THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 18, 2015

Senate called to order at 5:14 p.m.

President Hutchison presiding.

Roll called.

All present except Senator Smith, who was excused.

Prayer by the Chaplain, Pastor Nick Emery.

For all those gathered here, we ask of You, Lord, for strength and wisdom as they conduct the business of our great State, Nevada.

Lord, when we fix our attention on You, we will be changed from the inside out. May we recognize this day what You want from us, and may we quickly respond to it. Romans12:2 says: "Do not be conformed to this world but be transformed by the renewing of your mind, so that you may prove what the will of God is, that which is good and acceptable and perfect."

Thank You for bringing out the best in each one of us. Thank You for Your desire to redeem and transform us. May we be faithful this day in seeking You and seeking Your heart for all we have before us.

It is in Your Name that we pray. God bless and may God bless Nevada.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which were re-referred Senate Bills Nos. 60, 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BEN KIECKHEFER, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 34, 170, 312, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PETE GOICOECHEA, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 214, 240, 379, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 50, 69, 263, 457, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was re-referred Assembly Bill No. 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GREG BROWER, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PATRICIA FARLEY, *Chair*

Mr. President:

Your Senate Committee on Senate Parliamentary Rules and Procedures has approved the consideration of Amendment No. 873 to Senate Bill No. 296.

JAMES A. SETTELMEYER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that, for the remainder of the 78th Legislative Session, all necessary rules be suspended, and that all concurrent and house resolutions reported out of Committee with a recommendation "be adopted" (without amendments) be placed on the Resolution File.

Remarks by Senator Roberson.

Mr. President, this suspension will allow concurrent and house resolutions to be considered for adoption by the Senate the same day they are reported out of Committee.

Motion carried.

Senator Roberson moved that, for the remainder of the 78th Legislative Session, all necessary rules be suspended, and that all bills and resolutions reported out of Committee, with amendments, be immediately placed on the appropriate reading files.

Remarks by Senator Roberson.

Mr. President, this suspension will put bills and resolutions just reported out of Committee with amendments on the Senate's next Floor Agenda for consideration of those amendments the same legislative day.

Motion carried.

Senator Roberson moved that, for the remainder of the 78th Legislative Session, all necessary rules be suspended, and that all concurrent and house resolutions returned from reprint be placed on the Resolution File.

Remarks by Senator Roberson.

Mr. President, this suspension will allow concurrent and house resolutions to be considered for adoption by the Senate on the same legislative day they were amended.

Motion carried.

Senator Roberson moved that, for the remainder of the 78th Legislative Session, Senate Standing Rule No. 92 be suspended which pertains to Committee meetings' notice of bills and resolutions, topics and public hearings.

Remarks by Senator Roberson.

Mr. President, this suspension will allow greater flexibility for our Committees to schedule hearings as needed to consider exempt Assembly measures that may still need hearings in Senate policy Committees and to consider Senate bills and resolutions that have been amended by the Assembly.

Motion carried.

Senator Roberson moved that, for the remainder of the 78th Legislative Session, all necessary rules be suspended, and that all bills and joint resolutions reported out of Committee with a recommendation "do pass" (without amendments) be declared emergency measures under the Constitution and immediately placed on third reading and final passage.

Remarks by Senator Roberson.

Mr. President, this suspension removes the constitutional second reading of all "do pass" bills and joint resolutions just reported out of Committee. These measures will now be placed on the General File for consideration the same day the Committee Report is read.

Motion carried.

Senator Roberson moved that, for the remainder of the 78th Legislative Session, all necessary rules be suspended, and that bills and joint resolutions taken from the Secretary's desk that have not been read second time, be declared emergency measures under the Constitution and placed on third reading and final passage.

Remarks by Senator Roberson.

Mr. President, this suspension removes the Constitutional second reading of bills and joint resolutions that were taken from the Second Reading File and placed on the Secretary's desk. These measures, if taken from the Secretary's desk, will now be placed on the General File for consideration.

Motion carried.

Senator Roberson moved that, for the remainder of the 78th Legislative Session, all necessary rules be suspended, and that all bills and joint resolutions amended on the Second Reading File and returned from reprint be declared emergency measures under the Constitution and placed on third reading and final passage.

Remarks by Senator Roberson.

Mr. President, this suspension will allow bills and joint resolutions that had been amended earlier in the day to be read twice on the same legislative day and considered for final passage.

Motion carried.

Senator Roberson moved that, for the remainder of the 78th Legislative Session, all necessary rules be suspended, and that all Senate bills and resolutions that have been passed or adopted by the Senate be immediately transmitted to the Assembly, time permitting.

Remarks by Senator Roberson.

Mr. President, immediately transmitting all Senate measures will provide the Assembly an opportunity to process these measures. The President will announce the transmittal of Senate bills and resolutions each time which will provide members the opportunity to reconsider or rescind the Senate's action. Once Senate measures have been transmitted to the Assembly, the Senate has no jurisdiction as to further options for legislative action at that time.

Motion carried.

Senator Roberson moved that, for the remainder of the 78th Legislative Session, all necessary rules by suspended, and that all Assembly bills and resolutions that have been passed or adopted with Senate amendments be immediately transmitted to the Assembly, time permitting.

Remarks by Senator Roberson.

Mr. President, immediately transmitting Assembly measures with Senate amendments will provide the Assembly an opportunity to consider these measures under their Unfinished Business File. The President will announce the transmittal of these Assembly bills and resolutions each time which will provide members with the opportunity to reconsider or rescind the Senate's action. Once these Assembly measures have been transmitted to the Assembly, the Senate has no jurisdiction as to further options for legislative action unless these measures should later return to the Senate under Unfinished Business.

Motion carried.

Senator Roberson moved that Assembly Bills Nos. 8, 20, 66, 113, 138, 380 be taken from the Secretary's desk and placed at the bottom of the General File.

Motion carried.

Senator Roberson moved that Assembly Bills Nos. 60, 67, 120, 121, 172, 273, 451 be taken from the General File and placed at the bottom of the General File for the next legislative day.

Motion carried.

Senator Roberson moved that Assembly Bill No. 363 be taken from the General File and placed on the Secretary's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 126.

Bill read second time.

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

Amendment No. 830.

SUMMARY—Revises provisions governing massage therapy. (BDR 54-207)

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 ~~[.]~~ *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 ~~[;]~~ , 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.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Amendment No. 830 makes one change to Assembly Bill No. 126. The amendment authorizes the Board of Massage Therapists to refuse to issue a license or initiate disciplinary action for the conviction of a crime involving moral turpitude regardless of when the conviction occurred.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 152.

Bill read second time.

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

Amendment No. 771.

SUMMARY—Enacts certain requirements governing child care facilities. (BDR 38-623)

AN ACT relating to care of children; requiring the State Board of Health to adopt regulations ~~[prescribing guidelines for meals and snacks provided to children at child care facilities and]~~ setting forth certain requirements for

child care facilities relating to breastfeeding and physical activity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a child care facility to be licensed by the State Board of Health or, if the county or city in which the child care facility is located requires child care facilities to be licensed, by such a county or city. If a city or county licenses child care facilities, the city or county is required to adopt standards and regulations governing child care facilities that are at least as stringent as those adopted by the Board. (NRS 432A.131) ~~[Section 2 of this bill requires the Board to adopt regulations prescribing guidelines for all meals and snacks served to children by child care facilities. Section 2 also: (1) allows a child, upon the request of a parent or guardian, to receive meals and snacks that do not comply with the guidelines; and (2) provides that the guidelines do not apply to any meal prepared by a parent or guardian and brought to a child care facility by a child or a parent or guardian.]~~

Section 3 of this bill requires the Board to adopt regulations that: (1) require a child care facility to provide an appropriate, private space where mothers may breastfeed; (2) require certain child care facilities to provide a program of physical activity; and (3) prohibit a child care facility from withholding or requiring physical activity as a form of discipline.

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

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

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

~~*(a) Ensure that each meal or snack provided to a child by a child care facility is served in a portion size appropriate for the age of the child;*~~

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

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

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

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

Sec. 3. *1. The Board shall adopt regulations that:*

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

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

(1) Ensures that all children receive daily periods of moderate or vigorous physical activity that are appropriate for the age of the child;

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

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

(c) Prohibit an employee of or a licensee who operates a child care facility from withholding or requiring a child to participate in physical activity as a form of discipline.

2. As used in this section:

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

(b) "Sedentary activity" means activity that does not significantly use arms or legs or provide significant exercise, including, without limitation, sitting, standing, reading, playing a board game, riding in a wagon or drawing.

Sec. 4. (Deleted by amendment.)

Sec. 5. This act becomes effective:

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

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

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 771 to Assembly Bill No. 152 removes the requirement that the Board of Health or city or county licensing authority, adopt regulations prescribing guidelines for all meals and snacks served to children by child care facilities and related provisions.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 169.

Bill read second time.

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

Amendment No. 767.

SUMMARY—Provides for the collection and application of graywater for a single-family residence. (BDR 40-804)

AN ACT relating to graywater; requiring the State Board of Health to adopt regulations concerning systems for the collection and application of graywater for a single-family residence; requiring a permit for such graywater systems; providing that state and local governmental agencies

must not prohibit graywater systems that meet certain requirements; allowing restrictions on graywater systems within common-interest communities; requiring the State Board to submit a report to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations concerning residential individual systems for the disposal of sewage, which are commonly known as septic systems, and such regulations are effective statewide except in health districts in which the district boards of health have adopted regulations concerning such systems for the district. (NRS 444.650)

Section 6 of this bill requires the State Board of Health to adopt regulations concerning graywater systems for a single-family residence, and such regulations are effective statewide except in health districts in which the district boards of health have adopted regulations concerning such systems for the district. Section 4 of this bill defines "graywater system" to mean any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.

Section 6 provides that the regulations adopted by the State Board of Health or a district board of health must: (1) prohibit graywater systems where certain conditions exist; and (2) where graywater systems are allowed, require a person to apply for and obtain a permit for the use of a graywater system. Section 6 allows issuance of such a permit only if certain requirements are met. If the graywater system is or will be connected to a treatment works, these requirements include that the operator of the treatment works: (1) conduct an analysis of the possible effects of the graywater system on the treatment works; and (2) report the results of the analysis to the State Board of Health or district board of health, as applicable. Section 6 requires an operator of a treatment works to conduct such an analysis within 90 days after the date on which the analysis is requested by the proposed operator of a graywater system and authorizes the operator of the treatment works to charge a fee to cover the cost of conducting the analysis. Finally, section 6 provides that local governments may not prohibit the use of such graywater systems.

Section 8 of this bill provides that the State Environmental Commission may not require a person to obtain a permit under the Nevada Water Pollution Control Law (NRS 445A.300-445A.730) to use a graywater system if the person has obtained a permit from the appropriate board under the laws governing graywater systems.

Section 11 of this bill provides that the governing documents of a unit-owners' association may prohibit or restrict the use of graywater systems within common-interest communities. (Chapter 116 of NRS) Section 11 also provides that if the governing documents do not prohibit or restrict the use of graywater systems, such use must comply with the laws governing graywater systems.

Section 12 of this bill requires the State Board of Health to submit to the Legislature a report stating the number and location of each permit issued pursuant to section 6 for the operation of a graywater system.

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

Section 1. NRS 439.200 is hereby amended to read as follows:

439.200 1. The State Board of Health may by affirmative vote of a majority of its members adopt, amend and enforce reasonable regulations consistent with law:

(a) To define and control dangerous communicable diseases.

(b) To prevent and control nuisances.

(c) To regulate sanitation and sanitary practices in the interests of the public health.

(d) To provide for the sanitary protection of water and food supplies.

(e) To govern and define the powers and duties of local boards of health and health officers, except with respect to the provisions of NRS 444.440 to 444.620, inclusive, 444.650, *and sections 3 to 6, inclusive, of this act,* 445A.170 to 445A.955, inclusive, and chapter 445B of NRS.

(f) To protect and promote the public health generally.

(g) To carry out all other purposes of this chapter.

2. Except as otherwise provided in NRS 444.650, *and sections 3 to 6, inclusive, of this act,* those regulations have the effect of law and supersede all local ordinances and regulations inconsistent therewith, except those local ordinances and regulations which are more stringent than the regulations provided for in this section.

3. The State Board of Health may grant a variance from the requirements of a regulation if it finds that:

(a) Strict application of that regulation would result in exceptional and undue hardship to the person requesting the variance; and

(b) The variance, if granted, would not:

(1) Cause substantial detriment to the public welfare; or

(2) Impair substantially the purpose of that regulation.

4. Each regulation adopted by the State Board of Health must be published immediately after adoption and issued in pamphlet form for distribution to local health officers and the residents of the State.

Sec. 2. Chapter 444 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. *As used in NRS 444.650 and sections 3 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Graywater system" means any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.*

Sec. 5. *"Recycled water" means water that has been used and subsequently treated to make it suitable for use again.*

Sec. 6. *1. The State Board of Health shall adopt regulations concerning the use of graywater systems. Those regulations are effective except in a health district in which a district board of health has adopted regulations concerning the use of graywater systems in that district.*

2. Except as otherwise provided in subsection 3, any regulations adopted by the State Board of Health or a district board of health concerning the use of graywater systems:

(a) Must prohibit the use of a graywater system in any area of the State where there is:

(1) The reasonable potential for return flow to a river system or a lake;

(2) A requirement for return flow of effluent to a river system; or

(3) An existing alternative program for recycled water;

(b) In any area of the State not prohibited pursuant to paragraph (a), must require a person to apply for and obtain a permit for the use of a graywater system; and

(c) Must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 8 of this act and any regulations adopted pursuant thereto.

3. Notwithstanding any regulations adopted pursuant to this section or NRS 444.650, in any area of the State where the use of a graywater system is otherwise prohibited for a single-family residence, a person who owns, leases or occupies a single-family residence that uses a residential individual system for the disposal of sewage may apply to obtain a permit for the use of a graywater system for that single-family residence.

4. The State Board of Health or a district board of health shall not issue a permit pursuant to this section unless:

(a) The distribution system for the graywater provides for overflow into the sewer system or a residential individual system for the disposal of sewage;

(b) The storage tank for the graywater is covered to restrict access and to eliminate habitat for mosquitos or other vectors;

(c) The graywater is vertically separated from and at least 4 feet above the groundwater table;

(d) All piping for the graywater is clearly identified as containing nonpotable water;

(e) The graywater is used on the site where it is generated and does not run off the property;

(f) The graywater is applied in a manner that prevents contact with people or domestic pets;

(g) The application of the graywater is managed to prevent standing water on the surface, avoid ponding and ensure that the hydraulic capacity of the soil is not exceeded;

(h) The graywater is discharged below the surface of the ground;

(i) The graywater is not discharged into a natural watercourse;

(j) If the application is for a permit for a residence that is or will be connected to a treatment works, the ~~[proposed]~~ operator of the ~~[graywater system]~~ treatment works has conducted an analysis of the possible effect of the graywater system on the treatment works and has reported the results of the analysis, including, without limitation, any finding that the graywater system will be detrimental to the flow of or total suspended solids in water passing through the treatment works, to the State Board of Health or a district board of health, as applicable; and

(k) The use of the graywater complies with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 8 of this act and any regulations adopted pursuant thereto.

5. A district board of health which adopts regulations concerning graywater systems shall consider and take into account the geologic, hydrological and topographical characteristics of the area within its jurisdiction.

6. A board of county commissioners of a county, the governing body of a city or the town board or board of county commissioners having jurisdiction over the affairs of a town shall not prohibit the use of a graywater system that meets the requirements of this section.

7. If the proposed operator of a graywater system for a residence that is or will be connected to a treatment works requests the operator of the treatment works to conduct the analysis described in paragraph (j) of subsection 4, the operator of the treatment works must conduct the analysis within 90 days after the request. The operator of the treatment works may charge a fee for conducting the analysis which must not exceed the actual cost incurred by the operator to conduct the analysis.

8. As used in this section, "treatment works" has the meaning ascribed to it in NRS 445A.410.

Sec. 7. NRS 444.650 is hereby amended to read as follows:

444.650 1. The State Board of Health shall adopt regulations to control the use of a residential individual system for *the* disposal of sewage in this State. Those regulations are effective except in health districts in which a district board of health has adopted regulations to control the use of a residential individual system for *the* disposal of sewage in that district.

2. A board which adopts such regulations shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

3. The regulations adopted pursuant to this section must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, *and section 8 of this act* and any regulations adopted pursuant to those provisions.

~~[4. As used in this section, "residential individual system for disposal of sewage" means an individual system for disposal of sewage from a parcel of land, including all structures thereon, that is zoned for single family residential use.]~~

Sec. 8. Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission shall not require a person to obtain a permit pursuant to this section and NRS 445A.300 to 445A.730, inclusive, for the use of a graywater system if the person has obtained a permit that meets the requirements of section 6 of this act.

2. As used in this section, "graywater system" has the meaning ascribed to it in section 4 of this act.

Sec. 9. NRS 445A.310 is hereby amended to read as follows:

445A.310 As used in NRS 445A.300 to 445A.730, inclusive, *and section 8 of this act,* unless the context otherwise requires, the words and terms defined in NRS 445A.315 to 445A.420, inclusive, have the meanings ascribed to them in those sections.

Sec. 10. NRS 445A.425 is hereby amended to read as follows:

445A.425 1. Except as specifically provided in NRS 445A.625 to 445A.645, inclusive, the Commission shall:

(a) Adopt regulations carrying out the provisions of NRS 445A.300 to 445A.730, inclusive, *and section 8 of this act,* including standards of water quality and amounts of waste which may be discharged into the waters of the State.

(b) Adopt regulations providing for the certification of laboratories that perform analyses for the purposes of NRS 445A.300 to 445A.730, inclusive, *and section 8 of this act,* to detect the presence of hazardous waste or a regulated substance in soil or water.

(c) Adopt regulations controlling the injection of fluids through a well to prohibit those injections into underground water, if it supplies or may reasonably be expected to supply any public water system, as defined in NRS 445A.840, which may result in that system's noncompliance with any regulation regarding primary drinking water or may otherwise have an adverse effect on human health.

(d) Advise, consult and cooperate with other agencies of the State, the Federal Government, other states, interstate agencies and other persons in furthering the provisions of NRS 445A.300 to 445A.730, inclusive ~~[.]~~ *, and section 8 of this act.*

(e) Determine and prescribe the qualifications and duties of the supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment.

2. The Commission may by regulation require that supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment be certified by the Department. The regulations may include a schedule of fees to pay the costs of certification. The provisions of this subsection apply only to a package plant for sewage treatment whose capacity is more than 5,000 gallons per day and to any other plant whose capacity is more than 10,000 gallons per day.

3. In adopting regulations, standards of water quality and effluent limitations pursuant to NRS 445A.300 to 445A.730, inclusive, *and section 8 of this act,* the Commission shall recognize the historical irrigation practices in the respective river basins of this State, the economy thereof and their effects.

4. The Commission may hold hearings, issue notices of hearings, issue subpoenas requiring the attendance of witnesses and the production of evidence, administer oaths and take testimony as it considers necessary to carry out the provisions of this section and for the purpose of reviewing standards of water quality.

5. As used in this section, "plant for sewage treatment" means any facility for the treatment, purification or disposal of sewage.

Sec. 11. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of NRS 444.650 and sections 3 to 6, inclusive, of this act, the governing documents of an association may prohibit or restrict the use of a graywater system within the common-interest community.

2. If the governing documents of an association do not prohibit or restrict the use of a graywater system within the common-interest community, the use of a graywater system within the common-interest community must comply with the provisions of NRS 444.650 and sections 3 to 6, inclusive, of this act.

3. As used in this section, "graywater system" has the meaning ascribed to it in section 4 of this act.

Sec. 12. On or before December 31, 2020, the State Board of Health shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report which must include, without limitation, the number of permits issued pursuant to section 6 of this act and the regulations adopted pursuant thereto and the location for which each such permit was issued.

Sec. 13. 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 July 1, 2016, for all other purposes.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 767 to Assembly Bill No. 169 provides that if the gray-water system is or will be connected to a treatment works, the operator of the treatment works: conduct an analysis of the possible effects of the gray-water system on the treatment works within 90 days after the date on which the analysis is requested by the proposed operator of a gray-water system; report the results of the analysis to the State Board of Health or district board of health, as applicable; and charge a fee to cover the cost of conducting the analysis. The fee must not exceed the actual cost incurred by the operator to conduct the analysis.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 307.

Bill read second time.

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

Amendment No. 768.

SUMMARY—Revises provisions relating to services for children with intellectual disabilities and children with related conditions. (BDR S-803)

AN ACT relating to mental health; providing for the establishment of a pilot program to provide certain intensive care coordination services to children with intellectual disabilities and children with related conditions who are also diagnosed as having behavioral health needs and reside in certain larger counties; requiring the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department to take certain actions to monitor the effectiveness of the pilot program and obtain funding for the pilot program; requiring the Department to take any actions necessary to use money from the State Plan for Medicaid to pay for the pilot program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each board of county commissioners to make provisions for the support, education and care of the children with intellectual disabilities and children with related conditions who reside in their respective counties. (NRS 435.010)

Section 2 of this bill requires the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department, to the extent that money is available for that purpose, to establish a pilot program to provide intensive care coordination services to children with intellectual disabilities and children with related conditions who have also been diagnosed as having behavioral health needs and reside in a county whose population is 100,000 or more (currently Clark and Washoe Counties). The Director of the Department is required to amend the State Plan for Medicaid if needed and obtain any necessary Medicaid waiver necessary to use money received pursuant to the State Plan for Medicaid to pay for any part of the pilot program [.] for which such money is authorized to be used by federal law or the waiver. Section 2 also authorizes the Division of Health Care Financing and Policy and the Aging and Disability Services Division to apply for and accept gifts, grants, donations and bequests to pay for the pilot program. Section 2 requires the intensive care coordination services provided through the pilot program to include certain medically necessary services, support for the family of a child and food and lodging expenses for a child who is receiving supported living arrangement services and does not reside with his

or her parent or guardian. Section 2 requires the Division of Health Care Financing and Policy and the Aging and Disability Services Division to: (1) take certain measures to evaluate the effectiveness of the pilot program; and (2) collaborate with each person or governmental entity that provides services pursuant to the pilot program to obtain grants for the purpose of carrying out the pilot program. The pilot program will expire on July 1, 2019, unless extended before that date.

Section 3 of this bill requires the Division of Health Care Financing and Policy and the Aging and Disability Services Division to submit a report on or before April 30, 2016, and every 6 months thereafter until July 1, 2019, to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session, concerning the status and results of the pilot program. Section 3 of this bill requires the board of county commissioners of each county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to submit a report on or before April 30, 2016, and every 6 months until July 1, 2019, to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session, describing the manner in which the board makes provisions for the required support, education and care of the children with intellectual disabilities and children with related conditions who reside in the county.

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

Section 1. (Deleted by amendment.)

Sec. 2. 1. To the extent that money is available for that purpose, the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department shall establish a pilot program to provide intensive care coordination services to children with intellectual disabilities and children with related conditions who are also diagnosed as having behavioral health needs and who reside in a county whose population is 100,000 or more.

2. The intensive care coordination services provided by the pilot program must include, without limitation:

(a) Medically necessary habilitation or rehabilitation and psychiatric or behavioral therapy provided using evidence-based practices to a child with intellectual disabilities or a child with a related condition who is also diagnosed as having behavioral health needs;

(b) Support for the family of such a child, including, without limitation, respite care for the primary caregiver of the child;

(c) Coordination of all services provided to such a child and his or her family;

(d) Food and lodging expenses for such a child who is receiving supported living arrangement services and does not reside with his or her parent or guardian;

(e) Assistance with acquisition of life skills and community participation that is provided in the residence of a child with an intellectual disability or a child with a related condition who has also been diagnosed as having behavioral health needs;

(f) Nonmedical transportation;

(g) Career planning;

(h) Supported employment; and

(i) Prevocational services.

3. The Division of Health Care Financing and Policy and the Aging and Disability Services Division shall:

(a) Design and utilize a system to collect and analyze data concerning the evidence-based practices used pursuant to paragraph (a) of subsection 2;

(b) On or before July 1, 2017, obtain an independent evaluation of the effectiveness of the pilot program; and

(c) Collaborate with each person or governmental entity that provides services pursuant to the pilot program to obtain grants for the purpose of carrying out the pilot program. The Division of Health Care Financing and Policy, the Aging and Disability Services Division and any other governmental entity that provides services pursuant to the pilot program may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the pilot program.

4. The Director of the Department of Health and Human Services shall make any amendments to the State Plan for Medicaid authorized by Federal law and obtain any Medicaid waivers from the Federal Government necessary to use money received pursuant to the State Plan for Medicaid to pay for any part of the pilot program described in subsection 1 [.] for which such money is authorized to be used by federal law or by the waiver.

5. As used in this section:

(a) "Children with related conditions" means children who have a severe, chronic disability which:

(1) Is attributable to:

(I) Cerebral palsy or epilepsy; or

(II) Any other condition, other than mental illness, found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a child with an intellectual disability and requires treatment or services similar to those required by a child with an intellectual disability;

(2) Is likely to continue indefinitely; and

(3) Results in substantial functional limitations in three or more of the following areas of major life activity:

(I) Taking care of oneself;

(II) Understanding and use of language;

(III) Learning;

(IV) Mobility;

(V) Self-direction; and

(VI) Capacity for independent living.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

(c) "Intensive care coordination services" means the delivery of comprehensive services provided to a child with an intellectual disability or a child with a related condition that is also diagnosed as having behavioral health needs, or the family of such a child, that are coordinated by a single entity and delivered in an individualized and culturally appropriate manner.

(d) "Supported living arrangement services" means flexible, individualized services provided in a residential setting, for compensation, to a child with an intellectual disability or a person with a related condition who is also diagnosed as having behavioral health needs that are designed and coordinated to assist the person in maximizing the child's independence, including, without limitation, training and habilitation services.

Sec. 3. On or before April 30, 2016, and every 6 months thereafter:

1. The Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session. The report must include, without limitation, a description of the status and results of the pilot program established pursuant to section 2 of this act and recommendations for legislation to facilitate the improvement or expansion of the pilot program.

2. The board of county commissioners of each county whose population is less than 100,000 shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session. The report must include, without limitation, a description of the actions the county is taking to comply with the requirements of NRS 435.010.

Sec. 3.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the legislature.

Sec. 4. This act becomes effective on July 1, 2015, and expires by limitation on July 1, 2019.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 768 to Assembly Bill No. 307 specifies that the funding received to support the pilot program may only be used as authorized by federal law or by the waiver. It also authorizes the Division of Health Care Financing and Policy and the Aging and Disability Services Division to apply for and accept gifts, grants, donations and bequests to pay for the pilot program.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 291.

Bill read third time.

Senator Roberson moved that Senate Bill No. 291 be taken from the General File and placed on the Secretary's desk.

Motion carried.

Senate Bill No. 296.

Bill read third time.

The following amendment was proposed by Senator Roberson:

Amendment No. 873

SUMMARY—Revises provisions relating to exemplary or punitive damages in certain civil actions. (BDR 3-940)

AN ACT relating to damages; prohibiting the assertion of claims for punitive or exemplary damages in certain pleadings in civil actions; revising provisions relating to exemplary or punitive damages in certain civil actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits a party from including a claim for punitive or exemplary damages in certain pleadings at the commencement of a civil action and establishes a process by which a party may request leave to amend its pleadings to include such a claim.

Existing law establishes certain limitations on the amount of exemplary or punitive damages that may be assessed against a defendant in certain actions. Existing law further exempts certain persons, including manufacturers, distributors and sellers of a defective product, from those limitations. (NRS 42.005) Section 3 of this bill sets forth circumstances under which a manufacturer, distributor or seller of a product is not liable for exemplary or punitive damages.

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

Section 1. Chapter 42 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon commencement of any civil action, a complaint or answer or other responsive pleading may not include a claim for exemplary or punitive damages.

2. The party commencing the action may conduct discovery of facts supporting a claim of fraud, malice or oppression. The discovery must comply with the provisions of the Nevada Rules of Civil Procedure. After the parties to an action have conducted discovery, a party may move the court for leave to amend the party's pleadings to claim exemplary or punitive damages. Such a motion must:

(a) Comply with the requirements and limitations of NRS 42.005; and

(b) Be supported with admissible evidence.

3. A party opposing a motion filed pursuant to subsection 2 may respond to the motion with affidavits, testimony taken by deposition or other admissible evidence.

4. If the court determines that there is prima facie evidence supporting a claim for punitive or exemplary damages, the court shall grant the moving party leave to amend the party's pleadings to include such a claim.

5. A party may not conduct discovery on issues of financial condition for the purposes of subsection 4 of NRS 42.005 before the party has filed with the court and served on all parties pleadings that have been amended with leave of the court pursuant to subsection 4.

6. As used in this section, "prima facie evidence" means evidence to permit a court to find that a party has acted with oppression, fraud or malice, express or implied.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 42.005 is hereby amended to read as follows:

42.005 1. Except as otherwise provided in NRS 42.007, in an action for the breach of an obligation not arising from contract, where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud or malice, express or implied, the plaintiff, in addition to the compensatory damages, may recover damages for the sake of example and by way of punishing the defendant. Except as otherwise provided in this section or by specific statute, an award of exemplary or punitive damages made pursuant to this section may not exceed:

(a) Three times the amount of compensatory damages awarded to the plaintiff if the amount of compensatory damages is $100,000 or more; or

(b) Three hundred thousand dollars if the amount of compensatory damages awarded to the plaintiff is less than $100,000.

2. The limitations on the amount of an award of exemplary or punitive damages prescribed in subsection 1 do not apply to an action brought against:

(a) A manufacturer, distributor or seller of a defective product [;] *if:*

(1) The manufacturer, distributor or seller sold the product after the effective date of a governmental agency's final order to:

(I) Remove the product from the market;

(II) Withdraw the governmental agency's approval of the product; or

(III) Substantially alter the governmental agency's terms of approval of the product in a manner that would have avoided the plaintiff's alleged injury and the product did not meet the agency's altered terms of approval when sold;

(2) A governmental agency or court determined that the manufacturer, distributor or seller made an unlawful payment to an official or employee of a governmental agency for the purpose of securing or maintaining approval of the product;

(3) The manufacturer, distributor or seller intentionally, and in violation of any applicable laws or regulations , ~~*[as determined by the responsible governmental agency;]*~~ *withheld from or misrepresented to* ~~*[the]*~~ *a*

governmental agency information material to the approval of the product and that information is material and relevant to the harm that the plaintiff allegedly suffered; or

(4) After the product was sold, [a governmental agency found that] the manufacturer, distributor or seller knowingly violated any applicable laws or regulations by failing timely to report risks of harm to that governmental agency and the information which was not reported was material and relevant to the harm that the plaintiff allegedly suffered;

(b) An insurer who acts in bad faith regarding its obligations to provide insurance coverage;

(c) A person for violating a state or federal law prohibiting discriminatory housing practices, if the law provides for a remedy of exemplary or punitive damages in excess of the limitations prescribed in subsection 1;

(d) A person for damages or an injury caused by the emission, disposal or spilling of a toxic, radioactive or hazardous material or waste; or

(e) A person for defamation.

3. If punitive damages are claimed pursuant to this section, the trier of fact shall make a finding of whether such damages will be assessed. If such damages are to be assessed, a subsequent proceeding must be conducted before the same trier of fact to determine the amount of such damages to be assessed. The trier of fact shall make a finding of the amount to be assessed according to the provisions of this section. The findings required by this section, if made by a jury, must be made by special verdict along with any other required findings. The jury must not be instructed, or otherwise advised, of the limitations on the amount of an award of punitive damages prescribed in subsection 1.

4. Evidence of the financial condition of the defendant is not admissible for the purpose of determining the amount of punitive damages to be assessed until the commencement of the subsequent proceeding to determine the amount of exemplary or punitive damages to be assessed.

5. For the purposes of an action brought against an insurer who acts in bad faith regarding its obligations to provide insurance coverage, the definitions set forth in NRS 42.001 are not applicable and the corresponding provisions of the common law apply.

Senator Roberson moved the adoption of the amendment.

Remarks by Senators Roberson and Segerblom.

SENATOR ROBERSON:

There are a couple of small changes, but important changes, to Senate Bill No. 296. In section 1, subsection 6, we provided a definition for *prima fascie* evidence. In section 3, we removed the words "as determined by the responsible governmental agency." In another subsection, it stated "…a governmental agency found that…", so we deleted a bit of the language there to make all interested parties to this bill happy.

SENATOR SEGERBLOM:

I am opposed to this amendment and to this bill. I think our current punitive-damage laws are sufficient. They are designed to punish defendants when they do things inappropriately. To cut back on that is something we should not be doing at this time.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 492.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 492 requires that all revenue collected by the Department of Motor Vehicles (DMV) for titling and registration of an off-highway vehicle (OHV) must be deposited in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration; requires money in the account to be used by the DMV to pay the expenses of administering the titling and registration of OHVs; requires the DMV to transfer, at least once each fiscal quarter, any amount in the account in excess of $150,000 to the Account for Off-Highway Vehicles, after paying the expenses of administering the titling and registration of OHVs; allows any money remaining in the account at the end of a fiscal year to balance forward and not revert to the Highway Fund; also requires the DMV to charge an annual fee of $12 for each special license plate issued upon the request of an OHV dealer, long-term or short-term lessor, or manufacturer for use on certain OHVs; requires the OHV special license plate sales revenue to be deposited in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration; and enacts recommendations included in the executive budget. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 492:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 492 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 5:40 p.m.

SENATE IN SESSION

At 5:41 p.m.

President Hutchison presiding.

Quorum present.

Assembly Bill No. 191.

Bill read third time.

Remarks by Senator Roberson.

Assembly Bill No. 191 makes the following changes to the fuel-tax indexing provisions approved by the Legislature in Assembly Bill 413 of the 2013 Session: provisions requiring a statewide ballot question on the November 2016 ballot seeking permission to create an indexed fuel-tax rate to be imposed based on the state gasoline and special fuel taxes are repealed; provisions requiring countywide ballot questions on the November 2016 ballot seeking permission to create indexed fuel-tax rates are amended to include the State gasoline and special fuel-tax rates, in addition to the federal and local rates; and certain proceeds generated from the indexed rates based on the State gasoline and special fuel taxes are required to be diverted to the State Highway Fund for use on transportation projects in the county where the revenue was

generated. These provisions apply to revenues from any future increases in the indexed rates imposed by ordinance in Clark County after November 8, 2016, and in any other county approving a ballot question authorizing indexed fuel-tax rates on or after January 1, 2017.

Sections 2 and 16 to 20, inclusive, of this act become effective upon passage and approval.

The provisions of the act relating to the diversion of certain revenues to the State Highway Fund become effective if the question on the November 2016 General Election ballot is approved by the voters in any county.

Roll call on Assembly Bill No. 191:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 191 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 364.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 364 requires the Secretary of State to 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 cause the State Business Portal to exchange common business registration information among these entities. The bill authorizes these entities, to the extent feasible, to integrate their electronic applications processes into the State Business Portal. The bill also 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. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 364:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 364 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

SECOND READING AND AMENDMENT

Assembly Bill No. 34.

Bill read second time.

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

Amendment No. 719.

SUMMARY—Makes various changes to provisions governing certain fire protection districts and fire safety. (BDR 42-369)

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 ~~[and]~~ ; (2) revises the circumstances under which a person, firm, association or agency would be required to pay those expenses ~~[.]~~ ; 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 , ~~[or]~~ 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 ~~[, 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 Fire \warden 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 ~~[:~~

~~(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,

~~[,~~ 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.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

The amendment adds a person who engages in agricultural production to those who may be issued an annual permit, and adds "municipal" to the list of agencies that may collect a debt charged for certain expenses incurred extinguishing a fire or meeting the emergency, if the State Forester Firewarden determines that a person, firm, association or agency is responsible for willfully or negligently causing such fire or emergency.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 729.

SUMMARY—Revises provisions concerning the solicitation of contributions. (BDR 7-447)

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

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

(b) Omit any material fact deemed to be equivalent to a false, misleading or deceptive claim or representation if the omission, when considering what has been said or implied, has or would have the capacity, tendency or effect of deceiving or misleading a person acting reasonably under the circumstances.

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

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

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

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

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

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

(1) Mail;

(2) Commercial carrier;

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

(4) A face-to-face meeting.

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

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

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

Sec. 28. This act becomes effective:

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

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

LEADLINES OF REPEALED SECTIONS

82.382 "Charitable contribution" defined.

82.387 Applicability.

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

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

82.402 Penalty for failure to register with Secretary of State.

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

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

82.417 Regulations.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

The amendment adds clarifying language concerning solicitations for contributions made to a charitable organization by electronic means, other than email, such as a cell phone. The new language provides that disclosures required under the bill's provisions be made available via a hyperlink to the charitable organization's website within the solicitation and that the required disclosures be located conspicuously on that website.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 69.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 748.

SUMMARY—Revises various provisions relating to the Judicial Branch of State Government. (BDR 1-497)

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 ~~[.~~

~~3.]~~ *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.~~] 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.]~~ *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 ~~[a 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 ~~[or 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 $325

(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 . ~~[or county clerk.]~~

4. Each clerk of the court ~~[or 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 ~~[or 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 ~~[of]~~ *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 ~~[his 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 ~~[or NRS 17.115]~~ 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. ~~[or 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.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

The amendment repeals NRS 17.115 concerning offers of judgment. Such offers will now be governed exclusively by Rule 68 of the *Nevada Rules of Civil Procedure*, as adopted by the Supreme Court.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 170.

Bill read second time.

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

Amendment No. 762.

SUMMARY—Revises provisions governing general obligations. (BDR 30-917)

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.)

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

This amendment clarifies that the petition filed with the governing body triggers an election on the issuance of bonds.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 239.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 746.

SUMMARY—Regulates operators of unmanned aerial vehicles in this State. (BDR 44-8)

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 ~~[an]~~ 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 ~~[a]~~ :

(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.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

The amendment makes minor technical changes to the bill concerning: 1) ownership of certain airports; 2) entities that may be in control of a UAV; and 3) properties that may be deemed "critical facilities."

The amendment also clarifies that underground utilities are not "critical facilities" for the purposes of the bill.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 263.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 745.

SUMMARY—Revises provisions governing the custody and support of children. (BDR 11-199)

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 ~~[or section 4 of this act or by operation of law]~~ and one parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is 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 ~~[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 ~~[or section 4 of this act]~~ shall not relocate with the child pursuant to section 13 of this act before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child. A person who violates this subsection shall be punished as provided in subsection 1.*

5. A parent who has primary physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.200 without the written consent of the non-relocating parent or the permission of the court. A person who violates this subsection shall be punished as provided in subsection 1.

6. Before an arrest warrant may be issued for a violation of this section, the court must find that:

(a) This is the home state of the child, as defined in NRS 125A.085; and

(b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to chapter 125, 125A or 125C of NRS will not be effective to enforce the rights of the parties and would not be in the best interests of the child.

~~[5.]~~ *7.* Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.

~~[6.]~~ *8.* The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a misdemeanor and the judge may impose such a sentence if the judge finds that:

(a) The defendant has no prior conviction for this offense and the child has suffered no substantial harm as a result of the offense; or

(b) The interests of justice require that the defendant be punished as for a misdemeanor.

~~[7.]~~ *9.* A person who aids or abets any other person to violate this section shall be punished as provided in subsection 1.

~~[8.]~~ *10. In addition to the exemption set forth in subsection 11, subsections 4 and 5 do not apply to a person who demonstrates a compelling excuse, to the satisfaction of the court, for relocating with a child in violation of NRS 125C.200 or section 13 of this act.*

11. This section does not apply to a person who detains, conceals *,* ~~[or]~~ removes *or relocates with* a child to protect the child from the imminent danger of abuse or neglect or to protect himself or herself from imminent physical harm, and reported the detention, concealment *,* ~~[or]~~ removal *or relocation* to a law enforcement agency or an agency which provides child welfare services within 24 hours after detaining, concealing *,* ~~[or]~~ removing *or relocating with* the child, or as soon as the circumstances allowed. As used in this subsection:

(a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of subsection 4 of NRS 200.508.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 19. NRS 125.460, 125.465, 125.470, 125.480, 125.490, 125.500, 125.510, 125.520 and 126.031 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

125.460 State policy.

125.465 Married parents have joint custody until otherwise ordered by court.

125.470 Order for production of child before court; determinations concerning physical custody of child.

125.480 Best interests of child; preferences; presumptions when court determines parent or person seeking custody is perpetrator of domestic violence or has committed act of abduction against child or any other child.

125.490 Joint custody.

125.500 Award of custody to person other than parent.

125.510 Court orders; modification or termination of orders; form for orders; court may order parent to post bond if parent resides in or has significant commitments in foreign country.

125.520 Plan for carrying out court's order; access to child's records.

126.031 Relationship of parent and child not dependent on marriage; primary physical custody of child born out of wedlock.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

The amendment adds clarifying language regarding an instance in which a parent may flee with a child in order to avoid domestic violence and sets forth the responsibilities of a parent who wishes to relocate with a child to a place that is substantially distant from the other parent's residence.

Amendment adopted.

Senator Roberson moved that the bill be placed on the Secretary's desk, upon return from reprint.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Secretary’s desk.

Assembly Bill No. 312.

Bill read second time.

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

Amendment No. 720.

SUMMARY—Revises provisions governing the Public Employees' Retirement System. (BDR 23-975)

AN ACT relating to the Public Employees' Retirement System; revising provisions governing the calculation of the average compensation of a person who becomes a member of the System on or after July 1, ~~[2016,]~~ 2015; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that for a person who becomes a member of the Public Employees' Retirement System on or after January 1, 2010, the member's monthly service retirement allowance must be determined by multiplying the member's average compensation by 2.5 percent for each year of service earned. With certain limitations, the determination of the member's average compensation is based on an average of the member's 36 consecutive months of highest compensation. (NRS 286.551) Section 2 of this bill provides that for a person who becomes a member of the System on or after July 1, ~~[2016,]~~ 2015, the determination of the member's average compensation must be based on an average of the member's 60 consecutive months of highest compensation.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 286.551 is hereby amended to read as follows:

286.551 Except as otherwise required as a result of NRS 286.535 or 286.537:

1. Except as otherwise provided in subsection 2:

(a) For a member who has an effective date of membership before January 1, 2010, a monthly service retirement allowance must be determined by multiplying a member's average compensation by 2.5 percent for each year of service earned before July 1, 2001, and 2.67 percent for each year of service earned on or after July 1, 2001.

(b) For a member who has an effective date of membership on or after January 1, 2010, a monthly service retirement allowance must be determined by multiplying a member's average compensation by 2.5 percent for each year of service earned.

2. A member:

(a) Who has an effective date of membership on or after July 1, 1985, is entitled to a benefit of not more than 75 percent of the member's average compensation with the member's eligibility for service credit ceasing at 30 years of service.

(b) Who has an effective date of membership before July 1, 1985, and retires on or after July 1, 1977, is entitled to a benefit of not more than 90 percent of the member's average compensation with the member's eligibility for service credit ceasing at 36 years of service.

➥ In no case may the service retirement allowance determined pursuant to this section be less than the allowance to which the retired employee would have been entitled pursuant to the provisions of this section which were in effect on the day before July 3, 1991.

3. For the purposes of this section, except as otherwise provided in subsections 4, 5 and 6, "average compensation" means *:*

(a) For a member who has an effective date of membership before July 1, ~~[2016,]~~ 2015, the average of ~~[a]~~ *the* member's 36 consecutive months of highest compensation as certified by the public employer.

(b) For a member who has an effective date of membership on or after July 1, ~~[2016,]~~ 2015, the average of the member's 60 consecutive months of highest compensation as certified by the public employer.

4. Except as otherwise provided in subsection 5, for an employee who becomes a member of the System on or after January 1, 2010, the following limits must be observed when calculating the member's average compensation based on a 60-month period that commences 24 months immediately preceding the 36 consecutive months of highest compensation:

(a) The compensation for the 13th through the 24th months may not exceed the actual compensation amount for the 1st through the 12th months by more than 10 percent;

(b) The compensation for the 25th through the 36th months may not exceed by more than 10 percent the lesser of:

(1) The maximum compensation amount allowed pursuant to paragraph (a); or

(2) The actual compensation amount for the 13th through the 24th months;

(c) The compensation for the 37th through the 48th months may not exceed by more than 10 percent the lesser of:

(1) The maximum compensation amount allowed pursuant to paragraph (b); or

(2) The actual compensation amount for the 25th through the 36th months; and

(d) The compensation for the 49th through the 60th months may not exceed by more than 10 percent the lesser of:

(1) The maximum average compensation amount allowed pursuant to paragraph (c); or

(2) The actual compensation amount for the 37th through the 48th months.

5. Compensation attributable to a promotion and assignment-related compensation must be excluded when calculating the limits pursuant to subsection 4.

6. The average compensation of a member who has a break in service or partial months of compensation, or both, as a result of service as a Legislator during a regular or special session of the Nevada Legislature must be calculated on the basis of the average of the member's 36 consecutive months of highest compensation as certified by the member's public employer excluding each month during any part of which the Legislature was in session. This subsection does not affect the computation of years of service.

7. The retirement allowance for a regular part-time employee must be computed from the salary which the employee would have received as a full-time employee if it results in greater benefits for the employee. A regular part-time employee is a person who works half-time or more, but less than full-time:

(a) According to the regular schedule established by the employer for the employee's position; and

(b) Pursuant to an established agreement between the employer and the employee.

Sec. 3. This act becomes effective on July 1, ~~[2016.]~~ 2015.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

The amendment moves the effective date up one year to July 1, 2015, to be consistent with legislation passed earlier this Session related to the Public Employees' Retirement System (PERS). This change will apply to any person who becomes a member of PERS on or after July 1, 2015.

Amendment adopted.

Senator Roberson moved that the bill be placed on the Secretary's desk, upon return from reprint.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Secretary’s desk.

Assembly Bill No. 457.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 793.

SUMMARY—Revises provisions governing reports required to be submitted by various entities. (BDR 1-937)

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.]~~ 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 ~~[.]~~ *; 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. 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.

~~[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 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.~~] 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.]~~ 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.

~~[7. 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 (e) 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 insigne 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.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

This amendment maintains the compilation of the annual *Crime in Nevada* report and clarifies that the information will be made publicly available on the website of the Department of Public Safety while eliminating the need to submit this report to the Governor and the Legislature.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senator Ford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 5:55 p.m.

SENATE IN SESSION

At 6:07 p.m.

President Hutchison presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that Assembly Joint Resolution No. 4 be taken from the Secretary's desk and place at the bottom of the General File.

Motion carried.

Senator Kieckhefer moved that Senate Bill No. 185 be taken from the Secretary's desk and place at the top of the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 461.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 777.

SUMMARY—Revises provisions governing elections. (BDR 24-614)

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 ~~[nor]~~ *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 ~~[nor]~~ *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 193.130]~~ 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

(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 ~~[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 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 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; ~~[or]~~ *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; ~~[or]~~ *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 , ~~[or]~~ 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 ~~[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* 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 ~~[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:

(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 ~~[a 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. 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

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 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; ~~[or]~~ *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; ~~[or]~~ *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 *,* ~~[or]~~ 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 ~~[a 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 *,* ~~[or]~~ county *,* ~~[or]~~ 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 ~~[,]~~ *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 ~~[, "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.

Senator Farley moved the adoption of the amendment.

Remarks by Senator Farley.

Amendment No. 777 to Assembly Bill No. 461 removes language that would have established a Category E felony for a candidate who includes a false statement on his or her declaration of candidacy form. The amendment returns the penalty to the existing gross misdemeanor violation.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 60.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 772.

SUMMARY—Revises various provisions related to the Office of the Attorney General. (BDR 16-470)

AN ACT relating to the Office of the Attorney General; transferring authority over the application for a fictitious address from the Secretary of State to the Attorney General; creating the Office of Military Legal Assistance in the Office of the Attorney General; extending the date for expiration of the Substance Abuse Working Group; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Secretary of State to issue a fictitious address to a victim, or the parent or guardian of a victim, of domestic violence, human trafficking, sexual assault or stalking who applies for the issuance of a fictitious address. (NRS 217.462-217.471) Sections 1-5 , ~~[and]~~ 17 and 17.5 of this bill transfer the authority over and funding for this application process to the Office of the Attorney General.

Sections 10 and 11 of this bill create the Office of Military Legal Assistance in the Office of the Attorney General. Section 16 of this bill extends the termination date of the Substance Abuse Working Group from June 30, 2015, to June 30, 2019.

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

Section 1. NRS 217.462 is hereby amended to read as follows:

217.462 1. An adult person, a parent or guardian acting on behalf of a child, or a guardian acting on behalf of an incompetent person may apply to the ~~[Secretary of State]~~ *Attorney General* to have a fictitious address designated by the ~~[Secretary of State]~~ *Attorney General* serve as the address of the adult, child or incompetent person.

2. An application for the issuance of a fictitious address must include:

(a) Specific evidence showing that the adult, child or incompetent person has been a victim of domestic violence, human trafficking, sexual assault or stalking before the filing of the application;

(b) The address that is requested to be kept confidential;

(c) A telephone number at which the ~~[Secretary of State]~~ *Attorney General* may contact the applicant;

(d) A question asking whether the person wishes to:

(1) Register to vote; or

(2) Change the address of his or her current registration;

(e) A designation of the ~~[Secretary of State]~~ *Attorney General* as agent for the adult, child or incompetent person for the purposes of:

(1) Service of process; and

(2) Receipt of mail;

(f) The signature of the applicant;

(g) The date on which the applicant signed the application; and

(h) Any other information required by the ~~[Secretary of State.]~~ *Attorney General.*

3. It is unlawful for a person knowingly to attest falsely or provide incorrect information in the application. A person who violates this subsection is guilty of a misdemeanor.

4. The ~~[Secretary of State]~~ *Attorney General* shall approve an application if it is accompanied by specific evidence, such as a copy of an applicable record of conviction, a temporary restraining order or other protective order, that the adult, child or incompetent person has been a victim of domestic violence, human trafficking, sexual assault or stalking before the filing of the application.

5. The ~~[Secretary of State]~~ *Attorney General* shall approve or disapprove an application for a fictitious address within 5 business days after the application is filed.

Sec. 2. NRS 217.464 is hereby amended to read as follows:

217.464 1. If the ~~[Secretary of State]~~ *Attorney General* approves an application, the ~~[Secretary of State]~~ *Attorney General* shall:

(a) Designate a fictitious address for the participant; and

(b) Forward mail that the ~~[Secretary of State]~~ *Attorney General* receives for a participant to the participant.

2. The ~~[Secretary of State]~~ *Attorney General* shall not make any records containing the name, confidential address or fictitious address of a participant available for inspection or copying, unless:

(a) The address is requested by a law enforcement agency, in which case the ~~[Secretary of State]~~ *Attorney General* shall make the address available to the law enforcement agency; or

(b) The ~~[Secretary of State]~~ *Attorney General* is directed to do so by lawful order of a court of competent jurisdiction, in which case the ~~[Secretary of State]~~ *Attorney General* shall make the address available to the person identified in the order.

3. If a pupil is attending or wishes to attend a public school that is located outside the zone of attendance as authorized by paragraph (c) of subsection 2 of NRS 388.040 or a public school that is located in a school district other than the school district in which the pupil resides as authorized by NRS 392.016, the ~~[Secretary of State]~~ *Attorney General* shall, upon request of the public school that the pupil is attending or wishes to attend, inform the public school of whether the pupil is a participant and whether the parent or legal guardian with whom the pupil resides is a participant. The ~~[Secretary of State]~~ *Attorney General* shall not provide any other information concerning the pupil or the parent or legal guardian of the pupil to the public school.

Sec. 3. NRS 217.466 is hereby amended to read as follows:

217.466 If a participant indicates to the ~~[Secretary of State]~~ *Attorney General* that the participant wishes to register to vote or change the address of his or her current registration, the ~~[Secretary of State]~~ *Attorney General* shall furnish the participant with the form developed by the Secretary of State pursuant to the provisions of NRS 293.5002.

Sec. 4. NRS 217.468 is hereby amended to read as follows:

217.468 1. Except as otherwise provided in subsections 2 and 3, the ~~[Secretary of State]~~ *Attorney General* shall cancel the fictitious address of a participant 4 years after the date on which the ~~[Secretary of State]~~ *Attorney General* approved the application.

2. The ~~[Secretary of State]~~ *Attorney General* shall not cancel the fictitious address of a participant if, before the fictitious address of the participant is cancelled, the participant shows to the satisfaction of the ~~[Secretary of State]~~ *Attorney General* that the participant remains in imminent danger of becoming a victim of domestic violence, human trafficking, sexual assault or stalking.

3. The ~~[Secretary of State]~~ *Attorney General* may cancel the fictitious address of a participant at any time if:

(a) The participant changes his or her confidential address from the one listed in the application and fails to notify the ~~[Secretary of State]~~ *Attorney General* within 48 hours after the change of address;

(b) The ~~[Secretary of State]~~ *Attorney General* determines that false or incorrect information was knowingly provided in the application; or

(c) The participant files a declaration or acceptance of candidacy pursuant to NRS 293.177 or 293C.185.

Sec. 5. NRS 217.471 is hereby amended to read as follows:

217.471 The ~~[Secretary of State]~~ *Attorney General* shall adopt procedures to carry out the provisions of NRS 217.462 to 217.471, inclusive.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. Chapter 228 of NRS is hereby amended by adding thereto the provisions set forth as sections 10, 11 and 12 of this act.

Sec. 10. *The Office of Military Legal Assistance is hereby created in the Office of the Attorney General.*

Sec. 11. *1. The Office of Military Legal Assistance may facilitate the delivery of legal assistance programs, pro bono services and self-help services to current and former military personnel in this State.*

2. The Attorney General may apply for and accept grants, gifts, donations, bequests or devises on behalf of the Office of Military Legal Assistance which must be used to carry out the functions of the Office of Military Legal Assistance.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. Section 5 of chapter 89, Statutes of Nevada 2011, at page 367, is hereby amended to read as follows:

Sec. 5. This act becomes effective on July 1, 2011, and expires by limitation on June 30, ~~[2015.]~~ *2019.*

Sec. 17. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of regulations is transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement have been transferred.

3. Any actions taken by an officer, agency, or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions was transferred.

Sec. 17.5. On July 1, 2015, the State Controller shall transfer $11,388 for Fiscal Year 2015-2016 and $11,385 for Fiscal Year 2016-2017 from Budget Account 1050 to Budget Account 1030 for use by the Attorney General in the respective fiscal years to carry out the provisions of NRS 217.462 to 217.471, inclusive, as amended by sections 1 to 5 inclusive, of this act.

Sec. 18. 1. This section and section 16 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, 9, 10, 11 , ~~[and]~~ 17 and 17.5 of this act become effective on July 1, 2015.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Amendment No. 772 to Senate Bill No. 60 incorporates a funding transfer to the Attorney General's Office to give that office the appropriate resources otherwise allowed by the bill.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 324.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 775.

SUMMARY—Revises provisions concerning the Department of Transportation. (BDR 35-23)

AN ACT relating to the Department of Transportation; authorizing the Director of the Department to issue an encroachment permit for certain discharges onto a state highway ~~[or]~~ , within a right-of-way ~~[,]~~ or into, onto or by way of a conveyance system; providing civil penalties for an ~~[unpermitted]~~ unauthorized discharge onto a state highway ~~[or]~~ , within a right-of-way or into, onto or by way of a conveyance system or for a violation of an encroachment permit issued by the Director; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain from the Director of the Department of Transportation a permit before disturbing or digging up, or performing certain similar acts with respect to, a state highway or right-of-way. (NRS 408.423) Section 4 of this bill prohibits a person from discharging onto a state highway ~~[or]~~ , within a right-of-way ~~[any substance other than storm water that results or could result in the pollution of the waters of this State]~~ or into, onto or by way of a conveyance system unless: (1) the ~~[Director has issued to the person]~~ discharge is allowed by a valid National Pollutant Discharge Elimination System permit or a valid encroachment permit issued by the Director for the discharge; (2) the discharge is ~~[allowed pursuant to a National Pollutant Discharge Elimination System]~~ carried out in compliance with the terms of the applicable permit; ~~[or]~~ and (3) the discharge is ~~[the result of fire-fighting operations.]~~ carried out in accordance with any applicable conditions, rules and regulations prescribed by the Director. In addition, section 4 requires that if a person ~~[who discharges a substance onto a state highway or right-of-way]~~ carries out such a discharge without ~~[such a permit, or in violation of the terms of the permit,]~~ adhering to the three preceding requirements, the person must , upon receipt of an order for compliance issued pursuant to section 7 of this bill, abate, remove or remediate the discharge ~~[.]~~ in a timely manner. If the person fails to abate, remove or remediate the discharge, the Director may ~~[abate,~~

~~remove or remediate the discharge and charge the person for the costs associated with the abatement, removal or remediation.]~~ exercise several powers of enforcement, as set forth in sections 5-10 of this bill.

Sections 5-10 of this bill provide certain enforcement powers to the Director relating to section 4 and authorize the Director to: (1) enter upon any premises to investigate the source of a discharge; (2) issue orders for compliance to enforce the provisions of section 4; (3) seek injunctive relief in a court of competent jurisdiction to prevent the continuance or occurrence of any act which violates or may violate the provisions of section 4; (4) impose a civil penalty of up to $25,000 per day for violations of the provisions of section 4; ~~[and]~~ (5) request that the Attorney General institute a criminal prosecution for a violation of the provisions of section 4; and (6) conduct an independent investigation of any act which violates or may violate the provisions of section 4.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 405.205 is hereby amended to read as follows:

405.205 A rural electric cooperative which has been formed pursuant to NRS 81.410 to 81.540, inclusive, may erect or bury, and thereafter maintain or operate, power lines, and may permit the maintenance and operation of telephone lines in connection therewith, along public highways, roads, streets and alleys within the area which it holds a certificate of public convenience and necessity to serve. In exercising this right, the cooperative shall not obstruct the natural and proper use of the highway, road, street or alley, and is subject to the requirements of NRS 408.423 ~~[.]~~ *and section 4 of this act.*

Sec. 3. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[3.5]~~ 3.3 to 10, inclusive, of this act.

Sec. 3.3. "Conveyance system" means any system of drainage along or involving the roads or highways of this State, or within the rights-of-way of the Department, and designed or used to collect, contain, store or provide for the flow of surface and storm water. The term includes, without limitation, gutters, curbs, ditches, pipes, culverts, channels, catch basins, vaults, man-made channels or storm drains that are owned, operated or controlled by the Department.

Sec. 3.5. *"Discharge" ~~[has the meaning ascribed to it in NRS 445A.345.]~~ means the release of any pollutant, as that term is defined in NRS 445A.400, onto any state highway, within any right-of-way or into, onto or by way of any conveyance system.*

Sec. 4. *1. No person shall discharge or cause ~~[to be discharged]~~ a discharge upon a state highway ~~[or]~~ , within a right-of-way ~~[any substance that is not composed entirely of storm water and that results or could result in the pollution of the waters of this State, other than a discharge allowed pursuant to]~~ or into, onto or by way of a conveyance system unless:*

(a) The discharge is allowed by a valid National Pollutant Discharge Elimination System permit or ~~[waters used for fire fighting operations, without]~~ a valid encroachment permit issued by the Director pursuant to NRS 408.423 ~~[, and then only]~~ ;

(b) The person ensures that the discharge is carried out in compliance with the terms of the applicable permit that allows the discharge, as described in paragraph (a); and

(c) The person ensures that the discharge is carried out in accordance with ~~[the]~~ any applicable conditions , rules and regulations prescribed by the Director.

2. ~~[A]~~ If a person ~~[who]~~ violates the provisions of subsection 1 , the person shall , upon receipt of an order for compliance issued pursuant to section 7 of this act, abate, remove or remediate the discharge in a timely manner.

3. If a person who violates the provisions of subsection 1 fails to abate, remove or remediate the discharge in a timely manner, the Director may abate, remove or remediate the discharge. The abatement, removal or remediation of a discharge pursuant to this subsection gives the Department a right of action to recover ~~[:]~~ any of the following:

(a) Any expenses associated with the abatement, removal or remediation . ~~[;]~~

(b) Attorney's fees, costs and expenses related to the abatement, removal or remediation . ~~[; and]~~

(c) An administrative fee in an amount not to exceed $750 for each day ~~[,]~~ of noncompliance with the provisions of subsection 1, commencing on the 6th day after ~~[the initial discharge, that]~~ the person who failed to abate, remove or remediate the discharge ~~[,]~~ received an order for compliance pursuant to section 7 of this act.

(d) A civil penalty pursuant to section 9 of this act.

4. The remedies provided in subsection 3 are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, pursuant to sections 4 to 10, inclusive, of this act.

5. All money obtained in accordance with this section, including, without limitation, all fees and monetary penalties imposed pursuant to this section, must be deposited in the State Highway Fund.

6. To enforce the provisions of this section, the Director may cooperate and coordinate with the Division of Environmental Protection of the State Department of Conservation and Natural Resources and the Office of the Attorney General.

~~[6. As used in this section, "pollution" has the meaning ascribed to it in NRS 445A.405.]~~

Sec. 5. *To enforce the provisions of section 4 of this act or any rule, regulation, standard, permit or order of the Director related thereto, the*

Director or ~~[a]~~ an authorized designee of the Director may, upon presenting proper credentials:

1. Enter upon any premises upon which any act in violation of section 4 of this act takes place to inspect, investigate, collect data or otherwise document the violation;

2. At reasonable times, have access to and copy any records required to be maintained in association with any permit issued for the purposes of section 4 of this act or with any abatement, removal or remediation of a discharge that violates the provisions of section 4 of this act;

3. Inspect any equipment or method for the monitoring or observation of a discharge; and

4. Have access to and sample any discharge onto the state highway or right-of-way which results directly or indirectly from activities of an owner or operator of a premises where the discharge originates.

Sec. 6. *1. Except as otherwise provided in section 10 of this act, if the Director finds that any person is engaged or is about to engage in any act or practice which violates any rule, regulation, standard, permit or order issued by the Director for the purposes of section 4 of this act, the Director may:*

(a) Issue an order for compliance pursuant to section 7 of this act; ~~[or]~~

(b) Commence a civil action pursuant to sections 8 and 9 of this act ~~[.]~~ ; or

(c) Request that the Attorney General prosecute any person who violates any provision of sections 4 to 10, inclusive, of this act.

2. The remedies provided in subsection 1 are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, pursuant to sections 4 to 10, inclusive, of this act.

Sec. 7. *1. Except as otherwise provided in section 10 of this act, if the Director finds that any person is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any rule, regulation, standard, permit or order issued by the Director to enforce the provisions of section 4 of this act, the Director or ~~[a]~~ an authorized designee of the Director may issue an order for compliance which:*

(a) Specifies the provisions of section 4 of this act, or any rule, regulation, standard, permit or order issued by the Director, alleged to be violated or about to be violated;

(b) Indicates the facts alleged which constitute the alleged violation;

(c) Prescribes the necessary corrective action to be taken and a reasonable period for completion of that corrective action; and

(d) ~~[Is]~~ Except as otherwise provided in this paragraph, is served upon the person at his or her place of business or, if that place of business is unknown, served upon the person through the post office or at his or her last known address of record. Alternatively, the order for compliance may be served upon the person by sending a copy of the order to the electronic mail address of the person, if the electronic mail address of the person is known.

2. Any order for compliance issued pursuant to subsection 1 is final and is not subject to review unless the person against whom the order is issued, within ~~[30]~~ 10 days after the date on which the order is served, requests by written petition a hearing before the Director ~~[.]~~ or an authorized designee of the Director.

Sec. 8. *1. Except as otherwise provided in section 10 of this act, the Director may seek injunctive relief in a court of competent jurisdiction to prevent the continuance or occurrence of any act or practice which violates any provision of section 4 of this act, or any rule, regulation, standard, permit or order issued pursuant thereto.*

2. On a showing by the Director or ~~[a]~~ an authorized designee of the Director that a person is engaged or is about to engage in any act or practice which violates or will violate any rule, regulation , ~~[or]~~ standard , ~~[or a]~~ permit or order issued for the purposes of section 4 of this act, the court may issue, without bond, any prohibitory or mandatory injunctions that the facts may warrant, including, without limitation, a temporary restraining order issued ex parte, or, after notice and an opportunity for a hearing, a preliminary injunction or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction pursuant to subsection 2.

4. A court may require the posting of a sufficient performance bond or other security interest to ensure compliance with the court order within the period prescribed.

5. An injunction issued pursuant to this section does not abrogate and is in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, pursuant to sections 4 to 10, inclusive, of this act.

Sec. 9. *Except as otherwise provided in sections 4 to 10, inclusive, of this act, any person who violates or aids or abets in the violation of any provision of section 4 of this act, or of any rule, regulation, standard, permit or order issued pursuant thereto, shall pay a civil penalty of not more than $25,000 for each day of the violation. A civil penalty imposed pursuant to this section is cumulative and does not abrogate and is in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, pursuant to sections 4 to 10, inclusive, of this act.*

Sec. 10. *1. Except as otherwise provided in subsection 2, before determining whether to issue an order for compliance, commence a civil action , request that the Attorney General commence a criminal action or seek injunctive relief pursuant to sections 4 to 10, inclusive, of this act, the Director or the authorized designee of the Director shall, if practicable, conduct an independent investigation of the alleged act or practice for which the Director is making the determination.*

2. The Director is not required to conduct an independent investigation pursuant to subsection 1 if:

(a) The determination of the Director to take any action specified in that subsection is based on information that is provided to the Director by ~~[the holder of]~~ a person authorized to act pursuant to a permit issued for the purposes of section 4 of this act ~~[,]~~ or by a person who has carried out a discharge that is unauthorized, unlawful or otherwise impermissible pursuant to that section; or

(b) The alleged act or practice ~~[:~~

~~*(1) Occurs on land that is managed or controlled by the United States Department of Defense or Department of Energy; or*~~

~~*(2) Creates]~~ creates an imminent and substantial danger to the public health or the environment.*

Sec. 10.5. NRS 408.020 is hereby amended to read as follows:

408.020 As used in this chapter *, unless the context otherwise requires,* the words and terms defined in NRS 408.033 to 408.095, inclusive, ~~[unless the context otherwise requires,]~~ *and ~~[section]~~ sections 3.3 and 3.5 of this act* have the meanings ascribed to them in those sections.

Sec. 11. NRS 408.050 is hereby amended to read as follows:

408.050 "Encroachment" means any tower, pole, pole line, wire, pipe, pipeline, fence, billboard, approach road, driveway, stand or building, crop or crops, flora, *discharge of any kind or character* or any structure which is placed in, upon, under or over any portion of highway rights-of-way.

Sec. 12. ~~[NRS 408.172 is hereby amended to read as follows:~~

~~408.172 1. Subject to the approval of the Board, the Attorney General shall, immediately upon request by the Board, appoint an attorney at law as the Chief Counsel of the Department, and such assistant attorneys as are necessary. Attorneys so appointed are deputy attorneys general.~~

~~2. The Chief Counsel shall act as the attorney and legal adviser of the Department in all actions, proceedings, hearings and all matters relating to the Department and to the powers and duties of its officers.~~

~~3. Under the direction of or in the absence of the Chief Counsel, the assistant attorneys may perform any duty required or permitted by law to be performed by the Chief Counsel.~~

~~4. The Chief Counsel and assistant attorneys are in the unclassified service of the State.~~

~~5. All contracts, instruments and documents executed by the Department must be first approved and endorsed as to legality and form by the Chief Counsel.~~

~~*6. The Chief Counsel shall act as the attorney and legal adviser of the Department in all actions, proceedings, hearings and enforcement actions related to the provisions of sections 4 to 10, inclusive, of this act.]*~~ (Deleted by amendment.)

Sec. 13. NRS 408.175 is hereby amended to read as follows:

408.175 1. The Director shall:

(a) Appoint one Deputy Director who in the absence, inability or failure of the Director has full authority to perform any duty required or permitted by law to be performed by the Director.

(b) Appoint one Deputy Director for southern Nevada whose principal office must be located in an urban area in southern Nevada.

(c) *Appoint one Deputy Director with full authority to perform any duty required or ~~[permitted]~~ allowed by law to be performed by the Director to implement, manage, oversee and enforce any environmental program of the Department.*

(d) Employ such engineers, engineering and technical assistants, clerks and other personnel as in the Director's judgment may be necessary to the proper conduct of the Department and to carry out the provisions of this chapter.

2. Except as otherwise provided in NRS 284.143, the Deputy Directors shall devote their entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

3. The Director may delegate such authority as may be necessary for the Deputy Director appointed pursuant to paragraph (b) of subsection 1 to carry out his or her duties.

Sec. 14. NRS 408.210 is hereby amended to read as follows:

408.210 1. Except as otherwise provided in NRS 484D.655, the Director of the Department of Transportation may restrict the use of, or close, any highway whenever the Director considers the closing or restriction of use necessary:

(a) For the protection of the public.

(b) For the protection of such highway from damage during storms or during construction, reconstruction, improvement or maintenance operations thereon.

(c) To promote economic development or tourism in the best interest of the State or upon the written request of the Executive Director of the Office of Economic Development or the Director of the Department of Tourism and Cultural Affairs.

2. The Director of the Department of Transportation may:

(a) Divide or separate any highway into separate roadways, wherever there is particular danger to the traveling public of collisions between vehicles proceeding in opposite directions or from vehicular turning movements or cross-traffic, by constructing curbs, central dividing sections or other physical dividing lines, or by signs, marks or other devices in or on the highway appropriate to designate the dividing line.

(b) Lay out and construct frontage roads on and along any highway or freeway and divide and separate any such frontage road from the main highway or freeway by means of curbs, physical barriers or by other appropriate devices.

3. ~~[The]~~ *Except as otherwise provided in sections 4 to 10, inclusive, of this act, the* Director may remove from the highways any unlicensed encroachment which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, within 5 days after personal service of notice and demand upon the owner of the encroachment or the owner's agent. In lieu of personal service upon that person or agent, service of the notice may also be made by registered or certified mail and by posting, for a period of 5 days, a copy of the notice on the encroachment described in the notice. Removal by the Department of the encroachment on the failure of the owner to comply with the notice and demand gives the Department a right of action to recover the expense of the removal, cost and expenses of suit, and in addition thereto the sum of ~~[$100]~~ *$750* for each day the encroachment remains beyond 5 days after the service of the notice and demand.

4. If the Director determines that the interests of the Department are not compromised by a proposed or existing encroachment, the Director may issue a license to the owner or the owner's agent permitting an encroachment on the highway. Such a license is revocable and must provide for relocation or removal of the encroachment in the following manner. Upon notice from the Director to the owner of the encroachment or the owner's agent, the owner or agent may propose a time within which he or she will relocate or remove the encroachment as required. If the Director and the owner or the owner's agent agree upon such a time, the Director shall not himself or herself remove the encroachment unless the owner or the owner's agent has failed to do so within the time agreed. If the Director and the owner or the owner's agent do not agree upon such a time, the Director may remove the encroachment at any time later than 30 days after the service of the original notice upon the owner or the owner's agent. Service of notice may be made in the manner provided by subsection 3. Removal of the encroachment by the Director gives the Department the right of action provided by subsection 3, but the penalty must be computed from the expiration of the agreed period or 30-day period, as the case may be.

Sec. 15. NRS 408.423 is hereby amended to read as follows:

408.423 1. No state highway or right-of-way may be disturbed, dug up, crossed, encroached upon *, discharged upon* or otherwise used for the laying or re-laying of pipelines, ditches, flumes, sewers, poles, wires, approach roads, driveways, railways or for any other purpose, without the written permit of the Director, and then only in accordance with the conditions and regulations prescribed by the Director. All such work must be done under the supervision and to the satisfaction of the Director. All costs of replacing the highway in as good condition as previous to its being disturbed must be paid by the persons to whom or on whose behalf such permit was given or by the person by whom the work was done.

2. In case of immediate necessity therefor, a city or town may dig up a state highway without a permit from the Director, but in such cases the

Director must be first notified and the highway must be replaced forthwith in as good condition as before at the expense of such city or town.

3. The Department shall charge each applicant a reasonable fee for all administrative costs incurred by the Department in acting upon an application for a permit, including costs for the preparation and inspection of a proposed encroachment.

Sec. 16. This act becomes effective on July 1, 2015.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Amendment No. 775 to Senate Bill No. 324 clarifies provisions related to environmental protection along our roadways; defines a conveyance system as well as the term "discharge"; requests that the Attorney General prosecute people for pollutants that are included in this bill for violating various provisions of the bill, and increases the daily penalty that can be assessed for an illegal discharge.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 214.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 214 authorizes a limited portion of the money in the Contingency Account for Victims of Human Trafficking to be used for fundraising for the direct benefit of the Contingency Account. The bill eliminates the requirements of review and recommendation by the Grants Management Advisory Committee of the Department of Health and Human Services if the Director determines that an emergency exists and an allocation of money from the Contingency Account is needed immediately.

The bill increases the penalty for soliciting a child for prostitution from a category E felony to a category E felony for a first offense, a category D felony for a second offense and a category C felony for a third and subsequent offense. Lastly, the bill prohibits the court from granting probation to, or suspending the sentence of, a person convicted of a third or subsequent offense of soliciting a child for prostitution. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 214:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 214 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 240.

Bill read third time.

Senator Roberson moved that the bill be taken from the General File and placed at the bottom of the General File for the next legislative day.

Motion carried.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 6:14 p.m.

SENATE IN SESSION

At 6:32 p.m.

President Hutchison presiding.

Quorum present.

Assembly Bill No. 379.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 379 requires that a landlord must provide the tenant of commercial premises with written notice of delinquency and intent to change the door locks by certified mail, return receipt requested, at least three days prior to changing the door locks. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 379:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 379 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 8.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 8 prohibits a person or organization other than a child welfare agency or a licensed child-placing agency from using various computerized communication systems such as electronic mail and websites to advertise the availability or placement of children for adoption. A violation of these provisions is a misdemeanor.

Roll call on Assembly Bill No. 8:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 8 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 20.

Bill read third time.

Remarks by Senator Lipparelli.

Assembly Bill No. 20 removes the requirement for additional approval by the Governor, in certain emergency circumstances, or the Interim Finance Committee of work program changes that result from: 1) acceptance by a State agency of a gift or nongovernmental grant which does not exceed $20,000, or a governmental grant which does not exceed $150,000; or 2) carrying

forward money from one fiscal year to the next without a change in purpose. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 20:
YEAS—20.
NAYS—None.
EXCUSED—Smith.

Assembly Bill No. 20 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 66.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 66 requires that all of the justices of the peace in the large urban townships, specifically Las Vegas, North Las Vegas, Henderson, Reno and Sparks, be licensed attorneys.

The measure also increases the monetary limit on civil jurisdiction of justice courts from $10,000 to $15,000 and increases the monetary limit on small claims actions from $7,500 to $10,000. Fees for the preparation and filing of an affidavit and order for these civil actions are added.

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

Roll call on Assembly Bill No. 66:
YEAS—19.
NAYS—Gustavson.
EXCUSED—Smith.

Assembly Bill No. 66 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 113.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 113 provides guidelines for sealing juvenile records.

Roll call on Assembly Bill No. 113:
YEAS—20.
NAYS—None.
EXCUSED—Smith.

Assembly Bill No. 113 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 138.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 138 enacts a juvenile competency standard. Specifically, the bill establishes procedures both a juvenile court and a person who makes a motion for the evaluation of a child must follow in determining the question of competence.

Roll call on Assembly Bill No. 138:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 138 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 380.

Bill read third time.

Remarks by Senator Ford.

Assembly Bill No. 380 is commonly known as an internet sales tax bill. It relies upon law out of New York and Colorado to establish a way for Nevada to capture, via click through nexus and other terms, our internet sales tax that is originated and should be paid here but has not been. I urge your support.

Roll call on Assembly Bill No. 380:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 380 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 4.

Resolution read third time.

Remarks by Senators Farley and Denis.

SENATOR FARLEY:

Assembly Joint Resolution No. 4 urges the United States Congress to enact legislation to authorize individual states to establish Daylight Savings Time as the standard time of their respective states throughout the calendar year.

SENATOR DENIS:

Are there any states that currently do this?

SENATOR FARLEY:

Arizona does this; they do not switch times.

SENATOR DENIS:

Is this to establish Daylight Savings Time as the time we are always on?

SENATOR FARLEY:

Yes, it would establish Daylight Savings Time as the standard time in each respective state, so we would be on it all year.

SENATOR DENIS:

Arizona is the opposite of this though; they are on Standard Time all year, correct?

SENATOR FARLEY:
I would have to check. My guess is we will remain on Daylight Time.

Roll call on Assembly Joint Resolution No. 4:
YEAS—12.
NAYS—Denis, Ford, Gustavson, Hardy, Parks, Settelmeyer, Spearman, Woodhouse—8.
EXCUSED—Smith.

Assembly Joint Resolution No. 4 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 6:43 p.m.

SENATE IN SESSION

At 6:44 p.m.

President Hutchison presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to students from Bordewich-Bray Elementary: Edwin Aguirre, Aurelia Bailey, Jonethen Barnes-Hurt, Erika Becerra, Alexander Bevans, Ava Brehm, Isabel Cartier, Maria Cabrera, Raveena Cheema, Hannah Clark, Naomi Crews, Sophia Crittenden, Chloe Crookshanks, Samuel Dalton, Daniel Diaz, Edgar Duarte, Alondra Gallegos, Jade Garcia, Ozzy Garcia, Oscar Gomez, Lara Griffith, Carlos Gurrola, Natalie Gutierrez, Elena Guzman, Christopher Juliussen, Christian Iza, Alexandra Jacobo, Gabriel Jacobo, Marsos Jimenez, Chance Kaamasee, Rhiannon Karr, Zackery Kight, Alayna Laporte, Emmanuel Macias, Lilian Mariolo, Kesten McCord, Aden McNabb, Annalee Medina, Josephine McIntosh, Shawn Oates, Jacqueline M. Odell, Jesse Padilla, Randy Padilla Ochoa, Tyler Palmer, Pricila Perez, Isabella Planeta, Aaron Ramirez, Dallin Reed, Cheyenne Rissen, Brian Rivera, Andrew Rulapaugh, Emily Sanchez, Samantha Schofield, Aiden Serda, Autumn Scott, Brogan Shaw, Parker Story, Luke Syndergaard, Emilie Tierney, Sophia Toledo, Isaiah Urbina, Michael Waldrep, Gracie Walt and Chloe Wilson.

On request of Senator Settelmeyer, the privilege of the floor of the Senate Chamber for this day was extended to students from Faith Baptist Academy: Adam Breeden, Hailee Cassell, James Cassell, Kiran Cassell, Lexy Chastain, Jonathan Clinge, Trenton Chastain, Scott Clark, Byron Farmer, Monique Knackstedt, Crystal McClendon and Anthony Ness.

Senator Roberson moved that the Senate adjourn until Tuesday, May 19, 2015, at 11:00 a.m.

Motion carried.

Senate adjourned at 6:44 p.m.

Approved: MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate