honorable discharge from probation, the person so discharged must be given an official document which provides:

- (a) That the person has received an honorable discharge from probation;
- (b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of honorable discharge from probation;
- (c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) of subsection 3; and
- (d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

- (a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or
- (b) A court order restoring the person's civil rights,
 ➤ as proof that the person has been restored to the civil rights set forth in subsection 3.

Sec. 3. NRS 176A.870 is hereby amended to read as follows:

176A.870 A defendant whose term of probation has expired and:

- 1. Whose whereabouts are unknown;
- 2. Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or
- 3. Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850,

➤ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution ~~§~~ **which is enforceable pursuant to NRS 176.275**, but does not entitle the probationer to any privilege conferred by NRS 176A.850.

Sec. 4. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

- 1. Within 6 years:

(a) ~~[An]~~ ***Except as otherwise provided in NRS 62B.420 and 176.275, an*** action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term “livestock,” which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner’s fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by

the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 4.5. NRS 62B.420 is hereby amended to read as follows:

62B.420 1. Except as otherwise provided in this subsection, if, pursuant to this title, a child or a parent or guardian of a child is ordered by the juvenile court to pay a fine, administrative assessment, fee or restitution or to make any other payment and the fine, administrative assessment, fee, restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment, the juvenile court may enter a civil judgment against the child or the parent or guardian of the child for the amount due in favor of the victim, the state or local entity to whom the amount is owed or both. The juvenile court may not enter a civil judgment against a person who is a child unless the person has attained the age of 18 years, the person is a child who is determined to be outside the jurisdiction of the juvenile court pursuant to NRS 62B.330 or 62B.335 or the person is a child who is certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.

2. Notwithstanding the termination of the jurisdiction of the juvenile court pursuant to NRS 62B.410 or the termination of any period of supervision or probation ordered by the juvenile court, the juvenile court retains jurisdiction over any civil judgment entered pursuant to subsection 1 and retains jurisdiction over the person against whom a civil judgment is entered pursuant

to subsection 1. The juvenile court may supervise the civil judgment and take any of the actions authorized by the laws of this State.

3. A civil judgment entered pursuant to subsection 1 may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. ***A judgment which requires a parent or guardian of a child to pay restitution ~~expires 10 years after the date on which~~ does not expire until the judgment is ~~rendered~~ satisfied. An independent action to enforce a judgment that requires a parent or guardian of a child to pay restitution may be commenced at any time ~~before the judgment expires~~.***

4. If the juvenile court enters a civil judgment pursuant to subsection 1, the person or persons against whom the judgment is issued is liable for a collection fee, to be imposed by the juvenile court at the time the civil judgment is issued, of:

(a) Not more than \$100, if the amount of the judgment is less than \$2,000.

(b) Not more than \$500, if the amount of the judgment is \$2,000 or greater, but is less than \$5,000.

(c) Ten percent of the amount of the judgment, if the amount of the judgment is \$5,000 or greater.

5. In addition to attempting to collect the judgment through any other lawful means, a victim, a representative of the victim or a state or local entity that is responsible for collecting a civil judgment entered pursuant to subsection 1 may take any or all of the following actions:

(a) Except as otherwise provided in this paragraph, report the judgment to reporting agencies that assemble or evaluate information concerning credit. If the judgment was entered against a person who was less than 21 years of age at the time the judgment was entered, the judgment cannot be reported pursuant to this paragraph until the person reaches 21 years of age.

(b) Request that the juvenile court take appropriate action pursuant to subsection 6.

(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the judgment and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 4, in accordance with the provisions of the contract.

6. If the juvenile court determines that a child or the parent or guardian of a child against whom a civil judgment has been entered pursuant to subsection 1 has failed to make reasonable efforts to satisfy the civil judgment, the juvenile court may take any of the following actions:

(a) Order the suspension of the driver's license of a child for a period not to exceed 1 year. If the child is already the subject of a court order suspending the driver's license of the child, the juvenile court may order the additional suspension to apply consecutively with the previous order. At the time the juvenile court issues an order suspending the driver's license of a child pursuant to this paragraph, the juvenile court shall require the child to

surrender to the juvenile court all driver's licenses then held by the child. The juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the driving record of a child, but such a suspension must not be considered for the purpose of rating or underwriting.

(b) If a child does not possess a driver's license, prohibit the child from applying for a driver's license for a period not to exceed 1 year. If the child is already the subject of a court order delaying the issuance of a license to drive, the juvenile court may order any additional delay in the ability of the child to apply for a driver's license to apply consecutively with the previous order. At the time the juvenile court issues an order pursuant to this paragraph delaying the ability of a child to apply for a driver's license, the juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order.

(c) If the civil judgment was issued for a delinquent fine or administrative assessment, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

(d) Enter a finding of contempt against a child or the parent or guardian of a child and punish the child or the parent or guardian for contempt in the manner provided in NRS 62E.040. A person who is indigent may not be punished for contempt pursuant to this subsection.

7. Money collected from a collection fee imposed pursuant to subsection 4 must be deposited and used in the manner set forth in subsection 4 of NRS 176.064.

8. If the juvenile court enters a civil judgment pursuant to subsection 1 and the person against whom the judgment is entered is convicted of a crime before he or she satisfies the civil judgment, the court sentencing the person for that crime shall include in the sentence the civil judgment or such portion of the civil judgment that remains unpaid.

Sec. 5. NRS 213.154 is hereby amended to read as follows:

213.154 1. The Division shall issue an honorable discharge to a parolee whose term of sentence has expired if the parolee has:

(a) Fulfilled the conditions of his or her parole for the entire period of his or her parole; or

(b) Demonstrated his or her fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court.

2. The Division shall issue a dishonorable discharge to a parolee whose term of sentence has expired if:

(a) The whereabouts of the parolee are unknown;

(b) The parolee has failed to make full restitution as ordered by the court, without a verified showing of economic hardship; or

(c) The parolee has otherwise failed to qualify for an honorable discharge pursuant to subsection 1.

3. Any amount of restitution that remains unpaid by a person after the person has been discharged from parole constitutes a civil liability as of the date of discharge ~~and is enforceable pursuant to NRS 176.275.~~

Sec. 6. The amendatory provisions of this act apply to any judgment which requires a defendant to pay restitution which is rendered before, on or after October 1, 2015.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 711 to Assembly Bill No. 114.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 138.

The following Senate amendment was read:

Amendment No. 670.

AN ACT relating to juvenile justice; requiring the juvenile court to suspend a case if doubt arises as to whether a child is competent; requiring the juvenile court to appoint certain experts to evaluate a child and provide a written report on the competence of the child if the juvenile court suspends a case to determine whether the child is competent; requiring the juvenile court to hold an expedited hearing to determine whether a child is competent upon receipt of the written reports of all appointed experts; **providing that a statement made by a child during an evaluation by an appointed expert is not admissible as evidence in certain proceedings unless the child introduces the statement as evidence first;** requiring the juvenile court to conduct a periodic review of a child determined to be incompetent; authorizing the juvenile court to terminate its jurisdiction in certain circumstances if a child has not attained competence and will be unable to attain competence in the foreseeable future; providing that a child determined to be incompetent may not be adjudicated a delinquent child or a child in need of supervision or placed under the supervision of the juvenile court during the period that the child remains incompetent; ~~providing that evidence introduced to assist the juvenile court in determining whether a child is competent is not admissible in any criminal proceedings;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts a juvenile competency standard. **Section 3** of this bill provides that any time after a petition is filed and before the final disposition of a case, if doubt arises as to whether a child is competent, the juvenile court is required to suspend the case until the question of competence is determined. **Section 4** of this bill requires a person who makes a motion for the evaluation of a child for the purpose of determining whether the child is competent to: (1) certify that the motion is being made in good faith and is based on reasonable grounds to believe that the child is incompetent; and (2) specify facts that support the motion. **Section 5** of this bill provides that if the juvenile court

suspends a case to determine whether a child is competent, the juvenile court must appoint one or more able and qualified experts, at least one of whom is a psychologist or psychiatrist, to evaluate the child and provide a written report on the competence of the child. **Section 6** of this bill sets forth certain considerations an expert must take into account as part of his or her evaluation, as well as certain other considerations an expert must take into account if appropriate, and **section 7** of this bill sets forth certain requirements relating to the written report of an expert.

Section 8 of this bill requires the juvenile court to hold an expedited hearing to determine whether a child is competent upon receipt of the required written reports from all experts appointed by the juvenile court. **Section 9** of this bill authorizes the juvenile court to consider information relevant to the determination of the competence of a child and information elicited from the child only for certain purposes. **Section 9 also provides that any statement made by a child during the course of an evaluation by an expert appointed by the juvenile court is not admissible as evidence: (1) on the issue of guilt in a delinquency proceeding, unless the child introduces the statement as evidence on the issue of guilt first; or (2) in any criminal proceeding, unless the child introduces the statement as evidence first.** Under **section 10** of this bill, after the juvenile court considers the written reports of the appointed experts, any additional written reports, and testimony and other evidence presented at the hearing, the juvenile court must determine whether the child is competent. If the juvenile court determines that the child is incompetent, the juvenile court is required to make certain additional determinations and issue all necessary and appropriate recommendations and orders.

Section 11 of this bill requires that if the juvenile court determines that a child is incompetent, the juvenile court must conduct a periodic review to determine whether the child has attained competence. After a periodic review is conducted, if the juvenile court determines that the child: (1) has attained competence, the juvenile court is required to proceed with the case; (2) has not attained competence, the juvenile court is required to order appropriate treatment; and (3) has not attained competence and will be unable to attain competence in the foreseeable future, the juvenile court is required to hold a hearing to consider the best interests of the child and the safety of the community and determine whether to dismiss any petitions pending before the juvenile court and terminate its jurisdiction.

Section 12 of this bill provides that if the juvenile court determines that a child is incompetent, the child may not, during the period that the child remains incompetent, be: (1) adjudicated a delinquent child or a child in need of supervision; or (2) placed under the supervision of the juvenile court.

~~[Section 13 of this bill provides that any evidence that is introduced for the purpose of assisting the juvenile court in making a determination as to whether a child is competent is not admissible in any criminal proceeding.]~~

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

Section 1. Chapter 62D of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, “incompetent” means a child does not have the present ability to:*

- 1. Understand the nature of the allegations of delinquency or, if the child is a child in need of supervision, the allegations against the child;*
- 2. Understand the nature and purpose of the court proceedings; or*
- 3. Aid and assist the child’s counsel in the defense at any time during the proceedings with a reasonable degree of rational understanding.*

Sec. 3. 1. *Any time after a petition is filed and before the final disposition of a case, if doubt arises as to the competence of a child, the juvenile court shall suspend the case until the question of competence is determined.*

2. During the period when the competence of a child is being determined, the juvenile court shall consider the appropriate placement of the child and any services or other care to be provided to the child that are necessary for the well-being of the child or for public safety, and may issue any necessary orders.

3. The period in which the juvenile court is required to make its final disposition of a case, as set forth in NRS 62D.310, is tolled during the period when the competence of a child is being determined.

Sec. 4. *A person who makes a motion for the evaluation of a child for the purpose of determining whether the child is incompetent shall:*

- 1. Certify that the motion is being made in good faith and is based on reasonable grounds to believe that the child is incompetent and cannot proceed in the case; and*
- 2. Specify facts that support the motion, including, without limitation, any nonprivileged observations of or statements made by the child.*

Sec. 5. 1. *If the juvenile court suspends a case pursuant to section 3 of this act, the juvenile court shall appoint one or more experts, at least one of whom is a psychologist or psychiatrist, to evaluate the child and report on the competence of the child.*

2. Before appointing an expert to evaluate and report on the competence of the child, the juvenile court shall consider the following factors to determine the ability and qualification of the expert to provide such an evaluation and report:

- (a) The training and experience of the expert in child psychology, child and adolescent psychiatry or child forensic psychiatry;*
- (b) The licensure or professional certification of the expert; and*
- (c) Any other factor the juvenile court deems appropriate in making the appointment.*

3. An expert appointed by the juvenile court to evaluate and report on the competence of a child must:

(a) Be deemed by the juvenile court to be able and qualified to evaluate and report on the competence of the child pursuant to subsection 2; and

(b) Prepare and provide a written report to the juvenile court and the parties not later than 14 days after the juvenile court enters an order appointing the expert, unless the juvenile court provides an extension for good cause shown.

4. The appointment of an expert pursuant to this section does not preclude the district attorney or the child from calling any other expert witness to testify concerning the competence of the child at an adjudicatory hearing, a hearing on a violation of juvenile probation or parole or a hearing to determine whether the child is incompetent. Any such expert witness must be allowed to evaluate the child and examine all relevant records and documents.

Sec. 6. 1. An expert who is appointed by the juvenile court pursuant to section 5 of this act shall evaluate the child as specified in the court order appointing the expert.

2. An expert shall consider as part of his or her evaluation the child's ability to:

(a) Appreciate the allegations against the child;

(b) Appreciate the range and nature of possible penalties that may be imposed upon the child, if applicable;

(c) Understand the adversary nature of the legal process;

(d) Disclose to the child's counsel facts pertinent to the case;

(e) Display appropriate courtroom behavior; and

(f) Testify regarding relevant issues.

3. An expert shall also consider as part of his or her evaluation, if appropriate, the following circumstances of a child:

(a) The age and developmental maturity of the child;

(b) Whether the child has a mental illness or disability or a developmental disorder;

(c) Whether the child has any other disability that affects the competence of the child; and

(d) Any other factor that affects the competence of the child.

Sec. 7. 1. A written report submitted by an expert pursuant to subsection 3 of section 5 of this act must:

(a) Identify the specific matters referred to the expert by the juvenile court for evaluation;

(b) Describe the procedures, techniques and tests used in the evaluation of the child and the purposes of each;

(c) Describe the considerations taken into account by the expert pursuant to section 6 of this act;

(d) State any clinical observations, findings and opinions of the expert on each issue referred to the expert for evaluation by the juvenile court and

specifically indicate any issues on which the expert was unable to give an opinion;

(e) Identify the sources of information used by the expert and present the factual basis for any clinical observations, findings and opinions of the expert; and

(f) State any recommended counseling, treatment, education or therapy to assist the child with behavioral, emotional, psychological or psychiatric issues, if ordered by the juvenile court to provide such recommendations.

2. In addition to the requirements set forth in subsection 1, if an expert believes that a child is incompetent, the expert shall also include in the report:

(a) Any recommended treatment or education for the child to attain competence;

(b) The likelihood that the child will attain competence under the recommended treatment or education;

(c) An assessment of the probable duration of the treatment or education required to attain competence;

(d) The probability that the child will attain competence in the foreseeable future; and

(e) If the expert recommends treatment for the child to attain competence, a recommendation as to whether services can best be provided to the child as an outpatient or inpatient, or by commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160.

Sec. 8. 1. Upon receipt of the required written reports from all experts appointed by the juvenile court, the juvenile court shall hold an expedited hearing to determine whether the child is incompetent.

2. The parties may waive the presence of witnesses and submit the issue of competence to the juvenile court on the written reports of the experts who evaluated the child.

3. The party who made the motion to determine whether the child is competent has the burden of proof to rebut the presumption of competence by a preponderance of the evidence.

4. Unless the parties stipulate or the juvenile court orders otherwise, the parties shall disclose all witnesses, reports and documents at least 10 days before the scheduled day of the hearing.

5. During the hearing, the parties may:

(a) Introduce other evidence, including, without limitation, evidence related to treatment, competence and the possibility of ordering the involuntary administration of medicine; and

(b) Cross-examine witnesses.

Sec. 9. 1. Except as otherwise provided in ~~subsection 2~~, this section, the juvenile court may consider any information that is relevant to the determination of the competence of the child and any information elicited from the child pursuant to sections 2 to 13, inclusive, of this act only for the purpose of:

- (a) *Determining whether the child is incompetent; and*
- (b) *Making a disposition of the case in juvenile court.*

2. *The provisions of subsection 1 do not apply if a child whose competence is being determined presents any information to the juvenile court for a purpose other than those set forth in subsection 1.*

3. *Any statement made by a child during the course of an evaluation by an expert who is appointed by the juvenile court pursuant to section 5 of this act, regardless of whether the child consented to the evaluation, is not admissible as evidence:*

(a) On the issue of guilt in a delinquency proceeding, unless the child introduces the statement as evidence on the issue of guilt first; or

(b) In any criminal proceeding, unless the child introduces the statement as evidence first.

Sec. 10. 1. *After the juvenile court considers the written reports of all the experts appointed by the juvenile court, any additional written reports, and testimony and other evidence presented at the hearing, the juvenile court shall determine whether the child is incompetent.*

2. *If the juvenile court determines that the child is competent, the juvenile court shall proceed with the case.*

3. *If the juvenile court determines that the child is incompetent, the juvenile court shall determine whether:*

- (a) *The child is a danger to himself or herself or society;*
- (b) *Providing services to the child will assist the child in attaining competence and further the policy goals set forth in NRS 62A.360; and*
- (c) *Any services provided to the child can best be provided to the child as an outpatient or inpatient, by commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.*

4. *After the juvenile court makes the determinations set forth in subsection 3, the juvenile court shall issue all necessary and appropriate recommendations and orders.*

5. *Any treatment ordered by the juvenile court must provide the level of care, guidance and control that will be conducive to the child's welfare and the best interests of this State.*

Sec. 11. 1. *If the juvenile court determines that a child is incompetent pursuant to section 10 of this act, the juvenile court shall conduct a periodic review to determine whether the child has attained competence. Unless the juvenile court terminates its jurisdiction pursuant to paragraph (c) of subsection 3, such a periodic review must be conducted:*

- (a) *Not later than 6 months after the date of commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160 or the date treatment ordered by the court commenced, whichever is earlier;*
- (b) *After any period of extended treatment;*
- (c) *After the child completes any treatment ordered by the juvenile court;*

(d) After a person ordered by the juvenile court to provide services to the child pursuant to section 10 of this act determines that the child has attained competence or will never attain competence; or

(e) At shorter intervals as ordered by the juvenile court.

2. *Before a periodic review is conducted pursuant to subsection 1, any person ordered by the juvenile court to provide services to a child pursuant to section 10 of this act must provide a written report to the juvenile court, the parties, and the department of juvenile services or Youth Parole Bureau, as applicable.*

3. *After a periodic review is conducted pursuant to subsection 1, if the juvenile court determines that the child:*

(a) Is competent, the juvenile court shall enter an order accordingly and proceed with the case.

(b) Has not attained competence, the juvenile court shall order appropriate treatment, including, without limitation, residential or nonresidential placement in accordance with sections 2 to 13, inclusive, of this act, commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.

(c) Has not attained competence and will be unable to attain competence in the foreseeable future, the juvenile court shall hold a hearing to consider the best interests of the child and the safety of the community and determine whether to dismiss any petitions pending before the juvenile court and terminate the jurisdiction of the juvenile court. In determining whether to dismiss a petition and terminate its jurisdiction pursuant to this paragraph, the juvenile court shall consider:

(1) The nature and gravity of the act allegedly committed by the child, including, without limitation, whether the act involved violence, the infliction of serious bodily injury or the use of a weapon;

(2) The date the act was allegedly committed by the child;

(3) The number of times the child has allegedly committed the act;

(4) The extent to which the child has received counseling, therapy or treatment, and the response of the child to any such counseling, therapy or treatment;

(5) The extent to which the child has received education, services or treatment relating to remediating, restoring or attaining competence and the response of the child to any such education, services or treatment;

(6) Whether any psychological or psychiatric profiles of the child indicate a risk of recidivism;

(7) The behavior of the child while he or she is subject to the jurisdiction of the juvenile court, including, without limitation, during any period of confinement;

(8) The extent to which counseling, therapy or treatment will be available to the child in the absence of continued juvenile court jurisdiction;

(9) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness;

(10) The age, mental attitude, maturity level and emotional stability of the child;

(11) The extent of family support available to the child;

(12) Whether the child has had positive psychological and social evaluations; and

(13) Any other factor the juvenile court deems relevant to the determination of whether continued juvenile court jurisdiction will be conducive to the welfare of the child and the safety of the community.

Sec. 12. If the juvenile court determines that a child is incompetent pursuant to section 10 of this act, during the period that the child remains incompetent, the child may not be:

1. Adjudicated a delinquent child or a child in need of supervision; or

2. Placed under the supervision of the juvenile court pursuant to a supervision and consent decree pursuant to NRS 62C.230.

Sec. 13. ~~[Any evidence that is introduced for the purpose of assisting the juvenile court in making a determination as to whether a child is competent pursuant to sections 2 to 13, inclusive, of this act is not admissible in any criminal proceeding.] (Deleted by amendment.)~~

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 670 to Assembly Bill No. 138.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 238.

The following Senate amendment was read:

Amendment No. 842.

SUMMARY—~~[Makes various changes to]~~ **Revises** provisions relating to **the solicitation of bids for** a homeowners' association ~~for~~ **project**. (BDR 10-808)

AN ACT relating to common-interest communities; ~~revising provisions authorizing a homeowners' association to direct the removal of vehicles from property owned or leased by the association; revising provisions governing eligibility to be a member of the executive board or an officer of a homeowners' association;~~ revising provisions relating to the solicitation of bids for a homeowners' association project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law establishes the Uniform Common Interest Ownership Act, which governs common interest communities. (Chapter 116 of NRS) Under existing law, a homeowners' association is authorized, under certain circumstances, to direct the removal of a vehicle improperly parked on property owned or leased by the association. Unless a vehicle is blocking a certain area of the association property or the vehicle poses a threat to the~~

health, safety or welfare of the units' owners or residents, an association must provide certain written or oral notice to the owner or operator of a vehicle at least 48 hours before the association may direct the removal of the vehicle. (NRS 116.3102) Section 1 of this bill removes these requirements. Existing law also provides that unless a person is appointed by the declarant, a person may not be a member of the executive board or an officer of a homeowners' association if the person or certain other persons perform the duties of a community manager for that association. (NRS 116.31034) Section 1.5 of this bill additionally excludes a person, other than a person appointed by the declarant, from eligibility as a candidate for, or as a member of, the executive board or an officer of a homeowners' association if: (1) except under certain circumstances, the person resides with, is married to or is related within the third degree of consanguinity to a member of the board or an officer of the association; (2) the person stands to gain any personal profit or compensation from a matter before the board; or (3) the person is a business associate of, or a co-owner of a business co-owned by, a person who is a member of the executive board or is an officer of the association or who performs the duties of a community manager for that association. Additionally, section 1.5 provides that if a person is not eligible to be a candidate for, or a member of, an executive board or an officer of the association, the association: (1) must not place the name of the person on any ballot as a candidate; and (2) must prohibit the person from serving as a member of the executive board or as an officer of the association.

~~Existing~~ **Under existing** law, ~~also requires~~ a homeowners' association **is required** to open and consider bids for an association project at a meeting of its executive board. (NRS 116.31086) ~~Section 2 of this~~ **This** bill requires an association to solicit, whenever reasonably possible, at least three bids if the association project is expected to cost: (1) in a common-interest community that consists of less than 1,000 units, ~~\$2,500~~ **3 percent** or more ~~of the~~ **annual budget of the association;** or (2) in a common-interest community that consists of 1,000 or more units, ~~\$5,000~~ **1 percent** or more ~~of the~~ **annual budget of the association. This bill** further specifies that the contents of bids which are opened at a meeting of the executive board must be read aloud.

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

Section 1. ~~NRS 116.3102 is hereby amended to read as follows:~~
~~116.3102~~ **1.** ~~Except as otherwise provided in this chapter, and subject to the provisions of the declaration, the association:~~
~~(a) Shall adopt and, except as otherwise provided in the bylaws, may amend bylaws and may adopt and amend rules and regulations.~~
~~(b) Shall adopt and may amend budgets in accordance with the requirements set forth in NRS 116.31151, may collect assessments for~~

~~common expenses from the units' owners and may invest funds of the association in accordance with the requirements set forth in NRS 116.311395.~~

~~— (c) May hire and discharge managing agents and other employees, agents and independent contractors.~~

~~— (d) May institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common interest community.~~

~~— (e) May make contracts and incur liabilities. Any contract between the association and a private entity for the furnishing of goods or services must not include a provision granting the private entity the right of first refusal with respect to extension or renewal of the contract.~~

~~— (f) May regulate the use, maintenance, repair, replacement and modification of common elements.~~

~~— (g) May cause additional improvements to be made as a part of the common elements.~~

~~— (h) May acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:~~

~~— (1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and~~

~~— (2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.~~

~~— (i) May grant easements, leases, licenses and concessions through or over the common elements.~~

~~— (j) May impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners, including, without limitation, any services provided pursuant to NRS 116.310312.~~

~~— (k) May impose charges for late payment of assessments pursuant to NRS 116.3115.~~

~~— (l) May impose construction penalties when authorized pursuant to NRS 116.310305.~~

~~— (m) May impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.~~

~~— (n) May impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.~~

~~— (o) May provide for the indemnification of its officers and executive board and maintain directors and officers liability insurance.~~

~~—(p) May assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.~~

~~—(q) May exercise any other powers conferred by the declaration or bylaws.~~

~~—(r) May exercise all other powers that may be exercised in this State by legal entities of the same type as the association.~~

~~—(s) May direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common interest community in violation of the governing documents. [In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:~~

~~—(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or~~

~~—(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common interest community.]~~

~~—(t) May exercise any other powers necessary and proper for the governance and operation of the association.~~

~~—2. The declaration may not limit the power of the association to deal with the declarant if the limit is more restrictive than the limit imposed on the power of the association to deal with other persons.~~

~~—3. The executive board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commence an action for a violation of the declaration, bylaws or rules, including whether to compromise any claim for unpaid assessments or other claim made by or against it. The executive board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:~~

~~—(a) The association's legal position does not justify taking any or further enforcement action;~~

~~—(b) The covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with current law;~~

~~—(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or~~

~~—(d) It is not in the association's best interests to pursue an enforcement action.~~

~~—4. The executive board's decision under subsection 3 not to pursue enforcement under one set of circumstances does not prevent the executive board from taking enforcement action under another set of circumstances, but~~

~~the executive board may not be arbitrary or capricious in taking enforcement action.~~

~~5. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common interest community that is exempt from taxation pursuant to NRS 361.125. For the purposes of this subsection, "assessment" does not include any charge for any utility services, including, without limitation, telecommunications, broadband communications, cable television, electricity, natural gas, sewer services, garbage collection, water or for any other service which is delivered to and used or consumed directly by the property in the common interest community that is exempt from taxation pursuant to NRS 361.125.~~ **(Deleted by amendment.)**

Sec. 1.5. ~~{NRS 116.31034 is hereby amended to read as follows:~~

~~116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members of the executive board and the officers of the association shall take office upon election.~~

~~2. The term of office of a member of the executive board may not exceed 2 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.~~

~~3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:~~

~~(a) Members of the executive board who are appointed by the declarant; and~~

~~(b) Members of the executive board who serve a term of 1 year or less.~~

~~4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.~~

~~5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed~~

~~period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:~~

~~—(a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:~~

~~—(1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and~~

~~—(2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.~~

~~—(b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.~~

~~—6. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board, then:~~

~~—(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;~~

~~—(b) The nominated candidates shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the period for nominations described in subsection 5; and~~

~~—(c) The association shall send to each unit's owner notification that the candidates nominated have been elected to the executive board.~~

~~—7. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:~~

~~—(a) Prepare and mail ballots to the units' owners pursuant to this section; and~~

~~—(b) Conduct an election for membership on the executive board pursuant to this section.~~

~~—8. Each person who is nominated as a candidate for membership on the executive board pursuant to subsection 4 or 5 must:~~

~~—(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a~~

reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

~~— (b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in “good standing” if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.~~

~~— The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.~~

~~— 9. Unless a person is appointed by the declarant;~~

~~— (a) A person [may] is not *eligible to* be a *candidate for, or a member of,* the executive board or an officer of the association if [the]:~~

~~— (1) *Unless there is an insufficient number of candidates to fill one or more vacancies as a member of the executive board or as an officer of the association, the person resides with another person in a unit, is married to that other person or is related by blood or adoption within the third degree of consanguinity or affinity, and if the other person is also a member of the executive board or is an officer of the association;*~~

~~— (2) *The person stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association;*~~

~~— (3) *The person is a business associate of, or a co-owner of a business co-owned by, a person who is a member of the executive board or is an officer of the association or who performs the duties of a community manager for that association; or*~~

~~— (4) *The person, the person’s spouse or the person’s parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.*~~

~~— (b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, the person’s spouse or the person’s parent or child, by blood, marriage or adoption, performs the duties of a community manager for:~~

~~— (1) That master association; or~~

~~— (2) Any association that is subject to the governing documents of that master association.~~

~~— 10. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited liability company that owns a unit, and a fiduciary of an estate that owns a unit may be~~

~~an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:~~

~~—(a) The person is associated with the corporate owner, trust, partnership, limited liability company or estate as required by this subsection; and~~

~~—(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited liability company or estate.~~

~~—11. Except as otherwise provided in subsection 6 or NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot in the following manner:~~

~~—(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common interest community or to any other mailing address designated in writing by the unit's owner.~~

~~—(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.~~

~~—(c) A quorum is not required for the election of any member of the executive board.~~

~~—(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.~~

~~—(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.~~

~~—(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.~~

~~—12. An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association.~~

~~—13. A candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:~~

~~—(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:~~

~~—(1) Must be no longer than a single, typed page;~~

~~— (2) Must not contain any defamatory, libelous or profane information; and~~

~~— (3) May be sent with the secret ballot mailed pursuant to subsection 11 or in a separate mailing; or~~

~~— (b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than \$5 or by electronic mail at no cost;~~

~~— (1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or~~

~~— (2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:~~

~~— (I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives;~~

~~— (II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.~~

~~— The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not use the information for any other purpose, the association or its agent may refuse the request.~~

~~— 14. An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection 13.~~

~~— 15. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to~~

~~submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.~~

~~16. If a person is not eligible to be a candidate for, or a member of, an executive board or an officer of the association pursuant to this section or any other provision of this chapter, the association:~~

~~(a) Must not place the name of the person on any ballot as a candidate; and~~

~~(b) Must prohibit the person from serving as a member of the executive board or as an officer of the association. (Deleted by amendment.)~~

Sec. 2. NRS 116.31086 is hereby amended to read as follows:

116.31086 1. If an association solicits bids for an association project ~~to~~ the :

(a) *The association must, whenever reasonably possible, solicit at least three bids if the association project is expected to cost:*

(1) *In a common-interest community that consists of less than 1,000 units, ~~to \$2,500~~ 3 percent or more ~~of~~ of the annual budget of the association;*

or
(2) *In a common-interest community that consists of 1,000 or more units, ~~to \$5,000~~ 1 percent or more ~~of~~ of the annual budget of the association;*

and
(b) *The bids must be opened and read aloud during a meeting of the executive board.*

2. As used in this section, “association project” includes, without limitation, a project that involves the maintenance, repair, replacement or restoration of any part of the common elements or which involves the provision of *professional* services to the association ~~to~~ , *including, without limitation, accounting, engineering and legal services.*

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

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 842 to Assembly Bill No. 238.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 239.

The following Senate amendment was read:

Amendment No. 746.

AN ACT relating to aircraft; regulating operators of unmanned aerial vehicles in this State; revising the definition of “aircraft” to include unmanned aerial vehicles; prohibiting the operation or use of an unmanned aerial vehicle under certain circumstances or for certain purposes; authorizing a law enforcement agency to operate an unmanned aerial vehicle at certain locations without a warrant under certain circumstances and for any other lawful purpose; prohibiting a law enforcement agency from operating an unmanned aerial vehicle without first obtaining a warrant under certain circumstances;

authorizing a public agency to operate an unmanned aerial vehicle only under certain circumstances; requiring the Department of Public Safety, to the extent that money is available, to establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State; requiring the Department to report certain information to the Legislature with respect to the operation of unmanned aerial vehicles by public agencies in this State; requiring the Department to adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle in this State; providing certain criminal and civil penalties for the unlawful operation or use of an unmanned aerial vehicle in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of aeronautics, including the operation of aircraft, in this State. (Title 44 of NRS) This bill revises the definition of "aircraft" to include unmanned aerial vehicles for the purpose of regulating unmanned aerial vehicles. This bill generally regulates the operators of unmanned aerial vehicles in this State in a manner similar to that of traditional aircraft by: (1) establishing the right to operate an unmanned aerial vehicle in this State, with certain exceptions; (2) clarifying that the provisions of this bill are not to be interpreted in a manner inconsistent with federal law or apply to unmanned aerial vehicles owned or operated by the Federal Government; (3) clarifying the applicability of state law to torts and crimes resulting from the operation of unmanned aerial vehicles; and (4) prohibiting a person from operating or using an unmanned aerial vehicle under certain circumstances or for certain purposes.

Section 18 of this bill prohibits a person from weaponizing an unmanned aerial vehicle. **Section 18.5** of this bill prohibits a person from operating an unmanned aerial vehicle within a certain distance from critical facilities or an airport except under certain circumstances in which the person obtains the consent of the owner of a critical facility or the airport authority of an airport or authorization from the Federal Aviation Administration. **Section 19** of this bill authorizes a person who owns or lawfully occupies real property to bring an action for trespass against the owner or operator of an unmanned aerial vehicle under certain circumstances and provides ~~an exception~~ certain exceptions to bringing such an action. ~~Against an operator lawfully operating an unmanned aerial vehicle within the scope of a business or for the purposes of surveying land.~~ **Sections 20-22** of this bill prescribe certain restrictions on the operation and use of unmanned aerial vehicles by law enforcement agencies and public agencies. **Section 20** specifically prohibits, with limited exceptions, a law enforcement agency from operating an unmanned aerial vehicle for the purpose of gathering evidence or other information at any location or upon any property in this State at which a person has a reasonable expectation of privacy without first obtaining a warrant. **Section 20** authorizes a law enforcement agency to operate an unmanned aerial vehicle without a warrant: (1) if exigent circumstances exist and there is probable cause to

believe that a person has committed, is committing or is about to commit a crime; (2) if a person consents in writing to the activity; (3) for the purpose of conducting search and rescue operations; (4) if the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including the threat of an act of terrorism; and (5) upon the declaration of a state of emergency or disaster by the Governor.

Section 21 authorizes a public agency, other than a law enforcement agency, to operate an unmanned aerial vehicle for certain public purposes as prescribed by regulations adopted by the Department of Public Safety if the public agency registers the unmanned aerial vehicle with the Department. **Sections 20 and 21** provide that any photograph, image, recording or other information acquired unlawfully by a law enforcement agency or public agency, or otherwise acquired in a manner inconsistent with **section 20**, and any evidence that is derived therefrom, is inadmissible in any judicial, administrative or other adjudicatory proceeding and may not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense. **Section 22** requires the Department, to the extent that money is available for this purpose, to establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State and requires the Department to adopt regulations prescribing the public purposes for which an agency may operate an unmanned aerial vehicle. **Section 22** further requires the Department to prepare and submit an annual report to the Legislature outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State. **Section 24.4** of this bill revises provisions relating to the liability of the operator of an aircraft, including an unmanned aerial vehicle, with respect to the operation of the aircraft over heavily populated areas or public gatherings. **Section 24.8** of this bill prohibits a person from operating an unmanned aerial vehicle while intoxicated or in a careless or reckless manner so as to endanger the life or property of another person.

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

Section 1. Chapter 493 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. 1. *A person shall not weaponize an unmanned aerial vehicle or operate a weaponized unmanned aerial vehicle. A person who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

2. *A person who weaponizes an unmanned aerial vehicle in violation of subsection 1 and who discharges the weapon is guilty of a category C felony and shall be punished as provided in NRS 193.130.*

Sec. 18.5. 1. *A person shall not operate an unmanned aerial vehicle within:*

(a) *A horizontal distance of 500 feet or a vertical distance of 250 feet from a critical facility without the written consent of the owner of the critical facility.*

(b) *Except as otherwise provided in subsection 2, 5 miles of an airport.*

2. *A person may operate an unmanned aerial vehicle within 5 miles of an airport only if the person obtains the consent of the airport authority or the operator of the airport, or if the person has otherwise obtained a waiver, exemption or other authorization for such operation pursuant to any rule or regulation of the Federal Aviation Administration. A person who is authorized to operate an unmanned aerial vehicle within 5 miles of an airport pursuant to this subsection shall, at all times during such operation, maintain on his or her person documentation of any waiver, exemption, authorization or consent permitting such operation.*

3. *A person who violates this section is guilty of a misdemeanor.*

4. *As used in this section, "airport" means any area of land or water owned, operated or maintained by ~~any~~ or on behalf of a city, county, town, municipal corporation or airport authority that is designed and set aside for the landing and taking off of aircraft and that is utilized in the interest of the public for such purposes.*

Sec. 19. 1. *Except as otherwise provided in subsection 2, a person who owns or lawfully occupies real property in this State may bring an action for trespass against the owner or operator of an unmanned aerial vehicle that is flown at a height of less than 250 feet over the property if:*

(a) *The owner or operator of the unmanned aerial vehicle has flown the unmanned aerial vehicle over the property at a height of less than 250 feet on at least one previous occasion; and*

(b) *The person who owns or occupies the real property notified the owner or operator of the unmanned aerial vehicle that the person did not authorize the flight of the unmanned aerial vehicle over the property at a height of less than 250 feet. For the purposes of this paragraph, a person may place the*

owner or operator of an unmanned aerial vehicle on notice in the manner prescribed in subsection 2 of NRS 207.200.

2. A person may not bring an action pursuant to subsection 1 if:

(a) The unmanned aerial vehicle is lawfully in the flight path for landing at an airport, airfield or runway.

(b) The unmanned aerial vehicle is in the process of taking off or landing.

(c) The unmanned aerial vehicle was under the lawful operation of ~~for~~ :

(1) A law enforcement agency in accordance with section 20 of this act.

(2) A public agency in accordance with section 21 of this act.

(d) The unmanned aerial vehicle was under the lawful operation of a business licensed in this State or a land surveyor if:

(1) The operator is licensed or otherwise approved to operate the unmanned aerial vehicle by the Federal Aviation Administration;

(2) The unmanned aerial vehicle is being operated within the scope of the lawful activities of the business or surveyor; and

(3) The operation of the unmanned aerial vehicle does not unreasonably interfere with the existing use of the real property.

3. A plaintiff who prevails in an action for trespass brought pursuant to subsection 1 is entitled to recover treble damages for any injury to the person or the real property as the result of the trespass. In addition to the recovery of damages pursuant to this subsection, a plaintiff may be awarded reasonable attorney's fees and costs and injunctive relief.

Sec. 20. 1. Except as otherwise provided in this section, nothing in this section shall be deemed to otherwise prohibit the operation of an unmanned aerial vehicle by a law enforcement agency for any lawful purpose in this State.

2. Except as otherwise provided in subsection 3, a law enforcement agency shall not operate an unmanned aerial vehicle for the purpose of gathering evidence or other information within the curtilage of a residence or at any other location or upon any property in this State at which a person has a reasonable expectation of privacy, unless the law enforcement agency first obtains a warrant from a court of competent jurisdiction authorizing the use of the unmanned aerial vehicle for that purpose. A warrant authorizing the use of an unmanned aerial vehicle must specify the period for which operation of the unmanned aerial vehicle is authorized. A warrant must not authorize the use of an unmanned aerial vehicle for a period of more than 10 days. Upon motion and a showing of probable cause, a court may renew a warrant after the expiration of the period for which the warrant was initially issued.

3. A law enforcement agency may operate an unmanned aerial vehicle without obtaining a warrant issued pursuant to subsection 2:

(a) If the law enforcement agency has probable cause to believe that a person has committed a crime, is committing a crime or is about to commit a crime, and exigent circumstances exist that make it unreasonable for the

law enforcement agency to obtain a warrant authorizing the use of the unmanned aerial vehicle.

(b) If a person provides written consent to the law enforcement agency authorizing the law enforcement agency to acquire information about the person or the real or personal property of the person. The written consent must specify the information to be gathered and the time, place and manner in which the information is to be gathered by the law enforcement agency.

(c) For the purpose of conducting search and rescue operations for persons and property in distress.

(d) Under circumstances in which the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including, without limitation, the threat of an act of terrorism. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall document the factual basis for its belief that such an imminent threat exists and shall, not later than 2 business days after initiating operation, file a sworn statement with a court of competent jurisdiction describing the nature of the imminent threat and the need for the operation of the unmanned aerial vehicle.

(e) Upon the declaration of a state of emergency or disaster by the Governor. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall not use the unmanned aerial vehicle outside of the geographic area specified in the declaration or for any purpose other than the preservation of public safety, the protection of property, or the assessment and evaluation of environmental or weather-related damage, erosion or contamination.

4. Any photograph, image, recording or other information that is acquired by a law enforcement agency through the operation of an unmanned aerial vehicle in violation of this section, or that is acquired from any other person or governmental entity, including, without limitation, a public agency and any department or agency of the Federal Government, that obtained the photograph, image, recording or other information in a manner inconsistent with the requirements of this section, and any evidence that is derived therefrom:

(a) Is not admissible in and must not be disclosed in a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

Sec. 21. 1. A public agency:

(a) May operate an unmanned aerial vehicle only if:

(1) Before the operation of the unmanned aerial vehicle, the public agency registers the unmanned aerial vehicle with the Department pursuant to subsection 2 of section 22 of this act.

(2) The public agency operates the unmanned aerial vehicle in accordance with the regulations adopted by the Department pursuant to subsection 4 of section 22 of this act.

(b) Must not operate an unmanned aerial vehicle for the purposes of assisting a law enforcement agency with law enforcement or conducting a criminal prosecution.

2. Any photograph, image, recording or other information that is acquired by a public agency through the operation of an unmanned aerial vehicle in violation of this section, and any evidence that is derived therefrom:

(a) Is not admissible in, and must not be disclosed in, a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

Sec. 22. 1. The Department shall, to the extent that money is available for this purpose, establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State. The Department shall include on its Internet website the information that is maintained in the registry.

2. A public agency shall, for each unmanned aerial vehicle the public agency intends to operate, submit to the Department, on a form provided by the Department, for inclusion in the registry:

(a) The name of the public agency;

(b) The name and contact information of each operator of the unmanned aerial vehicle;

(c) Sufficient information to identify the unmanned aerial vehicle; and

(d) A statement describing the use of the unmanned aerial vehicle by the public agency.

3. The Department shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State.

4. The Department shall adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle that is registered with the Department pursuant to this section, including, without limitation:

(a) The provision of fire services.

(b) The provision of emergency medical services.

(c) The protection of a critical facility that is public property.

(d) Search and rescue operations conducted for persons and property in distress.

Sec. 22.5. NRS 493.010 is hereby amended to read as follows:

493.010 NRS 493.010 to 493.120, inclusive, **and sections 18 to 22, inclusive, of this act** may be cited as the Uniform State Law for Aeronautics.

Sec. 23. NRS 493.020 is hereby amended to read as follows:

493.020 As used in NRS 493.010 to 493.120, inclusive, **and sections 18 to 22, inclusive, of this act**, unless the context otherwise requires:

1. "Aircraft" includes **a** balloon, airplane, hydroplane , **unmanned aerial vehicle** and any other vehicle used for navigation through the air. A hydroplane, while at rest on water and while being operated on or immediately above water, is governed by the rules regarding water navigation. A hydroplane while being operated through the air other than immediately above water, is an aircraft.

2. ***"Critical facility" means a petroleum refinery, a petroleum or chemical production, transportation, storage or processing facility, a chemical manufacturing facility, a pipeline and any appurtenance thereto, a wastewater treatment facility, a water treatment facility, a mine as that term is defined in NRS 512.006, a power generating station, plant or substation and any appurtenances thereto, any transmission line that is owned in whole or in part by an electric utility as that term is defined in subsection 5 of NRS 704.187, a county, city or town jail or detention facility and any prison, facility or institution under the control of the Department of Corrections. The term does not include any facility or infrastructure of a utility that is located underground.***

3. ***"Department" means the Department of Public Safety.***

4. ***"Law enforcement agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State, the primary duty of which is to enforce the law.***

5. "Operator" includes aviator, pilot, balloonist and any other person having any part in the operation of aircraft while in flight.

~~{3-}~~ 6. "Passenger" includes any person riding in an aircraft, but having no part in its operation.

7. ***"Public agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State other than a law enforcement agency.***

8. ***"Unmanned aerial vehicle" means a powered aircraft of any size without a human operator aboard the vehicle and that is operated remotely or autonomously.***

Sec. 24. (Deleted by amendment.)

Sec. 24.2. NRS 493.050 is hereby amended to read as follows:

493.050 1. Flight ~~in~~ **of an** aircraft over the lands and waters of this state is lawful:

(a) Unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner.

(b) Unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath.

(c) Unless specifically prohibited by the provisions of NRS 493.010 to 493.120, inclusive, and sections 18 to 22, inclusive, of this act, or any regulations adopted pursuant thereto.

2. The landing of an aircraft on the lands or waters of another, without his or her consent, is unlawful, except in the case of a forced landing. For damages

caused by a forced landing, the owner, lessee or operator of the aircraft is liable as provided in NRS 493.060.

Sec. 24.4. NRS 493.100 is hereby amended to read as follows:

493.100 **1.** Any operator or passenger, while ***an aircraft is*** in flight over a heavily populated area or over a public gathering within this state, who:

~~{1. Engages}~~

(a) Except as otherwise provided in subsection 2, engages in trick or acrobatic flying, or in any acrobatic feat;

~~{2.}~~ **(b)** Except while in landing or taking off, flies at such a low level as to endanger the persons on the surface beneath; or

~~{3.}~~ **(c)** Drops any object ~~{except loose water or loose sand ballast,}~~ **with reckless disregard for the safety of other persons and willful indifference to injuries that could reasonably result from dropping the object,**

↪ is guilty of a misdemeanor.

2. The provisions of paragraph (a) of subsection 1 do not apply to the operator of an unmanned aerial vehicle in a park unless the operator is operating the unmanned aerial vehicle with reckless disregard for the safety of other persons and with willful indifference to injuries that could reasonably result from such operation.

Sec. 24.6. NRS 493.120 is hereby amended to read as follows:

493.120 NRS 493.010 to 493.120, inclusive, **and sections 18 to 22, inclusive, of this act** shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states which enact them, and to harmonize, as far as possible, with federal laws and regulations on the subject of aeronautics. They shall not be interpreted or construed to apply in any manner to aircraft owned and operated by the Federal Government.

Sec. 24.8. NRS 493.130 is hereby amended to read as follows:

493.130 **1.** Any person operating an aircraft in the air, or on the ground or water:

~~{1.}~~ **(a)** While under the influence of intoxicating liquor or a controlled substance, unless in accordance with a lawfully issued prescription; or

~~{2.}~~ **(b)** In a careless or reckless manner so as to endanger the life or property of another,

↪ is guilty of a gross misdemeanor.

2. As used in this section:

(a) “Aircraft” includes an unmanned aerial vehicle as that term is defined in subsection 8 of NRS 493.020.

(b) “Controlled substance” has the meaning ascribed to it in 21 U.S.C. § 802(6).

(c) “Prescription” has the meaning ascribed to it in NRS 453.128.

Sec. 25. 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. 26. This act becomes effective:

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

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

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 746 to Assembly Bill No. 239.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 240.

The following Senate amendment was read:

Amend No. 913.

SUMMARY—Revises provisions governing ~~liens of a unit-owners' association~~ **common-interest communities**. (BDR 10-821)

AN ACT relating to common-interest communities; **requiring the establishment of an impound account for the payment of certain assessments under certain circumstances; providing for the payment of assessments for common expenses from the impound account;** revising provisions relating to the nonjudicial foreclosure of a unit-owners' association's lien; authorizing a right of redemption after the foreclosure of an association's lien by sale under certain circumstances; **authorizing the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations to carry out the requirement for impound accounts;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a unit-owners' association has a lien on a unit for certain amounts due to the association. Generally, the association's lien is prior to all other liens on a unit, except: (1) liens recorded before the recordation of the declaration; (2) the first security interest on the unit; and (3) liens for real estate taxes and other governmental assessments or charges against the unit. However, the association's lien is prior to the first security interest on the unit to the extent of certain maintenance and abatement charges and a certain amount of assessments for common expenses. The portion of the association's lien that is prior to the first security interest is commonly referred to as the "super-priority lien." (NRS 116.3116) Existing law authorizes a unit-owners' association to foreclose its lien through a nonjudicial foreclosure process. (NRS 116.31162-116.31168)

Under existing law, the holder of the first security interest on the unit may establish an impound account for advance contributions for the payment of assessments, if the unit's owner and the holder of the first security interest consent to the establishment of such an account. (NRS 116.3116) Section 3.5 of this bill provides that if there is an impound account established for the payment of property taxes or insurance premiums, the holder of the first security interest, if other than a credit union, is required to establish such an impound account for advance

contributions for the payment of certain assessments. Section 3.5 requires payments to be made from the account for assessments for common expenses in accordance with the same due dates as apply to the payment of assessments by a unit's owner or in quarterly installments that are due on the first day of each calendar quarter. Under section 3.5, if the assessments for common expenses are paid in quarterly installments from the impound account, the due date of the assessments is deemed to be the first day of the calendar quarter. Section 3.5 provides that: (1) if payments for assessments are timely made to an impound account, the super-priority lien does not arise; and (2) if an impound account is established, the association must provide notice of delinquency in the payment of assessments to the holder of the first security interest.

Section 4.7 of this bill provides that after a sale of a unit to enforce the association's lien, the unit's owner or a holder of a security interest on the unit may redeem the unit by paying certain amounts to the purchaser within 60 days after the sale. If the unit's owner redeems the unit, the unit's owner is restored to his or her ownership of the unit. If a holder of a security interest on the unit redeems the unit, that holder is entitled to a deed without warranty which conveys to the holder all title of the unit's owner to the unit. Section 4.7 further provides that upon expiration of the redemption period, any failure to comply with the requirements of existing law for the foreclosure of the association's lien does not affect the rights of a bona fide purchaser or encumbrancer for value.

Section 7.5 of this bill authorizes the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations to carry out the provisions of section 3.5 relating to impound accounts, including, without limitation, requirements for bonding, servicing costs and conflicts of interest for entities servicing such accounts.

Section 8 of this bill provides that : (1) the requirement to establish an impound account applies only to a holder of a first security interest on a unit that is recorded on or after January 1, 2016; and (2) the amendatory provisions ~~for this bill~~ related to the right of redemption apply only to a sale to enforce an association's lien that occurs on or after July 1, 2015.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. NRS 116.3116 is hereby amended to read as follows:

116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late

charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent; and

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative.

↪ ~~[The]~~ **Unless payments for assessments described in subsection 3 are made timely to an escrow account, loan trust account or other impound account established pursuant to subsection 3, the** lien is also prior to all security interests described in paragraph (b) to the extent of any charges incurred by the association on a unit pursuant to NRS 116.310312 and to the extent of the assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding institution of an action to enforce the lien, unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien. If federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior to all security interests described in paragraph (b) must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the period of priority for the lien must not be less than the 6 months immediately preceding institution of an action to enforce the lien. This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

3. ~~[The]~~ **Except as otherwise provided in subsection 4, if the** holder of the security interest described in paragraph (b) of subsection 2 or the holder's authorized agent ~~[may]~~ **has established an escrow account, loan trust account or other impound account for advance contributions for the payment of property taxes on the unit or premiums for insurance on the unit, the holder or his or her authorized agent shall also** establish an escrow account, loan trust account or other impound account for advance contributions for the payment of ~~[assessments]~~ ;

(a) Assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 ~~if the unit's owner and the holder of that security interest consent to the establishment of such an account. If such an account is established, payments~~ ;

(b) Special assessments to establish adequate reserves for the association pursuant to paragraph (b) of subsection 2 of NRS 116.3115; and

(c) Assessments for capital expenditures based on the periodic budget adopted by the association pursuant to NRS 116.3115.

4. The provisions of subsection 3 do not apply to a security interest held by a credit union as defined in NRS 678.070.

5. Payments from ~~the~~ an escrow account, loan trust account or impound account for assessments ~~for common expenses~~ described in subsection 3 must be made in ~~accordance~~ ;

(a) Accordance with the same due dates as apply to payments of such assessments by a unit's owner ~~;~~

~~4.~~ ; or

(b) Quarterly installments that are due the first day of each calendar quarter. Notwithstanding any other provision of law or the governing documents to the contrary, if assessments for common expenses are paid in quarterly installments pursuant to this paragraph, the due date of the assessments is deemed to be the first day of each calendar quarter.

6. If an escrow account, loan trust account or other impound account is established pursuant to subsection 3, not later than 30 days after a payment of an assessment described in subsection 3 is delinquent, the association must provide the holder of the security interest described in paragraph (b) of subsection 2 with a notice of delinquent assessment which states the amount of the assessments which are due, a description of the unit against which the assessment is imposed and the name of the record owner of the unit.

7. Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

~~5.~~ 8. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

~~6.~~ 9. A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within 3 years after the full amount of the assessments becomes due.

~~7.~~ 10. This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

~~8.~~ 11. A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

~~9.~~ 12. The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid

assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

~~10.~~ **13.** In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

~~11.~~ **14.** In an action by an association to collect assessments or to foreclose a lien created under this section, the court may appoint a receiver to collect all rents or other income from the unit alleged to be due and owing to a unit's owner before commencement or during pendency of the action. The receivership is governed by chapter 32 of NRS. The court may order the receiver to pay any sums held by the receiver to the association during pendency of the action to the extent of the association's common expense assessments based on a periodic budget adopted by the association pursuant to NRS 116.3115.

Sec. 4. (Deleted by amendment.)

Sec. 4.3. NRS 116.31164 is hereby amended to read as follows:

116.31164 1. The sale must be conducted in the county in which the common-interest community or part of it is situated, and may be conducted by the association, its agent or attorney, or a title insurance company or escrow agent licensed to do business in this State, except that the sale may be made at the office of the association if the notice of the sale so provided, whether the unit is located within the same county as the office of the association or not. The association or other person conducting the sale may from time to time postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by proclamation made to the persons assembled at the time and place previously set and advertised for the sale.

2. On the day of sale originally advertised or to which the sale is postponed, at the time and place specified in the notice or postponement, the person conducting the sale may sell the unit at public auction to the highest cash bidder. Unless otherwise provided in the declaration or by agreement, the association may purchase the unit and hold, lease, mortgage or convey it. The association may purchase by a credit bid up to the amount of the unpaid

assessments and any permitted costs, fees and expenses incident to the enforcement of its lien.

3. After the sale, the person conducting the sale shall:

(a) ~~Make, execute and, after payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the grantee all title of the unit's owner to the unit;~~

~~—(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign; and~~

~~—(c) } **Comply with the provisions of subsection 2 of NRS 116.31166; and**~~

(b) Apply the proceeds of the sale for the following purposes in the following order:

(1) The reasonable expenses of sale;

(2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other legal expenses incurred by the association;

(3) Satisfaction of the association's lien;

(4) Satisfaction in the order of priority of any subordinate claim of record; and

(5) Remittance of any excess to the unit's owner.

Sec. 4.7. NRS 116.31166 is hereby amended to read as follows:

116.31166 1. *Every sale of a unit pursuant to NRS 116.31162 to 116.31168, inclusive, vests in the purchaser the title of the unit's owner subject to the right of redemption provided by this section.*

2. *After the sale conducted pursuant to NRS 116.31164, the person conducting the sale shall:*

(a) *Give to the purchaser a certificate of the sale containing:*

(1) *A particular description of the unit sold;*

(2) *The price bid for the unit;*

(3) *The whole price paid; and*

(4) *A statement that the unit is subject to redemption; and*

(b) *Record a copy of the certificate in the office of the county recorder of the county in which the unit or part of it is located.*

3. *A unit sold pursuant to NRS 116.31162 to 116.31168, inclusive, may be redeemed by the unit's owner whose interest in the unit was extinguished by the sale, or his or her successor in interest, or any holder of a recorded security interest that is subordinate to the lien on which the unit was sold, or that holder's successor in interest. The unit's owner whose interest in the unit was extinguished, the holder of the recorded security interest on the unit or a successor in interest of those persons may redeem the property at any time within 60 days after the sale by paying:*

(a) *The purchaser the amount of his or her purchase price, with interest at the rate of 1 percent per month thereon in addition, to the time of redemption, plus:*

(1) The amount of any assessment paid to the association by the purchaser before the redemption;

(2) The amount of any assessment, taxes or payments toward liens which were created before the purchase and which the purchaser may have paid thereon after the purchase, and interest on such amount;

(3) If the purchaser is also a creditor having a prior lien to that of the redemptioner, other than the association's lien under which the purchase was made, the amount of such lien, and interest on such amount; and

(4) Any reasonable amount expended by the purchaser which is reasonably necessary to maintain and repair the unit in accordance with the standards set forth in the governing documents, including, without limitation, any provisions governing maintenance, standing water or snow removal.

(b) The association the amount of any assessments not paid to the association after the purchase and before the redemption.

(c) If the redemptioner is the holder of a recorded security interest on the unit or the holder's successor in interest, the amount of any lien before his or her own lien, with interest, but the association's lien under which the unit was sold is not required to be so paid as a lien.

4. Notice of redemption must be served by the person redeeming the unit on the person who conducted the sale and on the person from whom the unit is redeemed, together with:

(a) If the person redeeming the unit is the unit's owner whose interest in the unit was extinguished by the sale or his or her successor in interest, a certified copy of the deed to the unit and, if the person redeeming the unit is the successor of that unit's owner, a copy of any document necessary to establish that the person is the successor of the unit's owner.

(b) If the person redeeming the unit is the holder of a recorded security interest on the unit or the holder's successor in interest:

(1) An original or certified copy of the deed of trust securing the unit or a certified copy of any other recorded security interest of the holder.

(2) A copy of any assignment necessary to establish the claim of the person redeeming the unit, verified by the affidavit of that person, or that person's agent, or of a subscribing witness thereto.

(3) An affidavit by the person redeeming the unit, or that person's agent, showing the amount then actually due on the lien.

5. *If the unit's owner whose interest in the unit was extinguished by the sale redeems the property as provided in this section:*

(a) The effect of the sale is terminated, and the unit's owner is restored to his or her interest in the unit, subject to any security interest on the unit that existed at the time of sale; and

(b) The person to whom the redemption amount was paid must execute and deliver to the unit's owner a certificate of redemption, acknowledged or approved before a person authorized to take acknowledgments of conveyances of real property, and the certificate must be recorded in the

office of the recorder of the county in which the unit or part of the unit is situated.

6. If the holder of a recorded security interest redeems the unit as provided in this section and the period for a redemption set forth in subsection 3 has expired, the person conducting the sale shall:

(a) Make, execute and, if the amount required to redeem the unit is paid to the person from whom the unit is redeemed, deliver to the person who redeemed the unit or his or her successor or assign, a deed without warranty which conveys to the person who redeemed the unit all title of the unit's owner to the unit; and

(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the person who redeemed the unit, or his or her successor or assign.

7. If no redemption is made within 60 days after the date of sale, the person conducting the sale shall:

(a) Make, execute and, if payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the purchaser all title of the unit's owner to the unit; and

(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign.

8. The recitals in a deed made pursuant to ~~NRS 116.31164~~ subsection 6 or 7 of:

(a) Default, the mailing of the notice of delinquent assessment, and the mailing and recording of the notice of default and election to sell;

(b) The elapsing of the ~~90 days;~~ 90-day period set forth in paragraph (c) of subsection 1 of NRS 116.31162; and

(c) The giving of notice of sale,
 ➤ are conclusive proof of the matters recited.

~~{2.—Such a}~~

9. A deed containing ~~those~~ the recitals set forth in subsection 8 is conclusive against the unit's former owner, his or her heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.

~~{3.—The sale of a unit pursuant to NRS 116.31162, 116.31163 and 116.31164 vests in the purchaser the title of the unit's owner without equity or right of redemption.}~~

10. Upon the expiration of the redemption period set forth in subsection 3, any failure to comply with the provisions of NRS 116.3116 to 116.31168, inclusive, does not affect the rights of a bona fide purchaser or bona fide encumbrancer for value.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.5. **NRS 116.615 is hereby amended to read as follows:**

116.615 1. The provisions of this chapter must be administered by the Division, subject to the administrative supervision of the Director of the Department of Business and Industry.

2. The Commission and the Division may do all things necessary and convenient to carry out the provisions of this chapter, including, without limitation, prescribing such forms and adopting such procedures as are necessary to carry out the provisions of this chapter.

3. The Commission, or the Administrator with the approval of the Commission, may adopt such regulations as are necessary to carry out ~~the~~ :

(a) The provisions of subsections 3 and 5 of NRS 116.3116 relating to escrow accounts, loan trust accounts or other impound accounts, including, without limitation, regulations relating to bonding of entities servicing such accounts, the cost of servicing such accounts and conflicts of interest for entities servicing such accounts; and

(b) Any other provisions of this chapter.

4. The Commission may by regulation delegate any authority conferred upon it by the provisions of this chapter to the Administrator to be exercised pursuant to the regulations adopted by the Commission.

5. When regulations are proposed by the Administrator, in addition to other notices required by law, the Administrator shall provide copies of the proposed regulations to the Commission not later than 30 days before the next meeting of the Commission. The Commission shall approve, amend or disapprove any proposed regulations at that meeting.

6. All regulations adopted by the Commission, or adopted by the Administrator with the approval of the Commission, must be published by the Division, posted on its website and offered for sale at a reasonable fee.

Sec. 8. 1. The amendatory provisions of NRS 116.3116, as amended by section 3.5 of this act, apply to a security interest described in paragraph (b) of subsection 2 of that section that is recorded on or after January 1, 2016.

2. The amendatory provisions of NRS 116.31164 and 116.31166, as amended by sections 4.3 and 4.7 of this act, apply only to a sale of a unit pursuant to NRS 116.3116 to 116.31168, inclusive, as amended by sections 4.3 and 4.7 of this act, that occurs on or after July 1, 2015.

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. This ~~act~~ **section** becomes effective **upon passage and approval.**

2. Sections 3.5 and 7.5 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On January 1, 2016, for all other purposes.

3. Sections 4.3, 4.7 and 8 of this act become effective on July 1, 2015.

Assemblyman Hansen moved that the Assembly do not concur in the Senate Amendment No. 913 to Assembly Bill No. 240.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 263.

The following Senate amendment was read:

Amendment No. 745.

AN ACT relating to domestic relations; repealing certain provisions relating to the custody of children and enacting certain similar provisions relating to the custody of children; prohibiting a parent ~~with~~ who has primary or joint physical custody of a child pursuant to an order, judgment or decree of a court from relocating with the child outside this State or to certain locations within this State without the written consent of the noncustodial parent or the permission of the court as the circumstances require; authorizing a non-relocating parent to recover reasonable attorney's fees and costs in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions concerning the custody of children as it relates to the dissolution of marriage. (NRS 125.450-125.520) **Section 19** of this bill repeals almost all of these provisions. **Sections 3-12** of this bill add such repealed provisions, with certain revisions, to chapter 125C of NRS, which concerns custody and visitation of children generally. The addition of such provisions to chapter 125C of NRS expands their applicability to the custody of all children regardless of whether they were born to parents who were married or unmarried.

Section 4 provides that absent a determination by a court regarding the custody of a child, each parent has joint legal custody and joint physical custody of the child until otherwise ordered by a court. **Sections 5 and 6** provide that if a parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with a child, such a demonstration or attempted demonstration creates a presumption that joint legal and physical custody, respectively, is in the best interest of the child. **Section 7** authorizes a court to award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child, and sets forth circumstances in which an award of joint physical custody is presumed not to be in the best interest of a child. **Section 7** also sets forth the circumstances in which a court may award primary physical custody to a mother or father of a child born out of wedlock.

Existing law requires a parent with primary physical custody of a child who intends to move outside this State with the child to: (1) obtain the written consent of the noncustodial parent; or (2) if the noncustodial parent refuses to give such consent, petition the court for permission to move with the child.

(NRS 125C.200) **Section 16** of this bill additionally requires a parent with primary physical custody of a child to take such actions if the parent intends to relocate to a place within this State that is ~~more than 100 miles from the place of his or her residence at the time the existing custody arrangement was established.~~ **at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child.** **Section 13** of this bill requires a parent who has joint physical custody of a child **pursuant to an order, judgment or decree of a court** and wants to relocate outside this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child to petition the court for primary physical custody of the child for the purpose of relocating.

Section 14 of this bill requires a parent who files a petition for permission to relocate with a child to demonstrate to the court certain reasons and benefits relating to the relocation. **Section 14** also requires the court to consider certain factors in determining whether to allow a parent to relocate with a child. Under **section 18** of this bill, a parent who relocates with a child without the **required** written consent of the noncustodial parent or the permission of the court or before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child, as applicable, is guilty of a category D felony unless the parent: (1) demonstrates a compelling excuse for the relocation; or (2) relocated to protect the child or the parent from danger. Additionally, **section 15** of this bill provides that if a parent relocates with a child in violation of **section 18**: (1) the court cannot consider any post-relocation facts or circumstances regarding the welfare of the child or the relocating parent in making any determination; and (2) the non-relocating parent can recover reasonable attorney's fees and costs incurred as a result of the relocating parent's violation.

Section 18 further provides that a parent who, pursuant to section 4, has joint legal and physical custody of a child because a court has not made a determination regarding the custody of the child is prohibited from willfully concealing or removing the child from the custody of the other parent with the specific intent to frustrate the efforts of the other parent to establish or maintain a meaningful relationship with the child. Unless a parent who takes such actions can demonstrate to the satisfaction of the court that he or she was protecting the child or himself or herself from an act that constitutes domestic violence, the parent is guilty of a category D felony.

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

Section 1. NRS 125.040 is hereby amended to read as follows:

125.040 1. In any suit for divorce the court may, in its discretion, upon application by either party and notice to the other party, require either party to

pay moneys necessary to assist the other party in accomplishing one or more of the following:

- (a) To provide temporary maintenance for the other party;
- (b) To provide temporary support for children of the parties; or
- (c) To enable the other party to carry on or defend such suit.

2. The court may make any order affecting property of the parties, or either of them, which it may deem necessary or desirable to accomplish the purposes of this section. Such orders shall be made by the court only after taking into consideration the financial situation of each of the parties.

3. The court may make orders pursuant to this section concurrently with orders pursuant to ~~NRS 125.470.~~ **section 12 of this act.**

Sec. 2. Chapter 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 15, inclusive, of this act.

Sec. 3. *The Legislature declares that it is the policy of this State:*

1. *To ensure that minor children have frequent associations and a continuing relationship with both parents after the parents have ended their relationship, become separated or dissolved their marriage;*

2. *To encourage such parents to share the rights and responsibilities of child rearing; and*

3. *To establish that such parents have an equivalent duty to provide their minor children with necessary maintenance, health care, education and financial support. As used in this subsection, "equivalent" must not be construed to mean that both parents are responsible for providing the same amount of financial support to their children.*

Sec. 4. 1. *The parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents.*

2. *If a court has not made a determination regarding the custody of a child, each parent has joint legal custody and joint physical custody of the child until otherwise ordered by a court of competent jurisdiction.*

Sec. 5. 1. *When a court is making a determination regarding the legal custody of a child, there is a presumption, affecting the burden of proof, that joint legal custody would be in the best interest of a minor child if:*

(a) *The parents have agreed to an award of joint legal custody or so agree in open court at a hearing for the purpose of determining the legal custody of the minor child; or*

(b) *A parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.*

2. *The court may award joint legal custody without awarding joint physical custody.*

Sec. 6. 1. *When a court is making a determination regarding the physical custody of a child, there is a preference that joint physical custody would be in the best interest of a minor child if:*

(a) *The parents have agreed to an award of joint physical custody or so agree in open court at a hearing for the purpose of determining the physical custody of the minor child; or*

(b) *A parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.*

2. *For assistance in determining whether an award of joint physical custody is appropriate, the court may direct that an investigation be conducted.*

Sec. 7. 1. *A court may award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child. An award of joint physical custody is presumed not to be in the best interest of the child if:*

(a) *The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year;*

(b) *A child is born out of wedlock and the provisions of subsection 2 are applicable; or*

(c) *Except as otherwise provided in subsection 6 of section 8 of this act or NRS 125C.210, there has been a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that a parent has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child. The presumption created by this paragraph is a rebuttable presumption.*

2. *A court may award primary physical custody of a child born out of wedlock to:*

(a) *The mother of the child if:*

(1) *The mother has not married the father of the child;*

(2) *A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the paternity of the child has not been entered; and*

(3) *The father of the child:*

(I) *Is not subject to any presumption of paternity under NRS 126.051;*

(II) *Has never acknowledged paternity pursuant to NRS 126.053; or*

(III) *Has had actual knowledge of his paternity but has abandoned the child.*

(b) *The father of the child if:*

(1) *The mother has abandoned the child; and*

(2) *The father has provided sole care and custody of the child in her absence.*

3. *As used in this section:*

(a) *“Abandoned” means that a mother or father has:*

(1) *Failed, for a continuous period of not less than 6 months, to provide substantial personal and economic support to the child; or*

(2) Knowingly declined, for a continuous period of not less than 6 months, to have any meaningful relationship with the child.

(b) "Expedited process" has the meaning ascribed to it in NRS 126.161.

Sec. 8. 1. In any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child. If it appears to the court that joint physical custody would be in the best interest of the child, the court may grant physical custody to the parties jointly.

2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.

3. The court shall award physical custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly pursuant to section 6 of this act or to either parent pursuant to section 7 of this act. If the court does not enter an order awarding joint physical custody of a child after either parent has applied for joint physical custody, the court shall state in its decision the reason for its denial of the parent's application.

(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

(c) To any person related within the fifth degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.

(b) Any nomination of a guardian for the child by a parent.

(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.

(d) The level of conflict between the parents.

(e) The ability of the parents to cooperate to meet the needs of the child.

(f) The mental and physical health of the parents.

(g) The physical, developmental and emotional needs of the child.

(h) The nature of the relationship of the child with each parent.

(i) The ability of the child to maintain a relationship with any sibling.

(j) Any history of parental abuse or neglect of the child or a sibling of the child.

(k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;

(d) Whether, during the prior acts, one of the parties acted in self-defense; and

(e) Any other factors which the court deems relevant to the determination.

↪ In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint physical custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking physical custody does not rebut the presumption, the court shall not enter an order for sole or joint physical custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

8. For the purposes of subsection 7, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

9. If, after a court enters a final order concerning physical custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint physical custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning physical custody, reconsider the previous order concerning physical custody pursuant to subsections 7 and 8.

10. As used in this section:

(a) “Abduction” means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

(b) “Domestic violence” means the commission of any act described in NRS 33.018.

Sec. 9. 1. Before the court makes an order awarding custody to any person other than a parent, without the consent of the parents, it shall make a finding that an award of custody to a parent would be detrimental to the child and the award to a nonparent is required to serve the best interest of the child.

2. No allegation that parental custody would be detrimental to the child, other than a statement of that ultimate fact, may appear in the pleadings.

3. The court may exclude the public from any hearing on this issue.

Sec. 10. 1. In any action for determining the custody of a minor child, the court may, except as otherwise provided in this section and NRS 125C.0601 to 125C.0693, inclusive, and chapter 130 of NRS:

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of the child, make such an order for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest; and

(b) At any time modify or vacate its order, even if custody was determined pursuant to an action for divorce and the divorce was obtained by default without an appearance in the action by one of the parties.

↪ *The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.*

2. *Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.*

3. *Any order for custody of a minor child entered by a court of another state may, subject to the provisions of NRS 125C.0601 to 125C.0693, inclusive, and to the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.*

4. *A party may proceed pursuant to this section without counsel.*

5. *Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.*

6. *All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS and NRS 125C.0601 to 125C.0693, inclusive, and must contain the following language:*

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

7. *In addition to the language required pursuant to subsection 6, all orders authorized by this section must specify that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.*

8. *If a parent of the child lives in a foreign country or has significant commitments in a foreign country:*

(a) *The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.*

(b) *Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.*

9. *Except where a contract providing otherwise has been executed pursuant to NRS 123.080, the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases:*

(a) *Upon the death of the person to whom the order was directed; or*

(b) *When the child reaches 18 years of age if the child is no longer enrolled in high school, otherwise, when the child reaches 19 years of age.*

10. *As used in this section, a parent has “significant commitments in a foreign country” if the parent:*

(a) *Is a citizen of a foreign country;*

(b) *Possesses a passport in his or her name from a foreign country;*

(c) *Became a citizen of the United States after marrying the other parent of the child; or*

(d) *Frequently travels to a foreign country.*

Sec. 11. 1. *The court may, when appropriate, require the parents to submit to the court a plan for carrying out the court’s order concerning custody.*

2. *Access to records and other information pertaining to a minor child, including, without limitation, medical, dental and school records, must not be denied to a parent for the reason that the parent is not the child’s custodial parent.*

Sec. 12. 1. *If, during any action for determining the custody of a minor child, either before or after the entry of a final order concerning the custody of a minor child, it appears to the court that any minor child of either party has been, or is likely to be, taken or removed out of this State or concealed within this State, the court shall forthwith order such child to be produced before it and make such disposition of the child’s custody as appears most advantageous to and in the best interest of the child and most likely to secure to him or her the benefit of the final order or the modification or termination of the final order to be made in his or her behalf.*

2. *If, during any action for determining the custody of a minor child, either before or after the entry of a final order concerning the custody of a minor child, the court finds that it would be in the best interest of the minor child, the court may enter an order providing that a party may, with the assistance of the appropriate law enforcement agency, obtain physical custody of the child from the party having physical custody of the child. The order must provide that if the party obtains physical custody of the child, the child must be produced before the court as soon as practicable to allow the court to make such disposition of the child's custody as appears most advantageous to and in the best interest of the child and most likely to secure to him or her the benefit of the final order or the modification or termination of the final order to be made in his or her behalf.*

3. *If the court enters an order pursuant to subsection 2 providing that a party may obtain physical custody of a child, the court shall order that party to give the party having physical custody of the child notice at least 24 hours before the time at which he or she intends to obtain physical custody of the child, unless the court deems that requiring the notice would likely defeat the purpose of the order.*

4. *All orders for a party to appear with a child issued pursuant to this section may be enforced by issuing a warrant of arrest against that party to secure his or her appearance with the child.*

5. *A proceeding under this section must be given priority on the court calendar.*

Sec. 13. 1. *If joint physical custody has been established pursuant to an order, judgment or decree of a court ~~for section 4 of this act or by operation of law~~ and one parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the relocating parent desires to take the child with him or her, the relocating parent shall petition the court for primary physical custody for the purpose of relocating.*

2. *A parent who relocates with a child pursuant to this section before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child is subject to the provisions of NRS 200.359.*

Sec. 14. 1. *In every instance of a petition for permission to relocate with a child that is filed pursuant to NRS 125C.200 or section 13 of this act, the relocating parent must demonstrate to the court that:*

(a) *There exists a sensible, good-faith reason for the move, and the move is not intended to deprive the non-relocating parent of his or her parenting time;*

(b) *The best interests of the child are substantially better served by allowing the relocating parent to relocate;*

(c) *The child and the relocating parent will benefit from an actual advantage that currently exists or is certain to exist before the time of the relocation; and*

(d) *If the parents currently share joint custody of the child, the child will do substantially better in the new location than the child would if he or she remained in this State with the non-relocating parent.*

2. *If a relocating parent demonstrates to the court the provisions set forth in subsection 1, the court must then weigh the following factors and the impact of each on the child, the relocating parent and the non-relocating parent, including, without limitation, the extent to which the compelling interests of the child, the relocating parent and the non-relocating parent are accommodated:*

(a) *The extent to which the relocation is likely to improve the quality of life for the child and the relocating parent;*

(b) *Whether the motives of the relocating parent are honorable and not designed to frustrate or defeat any visitation rights accorded to the non-relocating parent;*

(c) *Whether the relocating parent will comply with any substitute visitation orders issued by the court if permission to relocate is granted;*

(d) *Whether the motives of the non-relocating parent are honorable in resisting the petition for permission to relocate or to what extent any opposition to the petition for permission to relocate is intended to secure a financial advantage in the form of ongoing support obligations or otherwise;*

(e) *Whether there will be a realistic opportunity for the non-relocating parent to maintain a visitation schedule that will adequately foster and preserve the parental relationship between the child and the non-relocating parent if permission to relocate is granted; and*

(f) *Any other factor necessary to assist the court in determining whether to grant permission to relocate.*

3. *A parent who desires to relocate with a child pursuant to NRS 125C.200 or section 13 of this act has the burden of proving that relocating with the child is in the best interest of the child.*

Sec. 15. *If a parent with primary physical custody or joint physical custody relocates with a child in violation of NRS 200.359:*

1. *The court shall not consider any post-relocation facts or circumstances regarding the welfare of the child or the relocating parent in making any determination.*

2. *If the non-relocating parent files an action in response to the violation, the non-relocating parent is entitled to recover reasonable attorney's fees and costs incurred as a result of the violation.*

Sec. 16. NRS 125C.200 is hereby amended to read as follows:

125C.200 1. If **primary physical** custody has been established **pursuant to an order, judgment or decree of a court** and the custodial parent intends to ~~move~~ **relocate** his or her residence to a place outside of this State **or to a place within this State that is ~~more than 100 miles from the place of his or~~**

~~her residence at the time the existing custody arrangement was established, at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the custodial parent desires to take the child with him or her, the custodial parent must, as soon as possible and before the planned move, attempt~~ **shall:**

(a) **Attempt** to obtain the written consent of the noncustodial parent to ~~move~~ **relocate with** the child ~~from this State. If~~ ; and

(b) **If** the noncustodial parent refuses to give that consent, ~~the custodial parent shall, before leaving this State with the child,~~ petition the court for permission to ~~move~~ **relocate with** the child. ~~The failure of a parent to comply with the provisions of this section may be considered as a factor if a change of custody is requested by the noncustodial parent.~~

2. A parent who relocates with a child pursuant to this section without the written consent of the noncustodial parent or the permission of the court is subject to the provisions of NRS 200.359.

Sec. 17. NRS 146.010 is hereby amended to read as follows:

146.010 Except as otherwise provided in this chapter or in ~~NRS 125.510,~~ **section 10 of this act**, if a person dies leaving a surviving spouse or a minor child or minor children, the surviving spouse, minor child or minor children are entitled to remain in possession of the homestead and of all the wearing apparel and provisions in the possession of the family, and all the household furniture, and are also entitled to a reasonable provision for their support, to be allowed by the court.

Sec. 18. NRS 200.359 is hereby amended to read as follows:

200.359 1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child, or any parent having no right of custody to the child, who:

(a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or

(b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised, removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation,

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

2. ~~[A]~~ **Except as otherwise provided in this subsection, a** parent who has joint legal **and physical** custody of a child pursuant to ~~NRS 125.465~~ **section 4 of this act** shall not willfully conceal or remove the child from the custody of the other parent with the specific intent to ~~deprive~~ **frustrate the efforts of** the other parent ~~for the parent and child~~ **to establish or maintain a meaningful relationship with the child.** A person who violates this subsection shall be punished as provided in subsection 1. ~~[.]~~ **unless the person**

demonstrates to the satisfaction of the court that he or she violated this subsection to protect the child or himself or herself from an act that constitutes domestic violence pursuant to NRS 33.018.

3. If the mother of a child has primary physical custody pursuant to subsection 2 of ~~[NRS 126.031,]~~ **section 7 of this act**, the father of the child shall not willfully conceal or remove the child from the physical custody of the mother. If the father of a child has primary physical custody pursuant to subsection 2 of ~~[NRS 126.031,]~~ **section 7 of this act**, the mother of the child shall not willfully conceal or remove the child from the physical custody of the father. A person who violates this subsection shall be punished as provided in subsection 1.

4. ***A parent who has joint physical custody of a child pursuant to an order, judgment or decree of a court for section 4 of this act shall not relocate with the child pursuant to section 13 of this act before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child. A person who violates this subsection shall be punished as provided in subsection 1.***

5. ***A parent who has primary physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.200 without the written consent of the non-relocating parent or the permission of the court. A person who violates this subsection shall be punished as provided in subsection 1.***

6. Before an arrest warrant may be issued for a violation of this section, the court must find that:

(a) This is the home state of the child, as defined in NRS 125A.085; and

(b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to chapter 125, 125A or 125C of NRS will not be effective to enforce the rights of the parties and would not be in the best interests of the child.

~~{5.}~~ 7. Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.

~~{6.}~~ 8. The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a misdemeanor and the judge may impose such a sentence if the judge finds that:

(a) The defendant has no prior conviction for this offense and the child has suffered no substantial harm as a result of the offense; or

(b) The interests of justice require that the defendant be punished as for a misdemeanor.

~~{7.}~~ 9. A person who aids or abets any other person to violate this section shall be punished as provided in subsection 1.

~~{8.}~~ 10. ***In addition to the exemption set forth in subsection 11, subsections 4 and 5 do not apply to a person who demonstrates a compelling excuse, to the satisfaction of the court, for relocating with a child in violation of NRS 125C.200 or section 13 of this act.***

11. This section does not apply to a person who detains, conceals, ~~for~~ removes **or relocates with** a child to protect the child from the imminent danger of abuse or neglect or to protect himself or herself from imminent physical harm, and reported the detention, concealment, ~~for~~ removal **or relocation** to a law enforcement agency or an agency which provides child welfare services within 24 hours after detaining, concealing, ~~for~~ removing **or relocating with** the child, or as soon as the circumstances allowed. As used in this subsection:

(a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of subsection 4 of NRS 200.508.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 19. NRS 125.460, 125.465, 125.470, 125.480, 125.490, 125.500, 125.510, 125.520 and 126.031 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

125.460 State policy.

125.465 Married parents have joint custody until otherwise ordered by court.

125.470 Order for production of child before court; determinations concerning physical custody of child.

125.480 Best interests of child; preferences; presumptions when court determines parent or person seeking custody is perpetrator of domestic violence or has committed act of abduction against child or any other child.

125.490 Joint custody.

125.500 Award of custody to person other than parent.

125.510 Court orders; modification or termination of orders; form for orders; court may order parent to post bond if parent resides in or has significant commitments in foreign country.

125.520 Plan for carrying out court's order; access to child's records.

126.031 Relationship of parent and child not dependent on marriage; primary physical custody of child born out of wedlock.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 745 to Assembly Bill No. 263.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 958.

AN ACT relating to domestic relations; repealing certain provisions relating to the custody of children and enacting certain similar provisions relating to the custody of children; prohibiting a parent who has primary or joint physical custody of a child pursuant to an order, judgment or decree of a court from relocating with the child outside this State or to certain locations within this State without the written consent of the ~~noncustodial~~ **other** parent or the permission of the court as the circumstances require; authorizing ~~to non-~~

~~relocating parent to recover]~~ **an award of** reasonable attorney's fees and costs **to a parent** in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions concerning the custody of children as it relates to the dissolution of marriage. (NRS 125.450-125.520) **Section 19** of this bill repeals almost all of these provisions. **Sections 3-12** of this bill add such repealed provisions, with certain revisions, to chapter 125C of NRS, which concerns custody and visitation of children generally. The addition of such provisions to chapter 125C of NRS expands their applicability to the custody of all children regardless of whether they were born to parents who were married or unmarried.

Section 4 provides that absent a determination by a court regarding the custody of a child, each parent has joint legal custody and joint physical custody of the child until otherwise ordered by a court. **Sections 5 and 6** provide that if a parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with a child, such a demonstration or attempted demonstration creates a presumption that joint legal and physical custody, respectively, is in the best interest of the child. **Section 7** authorizes a court to award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child, and sets forth circumstances in which an award of joint physical custody is presumed not to be in the best interest of a child. **Section 7** also sets forth the circumstances in which a court may award primary physical custody to a mother or father of a child born out of wedlock.

Existing law requires a parent with primary physical custody of a child who intends to move outside this State with the child to: (1) obtain the written consent of the noncustodial parent; or (2) if the noncustodial parent refuses to give such consent, petition the court for permission to move with the child. (NRS 125C.200) **Section 16** of this bill additionally requires a parent with primary physical custody of a child to take such actions if the parent intends to relocate to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child. **Section 13** of this bill requires a parent who has joint physical custody of a child pursuant to an order, judgment or decree of a court and wants to relocate outside this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child to : **(1) obtain the written consent of the non-relocating parent; or (2) if the non-relocating parent refuses to give such consent,** petition the court for primary physical custody of the child for the purpose of relocating. **Sections 13 and 16 also authorize the court to award reasonable attorney's fees and costs to a relocating parent or custodial parent, respectively, if the non-relocating parent or noncustodial parent refused to give consent to the relocation:**

(1) without having reasonable grounds for such refusal; or (2) for the purpose of harassing the relocating or custodial parent.

Section 14 of this bill requires a parent who files a petition for permission to relocate with a child to demonstrate to the court certain reasons and benefits relating to the relocation. **Section 14** also requires the court to consider certain factors in determining whether to allow a parent to relocate with a child. Under **section 18** of this bill, a parent who relocates with a child without the ~~required~~ written consent of the ~~noncustodial~~ **other** parent or the permission of the court or before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child, as applicable, is guilty of a category D felony unless the parent: (1) demonstrates a compelling excuse for the relocation; or (2) relocated to protect the child or the parent from danger. Additionally, **section 15** of this bill provides that if a parent relocates with a child in violation of **section 18**: (1) the court cannot consider any post-relocation facts or circumstances regarding the welfare of the child or the relocating parent in making any determination; and (2) the non-relocating parent can recover reasonable attorney's fees and costs incurred as a result of the relocating parent's violation.

Section 18 further provides that a parent who, pursuant to **section 4**, has joint legal and physical custody of a child because a court has not made a determination regarding the custody of the child is prohibited from willfully concealing or removing the child from the custody of the other parent with the specific intent to frustrate the efforts of the other parent to establish or maintain a meaningful relationship with the child. Unless a parent who takes such actions can demonstrate to the satisfaction of the court that he or she was protecting the child or himself or herself from an act that constitutes domestic violence, the parent is guilty of a category D felony.

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

Section 1. NRS 125.040 is hereby amended to read as follows:

125.040 1. In any suit for divorce the court may, in its discretion, upon application by either party and notice to the other party, require either party to pay moneys necessary to assist the other party in accomplishing one or more of the following:

- (a) To provide temporary maintenance for the other party;
- (b) To provide temporary support for children of the parties; or
- (c) To enable the other party to carry on or defend such suit.

2. The court may make any order affecting property of the parties, or either of them, which it may deem necessary or desirable to accomplish the purposes of this section. Such orders shall be made by the court only after taking into consideration the financial situation of each of the parties.

3. The court may make orders pursuant to this section concurrently with orders pursuant to ~~NRS 125.470.~~ **section 12 of this act.**

Sec. 2. Chapter 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 15, inclusive, of this act.

Sec. 3. *The Legislature declares that it is the policy of this State:*

1. *To ensure that minor children have frequent associations and a continuing relationship with both parents after the parents have ended their relationship, become separated or dissolved their marriage;*

2. *To encourage such parents to share the rights and responsibilities of child rearing; and*

3. *To establish that such parents have an equivalent duty to provide their minor children with necessary maintenance, health care, education and financial support. As used in this subsection, "equivalent" must not be construed to mean that both parents are responsible for providing the same amount of financial support to their children.*

Sec. 4. 1. *The parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents.*

2. *If a court has not made a determination regarding the custody of a child, each parent has joint legal custody and joint physical custody of the child until otherwise ordered by a court of competent jurisdiction.*

Sec. 5. 1. *When a court is making a determination regarding the legal custody of a child, there is a presumption, affecting the burden of proof, that joint legal custody would be in the best interest of a minor child if:*

(a) *The parents have agreed to an award of joint legal custody or so agree in open court at a hearing for the purpose of determining the legal custody of the minor child; or*

(b) *A parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.*

2. *The court may award joint legal custody without awarding joint physical custody.*

Sec. 6. 1. *When a court is making a determination regarding the physical custody of a child, there is a preference that joint physical custody would be in the best interest of a minor child if:*

(a) *The parents have agreed to an award of joint physical custody or so agree in open court at a hearing for the purpose of determining the physical custody of the minor child; or*

(b) *A parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.*

2. *For assistance in determining whether an award of joint physical custody is appropriate, the court may direct that an investigation be conducted.*

Sec. 7. 1. *A court may award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child. An award of joint physical custody is presumed not to be in the best interest of the child if:*

(a) *The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year;*

(b) *A child is born out of wedlock and the provisions of subsection 2 are applicable; or*

(c) *Except as otherwise provided in subsection 6 of section 8 of this act or NRS 125C.210, there has been a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that a parent has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child. The presumption created by this paragraph is a rebuttable presumption.*

2. *A court may award primary physical custody of a child born out of wedlock to:*

(a) *The mother of the child if:*

(1) *The mother has not married the father of the child;*

(2) *A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the paternity of the child has not been entered; and*

(3) *The father of the child:*

(I) *Is not subject to any presumption of paternity under NRS 126.051;*

(II) *Has never acknowledged paternity pursuant to NRS 126.053; or*

(III) *Has had actual knowledge of his paternity but has abandoned the child.*

(b) *The father of the child if:*

(1) *The mother has abandoned the child; and*

(2) *The father has provided sole care and custody of the child in her absence.*

3. *As used in this section:*

(a) *“Abandoned” means that a mother or father has:*

(1) *Failed, for a continuous period of not less than 6 months, to provide substantial personal and economic support to the child; or*

(2) *Knowingly declined, for a continuous period of not less than 6 months, to have any meaningful relationship with the child.*

(b) *“Expedited process” has the meaning ascribed to it in NRS 126.161.*

Sec. 8. 1. *In any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child. If it appears to the court that joint physical custody would be in the best interest of the child, the court may grant physical custody to the parties jointly.*

2. *Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.*

3. *The court shall award physical custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:*

(a) *To both parents jointly pursuant to section 6 of this act or to either parent pursuant to section 7 of this act. If the court does not enter an order*

awarding joint physical custody of a child after either parent has applied for joint physical custody, the court shall state in its decision the reason for its denial of the parent's application.

(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

(c) To any person related within the fifth degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.

(b) Any nomination of a guardian for the child by a parent.

(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.

(d) The level of conflict between the parents.

(e) The ability of the parents to cooperate to meet the needs of the child.

(f) The mental and physical health of the parents.

(g) The physical, developmental and emotional needs of the child.

(h) The nature of the relationship of the child with each parent.

(i) The ability of the child to maintain a relationship with any sibling.

(j) Any history of parental abuse or neglect of the child or a sibling of the child.

(k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. *If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:*

- (a) All prior acts of domestic violence involving either party;*
 - (b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;*
 - (c) The likelihood of future injury;*
 - (d) Whether, during the prior acts, one of the parties acted in self-defense;*
- and*
- (e) Any other factors which the court deems relevant to the determination.*

↪ *In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.*

7. *A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint physical custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking physical custody does not rebut the presumption, the court shall not enter an order for sole or joint physical custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:*

- (a) Findings of fact that support the determination that one or more acts of abduction occurred; and*
- (b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.*

8. *For the purposes of subsection 7, any of the following acts constitute conclusive evidence that an act of abduction occurred:*

- (a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;*
- (b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or*
- (c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.*

9. *If, after a court enters a final order concerning physical custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint physical custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning physical custody, reconsider the previous order concerning physical custody pursuant to subsections 7 and 8.*

10. *As used in this section:*

(a) *“Abduction” means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.*

(b) *“Domestic violence” means the commission of any act described in NRS 33.018.*

Sec. 9. 1. *Before the court makes an order awarding custody to any person other than a parent, without the consent of the parents, it shall make a finding that an award of custody to a parent would be detrimental to the child and the award to a nonparent is required to serve the best interest of the child.*

2. *No allegation that parental custody would be detrimental to the child, other than a statement of that ultimate fact, may appear in the pleadings.*

3. *The court may exclude the public from any hearing on this issue.*

Sec. 10. 1. *In any action for determining the custody of a minor child, the court may, except as otherwise provided in this section and NRS 125C.0601 to 125C.0693, inclusive, and chapter 130 of NRS:*

(a) *During the pendency of the action, at the final hearing or at any time thereafter during the minority of the child, make such an order for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest; and*

(b) *At any time modify or vacate its order, even if custody was determined pursuant to an action for divorce and the divorce was obtained by default without an appearance in the action by one of the parties.*

↪ *The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.*

2. *Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court’s own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.*

3. *Any order for custody of a minor child entered by a court of another state may, subject to the provisions of NRS 125C.0601 to 125C.0693, inclusive, and to the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.*

4. *A party may proceed pursuant to this section without counsel.*

5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, “sufficient particularity” means a statement of the rights in absolute terms and not by the use of the term “reasonable” or other similar term which is susceptible to different interpretations by the parties.

6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS and NRS 125C.0601 to 125C.0693, inclusive, and must contain the following language:

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

7. In addition to the language required pursuant to subsection 6, all orders authorized by this section must specify that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

8. If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

9. *Except where a contract providing otherwise has been executed pursuant to NRS 123.080, the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases:*

- (a) Upon the death of the person to whom the order was directed; or*
- (b) When the child reaches 18 years of age if the child is no longer enrolled in high school, otherwise, when the child reaches 19 years of age.*

10. *As used in this section, a parent has “significant commitments in a foreign country” if the parent:*

- (a) Is a citizen of a foreign country;*
- (b) Possesses a passport in his or her name from a foreign country;*
- (c) Became a citizen of the United States after marrying the other parent of the child; or*
- (d) Frequently travels to a foreign country.*

Sec. 11. 1. *The court may, when appropriate, require the parents to submit to the court a plan for carrying out the court’s order concerning custody.*

2. *Access to records and other information pertaining to a minor child, including, without limitation, medical, dental and school records, must not be denied to a parent for the reason that the parent is not the child’s custodial parent.*

Sec. 12. 1. *If, during any action for determining the custody of a minor child, either before or after the entry of a final order concerning the custody of a minor child, it appears to the court that any minor child of either party has been, or is likely to be, taken or removed out of this State or concealed within this State, the court shall forthwith order such child to be produced before it and make such disposition of the child’s custody as appears most advantageous to and in the best interest of the child and most likely to secure to him or her the benefit of the final order or the modification or termination of the final order to be made in his or her behalf.*

2. *If, during any action for determining the custody of a minor child, either before or after the entry of a final order concerning the custody of a minor child, the court finds that it would be in the best interest of the minor child, the court may enter an order providing that a party may, with the assistance of the appropriate law enforcement agency, obtain physical custody of the child from the party having physical custody of the child. The order must provide that if the party obtains physical custody of the child, the child must be produced before the court as soon as practicable to allow the court to make such disposition of the child’s custody as appears most advantageous to and in the best interest of the child and most likely to secure to him or her the benefit of the final order or the modification or termination of the final order to be made in his or her behalf.*

3. *If the court enters an order pursuant to subsection 2 providing that a party may obtain physical custody of a child, the court shall order that party to give the party having physical custody of the child notice at least 24 hours*

before the time at which he or she intends to obtain physical custody of the child, unless the court deems that requiring the notice would likely defeat the purpose of the order.

4. All orders for a party to appear with a child issued pursuant to this section may be enforced by issuing a warrant of arrest against that party to secure his or her appearance with the child.

5. A proceeding under this section must be given priority on the court calendar.

Sec. 13. 1. If joint physical custody has been established pursuant to an order, judgment or decree of a court and one parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the relocating parent desires to take the child with him or her, the relocating parent shall before relocating:

(a) Attempt to obtain the written consent of the non-relocating parent to relocate with the child; and

(b) If the non-relocating parent refuses to give that consent, petition the court for primary physical custody for the purpose of relocating.

2. The court may award reasonable attorney's fees and costs to the relocating parent if the court finds that the non-relocating parent refused to consent to the relocating parent's relocation with the child:

(a) Without having reasonable grounds for such refusal; or

(b) For the purpose of harassing the relocating parent.

3. A parent who relocates with a child pursuant to this section before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child is subject to the provisions of NRS 200.359.

Sec. 14. 1. In every instance of a petition for permission to relocate with a child that is filed pursuant to NRS 125C.200 or section 13 of this act, the relocating parent must demonstrate to the court that:

(a) There exists a sensible, good-faith reason for the move, and the move is not intended to deprive the non-relocating parent of his or her parenting time;

(b) The best interests of the child are ~~substantially better~~ served by allowing the relocating parent to relocate ~~with the child; and~~

(c) The child and the relocating parent will benefit from an actual advantage ~~that currently exists or is certain to exist before the time~~ as a result of the relocation . ~~and~~

~~(d) If the parents currently share joint custody of the child, the child will do substantially better in the new location than the child would if he or she remained in this State with the non-relocating parent.~~

2. If a relocating parent demonstrates to the court the provisions set forth in subsection 1, the court must then weigh the following factors and the impact of each on the child, the relocating parent and the non-relocating

parent, including, without limitation, the extent to which the compelling interests of the child, the relocating parent and the non-relocating parent are accommodated:

(a) The extent to which the relocation is likely to improve the quality of life for the child and the relocating parent;

(b) Whether the motives of the relocating parent are honorable and not designed to frustrate or defeat any visitation rights accorded to the non-relocating parent;

(c) Whether the relocating parent will comply with any substitute visitation orders issued by the court if permission to relocate is granted;

(d) Whether the motives of the non-relocating parent are honorable in resisting the petition for permission to relocate or to what extent any opposition to the petition for permission to relocate is intended to secure a financial advantage in the form of ongoing support obligations or otherwise;

(e) Whether there will be a realistic opportunity for the non-relocating parent to maintain a visitation schedule that will adequately foster and preserve the parental relationship between the child and the non-relocating parent if permission to relocate is granted; and

(f) Any other factor necessary to assist the court in determining whether to grant permission to relocate.

3. A parent who desires to relocate with a child pursuant to NRS 125C.200 or section 13 of this act has the burden of proving that relocating with the child is in the best interest of the child.

Sec. 15. If a parent with primary physical custody or joint physical custody relocates with a child in violation of NRS 200.359:

1. The court shall not consider any post-relocation facts or circumstances regarding the welfare of the child or the relocating parent in making any determination.

2. If the non-relocating parent files an action in response to the violation, the non-relocating parent is entitled to recover reasonable attorney's fees and costs incurred as a result of the violation.

Sec. 16. NRS 125C.200 is hereby amended to read as follows:

125C.200 1. If **primary physical** custody has been established **pursuant to an order, judgment or decree of a court** and the custodial parent intends to ~~move~~ **relocate** his or her residence to a place outside of this State **or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child,** and **the custodial parent desires** to take the child with him or her, the custodial parent ~~must, as soon as possible and before the planned move, attempt~~ **shall ~~try~~, before relocating:**

(a) **Attempt** to obtain the written consent of the noncustodial parent to ~~move~~ **relocate with** the child ~~from this State. If~~ **; and**

(b) **If** the noncustodial parent refuses to give that consent, ~~the custodial parent shall, before leaving this State with the child,~~ **petition the court for permission to ~~move~~ relocate with the child. [The failure of a parent to comply**

with the provisions of this section may be considered as a factor if a change of custody is requested by the noncustodial parent.]

2. The court may award reasonable attorney's fees and costs to the custodial parent if the court finds that the noncustodial parent refused to consent to the custodial parent's relocation with the child:

(a) Without having reasonable grounds for such refusal; or

(b) For the purpose of harassing the custodial parent.

3. A parent who relocates with a child pursuant to this section without the written consent of the noncustodial parent or the permission of the court is subject to the provisions of NRS 200.359.

Sec. 17. NRS 146.010 is hereby amended to read as follows:

146.010 Except as otherwise provided in this chapter or in ~~{NRS 125.510,}~~ **section 10 of this act**, if a person dies leaving a surviving spouse or a minor child or minor children, the surviving spouse, minor child or minor children are entitled to remain in possession of the homestead and of all the wearing apparel and provisions in the possession of the family, and all the household furniture, and are also entitled to a reasonable provision for their support, to be allowed by the court.

Sec. 18. NRS 200.359 is hereby amended to read as follows:

200.359 1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child, or any parent having no right of custody to the child, who:

(a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or

(b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised, removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation,

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

2. ~~{A}~~ **Except as otherwise provided in this subsection, a** parent who has joint legal **and physical** custody of a child pursuant to ~~{NRS 125.465}~~ **section 4 of this act** shall not willfully conceal or remove the child from the custody of the other parent with the specific intent to ~~{deprive}~~ **frustrate the efforts of** the other parent ~~{of the parent and child}~~ **to establish or maintain a meaningful relationship** ~~{}~~ **with the child.** A person who violates this subsection shall be punished as provided in subsection 1 ~~{}~~ **unless the person demonstrates to the satisfaction of the court that he or she violated this subsection to protect the child or himself or herself from an act that constitutes domestic violence pursuant to NRS 33.018.**

3. If the mother of a child has primary physical custody pursuant to subsection 2 of ~~{NRS 126.031,}~~ **section 7 of this act**, the father of the child

shall not willfully conceal or remove the child from the physical custody of the mother. If the father of a child has primary physical custody pursuant to subsection 2 of ~~[NRS 126.031,]~~ **section 7 of this act**, the mother of the child shall not willfully conceal or remove the child from the physical custody of the father. A person who violates this subsection shall be punished as provided in subsection 1.

4. *A parent who has joint physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to section 13 of this act without the written consent of the non-relocating parent or before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child ~~if~~, as applicable. A person who violates this subsection shall be punished as provided in subsection 1.*

5. *A parent who has primary physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.200 without the written consent of the non-relocating parent or the permission of the court. A person who violates this subsection shall be punished as provided in subsection 1.*

6. Before an arrest warrant may be issued for a violation of this section, the court must find that:

- (a) This is the home state of the child, as defined in NRS 125A.085; and
- (b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to chapter 125, 125A or 125C of NRS will not be effective to enforce the rights of the parties and would not be in the best interests of the child.

~~{5-}~~ 7. Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.

~~{6-}~~ 8. The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a misdemeanor and the judge may impose such a sentence if the judge finds that:

- (a) The defendant has no prior conviction for this offense and the child has suffered no substantial harm as a result of the offense; or
- (b) The interests of justice require that the defendant be punished as for a misdemeanor.

~~{7-}~~ 9. A person who aids or abets any other person to violate this section shall be punished as provided in subsection 1.

~~{8-}~~ 10. *In addition to the exemption set forth in subsection 11, subsections 4 and 5 do not apply to a person who demonstrates a compelling excuse, to the satisfaction of the court, for relocating with a child in violation of NRS 125C.200 or section 13 of this act.*

11. This section does not apply to a person who detains, conceals, ~~for~~ removes **or relocates with** a child to protect the child from the imminent danger of abuse or neglect or to protect himself or herself from imminent physical harm, and reported the detention, concealment, ~~for~~ removal **or relocation** to

a law enforcement agency or an agency which provides child welfare services within 24 hours after detaining, concealing, ~~for~~ removing **or relocating with** the child, or as soon as the circumstances allowed. As used in this subsection:

(a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of subsection 4 of NRS 200.508.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 19. NRS 125.460, 125.465, 125.470, 125.480, 125.490, 125.500, 125.510, 125.520 and 126.031 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

125.460 State policy.

125.465 Married parents have joint custody until otherwise ordered by court.

125.470 Order for production of child before court; determinations concerning physical custody of child.

125.480 Best interests of child; preferences; presumptions when court determines parent or person seeking custody is perpetrator of domestic violence or has committed act of abduction against child or any other child.

125.490 Joint custody.

125.500 Award of custody to person other than parent.

125.510 Court orders; modification or termination of orders; form for orders; court may order parent to post bond if parent resides in or has significant commitments in foreign country.

125.520 Plan for carrying out court's order; access to child's records.

126.031 Relationship of parent and child not dependent on marriage; primary physical custody of child born out of wedlock.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 958 to Assembly Bill No. 263.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 386.

The following Senate amendment was read:

Amendment No. 712.

AN ACT relating to real property; establishing supplemental procedures for the retaking of a dwelling subject to housebreaking or unlawful entry; establishing procedures for the retaking of a dwelling subject to forcible entry or forcible detainer; revising provisions relating to unlawful detainer; revising the procedures for removing a tenant who is guilty of an unlawful detainer; establishing the criminal offenses of housebreaking, unlawful entry and unlawful reentry; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth procedures for the removal of a person who is guilty of forcible entry, forcible detainer or unlawful detainer. (NRS 40.230, 40.240, 40.280-40.420) **Section 23** of this bill revises provisions governing the service of a notice to surrender by: (1) providing for different posting and mailing requirements; (2) eliminating the requirement that a witness be present for service if notice is served by a sheriff, constable or licensed process server; and (3) revising the contents of proof of service that must be filed with a court.

Existing law authorizes and sets forth a summary procedure for eviction of a tenant of certain types of properties who is guilty of unlawful detainer for: (1) continuing in possession of real property after the expiration of a specific term; (2) continuing in possession after expiration of a notice to surrender; (3) waste, nuisance, violation of certain lease terms and committing certain unlawful activities; and (4) failure to perform lease or agreement conditions or covenants. (NRS 40.254) **Section 20** of this bill revises this summary procedure as it relates to the contents of certain notices served upon a tenant and the commencement and conduct of court proceedings in contested cases.

Existing law provides that a tenant's neglect or failure to perform any condition or covenant of the lease or agreement under which property is held constitutes unlawful detainer and warrants the commencement of proceedings to remove the tenant. (NRS 40.2516) **Section 17** of this bill revises the types of property to which these provisions apply and specifies the regular and summary procedures, if applicable, by which a landlord may remove a tenant from the property.

Existing law describes conduct which constitutes forcible entry and forcible detainer. (NRS 40.230, 40.240) **Sections 11 and 12** of this bill revise the definitions of "forcible entry" and "forcible detainer," establish requirements relating to a notice to surrender that must be served upon a person who commits forcible entry or forcible detainer and authorize the entry of judgment for three times the amount of actual damages for such offenses under certain circumstances. **Section 2** of this bill establishes a procedure by which an owner of a dwelling that is the object of a housebreaking or unlawful occupancy may retake possession of and change the locks on the dwelling. **Section 4** of this bill establishes a procedure by which an occupant who has been locked out of a dwelling may seek to recover possession of the dwelling.

Sections 45-48 of this bill set forth the acts which constitute the criminal offenses of housebreaking, unlawful occupancy and unlawful reentry and the penalties that attach upon conviction. **Section 3** of this bill establishes a procedure by which the owner of a dwelling that was subject to forcible entry or forcible detainer may seek to recover possession of the dwelling.

Section 56 of this bill repeals a provision that authorizes treble damages in a recovery for a forcible or unlawful entry to certain types of real property.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. 1. *Except as otherwise provided in subsection 4, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, this section and sections 3 and 4 of this act, when all known unlawful or unauthorized adult occupants of a dwelling have been arrested for housebreaking or unlawful occupancy and all minor occupants are taken into the custody of the State, the owner of the dwelling may retake possession and change the locks on the dwelling.*

2. *At the time an owner of a dwelling retakes possession or changes the locks of a dwelling pursuant to subsection 1, the owner or an authorized representative of the owner shall post a written notice on the dwelling. The notice must:*

- (a) Identify the address of the dwelling;*
- (b) Identify the court that has jurisdiction over any matter relating to the dwelling;*
- (c) Identify the date on which the owner took possession of the dwelling pursuant to subsection 1 or changed the locks; and*
- (d) Advise the unlawful or unauthorized occupant that:*
 - (1) One or more locks on the dwelling have been changed as the result of an arrest for housebreaking or unlawful occupancy.*
 - (2) The unlawful or unauthorized occupant has the right to contest the matter by filing a verified complaint for reentry with the court within 21 calendar days after the date indicated in paragraph (c). The complaint must be served upon the owner of the dwelling or the authorized representative of the owner at the address provided to the court with the filing of the written notice pursuant to subsection 3.*
 - (3) Reentry of the property without a court order is a criminal offense, punishable by up to 4 years in prison.*

(4) Except as otherwise provided in this subparagraph, the owner of the dwelling shall provide safe storage of any personal property which remains on the property. The owner may dispose of any personal property which remains on the property after 21 calendar days from the date indicated in paragraph (c) unless within that time the owner receives an affidavit or notice of hearing pursuant to section 3 of this act. The unlawful or unauthorized occupant may recover his or her personal property by filing an affidavit with the court pursuant to section 3 of this act within 21 calendar days after the date indicated in paragraph (c). The owner is entitled to payment of the reasonable and actual costs of inventory, moving and storage before releasing the personal property to the occupant.

3. *The notice posted pursuant to subsection 2 must remain posted on the dwelling for not less than 21 calendar days. A copy of the notice must be filed with the court not later than 1 day after any locks are changed on the dwelling and must be accompanied by a statement which includes an address*

for service of any documents on the owner of the dwelling or an authorized representative of the owner.

4. This section does not apply if one or more unlawful or unauthorized occupants is occupying the dwelling.

5. As used in this section:

(a) "Housebreaking" has the meaning ascribed to it in section 46 of this act.

(b) "Unlawful ~~entry~~ occupancy" has the meaning ascribed to it in section ~~46~~ 47 of this act.

Sec. 3. 1. In addition to the remedy provided in NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, when a person who is guilty of forcible entry or forcible detainer fails, after the expiration of a written notice to surrender which was served pursuant to NRS 40.230 or 40.240, to surrender the real property to the owner of the real property or the occupant who is authorized by the owner to be in possession of the real property, the owner or occupant who is authorized by the owner may seek to recover possession of the real property pursuant to this section.

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall serve the notice to surrender on the unlawful or unauthorized occupant in accordance with the provisions of NRS 40.280.

3. In addition to the requirements set forth in subsection 2 of NRS 40.230 and subsection 2 of NRS 40.240, a written notice to surrender must:

(a) Identify the court that has jurisdiction over the matter.

(b) Advise the unlawful or unauthorized occupant:

(1) Of his or her right to contest the matter by filing, before the court's close of business on the fourth judicial day following service of the notice of surrender, an affidavit with the court that has jurisdiction over the matter stating the reasons why the unlawful or unauthorized occupant is not guilty of a forcible entry or forcible detainer.

(2) That if the court determines that the unlawful or unauthorized occupant is guilty of a forcible entry or forcible detainer, the court may issue a summary order for removal of the unlawful or unauthorized occupant or an order providing for the nonadmittance of the unlawful or unauthorized occupant, directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court.

(3) That, except as otherwise provided in this subparagraph, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner of the real property to be in possession of the real property shall provide safe storage of any personal property of the unlawful or unauthorized occupant which remains on the property. The owner, an authorized representative of the owner or the occupant may dispose of any personal property of the unlawful or

unauthorized occupant remaining on the real property after 14 calendar days from the execution of an order for removal of the unlawful or unauthorized occupant or the compliance of the unlawful or unauthorized occupant with the notice to surrender, whichever comes first. The unlawful or unauthorized occupant must pay the owner, authorized representative of the owner or occupant for the reasonable and actual costs of inventory, moving and storage of the personal property before the personal property will be released to the unlawful or unauthorized occupant.

4. Upon service of the written notice to surrender pursuant to subsection 3, the unlawful or unauthorized occupant shall:

(a) Before the expiration of the notice, surrender the real property to the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property, in which case an affidavit of complaint may not be filed pursuant to subsection 5 and a summary order for removal may not be issued pursuant to subsection 6;

(b) Request that the court stay the execution of a summary order for removal, stating the reasons why such a stay is warranted; or

(c) Contest the matter by filing, before the court's close of business on the fourth judicial day following service of the notice to surrender, an affidavit with the court that has jurisdiction over the matter stating the reasons that the unlawful or unauthorized occupant is not guilty of a forcible entry or forcible detainer. A file-stamped copy of the affidavit must be served by mail upon the issuer of the notice to surrender.

5. Upon expiration of the written notice to surrender, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may apply by affidavit of complaint for eviction to the justice court of the township in which the real property is located or the district court of the county in which the real property is located, whichever has jurisdiction over the matter. The affidavit of complaint for eviction must state or contain:

(a) The date on which the unlawful or unauthorized occupant forcibly entered or detained the real property or the date on which the applicant first became aware of the forcible entry or forcible detainer.

(b) A summary of the specific facts detailing how the alleged forcible entry or forcible detainer was or is being committed.

(c) A copy of the written notice to surrender that was served on the unlawful or unauthorized occupant.

(d) Proof of service of the written notice to surrender in compliance with NRS 40.280.

6. Upon the filing of the affidavit of complaint by the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to subsection 5, the justice court or the district court, as applicable, shall

determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If:

(a) The unlawful or unauthorized occupant has failed to timely file an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that sufficient evidence has been set forth in the affidavit of complaint to demonstrate that a forcible entry or forcible detainer has been committed by the unlawful or unauthorized occupant, the court must issue an order directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court.

(b) The unlawful or unauthorized occupant has timely filed an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that the affidavit fails to raise an element of a legal defense regarding the alleged forcible entry or forcible detainer, the court may rule on the matter without a hearing. If the court determines that sufficient evidence has been set forth in the affidavit of complaint to demonstrate that a forcible entry or forcible detainer has been committed by the unlawful or unauthorized occupant, the court must issue an order directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court, unless the court has stayed the execution of the order pursuant to a request pursuant to paragraph (b) of subsection 4.

(c) The unlawful or unauthorized occupant has timely filed an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that the affidavit raises an element of a legal defense regarding the alleged forcible entry or forcible detainer, the court must require the parties to appear at a hearing to determine the truthfulness and sufficiency of the evidence set forth in any affidavit. Such a hearing must be held within 7 judicial days after the filing of the affidavit of complaint.

(d) Upon review of the affidavits of any party or upon hearing, the court determines that:

(1) There is a legal defense as to the alleged forcible entry or forcible detainer, the court must refuse to grant either party any relief and, except as otherwise provided in this subsection, must require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

(2) The unlawful or unauthorized occupant gained entry or possession of the real property peaceably and as a result of an invalid lease, fraudulent act or misrepresentation by a person without the authority of the owner of the real property, the court may issue a summary order for the removal of the unlawful or unauthorized occupant but also may, within the discretion of the court, stay such order for a period sufficient to allow the unlawful or unauthorized occupant to vacate and remove his or her personal property. This period may not exceed 20 days.

7. *The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may, without incurring any civil or criminal liability, dispose of personal property abandoned on the real property by an unlawful or unauthorized occupant who is ordered removed by this section in the following manner:*

(a) *The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall reasonably provide for the safe storage of the abandoned personal property for 21 calendar days after the removal of the unlawful or unauthorized occupant or the surrender of the real property in compliance with a written notice to surrender, whichever comes first, and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the abandoned personal property to the unlawful or unauthorized occupant or his or her authorized representative rightfully claiming the property within that period. The owner or the occupant is liable to the unlawful or unauthorized occupant only for negligent or wrongful acts in storing the abandoned personal property.*

(b) *After the expiration of the 21-day period, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may dispose of the abandoned personal property and recover his or her reasonable costs out of the personal property or the value thereof.*

(c) *Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.*

(d) *Any dispute relating to the amount of the costs claimed by the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to paragraph (a) may be resolved by the court pursuant to a motion filed by the unlawful or unauthorized occupant and the payment of the appropriate fees relating to the filing and service of the motion. The motion must be filed within 14 calendar days after the removal of the unlawful or unauthorized occupant or the surrender of the real property in compliance with a written notice to surrender, whichever comes first. Upon the filing of a motion by the unlawful or unauthorized occupant pursuant to this paragraph, the court shall schedule a hearing on the motion. The hearing must be held within 10 judicial days after the filing of the motion. The court shall affix the date of the hearing to the motion and mail a copy to the owner, an authorized representative of the owner or the occupant at the address on file with the court.*

Sec. 4. 1. *If the owner of a dwelling or an authorized representative of the owner locks an occupant out of the dwelling pursuant to section 2 of this act, the occupant may recover possession of the dwelling as provided in this section.*

2. *The occupant must file with the justice court of the township in which the dwelling is located a verified complaint for reentry, specifying:*

(a) *The facts of the lockout by the owner of the dwelling or the authorized representative of the owner; and*

(b) *The legal basis upon which reentry into the dwelling is warranted.*

3. *The court shall, after notice to both parties, hold a trial on the occupant's verified complaint for reentry not later than 10 judicial days after the date on which the occupant files the verified complaint for reentry.*

4. *If the court finds that an unjustified lockout has occurred, the court must issue a writ of restitution, restoring possession of the dwelling to the occupant.*

5. *A party may appeal from the court's judgment at the trial on the verified complaint for reentry in the same manner as a party may appeal a judgment in an action for forcible detainer.*

6. *If the owner of the dwelling or the person on whom a writ of restitution is served fails to immediately comply with the writ or later disobeys the writ, the failure is grounds for contempt of court against the owner or the person on whom the writ was served, under chapter 22 of NRS.*

7. *This section does not affect:*

(a) *The right of any party to pursue a separate cause of action under this chapter or chapter 118A of NRS if the court finds that a landlord and tenant relationship exists between the parties; or*

(b) *The rights of an owner or occupant in a forcible detainer, unlawful detainer or forcible entry and detainer action.*

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 40.215 is hereby amended to read as follows:

40.215 As used in NRS 40.215 to 40.425, inclusive, **and sections 2 to 7, inclusive, of this act**, unless the context requires otherwise:

1. **"Dwelling" or "dwelling unit"** means a structure or part thereof that is occupied, or designed or intended for occupancy, as a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

2. **"Landlord's agent"** means a person who is hired or authorized by the landlord or owner of real property to manage the property or dwelling unit, to enter into a rental agreement on behalf of the landlord or owner of the property or who serves as a person within this State who is authorized to act for and on behalf of the landlord or owner for the purposes of service of process or receiving notices and demands. A landlord's agent may also include a successor landlord or a property manager as defined in NRS 645.0195.

3. **"Mobile home"** means every vehicle, including equipment, which is constructed, reconstructed or added to in such a way as to have an enclosed

room or addition occupied by one or more persons as a ~~[dwelling]~~ **residence** or sleeping place and which has no foundation other than wheels, jacks, skirting or other temporary support.

~~{2.}~~ 4. "Mobile home lot" means a portion of land within a mobile home park which is rented or held out for rent to accommodate a mobile home.

~~{3.}~~ 5. "Mobile home park" or "park" means an area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent. "Mobile home park" or "park" does not include those areas or tracts of land, whether within or outside of a park, where the lots are held out for rent on a nightly basis.

~~{4.}~~ 6. "Premises" includes a mobile home.

~~{5.}~~ 7. "Recreational vehicle" means a vehicular structure primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled or mounted upon or drawn by a motor vehicle.

~~{6.}~~ 8. "Recreational vehicle lot" means a portion of land within a recreational vehicle park, or a portion of land so designated within a mobile home park, which is rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

~~{7.}~~ 9. "Recreational vehicle park" means an area or tract of land where lots are rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

10. "Short-term tenancy" means a tenancy in which rent is reserved by a period of 1 week and the tenancy has not continued for more than 45 days.

Sec. 10. NRS 40.220 is hereby amended to read as follows:

40.220 No entry shall be made **upon or** into any ~~[lands, tenements]~~ **real property** or other possessions but in cases where entry is given by law; and in such cases, only in a peaceable manner, not with strong hand nor with multitude of people.

Sec. 11. NRS 40.230 is hereby amended to read as follows:

40.230 **1.** Every person is guilty of a forcible entry who ~~[either:~~

~~— 1. By breaking open doors, windows or other parts of a house, or by fraud, intimidation or stealth, or by]~~ **unlawfully enters any real property:**

(a) By means of physical force resulting in damage to a structure on the real property;

(b) By any kind of violence or circumstance of terror ~~[, enters upon or into any]~~;

(c) Peaceably or otherwise and:

(1) Thereafter prevents the owner of the real property ~~[,]~~ **from access or occupancy of the property by changing a lock; or**

~~{2. Who, after entering peaceably upon real property, turns]~~

(2) Turns out by force, threats of violence or menacing conduct, the ~~[party in natural]~~ **owner of the real property or an occupant who is authorized by the owner to be in possession** ~~[,]~~ **of the real property.**

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of

the real property may seek to recover possession of the property pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, after the expiration of the notice to surrender served by the owner, authorized representative of the owner or authorized occupant upon the person who committed the forcible entry. The notice must:

(a) Inform the person who committed the forcible entry that he or she is guilty of forcible entry; and

(b) Afford the person who committed the forcible entry 4 judicial days to surrender the property.

3. If an owner of real property or an authorized representative of the owner recovers damages for a forcible entry, judgment may be entered for three times the amount at which the actual damages are assessed. As used in this section, "actual damages" means damages to real property and personal property.

Sec. 12. NRS 40.240 is hereby amended to read as follows:

40.240 1. Every person is guilty of a forcible detainer who either:

~~{1. By}~~

(a) Unlawfully holds and keeps the possession of any real property by force ~~{, or by menaces}~~ or threats of violence ~~{, unlawfully holds and keeps the possession of any real property,}~~ , or whether the ~~{same}~~ possession was acquired peaceably or otherwise; or

~~{2. Who, in the nighttime, or during the absence of the occupant of}~~

(b) Enters any real property ~~{, unlawfully enters thereon,}~~ without the authority of the owner of the property, an authorized representative of the owner or an occupant who is authorized by the owner to be in possession of the real property and who, after ~~{demand made for the}~~ receiving written notice to surrender ~~{thereof, refuses for a period of 3 days}~~ pursuant to subsection 2, fails to surrender the ~~{same to such former occupant. The occupant of real property within the meaning of this subsection is one who, within 5 days preceding such unlawful entry, was in the peaceable and undisturbed possession of such lands.}~~ property.

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may seek to recover possession of the property pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, after the expiration of the notice to surrender served by the owner or authorized occupant upon the person who committed the forcible detainer. The notice must:

(a) Inform the person who committed the forcible detainer that he or she is guilty of a forcible detainer; and

(b) Afford the person who committed the forcible detainer 4 judicial days to surrender the property.

3. If an owner of real property or an authorized representative of the owner recovers damages for a forcible detainer, judgment may be entered for three times the amount at which the actual damages are assessed. As

used in this section, “actual damages” means damages to real property and personal property.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. NRS 40.2516 is hereby amended to read as follows:

40.2516 1. A tenant of real property, **a dwelling unit, a recreational vehicle** or a mobile home **other than a mobile home lot or a recreational vehicle lot** for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the **real property, dwelling unit, recreational vehicle** or mobile home is held, other than those mentioned in NRS 40.250 to ~~40.252,~~ **40.254**, inclusive, ~~and NRS 40.254,~~ and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the **real property, dwelling unit, recreational vehicle or mobile home**, served upon the tenant, and, if there is a subtenant in actual occupation of the premises ~~or property~~, also upon the subtenant, remains uncomplished with for 5 days after the service thereof. Within ~~3~~ 5 days after the service, the tenant, or any subtenant in actual occupation of the premises ~~or property~~, or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.

2. **If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.**

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 40.254 is hereby amended to read as follows:

40.254 1. Except as otherwise provided by specific statute, in addition to the remedy provided in ~~NRS 40.251 and in~~ NRS 40.290 to 40.420, inclusive, **and sections 2, 3 and 4 of this act** when the tenant of a dwelling unit, ~~which is subject to the provisions of chapter 118A of NRS,~~ part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer ~~or pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord is entitled to~~ **or the landlord's agent may utilize** the summary procedures **for eviction as** provided in NRS 40.253 except that ~~it~~:

~~1. Written~~ **written** notice to surrender the premises must:

- (a) Be given to the tenant in accordance with the provisions of NRS 40.280;
- (b) Advise the tenant of the court that has jurisdiction over the matter; and

(c) Advise the tenant of the tenant's right to ~~contest~~:

(1) Contest the notice by filing ~~within 5 days~~ **before the court's close of business on the fifth judicial day after the day of service of the notice** an affidavit with the court that has jurisdiction over the matter ~~that~~ **stating the reasons why** the tenant is not guilty of an unlawful detainer ~~;~~
~~—2.;~~ **or**

(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must **state or** contain:

(a) The date when the tenancy commenced, the term of the tenancy ~~;~~ and, if any, a copy of the rental agreement ~~.~~

~~(b) The~~ **If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.**

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when **written notice to surrender was given to** the tenant ~~became subject~~ **pursuant** to the provisions of NRS 40.251 ~~to~~, **40.2514 or 40.2516, inclusive,** together with any ~~supporting~~ facts ~~.~~

~~(d) The date when the~~ **supporting the notice.**

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with ~~NRS 40.280.~~ **NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.**

(e) A statement that the claim for relief was authorized by law.

3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Sec. 21. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2 and 7, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to ~~quit~~ **surrender** has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive ~~;~~, **and sections 2, 3 and 4 of this act:**

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed

by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, **and sections 2, 3 and 4 of this act** after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

3. During the notice period described in subsection 2:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

4. The notice described in subsection 2 must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 2; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings ~~it~~, **including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.**

5. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a

record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 2.

6. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 2 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 2.

7. This section does not apply to the tenant of a mobile home lot in a mobile home park.

8. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 22. NRS 40.260 is hereby amended to read as follows:

40.260 In all cases of tenancy upon agricultural land where the tenant has held over and retained possession for more than 60 days after the expiration of the tenant's term, without any demand of possession or notice to ~~quit~~ **surrender** by the landlord, or the successor in estate of the landlord, if any there be, the tenant shall be deemed to be holding by permission of the landlord, or the successor in the estate of the landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during the year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of the tenant to hold for another year.

Sec. 23. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253, the notices required by NRS 40.251 to 40.260, inclusive, ~~may~~ **must** be served:

(a) By delivering a copy to the tenant personally, in the presence of a witness. ~~It~~ **If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.**

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business. ~~It~~

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230 and 40.240 and section 3 of this act must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

~~{3. Before an}~~

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:

(a) An order ~~to remove~~ for removal of a tenant is issued ~~pursuant to subsection 5 of NRS 40.253, a landlord shall file with the court a proof of service of any notice required by that section. Before a person may be removed as prescribed in NRS 40.290 to 40.420, inclusive, a landlord shall file with the court proof of service of any notice required pursuant to NRS 40.255. Except as otherwise provided in subsection 4, this proof~~ pursuant to NRS 40.253 or 40.254;

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to section 3 of this act; or

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

5. Proof of service of an order or writ filed pursuant to subsection 4 must consist of:

(a) ~~[A statement.]~~ Except as otherwise provided in paragraphs (b) and (c):

(1) If the notice was served pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a

witness, *signed under penalty of perjury by the server*, acknowledging that the tenant *or occupant* received the notice on a specified date . ~~¶~~

~~—(b) A~~

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1 or paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service ~~¶~~ or confirmation of actual delivery by a private postal service.

~~{(e) The endorsement of}~~

(b) If the notice was served by a sheriff, a constable or ~~other~~ a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the ~~time~~ date and manner of service.

~~{4.—If}~~ *The statement must also include the number of the badge or license of the person who served the notice.*

(c) For a short-term tenancy, if service of the notice was not delivered in person ~~to a tenant whose rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, proof of service must include:~~

~~—(a) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~—(b) The endorsement of a~~ :

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

~~{(1)}~~ *(I) Time and date the request for service was made by the landlord or the landlord's agent;*

~~{(2)}~~ *(II) Time, date and manner of the service; and*

~~{(3) Fees paid for the service.}~~

(III) Fees paid for the service.

Sec. 24. NRS 40.330 is hereby amended to read as follows:

40.330 When, upon the trial of any proceeding under NRS 40.220 to 40.420, inclusive, *and sections 2 to 7, inclusive, of this act*, it appears from the evidence that the defendant has been guilty of either a forcible entry or forcible or unlawful detainer, and other than the offense charged in the complaint, the judge must order that such complaint be forthwith amended to conform to such proofs. Such amendment must be without any imposition of terms. No continuance must be permitted upon account of such amendment, unless the defendant, by affidavit filed, shows to the satisfaction of the court good cause therefor.

Sec. 25. NRS 40.340 is hereby amended to read as follows:

40.340 The court or justice of the peace may for good cause shown adjourn the trial of any cause under NRS 40.220 to 40.420, inclusive, *and sections 2*

to 7, inclusive, of this act not exceeding 5 days; and when the defendant, or the defendant's agent or attorney, shall make oath that the defendant cannot safely proceed to trial for want of some material witness, naming that witness, stating the evidence that the defendant expects to obtain, showing that the defendant has used due diligence to obtain such witness and believes that if an adjournment be allowed the defendant will be able to procure the attendance of such witness, or the witness's deposition, in time to produce the same upon the trial, in which case, if such person or persons will give bond, with one or more sufficient sureties, conditioned to pay the ~~complainant~~ **plaintiff** for all rent that may accrue during the pending of such suit, and all costs and damages consequent upon such adjournment, the court or justice of the peace shall adjourn the cause for such reasonable time as may appear necessary, not exceeding 30 days.

Sec. 26. NRS 40.350 is hereby amended to read as follows:

40.350 If the ~~complainant~~ **plaintiff** admit that the evidence stated in the affidavit mentioned in NRS 40.340 would be given by such witness, and agree that it be considered as actually given on the trial, or offered and overruled as improper, the trial shall not be adjourned.

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 40.390 is hereby amended to read as follows:

40.390 In all cases of appeal under NRS 40.220 to 40.420, inclusive, **and sections 2 to 7, inclusive, of this act**, the appellate court shall not dismiss or quash the proceedings for want of form, provided the proceedings have been conducted substantially according to the provisions of NRS 40.220 to 40.420, inclusive; **and sections 2 to 7, inclusive, of this act**, and amendments to the complaint, answer or summons, in matters of form only, may be allowed by the court at any time before final judgment upon such terms as may be just; and all matters of excuse, justification or avoidance of the allegations in the complaint may be given in evidence under the answer.

Sec. 29. NRS 40.400 is hereby amended to read as follows:

40.400 The provisions of NRS, Nevada Rules of Civil Procedure , **Justice Court Rules of Civil Procedure** and Nevada Rules of Appellate Procedure relative to civil actions, appeals and new trials, so far as they are not inconsistent with the provisions of NRS 40.220 to 40.420, inclusive, **and sections 2 to 7, inclusive, of this act**, apply to the proceedings mentioned in those sections.

Sec. 30. NRS 4.060 is hereby amended to read as follows:

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

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

If the sum claimed does not exceed \$2,500	\$50.00
If the sum claimed exceeds \$2,500 but does not exceed \$5,000.....	100.00
If the sum claimed exceeds \$5,000 but does not exceed \$10,000.....	175.00
In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, ~~and sections 2, 3 and 4 of this act~~ in which a notice to ~~quit~~ surrender has been served pursuant to NRS 40.255.....	\$225.00
In all other civil actions	50.00

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

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

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

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

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

(e) For the filing of any paper in intervention

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

(g) For the issuance of any writ of restitution

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

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

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

- (k) For celebrating a marriage and returning the certificate to the county recorder or county clerk \$75.00
- (l) For entering judgment by confession \$50.00
- (m) For preparing any copy of any record, proceeding or paper, for each page..... \$.50
- (n) For each certificate of the clerk, under the seal of the court..... \$3.00
- (o) For searching records or files in his or her office, for each year \$1.00
- (p) For filing and acting upon each bail or property bond \$50.00

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

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

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

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

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

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

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

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

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

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

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of

an existing facility for a justice court or a multi-use facility that includes a justice court;

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

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

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

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

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

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

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

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

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

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

Sec. 31. NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:

(a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 or more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.

(c) In case of real property, by:

(1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS, upon the State Board of Health;

(2) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale of property on execution upon a judgment for any sum less than \$500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse;

(4) Recording a copy of the notice in the office of the county recorder; and

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of NRS 21.140, the notice must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

2. If the sale of property is a residential foreclosure, the notice must include, without limitation:

(a) The physical address of the property; and

(b) The contact information of the party who is authorized to provide information relating to the foreclosure status of the property.

3. If the sale of property is a residential foreclosure, a separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes, eviction proceedings may begin against you after you have been given a notice to ~~quit~~ **surrender**.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness ~~to~~ **, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;**

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business ~~to~~ **and to the place where the leased property is situated, if different;** or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property ~~to, delivering a copy to a person residing there, if a person can be found,~~ **and mailing a copy to you at the place where the leased property is ~~to~~ situated.**

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor's property to the judgment creditor if the judgment debtor or any other person entitled to notice has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 32. NRS 107.087 is hereby amended to read as follows:

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than:

(1) For a notice of default and election to sell, 100 days before the date of sale; or

(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than 15 days before the date of sale. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to ~~quit~~ **surrender**.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness ~~to~~ **, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;**

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business ~~to~~ **and to the place where the leased property is situated, if different;** or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property ~~to~~ **and mailing a copy to you at the place where the leased property is situated.**

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS or any constable or sheriff of the county in which the property is located.

5. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.080.

Sec. 33. NRS 116.4112 is hereby amended to read as follows:

116.4112 1. A declarant of a common-interest community containing converted buildings, and any dealer who intends to offer units in such a common-interest community, shall give each of the residential tenants and any residential subtenant in possession of a portion of a converted building notice of the conversion and provide those persons with the public offering statement no later than 120 days before the tenants and any subtenant in possession are required to vacate. The notice must set forth generally the rights of tenants and subtenants under this section and must be hand-delivered to the unit or mailed by prepaid United States mail to the tenant and subtenant at the address of the unit or any other mailing address provided by a tenant. No tenant or subtenant may be required to vacate upon less than 120 days' notice, except by reason of nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy may not be altered during that period. Failure to give notice as required by this section is a defense to an action for possession. If, during the 6-month period before the recording of a declaration, a majority of the tenants or any subtenants in possession of any portion of the property described in such declaration has been required to vacate for reasons other than nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, a rebuttable presumption is created that the owner of such property intended to offer the vacated premises as units in a common-interest community at all times during that 6-month period.

2. For 60 days after delivery or mailing of the notice described in subsection 1, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that 60-day period, the offeror may not offer to dispose of an interest in that unit during the following 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant. This subsection does not apply to any unit in a converted building if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

3. If a seller, in violation of subsection 2, conveys a unit to a purchaser for value who has no knowledge of the violation, the recordation of the deed

conveying the unit or, in a cooperative, the conveyance of the unit, extinguishes any right a tenant may have under subsection 2 to purchase that unit if the deed states that the seller has complied with subsection 2, but the conveyance does not affect the right of a tenant to recover damages from the seller for a violation of subsection 2.

4. If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of NRS 40.251 and 40.280, the notice also constitutes a notice to ~~vacate~~ **surrender** specified by those sections.

5. This section does not permit termination of a lease by a declarant in violation of its terms.

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 118A.180 is hereby amended to read as follows:

118A.180 1. Except as otherwise provided in subsection 2, this chapter applies to, regulates and determines rights, obligations and remedies under a rental agreement, wherever made, for a dwelling unit or premises located within this State.

2. This chapter does not apply to:

(a) A rental agreement subject to the provisions of chapter 118B of NRS;
(b) Low-rent housing programs operated by public housing authorities and established pursuant to the United States Housing Act of 1937, 42 U.S.C. §§ 1437 et seq.;

(c) Residence in an institution, public or private, incident to detention or the provision of medical, geriatric, educational, counseling, religious or similar service;

(d) Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or his or her successor in interest;

(e) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

(f) Occupancy in a hotel or motel for less than 30 consecutive days unless the occupant clearly manifests an intent to remain for a longer continuous period;

(g) Occupancy by an employee of a landlord whose right to occupancy is solely conditional upon employment in or about the premises;

(h) Occupancy by an owner of a condominium unit or by a holder of a proprietary lease in a cooperative apartment; ~~for~~

(i) Occupancy under a rental agreement covering premises used by the occupant primarily for agricultural purposes ~~for~~; **or**

(j) Occupancy by a person who is guilty of a forcible entry, as defined in NRS 40.230, or a forcible detainer, as defined in NRS 40.240.

Sec. 36. (Deleted by amendment.)

Sec. 37. NRS 118B.086 is hereby amended to read as follows:

118B.086 1. Each manager and assistant manager of a manufactured home park which has 2 or more lots shall complete annually 6 hours of

continuing education relating to the management of a manufactured home park.

2. The Administrator shall adopt regulations specifying the areas of instruction for the continuing education required by subsection 1.

3. The instruction must include, but is not limited to, information relating to:

- (a) The provisions of chapter 118B of NRS;
- (b) Leases and rental agreements;
- (c) Unlawful detainer and eviction as set forth in NRS 40.215 to 40.425, inclusive ~~4 to 7~~, **and sections 2 to 7, inclusive, of this act;**
- (d) The resolution of complaints and disputes concerning landlords and tenants of manufactured home parks; and
- (e) The adoption and enforcement of the rules and regulations of a manufactured home park.

4. Each course of instruction and the instructor of the course must be approved by the Administrator. The Administrator shall adopt regulations setting forth the procedure for applying for approval of an instructor and course of instruction. The Administrator may require submission of such reasonable information by an applicant as the Administrator deems necessary to determine the suitability of the instructor and the course. The Administrator shall not approve a course if the fee charged for the course is not reasonable. Upon approval, the Administrator shall designate the number of hours of credit allowable for the course.

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. NRS 118B.190 is hereby amended to read as follows:

118B.190 1. A written agreement between a landlord and tenant for the rental or lease of a manufactured home lot in a manufactured home park in this State, or for the rental or lease of a lot for a recreational vehicle in an area of a manufactured home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection ~~46~~ 8 of NRS 40.215, must not be terminated by the landlord except upon notice in writing to the tenant served in the manner provided in NRS 40.280:

(a) Except as otherwise provided in paragraph (b), 5 days in advance if the termination is because the conduct of the tenant constitutes a nuisance as defined in NRS 40.140 or violates a state law or local ordinance.

(b) Three days in advance upon the issuance of temporary writ of restitution pursuant to NRS 40.300 on the grounds that a nuisance as defined in NRS 40.140 has occurred in the park by the act of a tenant or any guest, visitor or other member of a tenant's household consisting of any of the following specific activities:

- (1) Discharge of a weapon.
- (2) Prostitution.
- (3) Illegal drug manufacture or use.
- (4) Child molestation or abuse.

(5) Property damage as a result of vandalism.

(6) Operating a vehicle while under the influence of alcohol or any other controlled substance.

(7) Elder molestation or abuse.

(c) Except as otherwise provided in subsection 6, 10 days in advance if the termination is because of failure of the tenant to pay rent, utility charges or reasonable service fees.

(d) One hundred eighty days in advance if the termination is because of a change in the use of the land by the landlord pursuant to NRS 118B.180.

(e) Forty-five days in advance if the termination is for any other reason.

2. The landlord shall specify in the notice the reason for the termination of the agreement. The reason relied upon for the termination must be set forth with specific facts so that the date, place and circumstances concerning the reason for the termination can be determined. The termination must be in accordance with the provisions of NRS 118B.200 and reference alone to a provision of that section does not constitute sufficient specificity pursuant to this subsection.

3. The service of such a notice does not enhance the landlord's right, if any, to enter the tenant's manufactured home. Except in an emergency, the landlord shall not enter the manufactured home of the tenant served with such a notice without the tenant's permission or a court order allowing the entry.

4. If a tenant remains in possession of the manufactured home lot after expiration of the term of the rental agreement, the tenancy is from week to week in the case of a tenant who pays weekly rent, and in all other cases the tenancy is from month to month. The tenant's continued occupancy is on the same terms and conditions as were contained in the rental agreement unless specifically agreed otherwise in writing.

5. The landlord and tenant may agree to a specific date for termination of the agreement. If any provision of this chapter specifies a period of notice which is longer than the period of a particular tenancy, the required length of the period of notice is controlling.

6. Notwithstanding any provision of NRS 40.215 to 40.425, inclusive, **and sections 2 to 7, inclusive, of this act**, if a tenant who is not a natural person has received three notices for nonpayment of rent in accordance with subsection 1, the landlord is not required to give the tenant a further 10-day notice in advance of termination if the termination is because of failure to pay rent, utility charges or reasonable service fees.

Sec. 41. NRS 118B.200 is hereby amended to read as follows:

118B.200 1. Notwithstanding the expiration of a period of a tenancy or service of a notice pursuant to subsection 1 of NRS 118B.190, the rental agreement described in NRS 118B.190 may not be terminated except on one or more of the following grounds:

(a) Failure of the tenant to pay rent, utility charges or reasonable service fees within 10 days after written notice of delinquency served upon the tenant in the manner provided in NRS 40.280;

(b) Failure of the tenant to correct any noncompliance with a law, ordinance or governmental regulation pertaining to manufactured homes or recreational vehicles or a valid rule or regulation established pursuant to NRS 118B.100 or to cure any violation of the rental agreement within a reasonable time after receiving written notification of noncompliance or violation;

(c) Conduct of the tenant in the manufactured home park which constitutes an annoyance to other tenants;

(d) Violation of valid rules of conduct, occupancy or use of park facilities after written notice of the violation is served upon the tenant in the manner provided in NRS 40.280;

(e) A change in the use of the land by the landlord pursuant to NRS 118B.180;

(f) Conduct of the tenant which constitutes a nuisance as defined in NRS 40.140 or which violates a state law or local ordinance, specifically including, without limitation:

- (1) Discharge of a weapon;
- (2) Prostitution;
- (3) Illegal drug manufacture or use;
- (4) Child molestation or abuse;
- (5) Elder molestation or abuse;
- (6) Property damage as a result of vandalism; and
- (7) Operating a motor vehicle while under the influence of alcohol or any other controlled substance; or

(g) In a manufactured home park that is owned by a nonprofit organization or housing authority, failure of the tenant to meet qualifications relating to age or income which:

- (1) Are set forth in the lease signed by the tenant; and
- (2) Comply with federal, state and local law.

2. A tenant who is not a natural person and who has received three or more 10-day notices to ~~quit~~ **surrender** for failure to pay rent in the preceding 12-month period may have his or her tenancy terminated by the landlord for habitual failure to pay timely rent.

Sec. 42. (Deleted by amendment.)

Sec. 43. NRS 203.110 is hereby amended to read as follows:

203.110 ***Except as otherwise provided in sections 46 and 47 of this act:***

1. Every person who shall unlawfully use, or encourage or assist another in unlawfully using, any force or violence in entering upon or detaining any lands or other possessions of another; and ~~every~~

2. **Every** person who, having removed or been removed ~~therefrom~~ **from any lands or possessions of another** pursuant to the order or direction of any court, tribunal or officer, shall afterward unlawfully return to settle or reside upon, or take possession of, such lands or possessions,

↪ shall be guilty of a misdemeanor.

Sec. 44. Chapter 205 of NRS is hereby amended by adding thereto the provisions set forth as sections 45 to 48, inclusive, of this act.

Sec. 45. *As used in sections 45 to 48, inclusive, of this act, “dwelling” means a structure or part thereof that is designed or intended for occupancy as a residence or sleeping place.*

Sec. 46. 1. *A person who forcibly enters an uninhabited or vacant dwelling, knows or has reason to believe that such entry is without permission of the owner of the dwelling or an authorized representative of the owner and has the intent to take up residence or provide a residency to another therein is guilty of housebreaking.*

2. *A person convicted of housebreaking is guilty of:*

(a) *For a first offense, a gross misdemeanor; and*

(b) *For a second and any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.*

3. *A person convicted of housebreaking and who has previously been convicted three or more times of housebreaking must not be released on probation or granted a suspension of sentence.*

4. *As used in this section, “forcibly enters” means an entry involving:*

(a) *Any act of physical force resulting in damage to the structure; or*

(b) *The changing or manipulation of a lock to gain access.*

Sec. 47. 1. *A person who takes up residence in an uninhabited or vacant dwelling and knows or has reason to believe that such residency is without permission of the owner of the dwelling or an authorized representative of the owner is guilty of unlawful occupancy.*

2. *A person convicted of unlawful occupancy is guilty of a gross misdemeanor. A person convicted of unlawful occupancy and who has been convicted three or more times of unlawful occupancy is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

3. *A person who is accused of unlawful occupancy pursuant to subsection 1 and has previously been convicted two times of housebreaking, unlawful occupancy or any lesser included or related offense, or any combination thereof, arising from the same set of facts is presumed to have obtained residency of the dwelling with the knowledge that:*

(a) *Any asserted lease is invalid; and*

(b) *Neither the owner nor an authorized representative of the owner permitted the residency.*

Sec. 48. 1. *A person is guilty of unlawful reentry if:*

(a) *An owner of real property has recovered possession of the property from the person pursuant to section 2 or 3 of this act; and*

(b) *Without the authority of the court or permission of the owner, the person reenters the property.*

2. *A person convicted of unlawful reentry is guilty of a gross misdemeanor.*

Sec. 49. (Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. NRS 315.041 is hereby amended to read as follows:

315.041 1. Except as otherwise required by federal law or regulation, or as a condition to the receipt of federal money, a housing authority or a landlord shall, immediately upon learning of facts indicating that a tenant is required pursuant to NRS 315.031 to vacate public housing, serve upon the tenant a written notice which:

(a) States that the tenancy is terminated at noon of the fifth full day following the day of service, and that the tenant must surrender the premises at or before that time;

(b) Sets forth the facts upon which the tenant is required to vacate the premises pursuant to NRS 315.031;

(c) Advises the tenant of the tenant's right to contest the matter by filing, within 5 days, an affidavit with the justice of the peace denying the occurrence of the conditions set forth in NRS 315.031; and

(d) Contains any other matter required by federal law or regulation regarding the eviction of the tenant from those premises, or as a condition to the receipt of federal money.

➡ If the tenant timely files the affidavit and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord shall not refuse the tenant, or any person who resides with the tenant, access to the premises.

2. Upon noncompliance with the notice:

(a) The housing authority or the landlord shall apply by affidavit to the justice of the peace of the township where the premises are located. If it appears to the justice of the peace that the conditions set forth in NRS 315.031 have occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue an order directing the sheriff or constable of the county to remove the tenant and any other person on the premises within 24 hours after receipt of the order. The affidavit required by this paragraph must contain:

(1) The date when, and the facts upon which, the tenant became required to vacate the premises.

(2) The date when the written notice was given, a copy of the notice and a statement that the notice was served as provided in NRS 315.051.

(b) Except when the tenant has timely filed the affidavit described in subsection 1 and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord may, in a peaceable manner, refuse the tenant, and any person who resides with the tenant, access to the premises.

3. Upon the filing by the tenant of the affidavit authorized by subsection 1 and the filing by the housing authority or the landlord of the affidavit required by subsection 2, the justice of the peace shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the justice of the peace determines that the conditions set forth in NRS 315.031 have

occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue a summary order for removal of the tenant and any other person on the premises, or an order refusing the tenant, and any person who resides with the tenant, admittance to the premises. If the justice of the peace determines that the conditions set forth in NRS 315.031 have not occurred and that the tenant is not required by that section to vacate the premises, the justice of the peace shall refuse to grant any relief.

4. The provisions of NRS 40.215 to 40.425, inclusive, **and sections 2 to 7, inclusive, of this act** do not apply to any proceeding brought pursuant to the provisions of NRS 315.011 to 315.071, inclusive.

Sec. 54. NRS 326.070 is hereby amended to read as follows:

326.070 1. All lands in this state shall be deemed and regarded as public lands until the legal title is known to have passed from the government to private persons.

2. Every person who shall have complied with the provisions of NRS 326.010 to 326.070, inclusive, shall be deemed and held to have the right or title of possession of all the lands embraced within the survey, not to exceed 160 acres; and any person who shall thereafter, without the consent of the person so complying, enter into or upon such lands adversely, shall be deemed and held guilty of an unlawful and fraudulent entry thereon, and may be removed therefrom by proceedings had before any justice of the peace of the township in which the lands are situated. Such proceedings may be commenced and prosecuted under the provisions of NRS 40.220 to 40.420, inclusive, **and sections 2 to 7, inclusive, of this act** and all the provisions contained in those sections are made applicable to proceedings under NRS 326.010 to 326.070, inclusive.

Sec. 55. (Deleted by amendment.)

Sec. 56. NRS 40.170 is hereby repealed.

TEXT OF REPEALED SECTION

40.170 Damages in actions for forcible or unlawful entry may be trebled.

1. If a person recovers damages for a forcible or unlawful entry in or upon, or detention of, any building or any uncultivated or cultivated real property, judgment may be entered for three times the amount at which the actual damages are assessed.

2. As used in this section, “actual damages” means damages to real property and personal property.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 712 to Assembly Bill No. 386.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 70.

The following Senate amendment was read:

Amendment No. 863.

SUMMARY—Provides for the administration and enforcement of ~~taxes on~~ **various provisions relating to** medical marijuana. (BDR 32-322)

AN ACT relating to ~~taxation;~~ **medical marijuana;** providing for the administration and enforcement of taxes on the sale of marijuana, edible marijuana products and marijuana-infused products by medical marijuana establishments; eliminating certain duties of the Department of Taxation relating to the rates of such taxes; **providing for the collection of a fee by an agency of a local government from a medical marijuana establishment for certain costs of the agency; authorizing an independent contractor to provide labor to a medical marijuana establishment in certain circumstances;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes taxes on: (1) the sale of controlled substances, which are defined to exclude marijuana, edible marijuana products and marijuana-infused products; and (2) the wholesale and retail sales of marijuana, edible marijuana products and marijuana-infused products by medical marijuana establishments. (NRS 372A.070, 372A.075) **Sections 4-21** of this bill generally provide for the administration and enforcement of the taxes imposed on sales by medical marijuana establishments. **Section 10** adopts by reference provisions of general applicability relating to the payment, collection, administration and enforcement of taxes. **Sections 11 and 12** require that a taxpayer maintain certain records and provide for the inspection of those records by the Department of Taxation or its authorized representative. **Sections 1 and 2** of this bill and **sections 13-15** adopt provisions governing penalties for failure to pay, claims for refunds and credits, and the payment of interest on any overpayment of the tax on medical marijuana. **Section 16** sets forth the procedure by which the denial of a claim for a refund or credit may be appealed to the Nevada Tax Commission and provides that the Commission's final decision on an appeal is a final decision for the purposes of judicial review pursuant to the Nevada Administrative Procedure Act. **Section 17** denies standing to commence or maintain a proceeding for judicial review to anyone other than the person who made the disputed payment. If judgment is rendered for the claimant in such a proceeding, **section 18** provides for the allowance and computation of interest on the amount found to have been erroneously or illegally collected. **Section 19** prohibits proceedings to prevent or enjoin the collection of the tax and requires that a timely claim for a refund or credit be made as a prerequisite to any proceeding for the recovery of a refund. **Section 20** makes it a gross misdemeanor for any person to file a false or fraudulent return or engage in other conduct with intent to defraud the State or evade payment of the tax. **Section 21** provides that the remedies of the State relating to the administration of the tax are cumulative,

meaning that the pursuit of one remedy by the Department or the Attorney General does not preclude the pursuit of any other authorized remedy.

Under existing law, the Department is required regularly to review the rates of the taxes imposed on sales by medical marijuana establishments and make recommendations to the Legislature regarding adjustments of those rates. (NRS 372A.075) **Section 23** of this bill eliminates that requirement. With that exception, **sections 22-28** of this bill reflect a reorganization of the provisions of chapter 372A of NRS, but make no substantive changes.

Under existing law, an applicant for the issuance or renewal of a medical marijuana establishment registration certificate must submit proof that it has complied with the zoning restrictions and applicable building requirements of the local governmental authority for the place it will be located. (NRS 453A.322) Additionally, in a local governmental jurisdiction that issues business licenses, the issuance of a medical marijuana establishment registration certificate is provisional until the establishment complies with all applicable local governmental ordinances or rules and receives a business license. (NRS 453A.326) Section 29 of this bill requires an agency of a local government that performs inspections, reviews or other tasks related to ensuring that a medical marijuana establishment complies with all applicable local governmental ordinances or rules to maintain records of: (1) the hours its employees spend on these inspections, reviews and tasks; (2) the rate of pay of such employees; and (3) the share of any costs for equipment for the agency attributable to the establishment. Section 29 requires the agency to provide these records to the establishment within 30 days after performing such inspections, reviews or tasks and requires the establishment to pay a fee to the agency equal to the actual costs of the agency to perform the inspections, reviews and tasks. Section 29 requires that the proceeds of such a fee be expended only to pay the costs to perform such inspections, reviews and tasks and prohibits the proceeds from supplanting other support for the agency.

Under existing law, a person must register with the Division of Public and Behavioral Health of the Department of Health and Human Services as a medical marijuana establishment agent before volunteering or working at a medical marijuana establishment. (NRS 453A.332) Sections 30, 31 and 33 of this bill allow an independent contractor and its employees to register as medical marijuana establishment agents and provide labor to a medical marijuana establishment.

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

Section 1. NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A or 377C of

NRS, **any of the taxes provided for in NRS 372A.075**, any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 2. NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 377C, 444A or 585 of NRS, **any of the taxes provided for in NRS 372A.075**, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 3. Chapter 372A of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 21, inclusive, of this act.

Sec. 4. *As used in NRS 372A.075 and sections 4 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5. *“Cultivation facility” has the meaning ascribed to it in NRS 453A.056.*

Sec. 6. *“Excise tax on medical marijuana” means any of the excise taxes imposed by NRS 372A.075.*

Sec. 7. *“Facility for the production of edible marijuana products or marijuana-infused products” has the meaning ascribed to it in NRS 453A.105.*

Sec. 8. *“Medical marijuana dispensary” has the meaning ascribed to it in NRS 453A.115.*

Sec. 9. *“Taxpayer” means a:*

1. *Cultivation facility;*
2. *Facility for the production of edible marijuana products or marijuana-infused products; or*
3. *Medical marijuana dispensary.*

Sec. 10. *The provisions of chapter 360 of NRS relating to the payment, collection, administration and enforcement of taxes, including, without limitation, any provisions relating to the imposition of penalties and interest, shall be deemed to apply to the payment, collection, administration and enforcement of the excise tax on medical marijuana to the extent that those provisions do not conflict with the provisions of NRS 372A.075 and sections 4 to 21, inclusive, of this act.*

Sec. 11. 1. *Each person responsible for maintaining the records of a taxpayer shall:*

(a) *Keep such records as may be necessary to determine the amount of the liability of the taxpayer pursuant to the provisions of NRS 372A.075 and sections 4 to 21, inclusive, of this act;*

(b) *Preserve those records for 4 years or until any litigation or prosecution pursuant to NRS 372A.075 and sections 4 to 21, inclusive, of this act is finally determined, whichever is longer; and*

(c) *Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.*

2. *Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.*

Sec. 12. 1. *To verify the accuracy of any return filed by a taxpayer or, if no return is filed, to determine the amount required to be paid, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the excise tax on medical marijuana.*

2. *Any person who may be liable for the excise tax on medical marijuana and who keeps outside of this State any books, papers and records relating thereto shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to examine those documents.*

Sec. 13. *If the Department determines that the excise tax on medical marijuana or any penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved*

by the State Board of Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person or his or her successors in interest.

Sec. 14. 1. Except as otherwise provided in NRS 360.235 and 360.395:

(a) No refund of the excise tax on medical marijuana may be allowed unless a claim for refund is filed with the Department within 3 years after the last day of the month following the month for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. The failure to file a claim within the time prescribed in subsection 1 constitutes a waiver of any demand against the State on account of any overpayment.

Sec. 15. 1. Except as otherwise provided in subsection 2, NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of the excise tax on medical marijuana at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.

2. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.

Sec. 16. 1. Within 30 days after rejecting a claim for refund or credit in whole or in part, the Department shall serve written notice of its action on the claimant in the manner prescribed for service of a notice of deficiency determination. Within 30 days after the date of service of the notice, a claimant who is aggrieved by the action of the Department may file an appeal with the Nevada Tax Commission.

2. If the Department fails to serve notice of its action on a claim for refund or credit within 6 months after the claim is filed, the claimant may consider the claim to be disallowed and file an appeal with the Nevada Tax Commission within 30 days after the last day of the 6-month period.

3. The final decision of the Nevada Tax Commission on an appeal is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

Sec. 17. 1. A proceeding for judicial review of a decision of the Nevada Tax Commission may not be commenced or maintained by an assignee of the claimant or by any other person other than the person who paid the amount at issue in the claim.

2. The failure of a claimant to file a timely petition for judicial review constitutes a waiver of any demand against the State on account of any overpayment.

Sec. 18. 1. If judgment is rendered for the claimant in a proceeding for judicial review, any amount found by the court to have been erroneously or illegally collected must first be credited to any tax due from the claimant. The balance of the amount must be refunded to the claimant.

2. In any such judgment, interest must be allowed at the rate of 3 percent per annum upon any amount found to have been erroneously or illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.

Sec. 19. 1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection of the excise tax on medical marijuana or any amount of tax, penalty or interest required to be collected.

2. No suit or proceeding, including, without limitation, a proceeding for judicial review, may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed within the time prescribed in section 14 of this act.

Sec. 20. 1. A person shall not, with intent to defraud the State or evade payment of the excise tax on medical marijuana or any part of the tax:

(a) Make, cause to be made or permit to be made any false or fraudulent return or declaration or false statement in any return or declaration.

(b) Make, cause to be made or permit to be made any false entry in books, records or accounts.

(c) Keep, cause to be kept or permit to be kept more than one set of books, records or accounts.

2. Any person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.

Sec. 21. The remedies of the State provided for in NRS 372A.075 and sections 4 to 21, inclusive, of this act are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in those sections.

Sec. 22. NRS 372A.060 is hereby amended to read as follows:

372A.060 1. ~~[This chapter does]~~ The provisions of this section, NRS 372A.070 and 372A.080 to 372A.130, inclusive, do not apply to:

(a) Any person who is registered or exempt from registration pursuant to NRS 453.226 or any other person who is lawfully in possession of a controlled substance; or

(b) ~~[Except as otherwise provided in NRS 372A.075, any]~~ Any person who acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana for the medical use of marijuana as authorized pursuant to chapter 453A of NRS.

2. Compliance with ***the provisions of*** this ~~{chapter}~~ ***section, NRS 372A.070 and 372A.080 to 372A.130, inclusive,*** does not immunize a person from criminal prosecution for the violation of any other provision of law.

Sec. 23. NRS 372A.075 is hereby amended to read as follows:

372A.075 1. An excise tax is hereby imposed on each wholesale sale in this State of marijuana by a cultivation facility to another medical marijuana establishment at the rate of 2 percent of the sales price of the marijuana. The excise tax imposed pursuant to this subsection is the obligation of the cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of edible marijuana products or marijuana-infused products by a facility for the production of edible marijuana products or marijuana-infused products to another medical marijuana establishment at the rate of 2 percent of the sales price of those products. The excise tax imposed pursuant to this subsection is the obligation of the facility for the production of edible marijuana products or marijuana-infused products which sells the edible marijuana products or marijuana-infused products to the other medical marijuana establishment.

3. An excise tax is hereby imposed on each retail sale in this State of marijuana, edible marijuana products or marijuana-infused products by a medical marijuana dispensary at the rate of 2 percent of the sales price of the marijuana, edible marijuana products or marijuana-infused products. The excise tax imposed pursuant to this subsection:

- (a) Is the obligation of the medical marijuana dispensary.
- (b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.
- (c) Must be considered part of the total retail price to which general state and local sales and use taxes apply.

4. The revenues collected from the excise taxes imposed pursuant to subsections 1, 2 and 3 must be distributed as follows:

(a) Seventy-five percent must be paid over as collected to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

(b) Twenty-five percent must be expended to pay the costs of the Division of Public and Behavioral Health of the Department of Health and Human Services in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive.

5. ~~{The Department shall review regularly the rates of the excise taxes imposed pursuant to subsections 1, 2 and 3 and make recommendations to the Legislature, as appropriate, regarding adjustments that the Department determines would benefit the residents of this State.~~

~~6.}~~ As used in this section:

- (a) ~~{“Cultivation facility” has the meaning ascribed to it in NRS 453A.056.~~
- ~~(b)} “Edible marijuana products” has the meaning ascribed to it in NRS 453A.101.~~

~~[(c) “Facility for the production of edible marijuana products or marijuana-infused products” has the meaning ascribed to it in NRS 453A.105.~~

~~—(d)]~~ **(b)** “Marijuana-infused products” has the meaning ascribed to it in NRS 453A.112.

~~[(e) “Medical marijuana dispensary” has the meaning ascribed to it in NRS 453A.115.~~

~~—(f)]~~ **(c)** “Medical marijuana establishment” has the meaning ascribed to it in NRS 453A.116.

Sec. 24. NRS 372A.080 is hereby amended to read as follows:

372A.080 1. Except as otherwise provided in NRS 239.0115, all information which is submitted to the Department by or on behalf of a dealer in controlled substances pursuant to ~~this chapter~~ **NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive**, and all records of the Department which contain the name, address or any other identifying information concerning a dealer are confidential.

2. No criminal prosecution may be initiated on the basis of:

(a) Information which was submitted to the Department; or

(b) Evidence derived from information submitted to the Department, pursuant to ~~this chapter~~ **NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive**, or any regulation adopted pursuant thereto.

3. No information described in paragraph (a) or (b) of subsection 2 is admissible in a criminal prosecution, unless the prosecution shows that the information:

(a) Was independently discovered; or

(b) Inevitably would have been discovered based on independent information.

4. This section does not prohibit the Department from publishing statistics that do not disclose the identity of a dealer or the contents of a particular return or report submitted to the Department by a dealer.

5. Any person who releases or reveals confidential information in violation of this section is guilty of a gross misdemeanor.

Sec. 25. NRS 372A.090 is hereby amended to read as follows:

372A.090 1. The Department shall:

(a) Design suitable stamps for the purpose of ~~this chapter~~ **NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive**.

(b) Have as many stamps printed as may be required.

(c) Sell the stamps to dealers in controlled substances who are registered.

2. The stamps must be serially numbered and the Department shall maintain a record of the number of each stamp with the name of the dealer to whom it was sold.

Sec. 26. NRS 372A.110 is hereby amended to read as follows:

372A.110 1. All taxes and fees collected by the Department pursuant to ~~this chapter~~ **NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive**, after deducting the actual cost of producing the stamps and administering ~~this chapter~~ **the provisions of those sections**, must be

deposited with the State Treasurer for credit to the State General Fund and accounted for separately.

2. The Governor or his or her designee shall administer the money credited to the State General Fund pursuant to subsection 1. The money may be expended only for grants to county and city law enforcement agencies for the enforcement of chapter 453 of NRS.

3. Any civil penalty collected by a district attorney pursuant to NRS 372A.070 must be deposited in the county treasury for the purposes of law enforcement and conducting criminal prosecutions.

Sec. 27. NRS 372A.120 is hereby amended to read as follows:

372A.120 1. The Department shall immediately deliver any controlled substances which come into its possession in the course of administering ~~this chapter,~~ **NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive,** with a full accounting to the Investigation Division of the Department of Public Safety.

2. The Investigation Division of the Department of Public Safety and every other law enforcement agency shall notify the Department of each person it discovers having possession of a controlled substance and the serial number of any stamps affixed.

Sec. 28. NRS 372A.130 is hereby amended to read as follows:

372A.130 No person may bring suit to enjoin the assessment or collection of any taxes, interest or civil penalties imposed by ~~this chapter,~~ **NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive.**

Sec. 29. Chapter 453A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each agency of a local government which performs inspections, reviews or other tasks related to ensuring that a medical marijuana establishment is in compliance with all applicable local governmental ordinances or rules pursuant to NRS 453A.326 shall maintain records of the hours its employees spend performing these inspections, reviews and tasks, the rate of pay of each such employee and the share of any costs for equipment for the agency which is attributable to the establishment.

2. Each agency of a local government shall provide records maintained pursuant to subsection 1 to the medical marijuana establishment not less than 30 days after the agency performs an inspection, review or other related task.

3. Except as otherwise provided in subsection 5:

(a) A medical marijuana establishment shall pay a fee to an agency of a local government which provides records of its costs to the establishment pursuant to subsection 2 in an amount equal to the actual costs of the agency to perform the inspection, review or other related task.

(b) If a medical marijuana establishment fails to pay the fee imposed by this subsection within 30 days after receipt of the records provided pursuant to subsection 2, the agency may charge a penalty of \$500 and assess interest

on the fee at a rate of 7 percent per year commencing 30 days after receipt of the records.

4. Any revenue generated from a fee imposed pursuant to subsection 3:

(a) Must be expended only to pay the costs of the agency of a local government to perform an inspection, review or other task related to ensuring the medical marijuana establishment is in compliance with all applicable local governmental ordinances or rules; and

(b) Must not supplant any other support provided to the agency of a local government by the local government.

5. A medical marijuana establishment may appeal a fee imposed pursuant to subsection 3 to the appropriate local government by submitting a written request to the local government not more than 30 days after the imposition of the fee which includes documentation sufficient to show that the amount of the fee is unsubstantiated or erroneous. The obligation of the medical marijuana establishment to pay the fee is suspended until such an appeal is dismissed or the amount of the fee is redetermined pursuant to subsection 7.

6. A local government which receives a written request pursuant to subsection 5 shall administratively dismiss the request if it is not accompanied by documentation sufficient to show that the amount of the fee is unsubstantiated or erroneous.

7. A local government shall hold a hearing to determine the appropriate amount of a fee imposed pursuant to subsection 3 if the documentation which accompanies a written request submitted pursuant to subsection 5 shows that the amount of the fee was unsubstantiated or erroneous. The local government may revise the amount of the fee only if it determines that the records maintained by the agency of the local government do not support the amount of the fee imposed.

Sec. 30. NRS 453A.117 is hereby amended to read as follows:

453A.117 “Medical marijuana establishment agent” means an owner, officer, board member, employee or volunteer of a medical marijuana establishment ~~or~~, an independent contractor who provides labor relating to the cultivation or processing of marijuana or the production of usable marijuana, edible marijuana products or marijuana-infused products for a medical marijuana establishment or an employee of such an independent contractor.

Sec. 31. NRS 453A.332 is hereby amended to read as follows:

453A.332 1. Except as otherwise provided in this section, a person shall not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the Division pursuant to this section.

2. A medical marijuana establishment that wishes to retain as a volunteer or employ a medical marijuana establishment agent shall submit to the

Division an application on a form prescribed by the Division. The application must be accompanied by:

(a) The name, address and date of birth of the prospective medical marijuana establishment agent;

(b) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(c) A statement signed by the prospective medical marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card revoked;

(d) A complete set of the fingerprints and written permission of the prospective medical marijuana establishment agent authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) The application fee, as set forth in NRS 453A.344; and

(f) Such other information as the Division may require by regulation.

3. A medical marijuana establishment that wishes to contract with an independent contractor to provide labor as a medical marijuana establishment agent shall submit to the Division an application on a form prescribed by the Division for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a medical marijuana establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective medical marijuana establishment agent has a state business license, the state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent;

(c) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to, or allow any of its employees to dispense or otherwise divert marijuana to, any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(d) A statement signed by the prospective medical marijuana establishment agent asserting that it has not previously had a medical marijuana establishment agent registration card revoked and that none of its employees who will provide labor as a medical marijuana establishment agent have previously had a medical marijuana establishment agent registration card revoked;

(e) A complete set of the fingerprints of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical

marijuana establishment agent and written permission of the prospective medical marijuana establishment agent and each employee of the prospective medical marijuana establishment agent authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(f) The application fee, as set forth in NRS 453A.344; and

(g) Such other information as the Division may require by regulation.

4. A medical marijuana establishment shall notify the Division within 10 days after a medical marijuana establishment agent ceases to be employed by ~~a~~ ~~for~~ volunteer at **or provide labor as a medical marijuana establishment agent to** the medical marijuana establishment.

~~{4}~~ **5.** A person who:

- (a) Has been convicted of an excluded felony offense; or
- (b) Is less than 21 years of age,

↪ shall not serve as a medical marijuana establishment agent.

~~{5}~~ **6.** The Division shall submit the fingerprints of an applicant for registration as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

~~{6}~~ **7.** The provisions of this section do not require a person who is an owner, officer or board member of a medical marijuana establishment to resubmit information already furnished to the Division at the time the establishment was registered with the Division.

~~{7}~~ **8.** If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Division shall issue to the person **and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a medical marijuana establishment agent,** a medical marijuana establishment agent registration card. If the Division does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Division acts upon the application. A medical marijuana establishment agent registration card expires 1 year after the date of issuance and may be renewed upon:

- (a) Resubmission of the information set forth in this section; and
- (b) Payment of the renewal fee set forth in NRS 453A.344.

Sec. 32. 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 who holds a valid registry identification card or the 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 who holds a valid registry identification card or the 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.

4. Failure to pay a fee imposed pursuant to section 29 of this act.

Sec. 33. NRS 453A.344 is hereby amended to read as follows:

453A.344 1. Except as otherwise provided in subsection 2, the Division shall collect not more than the following maximum fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary	\$30,000
For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary	5,000
For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility	3,000
For the renewal of a medical marijuana establishment registration certificate for a cultivation facility	1,000
For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	3,000
For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	1,000
For <u>each person identified in an application for</u> the initial issuance of a medical marijuana establishment agent registration card	75
For <u>each person identified in an application for</u> the renewal of a medical marijuana establishment agent registration card	75
For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory	5,000
For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory	3,000

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the Division:

- (a) A one-time, nonrefundable application fee of \$5,000; and
- (b) The actual costs incurred by the Division in processing the application, including, without limitation, conducting background checks.

3. Any revenue generated from the fees imposed pursuant to this section:

- (a) Must be expended first to pay the costs of the Division in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive; and
- (b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 34. 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.

(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 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 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 ~~or~~ **provide labor as a medical marijuana establishment agent.**

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. 29.}~~ **Sec. 35.** This act becomes effective on July 1, 2015.

Assemblyman Armstrong moved that the Assembly concur in the Senate Amendment No. 863 to Assembly Bill No. 70.

Potential conflict of interest declared by Assemblyman Ohrenschall.

Motion carried by a constitutional two-thirds majority.

Bill ordered to enrollment.

Assembly Bill No. 191.

The following Senate amendment was read:

Amendment No. 686.

AN ACT relating to taxation; revising provisions relating to the imposition by certain counties of additional taxes on fuels for motor vehicles; providing that the boards of county commissioners of certain larger counties may continue the imposition of certain additional taxes on fuels for motor vehicles if a ballot question authorizing such additional taxes is approved by a majority

of the voters in the county; providing for the imposition by the boards of county commissioners of certain counties of additional taxes on fuels for motor vehicles if a ballot question authorizing such additional taxes is approved by a majority of the voters in the county; requiring the approval by voters of additional ballot measures to continue the imposition of the additional taxes; providing that money collected from certain of the additional taxes must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected; repealing certain provisions relating to a ballot question providing for the imposition by the State of certain additional taxes on fuels for motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes counties to impose certain taxes on motor vehicle fuels and special fuels used in motor vehicles. (Chapter 373 of NRS) Existing law authorizes the board of county commissioners of a county whose population is 700,000 or more and in which a regional transportation commission has been created and a county tax is imposed on motor vehicle fuel (currently Clark County) to impose, upon approval by a two-thirds majority of the members of the board, additional taxes on motor vehicle fuel and various special fuels used in motor vehicles. Existing law also authorizes the board of county commissioners to provide for annual increases in these taxes, for the period beginning on January 1, 2014, and ending on December 31, 2016. Existing law provides that for the period beginning on January 1, 2017: (1) the board of county commissioners must not impose any additional increases in certain taxes authorized by that provision of existing law; and (2) increases in the remainder of the taxes authorized by that provision may not be effectuated unless a majority of the voters in the county at the general election in November 2016 authorize the board of county commissioners to continue to provide for the annual increases. (NRS 373.0663) **Section 2** of this bill removes the prohibition on the continued imposition of additional increases in certain taxes, subject to the existing provisions which provide that the additional increases may not be effectuated unless a majority of the voters in the county at the general election in November 2016 authorize the board of county commissioners to continue to provide for the annual increases. **Section 2** additionally provides that for the period beginning on January 1, 2027, additional annual increases in the taxes on motor vehicle fuel and various special fuels used in motor vehicles may not be effectuated unless a majority of the voters in the county at the general election in November 2026 authorize the board of county commissioners to continue to provide for the annual increases. If the voters in the county at the general election in November 2016 authorize the board of county commissioners to continue to provide for the annual increases, **section 1** of this bill provides that any money collected from certain additional taxes imposed on motor vehicle fuel and various special

fuels used in motor vehicles after November 8, 2016, must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected. **Sections 4, 7, 9 and 12** of this bill make conforming changes.

Upon approval by a majority of the voters in any county, other than Clark or Washoe County, at the general election in November 2016, existing law requires the board of county commissioners of the county to impose additional county taxes on motor vehicle fuel and various special fuels used in motor vehicles. Existing law also authorizes the board of county commissioners to provide for annual increases in these taxes, for the period beginning on January 1, 2017, and ending on December 31, 2026. Additionally, existing law provides that, for the period beginning on January 1, 2027, the increases in these taxes may not be effectuated unless a majority of the voters in the county at the general election in November 2026 authorize the board of county commissioners to continue to provide for the annual increases. (NRS 373.0667) Existing law also provides for a statewide ballot measure, approval of which by a majority of the voters in the State at the general election in November 2016 would require the State to impose additional state taxes on motor vehicle fuel and various special fuels used in motor vehicles and to impose annual increases on those taxes. (Section 12 of chapter 540, Statutes of Nevada 2013, p. 3586) **Section 18** of this bill repeals the provisions of existing law relating to the statewide ballot measure concerning the imposition by the State of additional state taxes on motor vehicle fuel and various special fuels used in motor vehicles. **Sections 3 and 17** of this bill instead require the board of county commissioners of a county other than Clark or Washoe County, upon approval by a majority of the voters in the county at the general election in November 2016, to impose such additional taxes on motor vehicle fuel and various special fuels used in motor vehicles in the same manner as the board is required under existing law to impose the additional county taxes on motor vehicle fuel and various special fuels used in motor vehicles. **Sections 14.5 and 15** of this bill provide that money collected from certain additional taxes imposed on motor vehicle fuel and various special fuels used in motor vehicles on or after January 1, 2017, must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected. **Sections 4.5, 5, 6, 7.5, 8, 9.5, 10, 11, 12.5, 13, 14 and 18** of this bill make conforming changes.

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

Section 1. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law, money collected from the annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 of NRS 373.0663 and imposed by the ordinance after November 8, 2016, must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected.

Sec. 2. NRS 373.0663 is hereby amended to read as follows:

373.0663 1. Except as otherwise provided in this section, in a county whose population is 700,000 or more and in which a commission has been created and a tax is imposed pursuant to NRS 373.030:

(a) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 3.6 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 3.6 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1 cent per gallon by the lesser of the applicable percentage or the

adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1 cent per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 9 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 9 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(f) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(g) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in the county in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(h) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(i) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal

year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(j) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (g), (h) or (i), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(k) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(l) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax

imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(m) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (k) or (l), which is taxed by the Federal Government at a rate per gallon or gallon equivalent of 24.4 cents or more, in an amount equal to the product obtained by multiplying 24.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 24.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. An ordinance authorized by this section must be approved by a two-thirds majority of the members of the board. If the board adopts an ordinance authorized by this section, the ordinance must impose all of the taxes authorized by this section. Upon the adoption of such an ordinance, and except as otherwise provided in subsection 5, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

3. If the board adopts an ordinance imposing the taxes authorized by this section, the ordinance:

- (a) Must be adopted before October 1, 2013;
- (b) Must become effective on January 1, 2014; and
- (c) Is not affected by any changes in the population of the county which occur after the adoption of the ordinance.

4. The applicable percentage specified by the board for the taxes imposed pursuant to this section must be the same percentage for each tax imposed pursuant to this section. Except as otherwise provided in subsection 5, the board may amend the applicable percentage by ordinance from time to time, but any such amendment must not become effective earlier than 90 days after the date of the adoption of the ordinance amending the applicable percentage. Except as otherwise provided in subsection 4 of NRS 373.120, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

5. Upon the adoption of an ordinance authorized by this section:

(a) For the period beginning on January 1, 2014, and ending on December 31, 2016, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

(b) For the period beginning on January 1, 2017 ~~to~~:

~~—(1) The board shall not impose any additional annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance after November 8, 2016, but any annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance on or before November 8, 2016, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance.~~

~~—(2) The~~, **and ending on December 31, 2026, the** annual increases in the taxes authorized by ~~paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1~~ **this section** and imposed by the ordinance may not be effectuated unless a question is placed on the ballot at the general election on November 8, 2016, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2017, the increases authorized by ~~paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1~~ **this section** in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters voting on the question. If the question is approved by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes authorized by ~~paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1~~ **this section** and imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes authorized by ~~paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1~~ **this section** and imposed by the ordinance after November 8, 2016, but any annual increases in such taxes imposed by the ordinance on or before November 8, 2016, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by such taxes imposed by the ordinance.

(c) For the period beginning on January 1, 2027, if the question placed on the ballot pursuant to paragraph (b) is approved by a majority of the registered voters in the county voting on the question, the annual increases in the taxes authorized by this section and imposed by the ordinance may be effectuated if a question is placed on the ballot at the general election on November 3, 2026, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2027, the increases authorized by this section in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters voting on the question. If the question is approved at the general election on November 3, 2026, by a majority of such voters, no further action by the board is necessary to effectuate the annual increases

in the taxes authorized by this section and imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes authorized by this section and imposed by the ordinance after November 3, 2026, but any annual increases in such taxes imposed by the ordinance on or before November 3, 2026, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by such taxes imposed by the ordinance.

6. As used in this section:

(a) “Adjusted average highway and street construction inflation index” means:

(1) For the fiscal year in which an ordinance adopted pursuant to this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which the ordinance becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) “Applicable percentage” means the lesser of 7.8 percent or the percentage specified by the board in any ordinance imposing a tax pursuant to this section.

(c) “Average highway and street construction inflation index” means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) “Highway and street construction inflation index” means:

(1) The Producer Price Index for Highway and Street Construction until that Index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that Index ceases to be published by the United States

Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the commission.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 3. NRS 373.0667 is hereby amended to read as follows:

373.0667 1. In addition to any other tax imposed pursuant to this chapter:

(a) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 3.6 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 3.6 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1 cent per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1 cent per gallon to the amount of the tax

imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 9 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 9 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) ***The board shall by ordinance impose:***

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(f) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or

the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

~~{{(f)}}~~ (g) *The board shall by ordinance impose:*

(1) *An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in the county in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and*

(2) *Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.*

(h) *The board shall by ordinance impose:*

(1) *An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and*

(2) *Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.*

(i) *The board shall by ordinance impose:*

(1) *An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and*

(2) *Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.*

(j) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (g), (h) or (i), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(k) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

~~[(g)]~~ **(l) The board shall by ordinance impose:**

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

~~[(h)]~~ **(m) The board shall by ordinance impose:**

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph ~~[(f) or (g)]~~ **(k) or (l)**, which is taxed by the Federal Government at a rate per gallon or gallon equivalent of 24.4 cents or more, in an amount equal to the product obtained by multiplying 24.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 24.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. Upon the adoption of the ordinance required by subsection 1, and except as otherwise provided in subsection 4, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

3. The applicable percentage specified by the board for the taxes imposed pursuant to this section must be the same percentage for each tax imposed by the board pursuant to this section. Except as otherwise provided in subsection 4, the board may amend the applicable percentage by ordinance from time to time, but any such amendment must not become effective earlier than 90 days after the date of the adoption of the ordinance amending the applicable percentage. Except as otherwise provided in subsection 4 of NRS 373.120, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

4. Upon the adoption of an ordinance authorized by this section:

(a) For the period beginning on January 1, 2017, and ending on December 31, 2026, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

(b) For the period beginning on January 1, 2027, the annual increases in the taxes **authorized by this section and** imposed by the ordinance may ~~not~~ be effectuated ~~unless~~ **if** a question is placed on the ballot at the general election on November 3, 2026, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2027, the increases authorized by this section in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters in the county voting on the question. If the question is approved by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes imposed by the ordinance after November 3, 2026, but

any annual increases in the taxes imposed by the ordinance in effect on or before November 3, 2026, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes imposed by the ordinance.

5. As used in this section:

(a) “Adjusted average highway and street construction inflation index” means:

(1) For the fiscal year in which an ordinance adopted pursuant to this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which the ordinance becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) “Applicable percentage” means the lesser of 7.8 percent or the percentage specified by the board in any ordinance imposing a tax pursuant to this section.

(c) “Average highway and street construction inflation index” means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) “Highway and street construction inflation index” means:

(1) The Producer Price Index for Highway and Street Construction until that index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the commission.

(e) “Special fuel” has the meaning ascribed to it in NRS 366.060.

Sec. 4. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066 or paragraph (a) of subsection 1 of NRS 373.0663 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066 or paragraph (b) of subsection 1 of NRS 373.0663 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066 or paragraph (c) of subsection 1 of NRS 373.0663 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 must, except as otherwise required by subsection 6 of NRS 373.140, **and section 1 of this act**, require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066 or 373.0663 must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066 or 373.0663, and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 4.5. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066, paragraph (a) of subsection 1 of NRS 373.0663 or paragraph (a) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066, paragraph (b) of subsection 1 of NRS 373.0663 or paragraph (b) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066, paragraph (c) of subsection 1 of NRS 373.0663 or paragraph (c) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h)],~~ **(m)**, inclusive, of subsection 1 of NRS 373.0667 must, except as otherwise required by subsection 6 of NRS 373.140, **and section 14.5 of this act**, require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066, 373.0663 or 373.0667 must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066, 373.0663 or 373.0667 and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 5. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066, paragraph (a) of subsection 1 of NRS 373.0663 or paragraph (a) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066, paragraph (b) of subsection 1 of NRS 373.0663 or paragraph (b) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066, paragraph (c) of subsection 1 of NRS 373.0663 or paragraph (c) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ **(m)**, inclusive, of subsection 1 of NRS 373.0667 must, except as otherwise required by subsection 6 of NRS 373.140, **and section 15 of this act**, require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066, 373.0663 or 373.0667 must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066, 373.0663 or 373.0667 and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 6. NRS 373.068 is hereby amended to read as follows:

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066, paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (a) to ~~(e), (f)~~, inclusive, of subsection 1 of NRS 373.0667, does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs ~~[(f), (g) and (h)]~~ **(g) to (m), inclusive**, of subsection 1 of NRS 373.0667, does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066, 373.0663 or 373.0667 is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 7. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, **and section 1 of this act**, be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065, paragraph (a), (b) or (c) of subsection 1 of NRS 373.066 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.0663 which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 7.5. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~(h)~~, **(m)**, inclusive, of subsection 1 of NRS 373.0667 which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, **and section 14.5 of this act**, be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065, paragraph (a), (b) or (c) of subsection 1 of NRS 373.066, paragraph (a), (b) or (c) of subsection 1 of NRS 373.0663 or

paragraph (a), (b) or (c) of subsection 1 of NRS 373.0667 which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 8. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ **(m)**, inclusive, of subsection 1 of NRS 373.0667 which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, **and section 15 of this act**, be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065, paragraph (a), (b) or (c) of subsection 1 of NRS 373.066, paragraph (a), (b) or (c) of subsection 1 of NRS 373.0663 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.0667 which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 9. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, **and except as otherwise provided in section 1 of this act**, the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663, that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 9.5. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, **and except as otherwise provided in section 14.5 of this act**, the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of

NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ (m), inclusive, of subsection 1 of NRS 373.0667 that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 10. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, ***and except as otherwise provided in section 15 of this act***, the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ (m), inclusive, of subsection 1 of NRS 373.0667 that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 11. NRS 373.131 is hereby amended to read as follows:

373.131 1. Money for the payment of the cost of a project within the area embraced by a regional plan for transportation established pursuant to NRS 277A.210 may be obtained by the issuance of revenue bonds and other revenue securities as provided in subsection 2 or, subject to any pledges, liens and other contractual limitations made pursuant to the provisions of this chapter and chapter 277A of NRS, may be obtained by direct distribution from the regional street and highway fund, except to the extent any such use is prevented by the provisions of NRS 373.150, or may be obtained both by the issuance of such securities and by such direct distribution, as the board may determine. Money for street and highway construction outside the area embraced by the plan may be distributed directly from the regional street and highway fund as provided in NRS 373.150.

2. The board or, in a county whose population is 100,000 or more, a commission, may, after the enactment of any ordinance authorized or required by the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of

NRS 373.0663 or paragraphs (d) to ~~[(h)],~~ **(m)**, inclusive, of subsection 1 of NRS 373.0667, issue revenue bonds and other revenue securities, on the behalf and in the name of the county or the commission, as the case may be:

(a) The total of all of which, issued and outstanding at any one time, must not be in an amount requiring a total debt service in excess of the estimated receipts to be derived from the taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 and paragraphs (d) to ~~[(h)],~~ **(m)**, inclusive, of subsection 1 of NRS 373.0667 and, with respect to notes, warrants or interim debentures described in paragraphs (a) and (b) of subsection 6, the proceeds of bonds or interim debentures;

(b) Which must not be general obligations of the county or the commission or a charge on any real estate within the county; and

(c) Which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the fuel taxes designated in this chapter, except such portion of the receipts as may be required for the direct distributions authorized by NRS 373.150.

3. A county or a commission as provided in subsection 2 is authorized to issue bonds or other securities without the necessity of their being authorized at any election in such manner and with such terms as provided in this chapter.

4. Subject to the provisions of this chapter and chapter 277A of NRS, for any project authorized therein, the board of any county may, on the behalf and in the name of the county, or, in a county whose population is 100,000 or more, a commission may, on behalf and in the name of the commission, borrow money, otherwise become obligated, and evidence obligations by the issuance of bonds and other county or commission securities, and in connection with the undertaking or project, the board or the commission, as the case may be, may otherwise proceed as provided in the Local Government Securities Law.

5. All such securities constitute special obligations payable from the net receipts of the fuel taxes designated in this chapter except as otherwise provided in NRS 373.150, and the pledge of revenues to secure the payment of the securities must be limited to those net receipts.

6. Except for:

(a) Any notes or warrants which are funded with the proceeds of interim debentures or bonds;

(b) Any interim debentures which are funded with the proceeds of bonds;

(c) Any temporary bonds which are exchanged for definitive bonds;

(d) Any bonds which are reissued or which are refunded; and

(e) The use of any profit from any investment and reinvestment for the payment of any bonds or other securities issued pursuant to the provisions of this chapter,

➔ all bonds and other securities issued pursuant to the provisions of this chapter must be payable solely from the proceeds of fuel taxes collected by or remitted to the county pursuant to chapter 365 of NRS, as supplemented by

this chapter. Receipts of the taxes levied in NRS 365.180 and 365.190 and pursuant to the provisions of paragraphs (a) and (b) of subsection 1 of NRS 373.065, paragraphs (a) and (b) of subsection 1 of NRS 373.066, paragraphs (a) and (b) of subsection 1 of NRS 373.0663 and paragraphs (a) and (b) of subsection 1 of NRS 373.0667 may be used by the county for the payment of securities issued pursuant to the provisions of this chapter and may be pledged therefor. Such taxes may also be used by a commission in a county whose population is 100,000 or more for the payment of bonds or other securities issued pursuant to the provisions of this chapter and may be pledged therefor if the board of the county consents to such use. If during any period any securities payable from these tax proceeds are outstanding, the tax receipts must not be used directly for the construction, maintenance and repair of any streets, roads or other highways nor for any purchase of equipment therefor, and the receipts of the tax levied in NRS 365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560 unless, at any time the tax receipts are so apportioned, provision has been made in a timely manner for the payment of such outstanding securities as to the principal of, any prior redemption premiums due in connection with, and the interest on the securities as they become due, as provided in the securities, the ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing their issuance and any other instrument appertaining to the securities.

7. The ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing the issuance of any bond or other revenue security under this section must describe the purpose for which it is issued at least in general terms and may describe the purpose in detail. This section does not require the purpose so stated to be set forth in the detail in which the project approved by the commission pursuant to subsection 2 of NRS 373.140 is stated, or prevent the modification by the board or commission, as the case may be, of details as to the purpose stated in the ordinance authorizing the issuance of any bond or other security after its issuance, subject to approval by the commission of the project as so modified, if such bond or other security is issued by the county and not the commission.

8. Notwithstanding any other provision of this chapter, no commission has authority to issue bonds or other securities pursuant to this chapter unless the commission has executed an interlocal agreement with the county relating to the issuance of bonds or other securities by the commission. Any such interlocal agreement must include an acknowledgment of the authority of the commission to issue bonds and other securities and contain provisions relating to the pledge of revenues for the repayment of the bonds or other securities, the lien priority of the pledge of revenues securing the bonds or other securities, and related matters.

Sec. 12. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

- (a) The priorities established by the plan;
- (b) The relation of the proposed work to other projects already constructed or authorized;
- (c) The relative need for the project in comparison with others proposed; and
- (d) The money available.

➡ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663, except as otherwise ***provided in section 1 of this act, otherwise*** required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➡ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 12.5. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ **(m)**, inclusive, of subsection 1 of NRS 373.0667 must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

(b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

➡ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ **(m)**, inclusive, of subsection 1 of NRS 373.0667, except as otherwise ***provided in section 14.5 of this act, otherwise*** required by subsection 6 or to the extent any such use is prevented

by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➔ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ (m), inclusive, of subsection 1 of NRS 373.0667 must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 13. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any

county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ **(m)**, inclusive, of subsection 1 of NRS 373.0667 must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

- (a) The priorities established by the plan;
- (b) The relation of the proposed work to other projects already constructed or authorized;
- (c) The relative need for the project in comparison with others proposed; and
- (d) The money available.

➤ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ **(m)**, inclusive, of subsection 1 of NRS 373.0667, except as otherwise ***provided in section 15 of this act, otherwise*** required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➔ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ (m), inclusive, of subsection 1 of NRS 373.0667 must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 14. NRS 373.160 is hereby amended to read as follows:

373.160 1. The ordinance or ordinances, or the resolution or resolutions, providing for the issuance of any bonds or other securities issued under this chapter payable from the receipts from the fuel excise taxes designated in this chapter may at the discretion of the board or, in the case of bonds or other securities issued by a commission, the commission, in addition to covenants and other provisions authorized in the Local Government Securities Law, contain covenants or other provisions as to the pledge of and the creation of a lien upon the receipts of the taxes collected for the county pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 and paragraphs (d) to ~~[(h),]~~ (m), inclusive, of subsection 1 of NRS 373.0667, excluding any tax proceeds to be distributed directly under the provisions of NRS 373.150, or the proceeds of the bonds or other securities pending their application to defray the cost of the project, or both such tax proceeds and security proceeds, to secure the payment of revenue bonds or other securities issued under this chapter.

2. If the board or, in the case of bonds or other securities issued by a commission, the commission, determines in any ordinance or resolution authorizing the issuance of any bonds or other securities under this chapter that the proceeds of the taxes levied and collected pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 and paragraphs (d) to ~~[(h),]~~ (m), inclusive, of subsection 1 of NRS 373.0667 are sufficient to pay all bonds and securities, including the proposed issue, from the proceeds thereof, the board

or, in the case of bonds or other securities issued by a commission, the commission with the consent of the board as provided in subsection 6 of NRS 373.131, may additionally secure the payment of any bonds or other securities issued pursuant to the ordinance or resolution under this chapter by a pledge of and the creation of a lien upon not only the proceeds of any fuel tax authorized at the time of the issuance of such securities to be used for such payment in subsection 6 of NRS 373.131, but also the proceeds of any such tax thereafter authorized to be used or pledged, or used and pledged, for the payment of such securities, whether such tax be levied or collected by the county, the State of Nevada, or otherwise, or be levied in at least an equivalent value in lieu of any such tax existing at the time of the issuance of such securities or be levied in supplementation thereof.

3. The pledges and liens authorized by subsections 1 and 2 extend to the proceeds of any tax collected for use by the county on any fuel so long as any bonds or other securities issued under this chapter remain outstanding and are not limited to any type or types of fuel in use when the bonds or other securities are issued.

Sec. 14.5. Section 1 of this act is hereby amended to read as follows:

Section 1. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law, money collected from the annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 of NRS ~~{373.0663}~~ **373.0667** and imposed by the ordinance ~~on or after November 8, 2016,~~ **January 1, 2017**, must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected.

Sec. 15. Section 1 of this act is hereby amended to read as follows:

Section 1. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law, money collected from ~~{the}~~ :

1. The annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 of NRS 373.0663 and imposed by the ordinance after November 8, 2016 ~~to~~ ; **or**

2. The annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 of NRS 373.0667 and imposed by the ordinance on or after January 1, 2017,

↪ must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected.

Sec. 16. Section 14 of chapter 540, Statutes of Nevada 2013, at page 3587, is hereby amended to read as follows:

Sec. 14. ~~{1.}~~ This section and sections 1, 1.1, 1.7, 1.75, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 11.5 of this act become effective upon passage and approval.

~~{2.} Section 12 of this act becomes effective on October 1, 2013, if and only if a board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013.~~

~~—3. Section 13 of this act becomes effective on October 1, 2013, if and only if a board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013.~~

~~—4. Sections 1.2, 1.5, 3.2 and 8.2 of this act become effective on January 1, 2017, if:~~

~~—(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~—(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is approved by a majority of the registered voters in this State voting on the question; and~~

~~—(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is not approved by a majority of the registered voters in every county in this State voting on the question.~~

~~—5. Sections 1.2, 1.3, 1.5, 1.8, 1.85, 2.3, 3.1, 4.3, 5.3, 6.3, 7.3, 8.1, 9.3, 10.3 and 11.1 of this act become effective on January 1, 2017, if:~~

~~—(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~—(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is approved by a majority of the registered voters in this State voting on the question; and~~

~~—(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is approved by a majority of the registered voters in any county in this State voting on the question.~~

~~—6. Sections 1.3, 1.8, 1.85, 2.3, 3.3, 4.3, 5.3, 6.3, 7.3, 8.3, 9.3, 10.3 and 11.1 of this act become effective on January 1, 2017, if:~~

~~—(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~—(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is not approved by a majority of the registered voters in this State voting on the question; and~~

~~—(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is~~

approved by a majority of the registered voters in any county in this State voting on the question.

~~7. Sections 1.2, 1.5, 3.7 and 8.7 of this act become effective on January 1, 2017, if:~~

~~—(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~—(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is approved by a majority of the registered voters in this State voting on the question; and~~

~~—(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is not approved by a majority of the registered voters in every county in this State voting on the question.~~

~~8. Sections 1.2, 1.3, 1.5, 1.9, 1.95, 2.7, 3.5, 4.7, 5.7, 6.7, 7.7, 8.5, 9.7, 10.7 and 11.3 of this act become effective on January 1, 2017, if:~~

~~—(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~—(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is approved by a majority of the registered voters in this State voting on the question; and~~

~~—(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is approved by a majority of the registered voters in any county in this State voting on the question.~~

~~9. Sections 1.3, 1.9, 1.95, 2.7, 3.9, 4.7, 5.7, 6.7, 7.7, 8.9, 9.7, 10.7 and 11.3 of this act become effective on January 1, 2017, if:~~

~~—(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~—(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is not approved by a majority of the registered voters in this State voting on the question; and~~

~~—(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is approved by a majority of the registered voters in any county in this State voting on the question.~~

~~10. Sections 1.1, 1.7, 1.75, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this act expire by limitation on October 1, 2013, if a board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013.]~~

Sec. 17. A question must be placed on the ballot at the general election on November 8, 2016, in each county in this State other than Clark County and Washoe County, which asks the voters in the county whether to authorize the

board of county commissioners of the county to impose, for the period beginning on January 1, 2017, and ending on December 31, 2026, the taxes authorized by NRS 373.0667, as amended by section 3 of this act, and the additional annual increases in those taxes authorized by that section.

Sec. 18. 1. NRS 373.0665 and 373.165 are hereby repealed.

2. Sections 1.9, 1.95, 2.7, 3.1, 3.2, 3.5, 3.7, 3.9, 4.7, 5.7, 6.7, 7.7, 8.1, 8.2, 8.5, 8.7, 8.9, 9.7, 10.7, 11.3, 12 and 13 of chapter 540, Statutes of Nevada 2013, at pages 3549, 3550, 3552, 3554, 3555, 3557, 3558, 3561, 3562, 3563, 3564, 3565, 3567, 3569, 3570, 3571, 3576, 3581, 3584 and 3586, are hereby repealed.

Sec. 19. Sections 1.3, 1.8, 1.85, 2.3, 3.3, 4.3, 5.3, 6.3, 7.3, 8.3, 9.3, 10.3 and 11.1 of chapter 540, Statutes of Nevada 2013, become effective on January 1, 2017, if the question placed on the ballot at the general election on November 8, 2016, pursuant to section 17 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

Sec. 20. 1. This section and sections 2 and 16 to 19, inclusive, of this act become effective upon passage and approval.

2. Sections 1, 4, 7, 9 and 12 of this act become effective on November 9, 2016, if the question placed on the ballot at the general election on November 8, 2016, pursuant to NRS 373.0663, as amended by section 2 of this act, is approved by a majority of the registered voters in Clark County voting on the question.

3. Sections 3, 4.5, 6, 7.5, 9.5, 11, 12.5, 14 and 14.5 of this act become effective on January 1, 2017, if:

(a) The question placed on the ballot at the general election on November 8, 2016, pursuant to NRS 373.0663, as amended by section 2 of this act, is not approved by a majority of the registered voters in Clark County voting on the question; and

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to section 17 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

4. Sections 3, 5, 6, 8, 10, 11, 13, 14 and 15 of this act become effective on January 1, 2017, if:

(a) The question placed on the ballot at the general election on November 8, 2016, pursuant to NRS 373.0663, as amended by section 2 of this act, is approved by a majority of the registered voters in Clark County voting on the question; and

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to section 17 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

TEXT OF REPEALED SECTIONS

373.0665 Additional taxes in all counties: Impositions; rates and annual increases; money received credited to State Highway Fund.

1. In addition to any other tax imposed pursuant to chapter 365 or 366 of NRS:

(a) There is hereby imposed:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in this State in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in this State in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in this State in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in this State in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) There is hereby imposed:

(1) An excise tax on each gallon of special fuel sold in this State, other than any special fuel described in paragraph (b), (c) or (d), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. The applicable percentage for the taxes imposed pursuant to this section must be the same percentage for each tax imposed pursuant to this section. Except as otherwise provided in subsection 3, the Legislature may amend the applicable percentage from time to time, but any such amendment must not become effective earlier than 90 days after the date of the action by the Legislature amending the applicable percentage. Except as otherwise provided in NRS 373.165, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

3. For the period:

(a) Beginning on January 1, 2017, and ending on December 31, 2026, no further action by the Legislature is necessary to effectuate the annual increases in the taxes imposed by this section.

(b) Beginning on January 1, 2027, the annual increases in the taxes imposed by this section must not be effectuated unless a question is placed on the ballot at the general election on November 3, 2026, which asks the voters in this State

whether to authorize the Legislature to impose, for the period beginning on January 1, 2027, the increases authorized by this section in the taxes imposed by this section and the question is approved by a majority of the registered voters in this State voting on the question. If the question is approved by a majority of such voters, no further action by the Legislature is necessary to effectuate the annual increases in the taxes imposed by this section. If the question is not approved by a majority of such voters, the Legislature shall not impose any additional annual increases in the taxes imposed by this section after November 3, 2026, but any annual increases in the taxes imposed by this section in effect on or before November 3, 2026, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes imposed by this section.

4. All money received from the taxes imposed pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.

5. As used in this section:

(a) “Adjusted average highway and street construction inflation index” means:

(1) For the fiscal year in which this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) “Applicable percentage” means the lesser of 7.8 percent or the percentage specified by the Legislature in any act amending the applicable percentage of a tax imposed pursuant to this section.

(c) “Average highway and street construction inflation index” means for a fiscal year the average percentage increase in the highway and street

construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) “Highway and street construction inflation index” means:

(1) The Producer Price Index for Highway and Street Construction until that index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the Legislature.

(e) “Special fuel” has the meaning ascribed to it in NRS 366.060.

373.165 Pledge of continuing increases in taxes imposed pursuant to NRS 373.0665.

1. Except as otherwise provided in subsection 2, any continuing increases in any taxes imposed pursuant to NRS 373.0665 must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations which are secured by the taxes imposed pursuant to NRS 373.0665 are issued or incurred, but the taxes imposed pursuant to NRS 373.0665 that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

2. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to NRS 373.0665, the Legislature may, except as otherwise provided in paragraph (b) of subsection 3 of NRS 373.0665:

(a) Continue the pledge of the increase in taxes imposed pursuant to NRS 373.0665 beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to NRS 373.0665 are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the action by the Legislature authorized by this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to NRS 373.0665 have been paid in full.

(b) Specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of any action of the Legislature authorized by this subsection; and

(3) The effective date of any action by the Legislature reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to NRS 373.0665 are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of any action by the Legislature authorized by paragraph (a).

3. As used in this section, “applicable percentage” has the meaning ascribed to it in paragraph (b) of subsection 5 of NRS 373.0665.

Assemblyman Armstrong moved that the Assembly concur in the Senate Amendment No. 686 to Assembly Bill No. 191.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 452.

The following Senate amendment was read:

Amendment No. 816.

AN ACT relating to property taxes; revising provisions governing appeals of the assessment of property to county boards of equalization and the State Board of Equalization; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that under certain circumstances, the owner of real or personal property that is placed on the secured or unsecured tax roll may file an appeal concerning the assessment of the owner’s property with the county board of equalization or the State Board of Equalization. (NRS 361.356, 361.357, 361.360) Existing law further provides that if a person files such an appeal, on behalf of the owner of the property, the person filing the appeal must provide to the county board of equalization or the State Board of Equalization, as appropriate, written authorization from the owner of the property that authorizes the person to file the appeal. If the appeal is filed in a timely manner without the written authorization, the person filing the appeal may provide the written authorization within 48 hours after the deadline for filing the appeal. (NRS 361.362)

Section 1 of this bill specifically provides that for the purposes of appeals to a county board of equalization or the State Board of Equalization, the term “owner” includes a person who owns, controls or possesses taxable property.

Section 2 of this bill provides that the written authorization to file an appeal on behalf of an owner of property may be signed by: (1) the owner; or (2) an employee of the owner, ~~or~~ **or** an affiliate of the owner, ~~or~~ **or** who is acting within the scope of his or her employment. **Section 2** further provides that if there is an objection to the written authorization provided by the person who filed the appeal, written notice of the objection must be given to the person who filed the appeal and that person may submit documentation to cure the objection within 5 business days after receipt of the notice.

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

Section 1. NRS 361.334 is hereby amended to read as follows:

361.334 As used in NRS 361.334 to 361.435, inclusive:

1. *The term “owner” includes a person who owns, controls or possesses taxable property.*

2. The term “property” includes a leasehold interest, possessory interest, beneficial interest or beneficial use of a lessee or user of property which is taxable pursuant to NRS 361.157 or 361.159.

~~{2-}~~ 3. Where the term “property” is read to mean a taxable leasehold interest, possessory interest, beneficial interest or beneficial use of a lessee or user of property, the term “owner” used in conjunction therewith must be interpreted to mean the lessee or user of the property.

Sec. 2. NRS 361.362 is hereby amended to read as follows:

361.362 **1.** Except as otherwise provided in this section, at the time that a person files an appeal pursuant to NRS 361.356, 361.357 or 361.360 on behalf of the owner of a property, the person shall provide to the county board of equalization or the State Board of Equalization, as appropriate, written authorization from the owner of the property that authorizes the person to file the appeal concerning the assessment that was made. ***The written authorization required by this subsection may be signed by:***

(a) The owner; or

(b) ~~An employee of~~ A person employed by the owner ~~or~~ or an affiliate of the owner ~~or~~ who is acting within the scope of his or her employment.

2. If ~~the~~ a person files the appeal in a timely manner without the written authorization required by ~~this section,~~ **subsection 1**, the person may provide that written authorization within 48 hours after the last day allowed for filing the appeal.

3. ***If there is an objection to a written authorization provided pursuant to subsection 1, written notice specifying the grounds for the objection must be given to the person filing the appeal by the assessor ~~by~~ :***

(a) By certified mail ~~or~~ ; or

(b) If the person filing the appeal provided his or her electronic mail address on the form on which the appeal was filed, by electronic mail to the electronic mail address provided on that form.

4. ***If the person filing the appeal submits documentation necessary to cure the objection described in subsection 3 within 5 business days after receipt of the notice, the appeal must be deemed to be filed in a timely manner.***

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

Assemblyman Armstrong moved that the Assembly concur in the Senate Amendment No. 816 to Assembly Bill No. 452.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 884.

AN ACT relating to property taxes; revising provisions governing appeals of the assessment of property to county boards of equalization and the State Board of Equalization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that under certain circumstances, the owner of real or personal property that is placed on the secured or unsecured tax roll may file an appeal concerning the assessment of the owner's property with the county board of equalization or the State Board of Equalization. (NRS 361.356, 361.357, 361.360) Existing law further provides that if a person files such an appeal, on behalf of the owner of the property, the person filing the appeal must provide to the county board of equalization or the State Board of Equalization, as appropriate, written authorization from the owner of the property that authorizes the person to file the appeal. If the appeal is filed in a timely manner without the written authorization, the person filing the appeal may provide the written authorization within 48 hours after the deadline for filing the appeal. (NRS 361.362)

Section 1 of this bill specifically provides that for the purposes of appeals to a county board of equalization or the State Board of Equalization, the term "owner" includes a person who owns ~~it~~ **or** controls taxable property or possesses in its entirety taxable property.

Section 2 of this bill provides that the written authorization to file an appeal on behalf of an owner of property may be signed by: (1) the owner; or (2) an employee of the owner, or an affiliate of the owner, who is acting within the scope of his or her employment. **Section 2** further provides that if there is an objection to the written authorization provided by the person who filed the appeal, written notice of the objection must be given to the person who filed the appeal and that person may submit documentation to cure the objection within 5 business days after receipt of the notice.

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

Section 1. NRS 361.334 is hereby amended to read as follows:

361.334 As used in NRS 361.334 to 361.435, inclusive:

1. *The term "owner" includes a person who owns ~~it~~ **or** controls taxable property or possesses in its entirety taxable property.*

2. The term "property" includes a leasehold interest, possessory interest, beneficial interest or beneficial use of a lessee or user of property which is taxable pursuant to NRS 361.157 or 361.159.

~~{2-}~~ 3. Where the term "property" is read to mean a taxable leasehold interest, possessory interest, beneficial interest or beneficial use of a lessee or user of property, the term "owner" used in conjunction therewith must be interpreted to mean the lessee or user of the property.

Sec. 2. NRS 361.362 is hereby amended to read as follows:

361.362 **1.** Except as otherwise provided in this section, at the time that a person files an appeal pursuant to NRS 361.356, 361.357 or 361.360 on behalf of the owner of a property, the person shall provide to the county board of equalization or the State Board of Equalization, as appropriate, written authorization from the owner of the property that authorizes the person to file

the appeal concerning the assessment that was made. *The written authorization may be signed by:*

(a) *The owner; or*

(b) *An employee of the owner, or an affiliate of the owner, who is acting within the scope of his or her employment.*

2. If ~~the~~ a person files the appeal in a timely manner without the written authorization required by ~~this section,~~ **subsection 1**, the person may provide that written authorization within 48 hours after the last day allowed for filing the appeal.

3. *If there is an objection to a written authorization provided pursuant to subsection 1, written notice specifying the grounds for the objection must be given to the person filing the appeal by the assessor by certified mail. If the person filing the appeal submits documentation necessary to cure the objection within 5 business days after receipt of the notice, the appeal must be deemed to be filed in a timely manner.*

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

Assemblyman Armstrong moved that the Assembly concur in the Senate Amendment No. 884 to Assembly Bill No. 452.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Armstrong moved that the Assembly do not recede from its action on Senate Bill No. 95, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Armstrong, Hickey, and Bustamante Adams as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 95.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 34.

The following Senate amendment was read:

Amendment No. 719.

AN ACT relating to fire safety; repealing provisions governing certain fire protection districts; reenacting certain of those provisions relating to fire safety; revising the circumstances under which a person, firm, association or agency that caused a fire or other emergency that threatens human life would be charged for the expenses incurred to extinguish the fire or meet the emergency; authorizing a municipal agency to collect those expenses; providing for the issuance of an annual permit to engage in certain activities; authorizing the State Land Registrar to transfer title to certain real

property owned by the State of Nevada to certain local fire protection districts and counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the creation of certain fire protection districts by petition to the State Forester Firewarden. (Chapter 473 of NRS) The functions of those districts are currently being transferred to other local government entities. Accordingly, **section 15** of this bill repeals the provisions of chapter 473 of NRS. Certain provisions of that chapter relating to fire safety are reenacted in chapter 472 of NRS by **sections 2, 3 and 5** of this bill. **Sections 6-10** of this bill make conforming changes.

Existing law provides that within the boundaries of certain fire protection districts, any person, firm, association or agency responsible for causing any fire or other emergency which threatens human life may, in certain circumstances, be charged with the expenses incurred in extinguishing the fire or meeting the emergency, together with the cost of necessary patrol. (NRS 473.080, 474.550) **Section 4** of this bill reenacts NRS 473.080 but **: (1)** removes the boundary limitation ~~land~~ **; (2)** revises the circumstances under which a person, firm, association or agency would be required to pay those expenses ~~to~~ **; and (3) authorizes a municipal agency to collect those expenses.** **Section 8.5** of this bill makes a similar change concerning those expenses with respect to county fire protection districts.

Existing law provides that it is unlawful within the boundaries of certain fire protection districts for any person, firm, association, corporation or agency to burn, or cause to be burned, any brush, grass, logs or any other inflammable material, or blast with dynamite, powder or other explosive, or set off fireworks, or operate a welding torch, tarpot or any other device that may cause a fire in forest, grass or brush, either on the land of the person, firm, association, corporation or agency or on the land of another, or on public land, unless such burning or act is done under a written permit from the State Forester Firewarden or the State Forester Firewarden's duly authorized agent and in strict accordance with the terms of the permit. Existing law also clarifies that this prohibition does not prevent the issuance of an annual permit to any public utility covering its usual and emergency operation and maintenance work within the district. (NRS 473.090) Section 5: (1) provides that this prohibition also does not prevent the issuance of an annual permit to a person who engages in agricultural production; and (2) defines the term "agricultural production."

Existing law authorizes the State Land Registrar to transfer any interest in land owned by the State of Nevada. (NRS 321.003) **Sections 11-13** of this bill authorize the State Land Registrar to transfer title to certain real property owned by the State, with certain restrictions, to certain local fire protection districts and counties as the result of the dissolution of the fire protection districts created pursuant to chapter 473 of NRS.

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

Section 1. Chapter 472 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. *The State Forester Firewarden may prohibit or restrict the following activities on any lands within the jurisdiction of the State Forester Firewarden when a danger to public safety or natural resources exists because of conditions which create a high risk of fire:*

(a) The operation in an area of timber, brush or grass of a motor vehicle or other item of equipment powered by a motor:

(1) If the motor does not have a spark arrestor as required by law; or

(2) If the operator does not have in his or her possession an ax, shovel and at least 1 gallon of water;

(b) The operation in an area of timber, brush or grass of a motor vehicle off an existing paved, gravel or dirt road;

(c) The smoking of tobacco or other substances in any place other than a motor vehicle or an area cleared of flammable vegetation;

(d) Setting an open fire in any place other than in a fireplace located in an established picnic area or campground; or

(e) Other activities, if specified in regulations adopted by the State Forester Firewarden and the prohibition or restriction is related to reducing a high risk of fire,

↪ but these prohibitions and restrictions do not apply in established campgrounds or picnic areas, beaches or places of habitation or to travel on state or federal highways.

2. *The State Forester Firewarden shall make a public announcement and post signs in any area where the State Forester Firewarden has prohibited or restricted any activities.*

3. *The State Forester Firewarden shall, upon finding that a danger to public safety or to natural resources no longer exists, make known to the public the end of any prohibition or restriction in that area.*

4. *The provisions of this section apply only to specified prohibitions or restrictions and do not confer upon the State Forester Firewarden the power to prohibit access to land.*

5. *Any person violating any of the provisions of this section is guilty of a misdemeanor.*

Sec. 3. *Except as otherwise provided in NRS 527.126, any person, firm, association or agency which, personally or through another, willfully, negligently or in violation of the law:*

1. *Sets fire to the property, whether privately or publicly owned, of another;*

2. *Allows fire to be set to the property, whether privately or publicly owned, of another; or*

3. Allows a fire kindled or attended by the person, firm, association or agency to escape to the property, whether privately or publicly owned, of another,

↪ is liable to the owner of the property for the damages caused by the fire.

Sec. 4. 1. Except as otherwise provided in this section or by specific statute, if the State Forester Firewarden determines that a person, firm, association or agency is responsible for willfully or negligently causing any fire or other emergency which threatens human life, the person, firm, association or agency may be charged with the expenses incurred in extinguishing the fire or meeting the emergency, together with the cost of necessary patrol. This charge constitutes a debt of the person, firm, association or agency charged and is collectible by the federal, state, ~~for~~ county or municipal agency incurring such expenses in the same manner as in the case of an obligation under a contract, express or implied.

2. If the State Forester Firewarden determines that the fire or other emergency which threatens human life was the result of an unavoidable accident, the State Forester Firewarden shall not charge the person, firm, association or agency that caused the fire or emergency the expenses incurred in extinguishing the fire or meeting the emergency.

Sec. 5. 1. Except as otherwise provided in this section and NRS 527.126, it is unlawful for any person, firm, association, corporation or agency to burn, or cause to be burned, any brush, grass, logs or any other inflammable material, or blast with dynamite, powder or other explosive, or set off fireworks, or operate a welding torch, tarpot or any other device that may cause a fire in forest, grass or brush, either on the land of the person, firm, association, corporation or agency or on the land of another, or on public land, unless the burning or act is done under a written permit from the State Forester Firewarden or the State Forester Firewarden's duly authorized agent and in strict accordance with the terms of the permit.

2. Written permission is not necessary:

(a) At any time during the year when the State Forester Firewarden determines that no fire hazard exists.

(b) To burn materials in screened, safe incinerators, or in incinerators approved by the local governmental jurisdiction, the State Forester Firewarden or the State Forester Firewarden's duly authorized agent, or in small heaps or piles, where the fire is set on a public road, corrals, gardens or ploughed fields, and at a distance not less than 100 feet from any woodland, timber or brush-covered land or field containing dry grass or other inflammable material with at least one adult person in actual attendance at the fire at all times during its burning.

3. This section does not prevent the issuance of an annual permit to any ~~public~~ :

(a) Public utility covering its usual and emergency operation and maintenance work.

(b) Person who engages in agricultural production.

4. *This section does not prevent the building of necessary controlled small camp and branding fires if caution is taken to make certain that the fire is extinguished before leaving. In any case where the fire escapes and does injury to the property of another, the escape and injury are prima facie evidence of a violation of this section.*

5. *The provisions of this section apply only to areas of land that are outside of incorporated cities and towns.*

6. *Any person, firm, association, corporation or agency violating any of the provisions of this section is guilty of a misdemeanor.*

7. As used in this section:

(a) "Agricultural production" means an activity associated with the production of agricultural products for food, fiber, fuel or any other lawful use, including every process and step necessary and incident to the preparation, production and storage of agricultural products for human or animal consumption. The term includes, without limitation:

(1) Planting, harvesting or raising agricultural, horticultural, floricultural or viticultural crops, including, without limitation, fruits, vegetables, grains, seeds, nursery stock, plant products, plant by-products and plant compost;

(2) Breeding, raising, feeding or managing livestock, furbearing animals, fish, bees and any other animal or aquatic species, or any product thereof;

(3) The construction, expansion, use, maintenance or repair of an agricultural production facility;

(4) Processing and packaging; and

(5) Manufacturing feed for animals.

(b) "Agricultural production facility" means any structure or land that is used for the production of agricultural products, including, without limitation, a structure or land that is privately or publicly owned, leased or operated.

(c) "Livestock" has the meaning ascribed to it in NRS 569.0085.

Sec. 6. NRS 472.040 is hereby amended to read as follows:

472.040 1. The State Forester Firewarden shall:

(a) Supervise or coordinate all forestry and watershed work on state-owned and privately owned lands, including fire control, in Nevada, working with federal agencies, private associations, counties, towns, cities or private persons.

(b) Administer all fire control laws and all forestry laws in Nevada outside of townsite boundaries, and perform any other duties designated by the Director of the State Department of Conservation and Natural Resources or by state law.

(c) Assist and encourage county or local fire protection districts to create legally constituted fire protection districts where they are needed and offer guidance and advice in their operation.

(d) Designate the boundaries of each area of the State where the construction of buildings on forested lands creates such a fire hazard as to require the regulation of roofing materials.

(e) Adopt and enforce regulations relating to standards for fire retardant roofing materials to be used in the construction, alteration, change or repair of buildings located within the boundaries of fire hazardous forested areas.

(f) Purchase communication equipment which can use the microwave channels of the state communications system and store this equipment in regional locations for use in emergencies.

(g) Administer money appropriated and grants awarded for fire prevention, fire control and the education of firefighters and award grants of money for those purposes to fire departments and educational institutions in this State.

(h) Determine the amount of wages that must be paid to offenders who participate in conservation camps and who perform work relating to fire fighting and other work projects of conservation camps.

(i) Cooperate with the State Fire Marshal in the enforcement of all laws and the adoption of regulations relating to the prevention of fire through the management of vegetation in counties located within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

(j) Assess the codes, rules and regulations which are adopted by other agencies that have specific regulatory authority within the Lake Tahoe Basin and the Lake Mead Basin, and which are not subject to the authority of a state or local fire agency, for consistency with fire codes, rules and regulations.

(k) Ensure that any adopted regulations are consistent with those of fire protection districts created pursuant to chapter 318 ~~4, 473~~ or 474 of NRS.

(l) Upon the request of the State Engineer, review a plan submitted with an application for the issuance of a temporary permit pursuant to NRS 533.436.

2. The State Forester Firewarden in carrying out the provisions of this chapter may:

(a) Appoint paid foresters and firewardens to enforce the provisions of the laws of this State respecting forest and watershed management or the protection of forests and other lands from fire, subject to the approval of the board of county commissioners of each county concerned.

(b) Appoint suitable citizen-wardens. Citizen-wardens serve voluntarily except that they may receive compensation when an emergency is declared by the State Forester Firewarden.

(c) Appoint, upon the recommendation of the appropriate federal officials, resident officers of the United States Forest Service and the United States Bureau of Land Management as voluntary firewardens. Voluntary firewardens are not entitled to compensation for their services.

(d) Appoint certain paid foresters or firewardens to be arson investigators.

(e) Employ, with the consent of the Director of the State Department of Conservation and Natural Resources, clerical assistance, county and district coordinators, patrol officers, firefighters, and other employees as needed, and expend such sums as may be necessarily incurred for this purpose.

(f) Purchase, or acquire by donation, supplies, material, equipment and improvements necessary to fire protection and forest and watershed management.

(g) With the approval of the Director of the State Department of Conservation and Natural Resources and the State Board of Examiners, purchase or accept the donation of real property to be used for lookout sites and for other administrative, experimental or demonstration purposes. No real property may be purchased or accepted unless an examination of the title shows the property to be free from encumbrances, with title vested in the grantor. The title to the real property must be examined and approved by the Attorney General.

(h) Expend any money appropriated by the State to the Division of Forestry of the State Department of Conservation and Natural Resources for paying expenses incurred in fighting fires or in emergencies which threaten human life.

3. The State Forester Firewarden, in carrying out the powers and duties granted in this section, is subject to administrative supervision by the Director of the State Department of Conservation and Natural Resources.

Sec. 7. NRS 472.041 is hereby amended to read as follows:

472.041 1. The State Forester Firewarden may ~~1.~~
~~—(a) In a district formed pursuant to NRS 473.034; and~~
~~—(b) In~~, in an area designated pursuant to paragraph (d) of subsection 1 of NRS 472.040, including, without limitation, any land within the 1/2-mile radius surrounding such an area,
~~1.~~ enforce all regulations relating to the reduction of brush, dense undergrowth and other vegetation around and adjacent to a structure to reduce the exposure of the structure to fire and radiant heat and increase the ability of firefighters to protect the structure.

2. The enforcement of these provisions must permit the planting of grass, trees, ornamental shrubbery or other plants used to stabilize the soil and prevent erosion so long as the plants do not form a means of rapidly transmitting fire from native growth to any structure.

Sec. 8. NRS 474.460 is hereby amended to read as follows:

474.460 1. All territory in each county or consolidated municipality not included in any other fire protection district, except incorporated areas other than consolidated municipalities, may be organized by ordinance by the board of county commissioners of the county in which that territory lies into as many fire protection districts as necessary to provide for the prevention and extinguishment of fires in the county, until such time as that territory may be included in another fire protection district formed in accordance with the provisions of ~~chapter 473 of NRS or~~ NRS 474.010 to 474.450, inclusive.

2. Each such district:

- (a) Is a political subdivision of the State; and
- (b) Has perpetual existence unless dissolved as provided in this chapter.

3. Each such district may:

- (a) Sue and be sued, and be a party to suits, actions and proceedings;
- (b) Arbitrate claims; and
- (c) Contract and be contracted with.

4. The board of county commissioners organizing each such district is ex officio the governing body of each such district. The governing body must be known as the board of fire commissioners.

5. The chair of the board of county commissioners is ex officio the chair of each such district.

6. The county clerk is ex officio the clerk of each such district.

7. Unless the board of fire commissioners employs a treasurer, the county treasurer is ex officio the treasurer of each such district.

Sec. 8.5. NRS 474.550 is hereby amended to read as follows:

474.550 **1.** Except as otherwise provided in *this section and* NRS 527.126, within the boundaries of any fire protection district created pursuant to this chapter, any person, firm, association or agency which willfully or negligently causes a fire or other emergency which threatens human life may be charged with the expenses incurred in extinguishing the fire or meeting the emergency and the cost of necessary patrol. Such a charge constitutes a debt which is collectible by the federal, state, county or district agency incurring the expenses in the same manner as an obligation under a contract, express or implied.

2. *If it is determined that the fire or other emergency which threatens human life was the result of an unavoidable accident, the person, firm, association or agency that caused the fire or emergency may not be charged the expenses incurred in extinguishing the fire or meeting the emergency.*

Sec. 9. NRS 332.015 is hereby amended to read as follows:

332.015 For the purpose of this chapter, unless the context otherwise requires, "local government" means:

1. Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, 309, 318, 379, 450, ~~473,~~ 474, 539, 541, 543 and 555 of NRS.

2. The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

3. County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive.

4. District boards of health created pursuant to the provisions of NRS 439.362 or 439.370.

5. The Nevada Rural Housing Authority.

Sec. 10. NRS 354.760 is hereby amended to read as follows:

354.760 **1.** All invoices or other notices issued by a local government to collect an account receivable must state that if the debtor wishes to pay by check or other negotiable instrument, such negotiable instrument must name as payee:

- (a) The local government; or
- (b) The title of the governmental official charged by law with the collection of such accounts.

➡ In no event may the invoice or other notice state that a check or other negotiable instrument may name a natural person as payee.

2. Notwithstanding the provisions of subsection 1, a local government may deposit into the appropriate account a check or other negotiable instrument which it determines is intended as payment for an account receivable.

3. As used in this section, “local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including, without limitation, counties, cities, towns, boards, authorities, school districts and other districts organized pursuant to chapters 244, 244A, 309, 318, 379, 439, 450, ~~473,~~ 474, 539, 541, 543 and 555 of NRS.

Sec. 11. The State Land Registrar may transfer to:

1. The Elko County Fire Protection District, without consideration, all the interest of the State of Nevada in the real property described in subsection 1 of section 13 of this act. If the real property is transferred pursuant to this subsection, the Elko County Fire Protection District shall pay the costs relating to the transfer of the real property.

2. The Truckee Meadows Fire Protection District, without consideration, all the interest of the State of Nevada in the real property described in subsection 2 of section 13 of this act. If the real property is transferred pursuant to this subsection, the Truckee Meadows Fire Protection District shall pay the costs relating to the transfer of the real property.

3. Clark County, without consideration, all the interest of the State of Nevada in the real property described in subsection 3 of section 13 of this act. If the real property is transferred pursuant to this subsection, Clark County shall pay the costs relating to the transfer of the real property.

4. The Storey County Fire Protection District, without consideration, all the interest of the State of Nevada in the real property described in subsection 4 of section 13 of this act. If the real property is transferred pursuant to this subsection, the Storey County Fire Protection District shall pay the costs relating to the transfer of the real property.

Sec. 12. If real property is transferred pursuant to section 11 of this act, the deed from the State of Nevada to the fire protection district or county, as applicable, must, subject to any easement, condition or other encumbrance of record:

1. Include restrictions:

(a) Requiring that the use of the property be for the provision of services for fire protection and related public safety services; and

(b) Prohibiting the fire protection district or county receiving the real property or any successor in title from transferring the property without the consent of the State of Nevada.

2. Provide for the reversion of title to the property to the State of Nevada upon the breach of any restriction specified in subsection 1.

Sec. 13. 1. The real property that may be transferred to the Elko County Fire Protection District pursuant to subsection 1 of section 11 of this act contains approximately 1.25 acres and is commonly known as the Independence Valley Volunteer Fire Station. Such real property may be described as follows:

The north half (N 1/2) of the northeast quarter (NE 1/4) of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) of the southwest quarter (SW 1/4) of section 3, Township 39 North, Range 52 East, M.D.B. & M.

2. The real property that may be transferred to the Truckee Meadows Fire Protection District pursuant to subsection 2 of section 11 of this act contains approximately 1.875 acres and is commonly known as the Mount Rose Fire Station. Such real property may be described as follows:

The west half (W 1/2) of the southwest quarter (SW 1/4) of the southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) and the west half (W 1/2) of the east half (E 1/2) of the southwest quarter (SW 1/4) of the southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) of section 26, Township 18 North, Range 19 East, M.D.B. & M.

3. The real property that may be transferred to Clark County pursuant to subsection 3 of section 11 of this act contains approximately 0.25 acres and is commonly known as the Mount Charleston Fire Station. Such real property may be described as follows:

That portion of the northwest quarter (NW 1/4) of the northeast quarter (NE 1/4) of section 36, Township 19 South, Range 56 East, M.D.B. & M., as described in Grant, Bargain and Sale Deeds recorded on January 12, 1962, as Document Number 272260 in Book 337 and on August 20, 1962, as Document Number 307631 in Book 381 in the Recorder's Office of Clark County, Nevada.

4. The real property that may be transferred to the Storey County Fire Protection District pursuant to subsection 4 of section 11 of this act contains approximately 1 acre and is commonly known as the Virginia City Highlands Fire Station Site. Such property may be described as follows:

That portion of the southeast quarter (SE 1/4) of the northwest quarter (NW 1/4) of section 8, Township 17 North, Range 21 East, M.D.B. & M., as described in the Grant, Bargain and Sale Deed recorded on November 20, 1979, as Document Number 45784 in Book 20 at page 179 in the Recorder's Office of Storey County, Nevada.

Sec. 14. 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. 15. NRS 473.010, 473.020, 473.030, 473.031, 473.032, 473.033, 473.034, 473.035, 473.0355, 473.036, 473.040, 473.050, 473.060, 473.065, 473.070, 473.080, 473.090, 473.100, 474.530 and 474.555 are hereby repealed.

Sec. 16. This act becomes effective on July 1, 2015.

LEADLINES OF REPEALED SECTIONS

473.010 “Federal aid” defined.

473.020 Institution of proceedings for formation of fire protection district: Petition by property owners.

473.030 Resolution of board of county commissioners: Adoption; contents.

473.031 Notice of proposed formation of district: Contents; publication.

473.032 Hearing; written objections; exclusion of land not benefited.

473.033 Inclusion of lands adjacent to proposed district; owner’s application.

473.034 Determination; order of formation; regulations for organization of area.

473.035 Alteration of boundaries by inclusion of territory: Procedure; regulations.

473.0355 Alteration of boundaries by exclusion of territory: Procedure.

473.036 Effect of change in district’s boundaries.

473.040 Board of directors: Composition.

473.050 Preparation of budgets; levy, collection, deposit and use of taxes.

473.060 Authorization to issue negotiable bonds; purpose; limitation on amount.

473.065 Activities within district which may be prohibited or restricted by State Forester Firewarden; public announcement and posting of prohibited or restricted activities; applicability; penalty.

473.070 Liability for damage by fire within district.

473.080 Collection of expenses for extinguishing fires or meeting other emergencies within district.

473.090 Unlawful burning, blasting or use of fireworks, welding torch or other devices in district; permits; exceptions; penalty.

473.100 Elimination of fire hazards.

474.530 Dissolution of district organized pursuant to chapter 473 of NRS or exclusion of portions.

474.555 Reorganization of district organized pursuant to chapter 473 of NRS.

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 719 to Assembly Bill No. 34.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 163.

The following Senate amendment was read:

Amendment No. 761.

AN ACT relating to fire protection; providing for the creation of rangeland fire protection associations; authorizing certain boards to approve a petition to create a rangeland fire protection association; providing for the evaluation of such an association by the authorizing board and the State Forester Firewarden; requiring the State Forester Firewarden to adopt regulations and develop recommendations relating to the formation, operation and training of the members of such an association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 3, 7.5 and 7.7 of this bill authorize a board of county commissioners, board of directors of a county fire protection district or board of fire commissioners of certain other districts to approve a petition submitted by any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or otherwise control or occupy property within the county or district to create a rangeland fire protection association if the petitioners meet certain requirements. **Sections 3, 7.5 and 7.7** additionally provide for the routine evaluation of such an association by the authorizing board in cooperation with the State Forester Firewarden during the term of a cooperative agreement based on certain criteria and requires the State Forester Firewarden to adopt regulations and develop recommendations relating to the formation, operation and training of the members of such an association.

Existing law authorizes fire protection districts, the State Forester Firewarden and a board of county commissioners to enter into certain cooperative agreements for the purpose of providing fire protection services in this State. (NRS 472.050-472.070) **Sections 4-6, 8 and 9** of this bill authorize fire protection districts, the State Forester Firewarden and a board of county commissioners to enter into such agreements with a rangeland fire protection association.

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

Section 1. Chapter 472 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 3.5 of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the term "rangeland fire protection association" means a nonprofit association formed for the purpose of protecting rangeland from wildfire pursuant to section 3, 7.5 or 7.7 of this act, as applicable.*

Sec. 3. 1. *Except as otherwise provided in sections 7.5 and 7.7 of this act, any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or occupy property within a county in this State may establish a rangeland fire protection association by petitioning the board of county commissioners of the county in which the petitioners reside or in which their property is located for recognition as a rangeland fire protection association.*

2. *A board of county commissioners may approve a petition submitted pursuant to subsection 1 if the petitioners:*

(a) *Meet the requirements established by the board relating to the creation, operation and duties of a rangeland fire protection association.*

(b) *Provide to the board a copy of written notice from the State Forester Firewarden that the proposed rangeland fire protection association meets all the applicable requirements set forth in the regulations adopted by the State Forester Firewarden pursuant to section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.*

3. *A board of county commissioners, in cooperation with the State Forester Firewarden or his or her designee, shall, before the board enters into a cooperative agreement with a rangeland fire protection association pursuant to NRS 472.060 or 472.070 and annually thereafter during the term of the agreement, evaluate:*

(a) *The governance and management structure of the association;*

(b) *The adequacy of any policy of liability insurance carried by the association;*

(c) *The condition and maintenance of the vehicles and equipment used by the association in carrying out its duties; and*

(d) *The training and qualifications of each member of the association in accordance with national standards or other substantially equivalent standards determined by the State Forester Firewarden.*

4. *A board of county commissioners may delegate the performance of the evaluation required pursuant to subsection 3 to the State Forester Firewarden. The State Forester Firewarden shall report to the board of county commissioners the results of any such delegated evaluation.*

5. *The board of county commissioners, the State Forester Firewarden and any other agency which is a party to a cooperative agreement entered into with a rangeland fire protection association shall, to the extent practicable, assist the association in procuring funding for the association, carrying out the duties of the association, training the members of the association and providing personal protective equipment for the members of the association.*

6. *The provisions of this section do not require a person to be a member of a rangeland fire protection association in order to protect his or her property from a rangeland fire.*

Sec. 3.5. 1. *The State Forester Firewarden shall adopt regulations governing a rangeland fire protection association established pursuant to section 3 of this act setting forth:*

(a) The requirements for the formation of such a rangeland fire protection association, including the governance and management structure of an association;

(b) The scope of the operations which may be conducted by such an association;

(c) The training requirements for the members of such an association;

(d) The amount of liability insurance that must be carried by such an association; and

(e) Any financial requirements for the formation and operation of such an association.

2. *The State Forester Firewarden shall develop recommendations concerning the formation, operation and training of the members of a rangeland fire protection association established pursuant to section 7.5 or 7.7 of this act. Such recommendations must address the topics set forth in subsection 1.*

Sec. 4. NRS 472.050 is hereby amended to read as follows:

472.050 1. The State Forester Firewarden, with the approval of the Director of the State Department of Conservation and Natural Resources, may represent the State of Nevada in negotiating and entering into agreements with the Federal Government for the purpose of securing cooperation in forest management and the protection of the forest and watershed areas of Nevada from fire, and enter into such other agreements with boards of county commissioners, municipalities, ***rangeland fire protection associations and other*** organizations and individuals in the State of Nevada owning lands therein, as are necessary in carrying out the terms of the federal agreements or that will otherwise promote and encourage forest management and the protection from fire of forest or other lands having an inflammable cover.

2. Any federal money allotted to the State of Nevada under the terms of the federal agreements and such other money as may be received by the State for the management and protection of forests and watershed areas therein shall be deposited in the Division of Forestry Account in the State General Fund.

Sec. 5. NRS 472.060 is hereby amended to read as follows:

472.060 Any fire protection district and board or boards of county commissioners of the State of Nevada may:

1. Enter into cooperative agreements with the State Forester Firewarden subject to the approval of the Director of the State Department of Conservation and Natural Resources, acting for the State, and with other counties, ***rangeland fire protection associations and other*** organizations and individuals, to prevent and suppress outdoor fires.

2. Appropriate and expend funds for the payment of wages and expenses incurred in fire prevention and fire suppression, ~~for~~ for the purchase, construction and maintenance of forest protection improvements and

equipment ~~and~~ and for paying other expenses incidental to the protection of forest and other lands from fire, including any portion of the office and travel expense of the Division of Forestry incurred in carrying out the provisions of any cooperative agreements with the State of Nevada.

Sec. 6. NRS 472.070 is hereby amended to read as follows:

472.070 The State Forester Firewarden with the approval of the Director of the State Department of Conservation and Natural Resources, fire protection districts, and the boards of county commissioners, separately or collectively, may enter into agreements with the United States Forest Service, United States Bureau of Land Management, ~~and~~ other fire protection agencies ~~and~~ **rangeland fire protection associations** to provide for placing any or all portions of the fire protection work under the direction of the agency **or association** concerned, under such terms as the contracting parties deem equitable, and may place any or all funds appropriated or otherwise secured for forest protection in the cooperative work fund of the respective agency **or rangeland fire protection association** for disbursement by that agency **or association** for the purposes stated in the agreements and otherwise in conformity with the terms thereof.

Sec. 7. Chapter 474 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.2, 7.5 and 7.7 of this act.

Sec. 7.2. *As used in this chapter, unless the context otherwise requires, the term “rangeland fire protection association” has the meaning ascribed to it in section 2 of this act.*

Sec. 7.5. 1. *Any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or otherwise control or occupy property within a county fire protection district organized pursuant to NRS 474.010 to 474.450, inclusive, may establish a rangeland fire protection association by petitioning the board of directors of the county fire protection district in which the petitioners reside or in which their property is located for recognition as a rangeland fire protection association.*

2. *The board of directors of a county fire protection district may approve a petition submitted pursuant to subsection 1 if the petitioners:*

(a) Meet the requirements established by the board relating to the creation, operation and duties of a rangeland fire protection association.

(b) Provide to the board a copy of written notice from the State Forester Firewarden that the proposed rangeland fire protection association complies with the recommendations developed by the State Forester Firewarden pursuant to section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.

3. *The board of directors of a county fire protection district, in cooperation with the State Forester Firewarden or his or her designee, shall, before the board enters into a cooperative agreement with a rangeland fire protection association pursuant to NRS 472.060 or 472.070 and annually thereafter during the term of the agreement, evaluate:*

(a) The governance and management structure of the association;

(b) *The adequacy of any policy of liability insurance carried by the association;*

(c) *The condition and maintenance of the vehicles and equipment used by the association in carrying out its duties; and*

(d) *The training and qualifications of each member of the association in accordance with national standards or other substantially equivalent standards determined by the county fire protection district.*

4. *The board of directors of a county fire protection district may delegate the performance of the evaluation required pursuant to subsection 3 to the State Forester Firewarden. The State Forester Firewarden shall report to the board of directors of the county fire protection district the results of any such delegated evaluation.*

5. *The board of directors of a county fire protection district, the State Forester Firewarden and any other agency which is a party to a cooperative agreement entered into with a rangeland fire protection association shall, to the extent practicable, assist the association in procuring funding for the association, carrying out the duties of the association, training the members of the association and providing personal protective equipment for the members of the association.*

6. *The provisions of this section do not require a person to be a member of a rangeland fire protection association in order to protect his or her property from a rangeland fire.*

Sec. 7.7. 1. Any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or otherwise control or occupy property within a district organized pursuant to NRS 474.460 may establish a rangeland fire protection association by petitioning the board of fire commissioners of the district in which the petitioners reside or in which their property is located for recognition as a rangeland fire protection association.

2. The board of fire commissioners of the district may approve a petition submitted pursuant to subsection 1 if the petitioners:

(a) *Meet the requirements established by the board relating to the creation, operation and duties of a rangeland fire protection association.*

(b) *Provide to the board a copy of written notice from the State Forester Firewarden that the proposed rangeland fire protection association complies with the recommendations developed by the State Forester Firewarden pursuant to section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.*

3. The board of fire commissioners of a district organized pursuant to NRS 474.460, in cooperation with the State Forester Firewarden or his or her designee, shall, before the board enters into a cooperative agreement with a rangeland fire protection association pursuant to NRS 472.060 or 472.070 and annually thereafter during the term of the agreement, evaluate:

(a) *The governance and management structure of the association;*

(b) The adequacy of any policy of liability insurance carried by the association;

(c) The condition and maintenance of the vehicles and equipment used by the association in carrying out its duties; and

(d) The training and qualifications of each member of the association in accordance with national standards or other substantially equivalent standards determined by the district.

4. The board of fire commissioners of a district organized pursuant to NRS 474.460 may delegate the performance of the evaluation required pursuant to subsection 3 to the State Forester Firewarden. The State Forester Firewarden shall report to the board of fire commissioners the results of any such delegated evaluation.

5. The board of fire commissioners of a district organized pursuant to NRS 474.460, the State Forester Firewarden and any other agency which is a party to a cooperative agreement entered into with a rangeland fire protection association shall, to the extent practicable, assist the association in procuring funding for the association, carrying out the duties of the association, training the members of the association and providing personal protective equipment for the members of the association.

6. The provisions of this section do not require a person to be a member of a rangeland fire protection association in order to protect his or her property from a rangeland fire.

Sec. 8. NRS 474.163 is hereby amended to read as follows:

474.163 1. The board of directors of a county fire protection district may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the district and perform such other duties as may be designated by the board of directors. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other fire protection agencies ~~and~~ ***and rangeland fire protection associations.***

2. In lieu of or in addition to the provisions of subsection 1, the board of directors may:

(a) Provide fire protection to the county fire protection district by entering into agreements with other agencies ***or rangeland fire protection associations*** as provided by NRS 277.180 and 472.060 to 472.090, inclusive, for the furnishing of such protection to the district; or

(b) Support volunteer fire departments within the county fire protection district for the furnishing of such protection to the district.

Sec. 8.5. NRS 474.470 is hereby amended to read as follows:

474.470 The board of fire commissioners shall:

1. Manage and conduct the business and affairs of districts organized pursuant to the provisions of NRS 474.460.

2. Adopt and enforce all rules and regulations necessary for the administration and government of the districts and for the furnishing of fire

protection thereto, which may include regulations relating to emergency medical services and fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

➔ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning those substances, materials or devices that is required by the Federal Government and has been adopted by the board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the districts.

4. Provide for the payment of salaries to the personnel of those fire companies or fire departments.

5. Provide for payment from the proper fund of all the debts and just claims against the districts.

6. Employ agents and employees for the districts sufficient to maintain and operate the property acquired for the purposes of the districts.

7. Acquire real or personal property necessary for the purposes of the districts and dispose of the property if no longer needed.

8. Construct any necessary structures.

9. Acquire, hold and possess, by donation or purchase, any land or other property necessary for the purpose of the districts.

10. Eliminate and remove fire hazards from the districts if practicable and possible, whether on private or public premises, and to that end the board of fire commissioners may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

11. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.460 to 474.540, inclusive ~~§~~, **and section 7.7 of this act.**

Sec. 9. NRS 474.500 is hereby amended to read as follows:

474.500 1. The board of fire commissioners may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the territory of the county described by NRS 474.460 and perform such other duties as may be designated by the board of fire commissioners and the State Forester Firewarden. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other existing fire protection agencies **and rangeland fire protection associations** and with the State Forester Firewarden for the standardization of equipment and facilities.

2. In lieu of or in addition to the provisions of subsection 1, the board of fire commissioners may:

(a) Provide the fire protection required by NRS 474.460 to 474.540, inclusive, **and section 7.7 of this act** to the districts by entering into agreements with other agencies **or rangeland fire protection associations** as provided by NRS 472.060 to 472.090, inclusive, and 277.180, for the furnishing of such protection to the districts; or

(b) Support volunteer fire departments within districts organized under the provisions of NRS 474.460 to 474.540, inclusive, **and section 7.7 of this act** for the furnishing of such protection to the districts.

Sec. 10. This act becomes effective:

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

2. ~~{On January 1, 2016, for}~~ **For** all other purposes. ~~{-}~~, **on the earlier of:**

(a) January 1, 2016; or

(b) The date on which the State Forester Firewarden adopts a temporary regulation, an emergency regulation or a permanent regulation pursuant to chapter 233B of NRS and section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 761 to Assembly Bill No. 163.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 170.

The following Senate amendment was read:

Amendment No. 762.

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

Legislative Counsel's Digest:

Existing law authorizes municipalities and school districts to issue or incur general obligations upon meeting certain requirements. Municipalities generally are required to submit a proposal to issue or incur general obligations to the electors of the municipality at a special or general election, with the exception that municipalities may issue or incur general obligations by an affirmative vote of two-thirds of the members of the governing body of the municipality finding that the pledged non property tax revenue will be sufficient to service the debt, upon publishing a resolution of intent to issue or incur the obligation and upon meeting certain other procedural requirements. Under the exception, **upon the filing of a petition by** not less than 5 percent

of the registered voters of the municipality, ~~can reject the issuance of~~ the obligation ~~by petition~~ **may be issued only pursuant to an election.** (NRS 350.020) This bill: (1) clarifies that a general obligation issued or incurred by a municipality or school district must be used only for the stated purpose for which the general obligation was originally issued or incurred and not for any other purpose; (2) requires a publication of a resolution of the intent of a municipality to issue or incur a general obligation to include certain information relating to the filing of a petition to ~~reject~~ **hold an election on** the issuance of the obligation; and (3) requires the publication of the notice of the public hearing concerning the incurrence of the obligation to be made at least three times, once a week for 3 consecutive weeks, in a newspaper of general circulation in the municipality.

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

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

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

2. Such a special election may be held:

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

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

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

3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged revenue will at

least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 90 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election. The resolution of intent need not be published in full, but the publication must include the amount of the obligation, ~~and~~ the purpose for which it is to be incurred ~~[-]~~, ***the date by which the registered voters of the municipality must file a petition with the governing body to ~~reject~~ hold an election on the issuance of the obligation, the location at which the petition must be filed with the governing body and the location at which a person may obtain additional information regarding the contents of and filing requirements for the petition.*** Notice of the public hearing must be published at least ~~[10 days before the day of the hearing. The publications must be made]~~ ***three times, once each week for three consecutive weeks,*** in a newspaper of general circulation in the municipality. ***The third publication of the notice required by this subsection must be made at least 10 days before the date of the hearing.*** When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.

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

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

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

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

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

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

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

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

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

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

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

(c) To maintain the reserve account required pursuant to subsection 5, ➡ to be transferred to the county school district's fund for capital projects established pursuant to NRS 387.328 and used to pay the cost of capital projects which can lawfully be paid from that fund. Any such transfer must not limit the ability of the school district to issue bonds during the period of voter authorization if the findings and approvals required by subsection 4 are obtained.

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

Sec. 2. (Deleted by amendment.)

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 762 to Assembly Bill No. 170.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 293.

The following Senate amendment was read:

Amendment No. 716.

AN ACT relating to public administrators; setting forth certain qualifications for deputy public administrators; authorizing the board of county commissioners in smaller counties to impose certain duties on the public administrators of the county; **revising the circumstances under which a public administrator may secure the property of a deceased person;** authorizing a board of county commissioners to take certain action concerning complaints received by the board against the public administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a public administrator to meet certain qualifications for office. (NRS 253.010) Existing law also authorizes a public administrator to appoint as many deputy public administrators as he or she deems necessary and authorizes a deputy public administrator to perform all duties required of the public administrator. (NRS 253.025) **Section 1** of this bill requires a deputy public administrator, like a public administrator, to: (1) be a qualified elector of the county; (2) be 21 years of age or older; (3) not have been convicted of a felony for which his or her civil rights have not been restored by a court of competent jurisdiction; and (4) not have been found liable in a civil action involving fraud, misrepresentation, material omission, misappropriation, theft or conversion.

Existing law authorizes a public administrator, without procuring letters of administration and upon filing with the court an affidavit of his or her right to do so, to administer an estate in which the gross value of the decedent's property does not exceed \$20,000. (NRS 253.0403) **Section 1.5** of this bill increases this threshold amount to \$25,000.

Under existing law, a public administrator may secure the property of a deceased person before the issuance of letters of administration for the estate of the decedent, before filing an affidavit to administer the estate or before petitioning to have the estate set aside without administration if the public administrator finds that there are no relatives of the decedent who are able to protect the property or that the failure to secure the property could endanger the property. (NRS 253.0405) Section 1.7 of this bill instead authorizes a public administrator to act on behalf of the estate of a deceased person to identify and secure all tangible and intangible assets of the estate before the issuance of letters of administration, before filing the affidavit, before petitioning to have the estate set aside without administration and without giving notice to next of kin if the public administrator finds that there are no relatives of the decedent who are able to protect the property or that the failure to secure the property could endanger the property.

Section 1.7 also prohibits a public administrator from distributing, liquidating or otherwise administering the assets of an estate before a

court has issued letters of administration for the estate or otherwise authorized the public administrator to act as administrator of the estate. Additionally, section 1.7 authorizes a public administrator who has identified and secured the assets of an estate to authorize a relative of the decedent, a named executor or trustee of the estate or an attorney or other natural person designated by the next of kin of the decedent to access the real and personal property of the estate.

Existing law sets forth the duties of a public administrator in administering the estate of an intestate decedent. (NRS 253.0415) **Section 2** of this bill authorizes the board of county commissioners, in a county whose population is less than 100,000, to require by ordinance, the public administrator, if he or she has been made an administrator of the estate of an intestate decedent who resides in the county, to notify or obtain permission from the board before taking any property belonging to the decedent out of the county.

Existing law authorizes a board of county commissioners to investigate any complaint received by the board against the public administrator. (NRS 253.091) **Section 3** of this bill authorizes the board to take any appropriate action that it deems is necessary to resolve such a complaint. **Section 3** also authorizes the board of county commissioners, in a county whose population is less than 100,000, to require, by ordinance, a public administrator to submit an independent audit report to the board on an annual basis, which covers the records and office of the public administrator.

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

Section 1. NRS 253.025 is hereby amended to read as follows:

253.025 1. A public administrator may appoint as many deputies as the public administrator deems necessary to perform fully the duties of his or her office. A deputy so appointed may perform all duties required of the public administrator and has the corresponding powers and responsibilities. Before entering upon the discharge of his or her duties each deputy must take and subscribe to the constitutional oath of office. The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county public administrator or the county by which the deputy is employed.

2. Each appointment must be in writing and recorded with the oath of office of that deputy in the office of the county recorder. Any revocation or resignation of an appointment must be recorded in the office of the county recorder.

3. The public administrator is responsible on his or her official bond for any official malfeasance or nonfeasance of his or her deputies and may require a bond for the faithful performance of the official duties of his or her deputies.

4. Every deputy appointed pursuant to this section must:

- (a) Be a qualified elector of the county;**
- (b) Be at least 21 years of age;**

(c) Not have been convicted of a felony for which his or her civil rights have not been restored by a court of competent jurisdiction; and

(d) Not have been found liable in a civil action involving a finding of fraud, misrepresentation, material omission, misappropriation, theft or conversion.

Sec. 1.5. NRS 253.0403 is hereby amended to read as follows:

253.0403 1. When the gross value of a decedent's property situated in this State does not exceed ~~[\$20,000,]~~ **\$25,000**, a public administrator may, without procuring letters of administration, administer the estate of that person upon filing with the court an affidavit of his or her right to do so.

2. The affidavit must provide:

(a) The public administrator's name and address, and his or her attestation that he or she is entitled by law to administer the estate;

(b) The decedent's place of residence at the time of his or her death;

(c) That the gross value of the decedent's property in this State does not exceed ~~[\$20,000,]~~ **\$25,000**;

(d) That at least 40 days have elapsed since the death of the decedent;

(e) That no application or petition for the appointment of a personal representative is pending or has been granted in this State;

(f) A description of the personal property of the decedent;

(g) Whether there are any heirs or next of kin known to the affiant, and if known, the name and address of each such person;

(h) If heirs or next of kin are known to the affiant, a description of the method of service the affiant used to provide to each of them notice of the affidavit and that at least 10 days have elapsed since the notice was provided;

(i) That all debts of the decedent, including funeral and burial expenses, have been paid or provided for; and

(j) The name of each person to whom the affiant intends to distribute the decedent's property.

3. Before filing the affidavit with the court, the public administrator shall take reasonable steps to ascertain whether any of the decedent's heirs or next of kin exist. If the administrator determines that heirs or next of kin exist, the administrator shall serve each of them with a copy of the affidavit. Service must be made personally or by certified mail.

4. If the affiant:

(a) Submits an affidavit which does not meet the requirements of subsection 2 or which contains statements which are not entirely true, any money or property the affiant receives or distributes is subject to all debts of the decedent, based on the priority for payment of debts and charges specified in NRS 147.195.

(b) Fails to give notice to heirs or next of kin as required by subsection 3, any money or property the affiant holds or distributes to others shall be deemed to be held in trust for those heirs and next of kin who did not receive notice and have an interest in the property.

5. A person who receives an affidavit containing the information required by subsection 2 is entitled to rely upon such information, and if the person relies in good faith, he or she is immune from civil liability for actions based on that reliance.

6. Upon receiving proof of the death of the decedent, an affidavit containing the information required by this section and the written approval of the public administrator to do so:

(a) A transfer agent of any security shall change the registered ownership of the security claimed from the decedent to the person claiming to succeed to ownership of that security.

(b) A governmental agency required to issue certificates of title, ownership or registration to personal property shall issue a new certificate of title, ownership or registration to the person claiming to succeed to ownership of the property.

Sec. 1.7. NRS 253.0405 is hereby amended to read as follows:

253.0405 ~~[Before]~~

1. Subject to the provisions of subsections 2 and 3, before the issuance of the letters of administration for an estate, before filing an affidavit to administer an estate pursuant to NRS 253.0403, ~~[or]~~ before petitioning to have an estate set aside pursuant to NRS 253.0425, **and without giving notice to the next of kin,** the public administrator may **act on behalf of the estate of a deceased person to identify and** secure ~~[the property of a deceased person]~~ **all tangible and intangible assets of the estate** if the administrator finds that:

~~{1}~~ **(a)** There are no relatives of the deceased who are able to protect the property; or

~~{2}~~ **(b)** Failure to do so could endanger the property.

2. A public administrator shall not distribute, liquidate or otherwise administer any assets of an estate which are identified and secured pursuant to subsection 1 unless:

(a) A court has issued letters of administration for the estate; or

(b) A court order authorizing the public administrator to act as administrator of the estate has been issued.

3. A public administrator may, for the purpose of protecting the assets of an estate which are identified and secured pursuant to subsection 1, authorize any of the following persons to access the real and personal property of the estate:

(a) A relative of the deceased;

(b) A named executor or named trustee of the estate; or

(c) An attorney or any other natural person designated by the next of kin of the deceased.

Sec. 2. NRS 253.0415 is hereby amended to read as follows:

253.0415 1. The public administrator shall:

(a) Investigate:

(1) The financial status of any decedent for whom he or she has been requested to serve as administrator to determine the assets and liabilities of the estate.

(2) Whether there is any qualified person who is willing and able to serve as administrator of the estate of an intestate decedent to determine whether he or she is eligible to serve in that capacity.

(3) Whether there are beneficiaries named on any asset of the estate or whether any deed upon death executed pursuant to NRS 111.655 to 111.699, inclusive, is on file with the county recorder.

(b) Except as otherwise provided in NRS 253.0403 and 253.0425, petition the court for letters of administration of the estate of an intestate decedent if, after investigation, the public administrator finds that there is no other qualified person having a prior right who is willing and able to serve.

(c) Upon court order, act as administrator of the estate of an intestate decedent, regardless of the amount of assets in the estate of the decedent if no other qualified person is willing and able to serve.

2. The public administrator shall not administer any estate:

(a) Held in joint tenancy unless all joint tenants are deceased; or

(b) For which a deed upon death has been executed pursuant to NRS 111.655 to 111.699, inclusive.

3. ***In a county whose population is less than 100,000, the board of county commissioners may, by ordinance, require the public administrator to notify or obtain approval from the board of county commissioners before transporting outside the county any property of a decedent for whose estate the public administrator serves as administrator.***

4. As used in this section, “intestate decedent” means a person who has died without leaving a valid will, trust or other estate plan.

Sec. 3. NRS 253.091 is hereby amended to read as follows:

253.091 1. The board of county commissioners shall:

(a) Establish regulations for the form of any reports made by the public administrator.

(b) Review reports submitted to the board by the public administrator.

(c) Investigate any complaint received by the board against the public administrator ~~and~~ ***and take any appropriate action it deems necessary to resolve the complaint.***

2. The board of county commissioners may at any time investigate any estate for which the public administrator is serving as administrator.

3. ***In a county whose population is less than 100,000, the board of county commissioners may, by ordinance, require that, on or before March 1 of each year, the public administrator submit to the board of county commissioners an independent audit report prepared by a certified public accountant of the records and office of the public administrator. The ordinance must:***

(a) Provide that each such audit report cover the period starting January 1 of the previous calendar year and ending December 31 of the previous calendar year.

(b) Prescribe who is responsible for paying the costs of the audit.

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

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 716 to Assembly Bill No. 293.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 364.

The following Senate amendment was read:

Amendment No. 765.

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

Legislative Counsel's Digest:

Under existing law, the Secretary of State is required to establish the state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through the state business portal. (NRS 75A.100) **Section 4** of this bill requires the Secretary of State to: (1) establish common business registration information that may be used by state and local agencies and health districts to conduct necessary transactions with businesses in this State; and (2) cause the state business portal to exchange the common business registration information among certain state and local agencies and health districts that conduct necessary transactions with businesses in this State. **Section 4** authorizes state and local agencies and health districts to: (1) integrate their electronic applications processes into the state business portal; (2) use the state business portal to accept and disseminate common business registration information that is needed by the state or local agency or health district to issue a license, certificate, registration, permit or

similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State; (3) make available on the Internet applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State and to integrate such applications into the state business portal; and (4) perform certain other actions related to participation in the state business portal. **Section 4** also specifies that a state or local agency or health district is not required to disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of information. **Section 3** of this bill deems that the records and files collected as common business registration information by the Secretary of State are confidential and privileged unless an exception applies.

Section 7 of this bill requires the Secretary of State to assign a unique business identification number to each business entity organized in this State and to each person who is issued a state business license or who claims to be excluded or exempt from the requirement to obtain a state business license. Under **section 4**: (1) the Secretary of State must cause the state business portal to interface with the system used by the Secretary of State to assign business identification numbers; and (2) state and local agencies and health districts that issue licenses, certificates, registration, permits or similar types of authorization to conduct a business in this State or to engage in an occupation or profession in this State may require an applicant for such a license, certificate, registration or permit to include the applicant's business identification number on the application.

Existing law also requires an applicant for a city or county business license to sign an affidavit or electronically submit an attestation affirming that the business satisfies certain insurance requirements. (NRS 244.33505, 268.0955) **Sections 9.5 and 10.5** of this bill provide that if an applicant submits such an attestation electronically via the state business portal, access to certain information regarding industrial insurance must be provided through the state business portal.

Existing law ~~requires certain applicants for the issuance or renewal of certain licenses, certificates or permits by a county, city or town to~~ **provides that if certain local governments require a person to obtain a license, permit or certificate to practice a profession or occupation, an applicant for the issuance or renewal of such a license, certificate or permit must** submit a statement indicating whether the applicant is subject to a court order for the support of a child and whether he or she is in compliance with that order or a plan for the repayment of the money owed pursuant to the order. (NRS 244.33506, 266.358, 266.368, 269.171) ~~Section 15 repeals this requirement and section 5.3 of this bill instead requires certain applicants for the issuance or renewal of a state business license to submit such statement with the application for the issuance or renewal of a state business license.~~ **Sections 9.6-9.9, 10.6 and 10.7 of this bill provide that an applicant for a**

general business license issued by a local government is not required to submit such a statement.

Existing law provides that if a local government which issues professional or occupational licenses, certificates or permits receives a copy of a court order suspending all such licenses, certificates or permits for failure to comply with certain child support requirements, the governmental entity must suspend the license, certificate or permit. (NRS 244.33508, 266.362, 269.172) Section 5.7 of this bill requires the Secretary of State to suspend the state business license of a sole proprietor if the Secretary of State receives a copy of a court order providing for the suspension of the professional and occupational licenses issued to the sole proprietor because the sole proprietor has not complied with certain child support requirements and the sole proprietor does not comply with certain requirements within 30 days. Sections 10.8 and 10.9 of this bill make conforming changes.

Section 11 of this bill removes the provision from existing law which prohibits a county clerk, in certain circumstances, from refusing to accept for filing a certificate or renewal certificate concerning persons doing business in this State under an assumed or fictitious name that is filed by a foreign artificial person or persons. **Section 12** of this bill authorizes the Employment Security Division of the Department of Employment, Training and Rehabilitation to make certain information available to the Secretary of State for certain purposes related to operating and maintaining the state business portal.

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

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

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

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

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

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

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

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

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

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

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

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

(f) *Disclosure by the Secretary of State for the purpose of collection of a debt, fee or obligation owed to the Secretary of State.*

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

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

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

2. The Secretary of State shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. *Except as otherwise provided in NRS 239.0115, all records containing technical specifications, processing protocols or programmatic or system architecture of the state business portal, and any other records containing information the disclosure of which would endanger the security of the state business portal, or proprietary information related to the functions, operations, processes or architecture of the state business portal, are deemed confidential and privileged.*

6. *As used in this section:*

(a) *“Business identification number” means the number assigned by the Secretary of State pursuant to section 7 of this act to an entity organized pursuant to this title or to a person who is issued a state business license or who claims to be excluded or exempt from the requirement to obtain a state business license pursuant to chapter 76 of NRS.*

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

Sec. 5. Chapter 76 of NRS is hereby amended by adding thereto the provisions sets forth as sections 5.3 and 5.7 of this act.

Sec. 5.3. ~~1. If an applicant for the issuance or renewal of a state business license is required to obtain or renew a license, permit or certificate to practice a profession or occupation pursuant to NRS 244.334, 244.335, 266.355, 268.0887, 268.095 or 269.170, the applicant shall:~~

~~(a) Include in the application his or her social security number; and~~
~~(b) Submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~2. The Secretary of State shall include the statement required pursuant to subsection 1 in:~~

~~(a) The application or any other forms that must be submitted for the issuance or renewal of the state business license; or~~
~~(b) A separate form prescribed by the Secretary of State.~~

~~3. A state business license may not be issued or renewed by the Secretary of State if the applicant:~~

~~(a) Fails to submit the statement required pursuant to subsection 1; or~~
~~(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.~~

~~4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage. (Deleted by amendment.)~~

Sec 5.7. 1. If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is conducting business in this State as a sole proprietor, and the state business license issued by the Secretary of State to such a person, the Secretary of State shall deem the state business license issued to that person to be suspended at the end of the 30th day after the date

on which the court order was issued unless the Secretary of State receives a letter issued to the holder of the state business license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the state business license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Secretary of State shall reinstate a state business license that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose state business license was suspended stating that the person whose state business license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 6. NRS 76.100 is hereby amended to read as follows:

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

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

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

2. An application for a state business license must:

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

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the ~~entity~~ **business identification** number as assigned by the Secretary of State ~~[, if known,]~~ **pursuant to section 7 of this act**, and the location in this State of the place or places of business;

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

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

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

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

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

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

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

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

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

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

(1) Chapter 82 or 84 of NRS; or

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

(b) Has an office or other base of operations in this State;

(c) Has a registered agent in this State; or

(d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

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

Sec. 7. Chapter 225 of NRS is hereby amended by adding thereto a new section to read as follows:

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

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, **75A.100**, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,

239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 598.0964, 598A.110, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, **and section 3 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general

public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 9. NRS 244.335 is hereby amended to read as follows:

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

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

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

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license

tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

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

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

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

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

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

(b) Provides to the county license board the ~~entity~~ **business identification** number of the applicant assigned by the Secretary of State **pursuant to section 7 of this act** which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

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

(a) Presents written evidence that:

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

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

(b) Provides to the county license board the ~~entity~~ **business identification** number of the applicant assigned by the Secretary of State **pursuant to section 7 of this act** which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

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

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

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

Sec. 9.5. NRS 244.33505 is hereby amended to read as follows:

244.33505 1. In a county in which a license to engage in a business is required, the board of county commissioners shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In a county in which such a license is not required, the board of county commissioners shall require a business, when applying for a post office box, to submit to the board the affidavit or attestation required by subsection 1.

3. ~~Each~~ ***Except as otherwise provided in this subsection, each*** board of county commissioners shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~list~~ ***report*** of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. ***A board of county commissioners is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.***

4. ~~Upon~~ ***Except as otherwise provided in subsection 5, upon*** receiving an affidavit or attestation required by this section, a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. ***If an applicant submits an attestation required by this section electronically via the state business portal, the state business portal must provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.***

6. ***As used in this section, “state business portal” means the state business portal established pursuant to chapter 75A of NRS.***

Sec. 9.6. NRS 244.33506 is hereby amended to read as follows:

244.33506 1. If a board of county commissioners requires a person to obtain a license, permit or certificate to practice a profession or occupation pursuant to NRS 244.334 or 244.335, an applicant for the issuance or renewal of such a license, certificate or permit shall submit to the board of county commissioners the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The board of county commissioners shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license, certificate or permit; or

(b) A separate form prescribed by the board of county commissioners.

3. A license, certificate or permit may not be issued or renewed by a board of county commissioners pursuant to NRS 244.334 or 244.335 if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other

public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the board of county commissioners shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a board of county commissioners.

Sec. 9.7. NRS 244.33507 is hereby amended to read as follows:

244.33507 **1.** An application for the issuance of a license, permit or certificate to practice a profession or occupation pursuant to NRS 244.334 or 244.335 must include the social security number of the applicant.

2. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a board of county commissioners.

Sec. 9.8. NRS 266.358 is hereby amended to read as follows:

266.358 **1.** If a city council requires a person to obtain a license, permit or certificate to practice a profession or occupation pursuant to NRS 266.355 or 268.0887, an applicant for the issuance or renewal of such a license, certificate or permit shall submit to the city council the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The city council shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license, certificate or permit; or

(b) A separate form prescribed by the city council.

3. A license, certificate or permit may not be issued or renewed by the city council pursuant to NRS 266.355 or 268.0887 if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the

amount owed pursuant to the order, the city council shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a city council.

Sec. 9.9. NRS 266.368 is hereby amended to read as follows:

266.368 **1.** An application for the issuance of a license, permit or certificate to practice a profession or occupation pursuant to NRS 266.355 or 268.0887 must include the social security number of the applicant.

2. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a city council.

Sec. 10. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as “pledged revenues” for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, “professional” means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the city licensing agency the ~~entity~~ **business identification** number of the applicant assigned by the Secretary of State **pursuant to section 7 of this act** which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the city licensing agency the ~~entity~~ **business identification** number of the applicant assigned by the Secretary of State **pursuant to section 7 of this act** which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

- (1) The amount of tax due and the appropriate year;
- (2) The name of the record owner of the property;
- (3) A description of the property sufficient for identification; and
- (4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 10.5. NRS 268.0955 is hereby amended to read as follows:

268.0955 1. In an incorporated city in which a license to engage in a business is required, the city council or other governing body of the city shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In an incorporated city in which such a license is not required, the city council or other governing body of the city shall require a business, when applying for a post office box, to submit to the governing body the affidavit or attestation required by subsection 1.

3. ~~Each~~ ***Except as otherwise provided in this subsection, each*** city council or other governing body of an incorporated city shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~list~~ ***report*** of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. ***A city council or other governing board of an incorporated city is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.***

4. ~~Upon~~ ***Except as otherwise provided in subsection 5, upon*** receiving an affidavit or attestation required by this section, the city council or other governing body of an incorporated city shall provide the applicant with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. ***If an applicant submits an attestation required by this section electronically via the state business portal, the state business portal must provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.***

6. ***As used in this section, "state business portal" means the state business portal established pursuant to chapter 75A of NRS.***

Sec. 10.6. NRS 269.171 is hereby amended to read as follows:

269.171 1. If a town board or board of county commissioners requires a person to obtain a license, permit or certificate to practice a profession or occupation pursuant to NRS 269.170, an applicant for the issuance or renewal of such a license, certificate or permit shall submit to the town board or board of county commissioners the statement prescribed by the Division of Welfare

and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The town board or board of county commissioners shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license, certificate or permit; or

(b) A separate form prescribed by the town board or board of county commissioners.

3. A license, certificate or permit may not be issued or renewed by a town board or board of county commissioners pursuant to NRS 269.170 if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the town board or board of county commissioners shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a town board or board of county commissioners.

Sec. 10.7. NRS 269.173 is hereby amended to read as follows:

269.173 **1.** An application for the issuance of a license, permit or certificate to practice a profession or occupation pursuant to NRS 269.170 must include the social security number of the applicant.

2. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a town board or board of county commissioners.

Sec. 10.8. NRS 425.530 is hereby amended to read as follows:

425.530 **1.** Each district attorney or other public agency collecting support for children shall send a notice by certified mail, restricted delivery, with return receipt requested to each person who:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

↪ The notice must include the information set forth in subsections 2 and 4 and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after the person receives the notice required by subsection 1:

- (a) Comply with the subpoena or warrant;
- (b) Satisfy the arrearage pursuant to NRS 425.560; or
- (c) Submit to the district attorney or other public agency a written request for a hearing,

↪ the district attorney or other public agency shall request in writing that the master suspend all professional, occupational and recreational licenses, certificates and permits issued to that person, and any business license issued to that person if he or she is conducting business in this State as a sole proprietor.

3. Before a hearing requested pursuant to subsection 2 may be held, the person requesting the hearing and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.

4. If the master receives from a district attorney or other public agency a request to suspend the professional, occupational and recreational licenses, certificates and permits issued to a person, and any business license issued to that person if he or she is conducting business in this State as a sole proprietor, the master shall enter a recommendation determining whether the person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

↪ As soon as practicable after the master enters a recommendation, the district attorney or other public agency shall notify the person by first-class mail of the recommendation of the master.

5. If a person requests a hearing within the period prescribed in subsection 2 and meets with the enforcing authority as required in subsection 3, a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of the recommendation of the master at the conclusion of the hearing or as soon thereafter as is practicable.

Sec. 10.9. NRS 425.540 is hereby amended to read as follows:

425.540 1. If a master enters a recommendation determining that a person:

(a) Has 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) Is in arrears in the payment for the support of one or more children,
 ↪ and the district court issues an order approving the recommendation of the master pursuant to NRS 425.3844, the court shall provide a copy of the order to the Secretary of State and all agencies that issue professional, occupational or recreational licenses, certificates or permits.

2. A court order issued pursuant to subsection 1 must provide that if the person named in the order does not, within 30 days after the date on which the order is issued, submit to any agency that has issued a professional, occupational or recreational license, certificate or permit to that person, **, and to the Secretary of State if he or she conducts business in this State as a sole proprietor,** a letter from the district attorney or other public agency stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560, the professional, occupational or recreational licenses issued to the person by that agency, **, or the business license issued to the person to conduct business in this State as a sole proprietor by the Secretary of State,** will be automatically suspended. Such an order must not apply to a license, certificate or permit issued by the Department of Wildlife or the State Land Registrar if that license, certificate or permit expires less than 6 months after it is issued.

3. If a court issues an order pursuant to subsection 1, the district attorney or other public agency shall send a notice by first-class mail to the person who is subject to the order. The notice must include:

(a) If the person has failed to comply with a subpoena or warrant, a copy of the court order and a copy of the subpoena or warrant; or

(b) If the person is in arrears in the payment for the support of one or more children:

(1) A copy of the court order;

(2) A statement of the amount of the arrearage; and

(3) A statement of the action that the person may take to satisfy the arrearage pursuant to NRS 425.560.

Sec. 11. NRS 602.020 is hereby amended to read as follows:

602.020 1. A certificate filed pursuant to NRS 602.010 or a renewal certificate filed pursuant to NRS 602.035 must state the assumed or fictitious name under which the business is being conducted or is intended to be conducted, and if conducted by:

(a) A natural person:

(1) His or her full name;

(2) The street address of his or her residence or business; and

(3) If the mailing address is different from the street address, the mailing address of his or her residence or business;

(b) An artificial person:

(1) Its name; and

(2) Its mailing address;

(c) A general partnership:

(1) The full name of each partner who is a natural person;

(2) The street address of the residence or business of each partner who is a natural person;

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each partner who is a natural person; and

(4) If one or more of the partners is an artificial person described in paragraph (b), the information required by paragraph (b) for each such partner; or

(d) A trust:

(1) The full name of each trustee of the trust;

(2) The street address of the residence or business of each trustee of the trust; and

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each trustee of the trust.

2. The certificate must be:

(a) Signed:

(1) In the case of a natural person, by that natural person;

(2) In the case of an artificial person, by an officer, director, manager, general partner, trustee or other natural person having the authority to bind the artificial person to a contract;

(3) In the case of a general partnership, by each of the partners who is a natural person and, if one or more of the partners is an artificial person described in subparagraph (2), by the person described in subparagraph (2); or

(4) In the case of a trust, by each of the trustees; and

(b) Notarized, unless the board of county commissioners of the county adopts an ordinance providing that the certificate may be filed without being notarized.

3. ~~No county clerk may refuse to accept for filing a certificate filed by a foreign artificial person or foreign artificial persons because the foreign artificial person or foreign artificial persons have not qualified to do business in this State under title 7 of NRS.~~

~~4.~~ As used in this section:

(a) “Artificial person” means any organization organized under the law of the United States, any foreign country, or a state, province, territory, possession, commonwealth or dependency of the United States or any foreign country, and as to which the government, state, province, territory, possession, commonwealth or dependency must maintain a record showing the organization to have been organized.

(b) ~~“Foreign artificial person” means an artificial person that is not organized under the laws of this State.~~

~~(c)~~ “Record” means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 12. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person’s or employing unit’s identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; ~~and~~

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS ~~1-1~~ ; *and*

(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.

↪ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able

to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement

agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 13. (Deleted by amendment.)

Sec. 14. NRS 719.345 is hereby amended to read as follows:

719.345 The Secretary of State may require a governmental agency of this State or a governmental agency of a political subdivision of this State, as a condition of participation in the state business portal established pursuant to **chapter 75A of NRS**, ~~[75A.100, 75A.200 and 75A.300,]~~ to send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely upon electronic records and electronic signatures.

Sec. 15. NRS 237.180, ~~[244.33506, 244.33507, 266.358, 266.368, 269.171, 269.173,]~~ 364.110 and 364.120 are hereby repealed.

Sec. 16. 1. This act becomes effective on ~~[October]~~ **July 1, 2015**.

2. Sections 5.3, ~~[and]~~ 5.7, **10.8 and 10.9** 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 the 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.

~~[LEADLINES]~~ **TEXT OF REPEALED SECTIONS**

237.180 Requirements; annual meeting to design and modify joint forms.

1. The agencies of this State, and the local governments within this State, that collect taxes or fees from persons engaged in business, or require such persons to provide related information and forms, shall coordinate their collection of information and forms so that each enterprise is required to furnish information in as few separate reports as possible. This section applies specifically, but is not limited, to the Department of Taxation, the Employment Security Division of the Department of Employment, Training and Rehabilitation, the State Department of Conservation and Natural Resources, and the counties and cities that require a business license.

2. On or before October 1 of each year, the Executive Director of the Department of Taxation shall convene the heads, or persons designated by the respective heads, of the state agencies named in subsection 1 and the appropriate officers of the cities and counties that require a business license. The Secretary of State, a representative of the Nevada Association of Counties and a representative of the Nevada League of Cities must be invited to attend the meeting. If the Executive Director knows, or is made aware by persuasive information furnished by any enterprise required to pay a tax or fee or to provide information, that any other state or local agency needs to participate to accomplish the purpose set forth in subsection 1, the Executive Director shall also invite the head of that agency or the appropriate officer of the local government, and the person so invited shall attend. The Administrator of the Division of Enterprise Information Technology Services of the Department of Administration shall assist in effecting the consolidation of the information and the creation of the forms.

3. The persons so assembled shall design and modify, as appropriate, the necessary joint forms for use during the ensuing fiscal year to accomplish the purpose set forth in subsection 1. If any dispute cannot be resolved by the participants, it must be referred to the Nevada Tax Commission for a decision that is binding on all parties.

4. The provisions of chapter 241 of NRS apply to a meeting held pursuant to this section. The Executive Director of the Department of Taxation shall provide members of the staff of the Department of Taxation to assist in complying with the requirements of chapter 241 of NRS.

~~[244.33506—Application for or renewal of license, permit or certificate; Statement regarding obligation of child support required; grounds for denial; duty of board of county commissioners.~~

~~—244.33507—Application for issuance of license, permit or certificate; Social security number required.~~

~~266.358 Payment of child support: Statement by applicant for license, permit or certificate; grounds for denial of license, permit or certificate; duty of city council.~~

~~266.368 Application for license, permit or certificate must include social security number of applicant.~~

~~269.171 Payment of child support: Statement by applicant for license, permit or certificate; grounds for denial of license, permit or certificate; duty of town board or board of county commissioners.~~

~~269.173 Application for license, certificate or permit must include social security number of applicant.~~

364.110 Licensing authority to require affidavit. No county license board and no other licensing authority, whether county, city or township, within the State of Nevada, shall issue an initial license or transfer any license to any person, firm or corporation authorizing the person, firm or corporation to engage in, or in any manner carry on, any business of the retail sale of wines, beers, liquors, soft drinks, produce, meats or other foodstuffs, clothing, hardware, or any other type or class of merchandise whatever, without requiring the applicant or applicants for the license to file with the licensing authority an affidavit showing:

1. Whether the applicant or applicants are engaged in business under a fictitious name, and if so engaged in business, that the applicant or applicants have complied with the provisions of chapter 602 of NRS.

2. Whether there has been any change in ownership in the business of the applicant or applicants during the preceding calendar year, and if there has been any such change in ownership, that the change was made in compliance with the provisions of chapter 104 of NRS.

364.120 Filing fee for required affidavit. Any licensing authority coming within the provisions of NRS 364.110 is authorized to collect a filing fee of not to exceed \$3 for the filing of the affidavit required to be filed by NRS 364.110.

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 765 to Assembly Bill No. 364.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 428.

The following Senate amendment was read:

Amendment No. 908.

SUMMARY—~~[Exempts the Nevada Rural Housing Authority from the Local Government Purchasing Act.] Makes various changes to provisions relating to local government purchasing.~~ (BDR 27-1098)

AN ACT relating to public purchasing; exempting the Nevada Rural Housing Authority from the Local Government Purchasing Act; **increasing the authorized duration of a performance contract entered into by a local government;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Rural Housing Authority is considered to be a local government for the purposes of the Local Government Purchasing Act. (NRS 332.015) ~~{This}~~ **Section 1 of this** bill exempts the Authority from the provisions of the Act.

Existing law authorizes a local government to enter into a performance contract with a qualified service company for the purchase and installation of one or more operating cost-savings measures to reduce costs related to energy, water and the disposal of waste, and related labor costs. (NRS 332.360) Existing law also provides that the term of a performance contract may not exceed 15 years. (NRS 332.380) Section 2 of this bill provides that the term of a performance contract may not exceed 25 years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 332.015 is hereby amended to read as follows:

332.015 **1.** For the purpose of this chapter, unless the context otherwise requires, "local government" means:

~~{1-}~~ **(a)** Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, 309, 318, 379, 450, 473, 474, 539, 541, 543 and 555 of NRS.

~~{2-}~~ **(b)** The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

~~{3-}~~ **(c)** County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive.

~~{4-}~~ **(d)** District boards of health created pursuant to the provisions of NRS 439.362 or 439.370.

~~{5-}~~ **2.** The ***term does not include the*** Nevada Rural Housing Authority.

Sec. 2. NRS 332.380 is hereby amended to read as follows:

332.380 **1.** A performance contract must provide that all payments, other than any obligations that become due if the contract is terminated before the contract expires, must be made over time.

2. Except as otherwise provided in this subsection, a performance contract, and the payments provided thereunder, may extend beyond the fiscal year in which the performance contract becomes effective for costs incurred in future fiscal years. The performance contract may extend for a term not to exceed ~~{15}~~ **25** years. The length of a performance contract may reflect the useful life of the operating cost-savings measure being installed or purchased under the performance contract.

3. The period over which payments are made on a performance contract must equal the period over which the operating cost savings are amortized.

Payments on a performance contract must not commence until the operating cost-savings measures have been installed by the qualified service company.

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 908 to Assembly Bill No. 428.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Ellison moved that the Assembly do not recede from its action on Senate Bill No. 340, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Ellison.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ellison, Wheeler, and Kirkpatrick as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 340.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Ellison moved that the Assembly do not recede from its action on Senate Bill No. 482, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Ellison.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ellison, Oscarson, and Carrillo as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 482.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Hansen moved that the Assembly do not recede from its action on Senate Bill No. 52, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Hansen.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Nelson, Gardner, and Ohrenschall as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 52.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Kirner moved that the Assembly recede from its action on Senate Bill No. 168.

Motion carried.

Bill ordered to the Senate.

Assemblyman Kirner moved that the Assembly do not recede from its action on Senate Bill No. 193, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Kirner, Nelson, and Araujo as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 193.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, Joel Paniagua Soto, a resident of Reno and senior at Procter R. Hug High School, has been named a Gates Millennium Scholar and awarded a grant from the Bill and Melinda Gates Foundation based on a number of criteria, including his academic record, leadership ability, extracurricular activities, and community involvement; and

WHEREAS, Joel was the first in his family of six to be born in the United States and, after a three-year relocation to his native country of Mexico, he returned to the U.S. to begin his education in the fourth grade knowing only a few words of English; and

WHEREAS, In elementary school, Joel faced the daunting challenge of learning the English language while also absorbing and understanding the subjects he was being taught and, as time passed, he gradually progressed and improved in both tasks; and

WHEREAS, Since middle school, Joel has demonstrated exemplary commitment to his education earning As in all middle and high school courses, including nearly a dozen Advanced Placement college-credit courses; and

WHEREAS, Joel has competed on Hug High's wrestling, tennis, swimming, cross-country, and bowling teams, and is a member of various school groups including the National Honor Society, Key Club, Green Club, and MESA (Math, Engineering, Science Achievement); and

WHEREAS, Joel is admired by his teachers and counselors at Hug High School for his tough work ethic and ambitious efforts to always test himself in numerous ways, including taking the most challenging classes available and setting motivating goals and achieving them; and

WHEREAS, Having a genuine passion for learning that goes beyond the classroom, Joel considers every life experience a learning opportunity; and

WHEREAS, Joel is known for his kindness and humble perspective and is greatly loved by his parents, family, and friends who are extremely proud of all his accomplishments; and

WHEREAS, Upon his high school graduation in June 2015, with a weighted 5.0 plus grade-point average, Joel will attend the University of California, Davis, to work towards a master's degree in bio-medical engineering; now, therefore, be it

PROCLAIMED, That Joel Paniagua Soto is hereby commended for his strength of character, determination, and academic accomplishments and is a true inspiration and outstanding role model to all the students of Nevada; and be it further

PROCLAIMED, That the State of Nevada is proud to claim Joel Paniagua Soto as a citizen and congratulates him on being named a Gates Millennium Scholar, and wishes him great success in his academic studies and all future endeavors.

DATED this 28th day of May, 2015.

TERESA BENITEZ-THOMPSON
Nevada State Assemblywoman

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Hug High School: Aminnah Ashley Parker, Tresha Atienza, Jensen Mark Beltejar Agustin, Franklyn Blender, Javier Campos Salas, Antonio Cardenas Torres, Nathanael Chavez Pulido, Alexa Cocoltzi, Yakera Dardy, Tania Gonzalez Contreras, Jocelin Guerrero, Heidi Herrera Delgado, Lesly Jasso Ponce, Charlene Johnson, Xeant Laroza, Leslie Linares-Gutierrez, Abigail Martinez Alcala, Claudia Meza Padilla, Alondra Mora Ayala, Joel Paniagua Soto, Dlonra Janeth Pasao, Joe Perez Alarcon, Yaquelin Ramirez Olivares, Steven Rubio, Priscila Salazar, Ricardo Trujillo, Zhane Williams, Treci Blanton, Bryan Bolanos, Roosevelt Calhoun, Alexis Denton, Angela Dunn, Hepisipa Fifita, Israel Flores Mondragon, Amy Garcia, Alexis Gonzalez, Jackeline Gonzalez, Nickolas Hampton, Yadira Inda Lopez, Justin Lachendro, Leonardo Lopez, Ualeni Moala, Lelani Muao, Kyra Phillips, Devin Porter, Edwing Rangel, Yajaira Rios, Joshua Rivera, Deyonne Robertson, Jennifer Segura, Sarah Sondergaard, Jaime Soto, Rachelle Tau, Samantha Trejo Vea, Stephanie Alcantar Morales, Gricelda Armenta Ramirez, Edlin Bonilla, Aylin Cardenas Torres, Odalys Casas, Lesly Corona Martinez, Karla Dominguez, Leslie Estrada, Michelle Garcia, Stephanie Guzman Martinez, Juan Jimenez, Jennifer Kilburne, Briana Lazo Rodriguez, Michelle Luna Barajas, Angelina Marquez Magallanes, Cynthia Martinez, Diana Mendez, Anna Monnier, Lesly Najera, Jasmin Palacios, Carlos Perez, Cristobal Porras, Marilyn Portillo, M Guadalupe Reyes, Jennifer Sriver, Sierra Stevens, and Elizabeth Whatley.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Suppe.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Kimberly Fiegehen, Theresa Catalani, Shawnda Drudge, Suzie Weissman, Laurel Stadler, and Sandy Markoe.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to John Seaman.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, May 29, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 10:38 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly