THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 19, 2017

Assembly called to order at 12 noon.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Woodbury, who was excused.

Prayer by the Chaplain, Captain Leslie Cyr.

Father God, we thank You today, for Your love and for Your hand of guidance in our lives. We thank You for this great nation and for the freedoms we hold.

We ask for Your blessings and for Your wisdom to rest on us; for Your Spirit to reveal vision, integrity, and discernment as we set ourselves for service of the state.

We pray, Lord, for favor for our families, for our leaders, and for our servicemen and women at home and abroad. We are so grateful for them. In the name of Christ we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Corrections, Parole, and Probation, to which were referred Assembly Bills Nos. 291, 302, 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 64, 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 Education, to which was referred Assembly Bill No. 196, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 70, 241, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 95, 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 133, 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 98, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 18, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 177, 188, 230, 290, 295, 310, 337, 362, 376, 379, 383, 400, 426, 434, 454, 460, 470, 473, 476, 493, 513, 515; Senate Joint Resolution No. 13.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 1.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 18, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 33, 46, 50, 54, 57, 91, 116, 140, 191, 195, 196, 240, 255, 256, 267, 268, 270, 301, 466.

CLAIRE CLIFT
Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 13.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Concurrent Resolution No. 1.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

April 19, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 437.

CINDY JONES
Fiscal Analysis Division

Senate Bill No. 33.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 46.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 50.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 54.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 57.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 91.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 116.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 140.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 177.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 188.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 191.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 195.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 196.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 230.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 240.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 255.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 256.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 267.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 268.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 270.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 290.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 295.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 301.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 310.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 337.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 362.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 376.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 379.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 383.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 400.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 426.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 434.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 454.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 460.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 466.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 470.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 473.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 476.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 493.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 513.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 515.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 26.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 204.

AN ACT relating to criminal records; ~~[expanding the persons and governmental entities that may access]~~ **revising provisions governing the dissemination of** records of criminal history from the Central Repository for Nevada Records of Criminal History pursuant to name-based searches conducted by a service within the Central Repository; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes within the Central Repository for Nevada Records of Criminal History a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer. (NRS 179A.103) This bill authorizes an employment screening service which ~~[is not authorized to enter into an agreement with another employment screening service that is authorized to use the service]~~ **has entered into a contract with the Central Repository** to inquire about, obtain and provide those records ~~[to the employment screening service for dissemination]~~ **of criminal history** to the employer or volunteer organization ~~[.]~~ **if the service maintains records of its dissemination of the records of criminal history.** This bill also removes the limitation that only allowed employers in this state to use the services so that out of state employers also have access.

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

Section 1. NRS 179A.103 is hereby amended to read as follows:

179A.103 1. There is hereby established within the Central Repository a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer.

2. An eligible person that wishes to participate in the service must enter into a contract with the Central Repository.

3. The Central Repository may charge a reasonable fee for participation in the service.

4. ~~[A]~~ ***An authorized*** participant of the service may inquire about the records of criminal history of an employee, prospective employee, volunteer or prospective volunteer to determine the suitability of the employee or prospective employee for employment or the suitability of the volunteer or prospective volunteer for volunteering.

5. The Central Repository shall disseminate to ~~[a]~~ ***an authorized*** participant of the service information which:

(a) Reflects convictions only; or

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

6. An employee, prospective employee, volunteer or prospective volunteer who is proposed to be the subject of a name-based search must provide his or her written consent for the Central Repository to perform the search and to release the information to ~~[a]~~ ***an authorized*** participant. The written consent form may be:

(a) A form designated by the Central Repository; or

(b) If the ***authorized*** participant is an employment screening service, a form that complies with the provisions of 15 U.S.C. § 1681b(b)2 for the procurement of a consumer report.

7. An employment screening service that is designated to receive records of criminal history on behalf of an employer or volunteer organization may provide such records of criminal history to the employer or volunteer organization upon request of the employer or volunteer organization ~~[.]~~ ***, if the employment screening service maintains records of its dissemination of the records of criminal history.***

8. ~~*[An employment screening service which is an authorized participant and which is designated to receive records of criminal history on behalf of another employment screening service that is not an authorized participant may provide such records of criminal history to that employment screening service if both employment screening services:*~~

~~*(a) Enter into an agreement that has been approved by the Central Repository; and*~~

~~*(b) Maintain records of their dissemination of records of criminal history.*~~

~~*9.]*~~ The Central Repository may audit ~~[a]~~ ***an authorized*** participant ***,*** ~~*[or an employment screening service to which an authorized participant provided records of criminal history pursuant to paragraph (b) of subsection (8),]*~~ at such times as the Central Repository deems necessary, to ensure that records of criminal history are securely maintained.

9. ~~*[10.]*~~ The Central Repository may terminate participation in the service if ~~[a]~~ ***an authorized*** participant fails:

(a) To pay the fees required to participate in the service; or

(b) To address, within a reasonable period, deficiencies identified in an audit conducted pursuant to subsection 8.

10. ~~*[9. 11.]*~~ As used in this section:

(a) ***"Authorized participant" means an eligible person who has entered into a contract with the Central Repository to participate in the service established pursuant to subsection 1.***

(b) "Consumer report" has the meaning ascribed to it in 15 U.S.C. § 1681a(d).

~~[(b)]~~ ***(c)*** "Eligible person" includes:

(1) An employer.

(2) A volunteer organization.

(3) An employment screening service.

~~[(c)]~~ ***(d)*** "Employer" means a person ~~[in this State]~~ that:

(1) Employs an employee; or

(2) Enters into a contract with an independent contractor.

~~[(d)]~~ ***(e)*** "Employment" includes performing services for an employer as an independent contractor.

~~[(e)]~~ ***(f)*** "Employment screening service" means a person or entity designated by an employer ~~*[,]*~~ or volunteer organization ~~*[or another person or entity which provides employment or volunteer screening services]*~~ to provide employment or volunteer screening services to the employer ~~*[,]*~~ or volunteer organization . ~~*[or other person or entity which provides employment or volunteer screening services.]*~~

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 35.

Bill read second time.

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

Amendment No. 28.

AN ACT relating to insurance; revising provisions governing examinations of insurers; requiring the annual submission of a corporate governance annual disclosure by certain insurers and insurance groups; making confidential certain information contained in and relating to a corporate governance annual disclosure; authorizing the sharing of items relating to a corporate governance annual disclosure in certain circumstances; authorizing the Commissioner of Insurance to retain third-party consultants and enter into certain agreements; providing for the group-wide supervision of internationally active insurance groups; revising provisions governing captive insurers; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Commissioner of Insurance to regulate insurance in this State. (NRS 679B.120) **Sections 1 and 2** of this bill revise provisions governing examinations of insurers. **Section 3** of this bill makes a conforming change related to **section 1**.

Existing law authorizes a domestic insurer to organize or acquire one or more subsidiaries and requires certain insurers contained within such an insurance holding company system to register with the Commissioner. (NRS 692C.130, 692C.260) Existing law also requires an insurer or insurance group to regularly conduct an Own Risk and Solvency Assessment and submit a summary report to the Commissioner. (NRS 692C.3512, 692C.3514)

Sections 5-12 of this bill adopt certain provisions of the National Association of Insurance Commissioners' Corporate Governance Annual Disclosure Model Act. **Section 7** requires certain insurers or insurance groups to annually submit to the Commissioner of Insurance a corporate governance annual disclosure and specifies the contents of the corporate governance annual disclosure. **Section 9** authorizes the Commissioner to adopt regulations setting forth instructions for the preparation of a corporate governance annual disclosure. **Section 10** makes a corporate governance annual disclosure and certain other documents, materials and information confidential and authorizes the Commissioner to share such items in certain circumstances. **Section 11** authorizes the Commissioner to retain third-party consultants and enter into certain agreements to assist in the performance of his or her regulatory duties.

Sections 13-16 of this bill adopt certain provisions of the National Association of Insurance Commissioners' Insurance Holding Company System Regulatory Act. **Section 16** authorizes the Commissioner to act as the group-wide supervisor for an internationally active insurance group in certain circumstances. **Section 16** authorizes an insurance holding company system which does not qualify as an internationally active insurance group to request that the Commissioner determine or acknowledge a group-wide supervisor for the insurance holding company system. **Section 16** provides for the Commissioner to determine whether the Commissioner or another person is the appropriate group-wide supervisor for an internationally active insurance group. **Section 16** authorizes the Commissioner to cooperate with other regulatory officials and enter into agreements with or obtain documentation from certain persons or entities. Finally, **section 16** requires an insurer subject to the section to pay the reasonable expenses of the Commissioner in administering the section.

Existing law provides for the creation of captive insurers and their regulation by the Commissioner. (NRS 694C.180, 694C.195, 694C.200) **Sections 21-27** of this bill add to and revise the provisions governing captive insurers, including, without limitation, state-chartered risk retention groups. **Sections 22 and 25** provide for specified existing law to apply to state-

chartered risk retention groups. **Section 27** revises provisions governing reports and statements which must be filed by captive insurers and state-chartered risk retention groups. **Sections 21, 23 and 24** make conforming changes related to **sections 22 and 25**.

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

Section 1. NRS 679B.230 is hereby amended to read as follows:

679B.230 1. For the purpose of determining its financial condition, fulfillment of its contractual obligations and compliance with law, the Commissioner shall, as often as he or she deems advisable, examine the affairs, transactions, accounts, records and assets of each authorized insurer, and of any person as to any matter relevant to the financial affairs of the insurer or to the examination. Except as otherwise expressly provided in this title, the Commissioner shall so examine each authorized insurer not less frequently than every 5 years. ***In scheduling and determining the nature, scope and frequency of the examinations, the Commissioner shall consider:***

(a) The results of any analysis of any applicable financial statement;

(b) Any change in management or ownership of the insurer;

(c) Any applicable actuarial opinion or summary;

(d) Any applicable report of an independent certified public accountant; and

(e) Any other applicable criteria set forth in the most recent edition of the Financial Condition Examiners Handbook, published by the NAIC, and the most recent edition of the Market Regulation Handbook, published by the NAIC, which are in effect when the Commissioner exercises his or her discretion pursuant to this section.

2. In examining an insurer pursuant to this section, the Commissioner may examine or investigate any person, or the business of any person, if the examination or investigation is, in the sole discretion of the Commissioner, necessary or material to the examination of the insurer.

3. Examination of an alien insurer must be limited to its insurance transactions, assets, trust deposits and affairs in the United States, except as otherwise required by the Commissioner.

~~[2.]~~ ***4.*** The Commissioner shall in like manner examine each insurer applying for an initial certificate of authority to transact insurance in this state.

~~[3.]~~ ***5.*** In lieu of an examination under this chapter, the Commissioner may accept a report of the examination of a foreign or alien insurer prepared by the Division for a foreign insurer's state of domicile or an alien insurer's state of entry into the United States.

~~[4.]~~ ***6.*** As far as practical the examination of a foreign or alien insurer must be made in cooperation with the insurance supervisory officers of other states in which the insurer transacts business.

Sec. 2. NRS 679B.270 is hereby amended to read as follows:

679B.270 1. No later than 60 days after the completion of an examination, the examiner designated by the Commissioner shall ~~[make a true]~~ ***file a verified*** report ~~[thereof]~~ ***of examination, in writing,*** which must ~~[comprise]~~ ***be comprised*** only ***of*** facts appearing upon the books, records or other documents of the ~~[person]~~ ***insurer or its agents or other persons*** examined ~~[,]~~ ***concerning its affairs,*** or as ascertained from the ~~[sworn]~~ testimony of the officers or agents or other persons examined concerning its affairs, and such conclusions and recommendations as ~~[may]~~ ***the examiner finds*** reasonably ~~[be]~~ warranted from the facts. The report of examination must be verified by the oath of the examiner making the report.

2. Such a report of examination of an insurer so verified is prima facie evidence in any action or proceeding for the receivership, conservation or liquidation of the insurer brought in the name of the state against the insurer, its officers or agents upon the facts stated therein.

Sec. 3. NRS 681B.400 is hereby amended to read as follows:

681B.400 1. The following types of information shall qualify as confidential information:

(a) A memorandum in support of an opinion submitted pursuant to NRS 681B.200 to 681B.260, inclusive, or 681B.350 and any other documents, materials and other information, including, without limitation, all working papers, and copies thereof, created, produced or obtained by or disclosed to the Commissioner or any other person in connection with such memorandum;

(b) All documents, materials and other information, including, without limitation, all working papers, and copies thereof, created, produced or obtained by or disclosed to the Commissioner or any other person in the course of an examination authorized by subsection ~~[2]~~ ***4*** of NRS 679B.230 or subsection 7 of NRS 681B.300, provided that if an examination report or other material prepared in connection with an examination authorized by NRS 679B.230 to 679B.300, inclusive, is not held as private and confidential information in accordance with the provisions of NRS 679B.230 to 679B.300, inclusive, an adopted examination report created in accordance with the provisions of subsection ~~[2]~~ ***4*** of NRS 679B.230 or subsection 7 of NRS 681B.300 shall not be deemed confidential information;

(c) Any reports, documents, materials and other information developed by an applicable company in support of, or in connection with, an annual certification by the applicable company in accordance with the provisions of paragraph (b) of subsection 1 of NRS 681B.360 evaluating the effectiveness of the company's internal controls with respect to a principle-based valuation, and any other documents, materials and other information, including, without limitation, all working papers, and copies thereof, created, produced or obtained by or disclosed to the Commissioner or any other person in connection with such reports, documents, materials and other information;

(d) Any principle-based valuation report developed in accordance with paragraph (c) of subsection 1 of NRS 681B.360, and any other documents, materials and other information, including, without limitation, all working papers, and copies thereof, created, produced or obtained by or disclosed to the Commissioner or any other person in connection with such report; and

(e) Any experience data and experience materials, and any other documents, materials, data and other information, including, without limitation, all working papers, and copies thereof, created, produced or obtained by or disclosed to the Commissioner or any other person in connection with such data and materials.

2. As used in this section:

(a) "Experience data" means all documents, materials, data and other information submitted by an applicable company to the Commissioner, a designated experience reporting agent or other such person authorized to act on behalf of the Commissioner pursuant to NRS 681B.500 and 681B.510.

(b) "Experience materials" means all documents, materials, data and other information, including, without limitation, all working papers, and copies thereof, created or produced in connection with experience data including, without limitation, any potentially company-identifying or personally identifiable information, that is provided to or obtained by the Commissioner, a designated experience reporting agent or other such person authorized to act on behalf of the Commissioner pursuant to NRS 681B.500 and 681B.510.

Sec. 4. Chapter 692C of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 16, inclusive, of this act.

Sec. 5. ***1. The requirements of sections 5 to 12, inclusive, of this act apply to all insurers domiciled in this State*** ~~***[.]***~~ ***, including, without limitation:***

(a) Insurers, as identified in chapter 680A of NRS;

(b) Hospital, medical or dental service corporations, as identified in chapter 695B of NRS;

(c) Health maintenance organizations, as identified in chapter 695C of NRS;

(d) Plans for dental care, as identified in chapter 695D of NRS;

(e) Prepaid limited health service organizations, as identified in chapter 695F of NRS; and

(f) Risk retention groups and state-chartered risk retention groups, as identified in 15 U.S.C. § 3902, 42 U.S.C. § 9673 and chapters 694C and 695E of NRS.

2. Except as otherwise provided in subsection 3, nothing in sections 5 to 12, inclusive, of this act shall be construed to limit the Commissioner's authority, or the rights or obligations of third parties, under NRS 679B.230 to 679B.300, inclusive.

3. Nothing in sections 5 to 12, inclusive, of this act shall be construed to prescribe or impose corporate governance standards and internal

procedures beyond those which are required by the appropriate provisions of title 7 of NRS.

Sec. 6. ***As used in sections 5 to 12, inclusive, of this act, unless the context otherwise requires, "corporate governance annual disclosure" means a confidential report filed by an insurer or insurance group made in accordance with the requirements of sections 5 to 12, inclusive, of this act.***

Sec. 7. ***1. Each insurer, or the insurance group of which the insurer is a member, shall, not later than June 1 of each calendar year, submit to the Commissioner a corporate governance annual disclosure which contains the information prescribed by the Commissioner by regulation pursuant to subsection 2 of section 9 of this act. If an insurer is a member of an insurance group, the insurer shall submit the report required by this section to the insurance commissioner of the lead state for the insurance group in accordance with the laws of the lead state, as determined by the procedures contained in the most recent Financial Analysis Handbook published by the National Association of Insurance Commissioners.***

2. The corporate governance annual disclosure must include the signature of the chief executive officer or corporate secretary of the insurer or insurance group attesting that, to the best of that person's belief and knowledge, the insurer or insurance group has implemented the corporate governance practices described in the corporate governance annual disclosure and that a copy of the corporate governance annual disclosure has been provided to the board of directors, or the appropriate committee thereof, of the insurer or insurance group.

3. An insurer that is not required to submit a corporate governance annual disclosure to the Commissioner pursuant to subsection 1 shall do so upon the Commissioner's request.

4. For purposes of completing the corporate governance annual disclosure, the insurer or insurance group may provide information regarding the corporate governance at the level of the legal entity which exercises ultimate control over the insurer or insurance group, of an intermediate holding company or of the insurer or insurance group, depending upon the manner in which the insurer or insurance group has structured its system of corporate governance. The insurer or insurance group shall, to the extent practicable, provide such information at the level at which:

(a) The insurer or insurance group determines the amount of risk it is willing to bear;

(b) The earnings, capital, liquidity, operations and reputation of the insurer or insurance group are overseen collectively and the supervision of those factors are coordinated and exercised; or

(c) Legal liability for a failure of general corporate governance duties would be placed.

↪ If the insurer or insurance group determines the level of reporting based on these criteria, it shall indicate in the corporate governance annual

disclosure which of the three criteria was used to determine the level of reporting and explain any changes in the level of reporting used for subsequent corporate governance annual disclosures.

5. The review of the corporate governance annual disclosure and any additional requests for information must be performed by the lead state as determined by the procedures contained in the most recent Financial Analysis Handbook published by the National Association of Insurance Commissioners.

6. An insurer or insurance group which provides information substantially similar to the information required by sections 5 to 12, inclusive, of this act in other documents provided to the Commissioner, including, without limitation, proxy statements filed in conjunction with any forms filed pursuant to NRS 692C.270 or any regulations adopted pursuant thereto, or other state or federal filings provided to the Division, may cross-reference in the corporate governance annual disclosure the document in which the information is included rather than duplicating such information in the corporate governance annual disclosure.

Sec. 8. ***The Commissioner may, upon notice and opportunity for all interested persons to be heard, issue such rules, regulations and orders as are necessary to carry out the provisions of sections 5 to 12, inclusive, of this act.***

Sec. 9. ***1. Except as otherwise provided in subsection 2, an insurer or insurance group may exercise discretion over the responses to inquiries in the corporate governance annual disclosure if the corporate governance annual disclosure contains the material information necessary to allow the Commissioner to gain an understanding of the corporate governance structure, policies and practices of the insurer or insurance group. The Commissioner may request additional information that he or she determines is material and necessary to gain a clear understanding of the corporate governance policies or the reporting, information system or controls implementing the corporate governance policies of the insurer or insurance group.***

2. Each insurer or insurance group shall prepare its corporate governance annual disclosure in a manner that is consistent with the instructions adopted by the Commissioner by regulation for the corporate governance annual disclosure. The insurer or insurance group shall maintain documentation and supporting information and make such material available upon examination or request by the Commissioner.

Sec. 10. ***1. Except as otherwise provided in sections 5 to 12, inclusive, of this act, and NRS 239.0115, any documents, materials and other information, including, without limitation, a corporate governance annual disclosure, in the possession or control of the Division which are obtained by, created by or disclosed to the Commissioner or any other person in accordance with the provisions of sections 5 to 12, inclusive, of***

this act are proprietary and constitute trade secrets. All such documents, materials and other information are:

(a) Confidential and privileged from disclosure;

(b) Not subject to subpoena; and

(c) Not subject to discovery or admissible in evidence in any private civil action.

2. The Commissioner may use the documents, materials or other information described in subsection 1 in the furtherance of any regulatory or legal action brought as a part of the official duties of the Commissioner. The Commissioner shall not otherwise make the documents, materials or other information public without the prior written consent of the insurer. Nothing in sections 5 to 12, inclusive, of this act shall be construed to require the written consent of the insurer before the Commissioner may share or receive confidential documents, materials or other information relating to a corporate governance annual disclosure pursuant to subsection 4 to assist in the performance of the regulatory duties of the Commissioner.

3. Neither the Commissioner nor any person who has received documents, materials or other information relating to a corporate governance annual disclosure through examination or otherwise, while acting under the authority of the Commissioner, or with whom such documents, materials or other information are shared pursuant to sections 5 to 12, inclusive, of this act, may be permitted or required to testify in any private civil action concerning any confidential documents, materials or information described in subsection 1.

4. To assist in the performance of his or her regulatory duties, the Commissioner may:

(a) Upon request, share documents, materials or other information relating to a corporate governance annual disclosure, including, without limitation, the confidential documents, materials or information described in subsection 1 and any other proprietary or trade secret documents and materials, with another state, federal or international financial regulatory agency, including, without limitation, the members of any supervisory college , as defined in NRS 692C.359, the National Association of Insurance Commissioners and a third-party consultant retained pursuant to section 11 of this act, if the recipient:

(1) Agrees in writing to maintain the confidentiality and privileged status of the documents, materials or other information relating to a corporate governance annual disclosure; and

(2) Has verified in writing the legal authority to maintain confidentiality; and

(b) Receive documents, materials and other information relating to a corporate governance annual disclosure, including, without limitation, documents, materials or information which would otherwise be confidential and privileged and any other proprietary or trade secret

documents and materials, from a regulatory official of another state, federal or international financial regulatory agency, including, without limitation, the members of any supervisory college, as defined in NRS 692C.359, and the National Association of Insurance Commissioners and shall maintain as confidential or privileged any document, material or information received if the Commissioner is given notice or understands that such an item is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information.

5. The sharing of information and documents by the Commissioner pursuant to sections 5 to 12, inclusive, of this act does not constitute a delegation of regulatory authority or rulemaking, and the Commissioner is solely responsible for the administration, execution and enforcement of the provisions of sections 5 to 12, inclusive, of this act.

6. The disclosure of a document, material or information relating to a corporate governance annual disclosure to the Commissioner pursuant to sections 5 to 12, inclusive, of this act and the sharing of such an item as authorized by this section does not waive any applicable privilege or claim of confidentiality in such an item.

Sec. 11. ***To assist the performance of the Commissioner's regulatory duties, the Commissioner:***

1. May retain, at the expense of the insurer or insurance group, third-party consultants, including, without limitation, attorneys, actuaries, accountants and other experts who are not part of the staff of the Commissioner, as may be reasonably necessary to assist the Commissioner in reviewing a corporate governance annual disclosure and related information or the compliance of an insurer or insurance group with sections 5 to 12, inclusive, of this act, if:

(a) Any third-party consultant so retained is under the direction and control of the Commissioner and acts in a purely advisory capacity;

(b) The third-party consultant is subject to the same confidentiality standards and requirements as the Commissioner; and

(c) The third-party consultant verifies to the Commissioner before being retained, and provides notice to the insurer or insurance group, as applicable, that he or she does not have a conflict of interest and has internal procedures in place to monitor the existence of a conflict of interest and to comply with the confidentiality standards and requirements of sections 5 to 12, inclusive, of this act.

2. Shall enter into a written agreement with the National Association of Insurance Commissioners and with any third-party consultant retained by the Commissioner which governs the sharing and use of information provided pursuant to sections 5 to 12, inclusive, of this act. Such a written agreement must:

(a) Contain specific procedures and protocols for maintaining the confidentiality and security of information relating to a corporate governance annual disclosure which is shared with the National

Association of Insurance Commissioners or third-party consultant, including, without limitation, procedures and protocols for sharing by the National Association of Insurance Commissioners only with other state regulators from states in which an insurance group has domiciled insurers;

(b) Provide that the recipient of documents, materials or other information relating to a corporate governance annual disclosure agrees in writing to maintain the confidentiality and privileged status of such items and has verified in writing the legal authority to maintain confidentiality;

(c) Specify that ownership of any information relating to a corporate governance annual disclosure shared with the National Association of Insurance Commissioners or third-party consultant remains with the Commissioner and the use of the information by the National Association of Insurance Commissioners or third-party consultant is subject to the discretion of the Commissioner;

(d) Prohibit the National Association of Insurance Commissioners or third-party consultant from storing the shared information in a permanent database after the underlying analysis is completed;

(e) Require the National Association of Insurance Commissioners or third-party consultant to provide prompt notice to the Commissioner and to the insurer or insurance group, as applicable, regarding any subpoena, request for disclosure or request for production of the information relating to the corporate governance annual disclosure of the insurer or insurance group, as applicable; and

(f) Require the National Association of Insurance Commissioners or third-party consultant to consent to intervention by an insurer or insurance group in any judicial or administrative action in which the National Association of Insurance Commissioners or third-party consultant may be required to disclose confidential information about the insurer or insurance group which is shared with the National Association of Insurance Commissioners or third-party consultant.

Sec. 12. *1. If an insurer or insurance group fails, without just cause, to timely file a corporate governance annual disclosure as required in sections 5 to 12, inclusive, of this act, the insurer or insurance group shall, after receiving notice and a hearing, pay a civil penalty of $1,500 for each day the insurer or insurance group fails to file the corporate governance annual disclosure. The civil penalty may be recovered in a civil action brought by the Commissioner. Any civil penalty paid pursuant to this subsection must be deposited into the State General Fund.*

2. The maximum civil penalty that may be imposed pursuant to subsection 1 is $100,000. The Commissioner may reduce the amount of the civil penalty if the insurer or insurance group demonstrates to the satisfaction of the Commissioner that the payment of the civil penalty would constitute a financial hardship on the insurer or insurance group.

Sec. 13. *As used in sections 13 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 14 and 15 of this act have the meanings ascribed to them in those sections.*

Sec. 14. *"Group-wide supervisor" means a regulatory official who is authorized to engage in conducting and coordinating supervision activities across an insurance group and who is determined or acknowledged by the Commissioner pursuant to section 16 of this act to have sufficient significant contacts with the internationally active insurance group.*

Sec. 15. *"Internationally active insurance group" means an insurance holding company system which:*

1. Includes an insurer registered under NRS 692C.260; and

2. Meets the following criteria:

(a) Writes premiums in at least three countries;

(b) Writes 10 percent or more of the insurance holding company system's total gross written premiums outside of the United States; and

(c) Based on a 3-year rolling average, has total assets of $50 billion or more or total gross written premiums of $10 billion or more.

Sec. 16. *1. The Commissioner may act as the group-wide supervisor for an internationally active insurance group in accordance with the provisions of this section. The Commissioner may acknowledge another regulatory official as the group-wide supervisor of an internationally active insurance group if the internationally active insurance group:*

(a) Does not have substantial insurance operations in the United States;

(b) Has substantial insurance operations in the United States, but not in this State; or

(c) Has substantial insurance operations in the United States and this State, but the Commissioner has determined pursuant to the factors set forth in subsections 3 and 8 that the other regulatory official is the appropriate group-wide supervisor.

2. An insurance holding company system that does not otherwise qualify as an internationally active insurance group may request that the Commissioner make a determination or acknowledgment of a group-wide supervisor pursuant to this section.

3. In cooperation with other state, federal and international regulatory agencies, the Commissioner shall identify a single group-wide supervisor for each internationally active insurance group. The Commissioner may determine that the Commissioner is the appropriate group-wide supervisor for an internationally active insurance group which conducts substantial insurance operations that are concentrated in this State. The Commissioner may acknowledge that a regulatory official from another jurisdiction is the appropriate group-wide supervisor for an internationally active insurance group. The Commissioner shall consider the following factors when making a determination or acknowledgment under this subsection:

(a) The place of domicile of the insurers within the internationally active insurance group that hold the largest share of the group's written premiums, assets or liabilities;

(b) The place of domicile of the top-tiered insurer or insurers in the insurance holding company system of the internationally active insurance group;

(c) The location of the executive offices or largest operational offices of the internationally active insurance group;

(d) Whether another regulatory official is acting or is seeking to act as the group-wide supervisor under a regulatory system that the Commissioner determines to be:

(1) Substantially similar to the system of regulation provided under the laws of this State; or

(2) Otherwise sufficient in terms of providing for group-wide supervision, enterprise risk analysis and cooperation with other regulatory officials; and

(e) Whether another regulatory official acting or seeking to act as the group-wide supervisor provides the Commissioner with reasonably reciprocal recognition and cooperation.

➥ However, a person identified under this section as the group-wide supervisor may determine that it is appropriate to acknowledge another person to serve as the group-wide supervisor. The acknowledgment of the group-wide supervisor must be made after consideration of the factors listed in paragraphs (a) to (e), inclusive, and must be made in cooperation with and subject to the acknowledgment of other regulatory officials involved with supervision of members of the internationally active insurance group and in consultation with the internationally active insurance group.

4. Notwithstanding any other provision of law and except as otherwise provided in this subsection, when another regulatory official is acting as the group-wide supervisor of an internationally active insurance group, the Commissioner shall acknowledge that regulatory official as the group-wide supervisor. However, if a material change in the internationally active insurance group results in:

(a) The internationally active insurance group's insurers domiciled in this State holding the largest share of the group's premiums, assets or liabilities; or

(b) This State being the place of domicile of the top-tiered insurer or insurers in the insurance holding company system of the internationally active insurance group,

➥ the Commissioner shall make a determination or acknowledgment as to the appropriate group-wide supervisor for such an internationally active insurance group pursuant to subsection 3.

5. Pursuant to NRS 692C.410, the Commissioner may collect from any insurer registered pursuant to NRS 692C.260 all information necessary to

determine whether the Commissioner may act as the group-wide supervisor of an internationally active insurance group or if the Commissioner may acknowledge another regulatory official to act as the group-wide supervisor. Before issuing a determination that the Commissioner act as the group-wide supervisor of an internationally active insurance group, the Commissioner shall notify the insurer registered pursuant to NRS 692C.410 and the ultimate controlling person within the internationally active insurance group. The Commissioner shall allow the internationally active insurance group not less than 30 days to provide the Commissioner with additional information pertinent to the pending determination.

6. If the Commissioner is the group-wide supervisor for an internationally active insurance group, the Commissioner may:

(a) Assess the enterprise risks within the internationally active insurance group to ensure that:

(1) The material financial condition and liquidity risks to the members of the internationally active insurance group that are engaged in the business of insurance are identified by management; and

(2) Reasonable and effective mitigation measures are in place;

(b) Request, from any member of the internationally active insurance group, any information necessary and appropriate to assess enterprise risk, including, without limitation, information about the members of the internationally active insurance group relating to:

(1) Governance, risk assessment and management;

(2) Capital adequacy; and

(3) Material intercompany transactions;

(c) Coordinate and, through the authority of the regulatory officials of the jurisdictions where members of the internationally active insurance group are domiciled, compel development and implementation of reasonable measures designed to ensure that the internationally active insurance group is able to timely recognize and mitigate enterprise risks to members of the internationally active insurance group that are engaged in the business of insurance;

(d) Communicate with other state, federal and international regulatory agencies for members within the internationally active insurance group and share relevant information subject to the confidentiality provisions of NRS 692C.420, including, without limitation, through supervisory colleges as defined in NRS 692C.359;

(e) Enter into agreements with or obtain documentation from any insurer registered under NRS 692C.410, any member of the internationally active insurance group and any other state, federal and international regulatory agencies for members of the internationally active insurance group which provide the basis for or otherwise clarify the role of the Commissioner as group-wide supervisor, including, without limitation, provisions for resolving disputes with other regulatory officials; and

(f) Engage in such other group-wide supervision activities consistent with the provisions of this subsection as considered necessary by the Commissioner.

7. Any agreement entered into or document obtained pursuant to paragraph (e) of subsection 6 must not serve as evidence in any proceeding that any insurer or person within an insurance holding company system not domiciled or incorporated in this State is doing business in this State or is otherwise subject to jurisdiction in this State.

8. If the Commissioner acknowledges that another regulatory official from a jurisdiction that is not accredited by the National Association of Insurance Commissioners is a group-wide supervisor, the Commissioner may reasonably cooperate, through supervisory colleges as defined in NRS 692C.359 or otherwise, with activities undertaken by the group-wide supervisor if:

(a) The Commissioner's cooperation complies with the laws of this State; and

(b) The regulatory official acknowledged as the group-wide supervisor also recognizes and cooperates with the Commissioner's activities as a group-wide supervisor for other internationally active insurance groups where applicable.

➥ If such recognition and cooperation is not reasonably reciprocal, the Commissioner may refuse recognition and cooperation.

9. The Commissioner may enter into agreements with or obtain documentation from any insurer registered under NRS 692C.410, any affiliate of such an insurer and other state, federal and international regulatory agencies for members of an internationally active insurance group that provide the basis for or otherwise clarify a regulatory official's role as group-wide supervisor.

10. The Commissioner may adopt regulations necessary for the administration of this section.

11. A registered insurer subject to this section shall be liable for and pay the reasonable expenses of the Commissioner for the administration of this section, including the engagement of attorneys, actuaries and any other professionals and all reasonable travel expenses.

Sec. 17. NRS 692C.057 is hereby amended to read as follows:

692C.057 "Insurance group" means, for the purpose of conducting an ORSA ~~[,]~~ ***or submitting a corporate governance annual disclosure,*** those insurers and affiliates included within an insurance holding company system.

Sec. 18. NRS 692C.060 is hereby amended to read as follows:

692C.060 "Insurance holding company system" means a combination of two or more affiliated persons, one or more of which is an insurer. ***The term does not include a domestic insurer or domestic holding company system authorized and doing business solely in this State which is not affiliated with a foreign or alien insurer.***

Sec. 19. NRS 692C.420 is hereby amended to read as follows:

692C.420 1. Except as otherwise provided in NRS 239.0115, all information, documents and copies thereof obtained by or disclosed to the Commissioner or any other person in the course of an examination or investigation made pursuant to NRS 692C.410, and all information reported ***or provided to the Commissioner*** pursuant to ***section 16 of this act,*** subsections 12 and 13 of NRS 692C.190 and NRS 692C.260 to 692C.350, inclusive, is confidential, is not subject to subpoena, is not subject to discovery, is not admissible in evidence in any private civil action and must not be made public by the Commissioner or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which it pertains unless the Commissioner, after giving the insurer and its affiliates who would be affected thereby notice and an opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event he or she may publish all or any part thereof in any manner as he or she may deem appropriate.

2. The Commissioner or any person who receives any documents, materials or other information while acting under the authority of the Commissioner must not be permitted or required to testify in a private civil action concerning any information, document or copy thereof specified in subsection 1.

3. The Commissioner may share or receive any information, document or copy thereof specified in subsection 1 in accordance with NRS 679B.122. The sharing or receipt of the information, document or copy pursuant to this subsection does not waive any applicable privilege or claim of confidentiality in the information, document or copy.

4. The Commissioner shall enter into a written agreement with the NAIC governing the sharing and use of information specified in subsection 1 that must:

(a) Specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC and its affiliates and subsidiaries, including procedures and protocols for sharing by the NAIC with other state, federal and international regulators;

(b) Specify that ownership of the information shared with the NAIC and its affiliates and subsidiaries remains with the Commissioner and the NAIC's use of the information is subject to the discretion of the Commissioner;

(c) Require prompt notice to be given to an insurer whose confidential information in the possession of the NAIC is subject to a request or subpoena to the NAIC for disclosure or production; and

(d) Require the NAIC and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the NAIC and its affiliates or subsidiaries may be required to disclose confidential information about the insurer shared with the NAIC and its affiliates and subsidiaries.

5. The sharing of information by the Commissioner does not constitute a delegation of regulatory authority or rulemaking, and the Commissioner is solely responsible for the administration, execution and enforcement of the provisions of this section.

6. No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the Commissioner in accordance with this section or as a result of sharing as authorized in this section.

7. Documents, materials and other information in the possession or control of the NAIC in accordance with this section are:

(a) Confidential by law and privileged;

(b) Not subject to the provisions of chapter 239 of NRS;

(c) Not subject to subpoena; and

(d) Not subject to discovery or admissible in evidence in any private civil action.

Sec. 20. Chapter 694C of NRS is hereby amended by adding thereto the provisions set forth as sections 21 and 22 of this act.

Sec. 21. ***"Risk retention group" has the meaning ascribed to it in NRS 695E.110.***

Sec. 22. ***A state-chartered risk retention group must comply with all of the laws, regulations and requirements applicable to liability insurers in this State, unless otherwise approved by the Commissioner.***

Sec. 23. NRS 694C.010 is hereby amended to read as follows:

694C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 694C.020 to 694C.150, inclusive, ***and section 21 of this act*** have the meanings ascribed to them in those sections.

Sec. 24. NRS 694C.149 is hereby amended to read as follows:

694C.149 "State-chartered risk retention group" means any risk retention group **[**~~, as defined in NRS 695E.110,~~**]** that is formed in accordance with the laws of this State as an association captive insurer.

Sec. 25. NRS 694C.160 is hereby amended to read as follows:

694C.160 1. The terms and conditions set forth in chapter 696B of NRS pertaining to insurance reorganization, receiverships and injunctions apply to captive insurers incorporated pursuant to this chapter.

2. An agency captive insurer, a rental captive insurer and an association captive insurer are subject to those provisions of chapter 686A of NRS which are applicable to insurers.

3. A state-chartered risk retention group is subject to the following:

(a) The provisions of NRS 681A.250 to 681A.580, inclusive, regarding intermediaries;

(b) The provisions of NRS 681B.550 regarding risk-based capital;

(c) The provisions of chapter 683A of NRS regarding managing general agents; and

(d) The provisions of NRS 693A.110 and any regulations adopted pursuant thereto regarding management and agency contracts of insurers.

Sec. 26. NRS 694C.380 is hereby amended to read as follows:

694C.380 A captive insurer shall not join or contribute financially to ~~[any risk sharing plan,]~~ ***an assigned*** risk pool or insurance insolvency guaranty fund in this state. A captive insurer or its insured, its parent or an affiliated company, or any member organization of its association shall not receive any benefit from such a ~~[plan,]~~ pool or fund for claims arising out of the operations of the captive insurer.

Sec. 27. NRS 694C.400 is hereby amended to read as follows:

694C.400 1. On or before March 1 of each year, a captive insurer shall submit to the Commissioner a report of its financial condition. A captive insurer shall use generally accepted accounting principles and include any useful or necessary modifications or adaptations thereof that have been approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner. Except as otherwise provided in this section, each association captive insurer, agency captive insurer, rental captive insurer or sponsored captive insurer shall file its report in the form required by NRS 680A.270. The Commissioner shall adopt regulations designating the form in which pure captive insurers must report.

2. ***Each captive insurer other than a state-chartered risk retention group shall submit to the Commissioner, on or before June 30 of each year, an annual audit as of December 31 of the preceding calendar year that is certified by a certified public accountant who is not an employee of the insurer. An annual audit submitted pursuant to this subsection must comply with the requirements set forth in regulations adopted by the Commissioner which govern such an annual audit.***

3. Each state-chartered risk retention group shall file a financial statement pursuant to NRS 680A.265.

4. A pure captive insurer may apply, in writing, for authorization to file its annual report based on a fiscal year that is consistent with the fiscal year of the parent company of the pure captive insurer. If an alternative date is granted, the annual report is due not later than 60 days after the end of each such fiscal year.

~~[3.]~~ ***5.*** A pure captive insurer shall file on or before March 1 of each year such forms as required by the Commissioner by regulation to provide sufficient detail to support its premium tax return filed pursuant to NRS 694C.450.

~~[4.]~~ ***6.*** Any captive insurer failing, without just cause beyond the reasonable control of the captive insurer, to file its annual ~~[statement]~~ ***report of financial condition*** as required by subsection 1 ***, its annual audit as required by subsection 2 or its financial statement as required by subsection 3*** shall pay a penalty of $100 for each day the captive insurer fails to file the report ~~[,]~~ ***of financial condition, the annual audit or the financial statement,*** but not to exceed an aggregate amount of $3,000, to be recovered in the name of the State of Nevada by the Attorney General.

~~[5.]~~ ***7.*** Any director, officer, agent or employee of a captive insurer who subscribes to, makes or concurs in making or publishing, any annual or other statement required by law, knowing the same to contain any material statement which is false, is guilty of a gross misdemeanor.

Sec. 28. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,

599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 10 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 29. This act becomes effective upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act and:

1. This section and sections 1, 2, 3 and 20 to 27, inclusive, of this act become effective on July 1, 2017; and

2. Sections 4 to 19, inclusive, and 28 of this act become effective on January 1, 2018,

➥ for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 61.

Bill read second time.

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

Amendment No. 29.

AN ACT relating to trust companies; authorizing certain foreign trust companies that are not subject to certain federal regulation to engage in the solicitation of trust company business or open a trust representative office in this State under certain circumstances without licensure upon the approval of the Commissioner of Financial Institutions; authorizing certain foreign trust companies that are subject to certain federal regulation to act as a fiduciary or solicit trust company business in Nevada under certain circumstances without licensure by the Commissioner; authorizing certain foreign trust companies that are subject to certain federal regulation to establish and maintain certain offices and engage in the business of a trust company in Nevada under certain circumstances without licensure upon the approval of the Commissioner; revising the qualifications for serving as a trustee of a spendthrift trust; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commissioner of Financial Institutions is charged with regulating and licensing certain business entities that act as a trustee in Nevada. (Chapter 669 of NRS) Existing law authorizes a foreign trust company that does not maintain an office in Nevada to be appointed to act as a fiduciary by any court or by authority of any law of this State without being

licensed as a trust company in Nevada if the home state of the foreign trust company allows trust companies licensed in Nevada to be appointed in the home state as a fiduciary on a reciprocal basis. (NRS 662.245)

Section 8 of this bill authorizes a foreign independent trust company, which is defined in **section 5** of this bill as a trust company that is licensed under the laws of a state other than Nevada and is not subject to regulation, supervision and examination by certain federal regulators, to request approval from the Commissioner of Financial Institutions for authorization to solicit trust company business in Nevada without obtaining a license to engage in that activity. **Section 8** provides a procedure for renewal of such authorization and prohibits a foreign independent trust company with such authorization from acting in any fiduciary capacities or otherwise engaging in any activity as a trust company for which a license is required. **Section 9** of this bill authorizes the Commissioner of Financial Institutions to require a foreign independent trust company with authorization to solicit trust company business in Nevada to maintain a surety bond and sets forth the requirements associated with the maintenance of a surety bond.

Section 10 of this bill authorizes a foreign trust company, which is defined in **section 6** of this bill as a trust company licensed in a state other than Nevada and which is subject to regulation, supervision and examination on the state and federal levels, to act as a fiduciary and engage in solicitation of trust company business in Nevada if: (1) the foreign trust company is authorized by its home state to act as a fiduciary or engage in the solicitation of trust business; (2) the foreign trust company is a subsidiary of a bank, savings association, bank holding company or savings and loan holding company that is subject to certain federal regulation; and (3) certain entities that act as fiduciaries or are engaged in the solicitation of trust company business in Nevada are allowed to engage in those activities in the home state of the foreign trust company in a reciprocal manner. **Section 11** of this bill requires that such a foreign trust company is deemed to have appointed the Commissioner as its agent for service of process in actions or proceedings related to its activities in Nevada.

Section 12 of this bill authorizes a foreign trust company, upon the approval of the Commissioner, to engage in the business of a trust company and establish and maintain one or more retail trust company offices in Nevada if the foreign trust company meets certain requirements, including whether the foreign trust company is authorized by its home state to conduct business as a trust company and whether the home state of the foreign trust company allows certain trust companies licensed in Nevada to engage in similar activities in the home state on a reciprocal basis.

Under existing law, to qualify as a trustee of a spendthrift trust in Nevada, a trust company is required to be organized under federal or state law and maintain an office in Nevada for the transaction of business. (NRS 166.015) **Section 16** of this bill ~~[adds the qualification that all or part of the administration of the spendthrift trust occur at that office in Nevada, thereby~~

~~disqualifying a foreign independent trust company that does not have an office in Nevada from serving as a trustee of a spendthrift trust in this State.]~~ **provides that a trust company does not include a foreign independent trust company authorized to engage in the solicitation of trust company business in this State pursuant to section 8.**

Existing law authorizes the Commissioner of Financial Institutions to impose administrative fines for violations of the laws governing trust companies, and certain such violations are gross misdemeanors. (NRS 669.295, 669.300) These penalties apply to violations of **sections 3-12** of this bill.

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

Section 1. NRS 662.245 is hereby amended to read as follows:

662.245 1. ~~[An]~~ ***Except as otherwise provided in section 10 of this act, an*** organization that does not maintain an office in this State to conduct the business of a trust company may be appointed to act as fiduciary by any court or by authority of any law of this State if, in addition to any other requirements of law, the organization:

(a) Associates as cofiduciary a bank authorized to do business in this State or a trust company licensed pursuant to chapter 669 of NRS; or

(b) Is a trust corporation or trust company which:

(1) Is organized under the laws of and has its principal place of business in another state which allows trust corporations or trust companies licensed pursuant to chapter 669 of NRS to act as fiduciary in that state;

(2) Is authorized by its charter to act as fiduciary; and

(3) Before the appointment as fiduciary, files with the Secretary of State a document, acknowledged before a notarial officer, which:

(I) Appoints the Secretary of State as its agent upon whom all process in any action or proceeding against it may be served;

(II) Contains its agreement that the appointment continues in force as long as any liability remains outstanding against it in this State, and that any process against it which is served on the Secretary of State is of the same legal validity as if served on it personally;

(III) Contains an address to which the Secretary of State may mail the process when received; and

(IV) Is accompanied by a fee of not more than $20.

➥ A copy of the document required by this subparagraph, certified by the Secretary of State, is sufficient evidence of the appointment and agreement.

2. A court which has jurisdiction over the accounts of a fiduciary that is a trust corporation or trust company described in paragraph (b) of subsection 1 may require the fiduciary to provide a bond to ensure the performance of its duties as fiduciary, in the same manner and to the same extent as the court may require such a bond from a fiduciary that is a bank or trust company described in paragraph (a) of subsection 1.

3. Service of process authorized by subparagraph (3) of paragraph (b) of subsection 1 must be made by filing with the Secretary of State:

(a) Two copies of the legal process. The copies must include a specific citation to the provisions of this section. The Secretary of State may refuse to accept such service if the proper citation is not included in each copy.

(b) A fee of not more than $20.

➥ The Secretary of State shall forthwith forward one copy of the legal process to the organization, by registered or certified mail prepaid to the address provided in the document filed pursuant to subparagraph (3) of paragraph (b) of subsection 1.

4. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.

5. As used in this section:

(a) "Fiduciary" means an executor, commissioner, guardian of minors or estates, receiver, depositary or trustee.

(b) "Notarial officer" has the meaning ascribed to it in NRS 240.005.

(c) "State" means any state or territory of the United States or the District of Columbia.

Sec. 2. Chapter 669 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 12, inclusive, of this act.

Sec. 3. ***As used in sections 3 to 12, inclusive, of this act unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Federal banking regulator" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency or the Federal Deposit Insurance Corporation.***

Sec. 5. ***"Foreign independent trust company" means a trust company licensed under the laws of a state other than Nevada and not subject to regulation, supervision and examination by a federal banking regulator.***

Sec. 6. ***"Foreign trust company" means a trust company licensed under the laws of a state other than Nevada and subject to regulation, supervision and examination by a state banking regulator and at least one federal banking regulator.***

Sec. 7. ***"Home state" means the state in which a foreign independent trust company or foreign trust company is licensed or chartered and maintains its principal place of business.***

Sec. 8. ***1. If a foreign independent trust company seeks to engage only in the solicitation of trust company business in this State, regardless of whether the foreign independent trust company has a physical location in this State, the foreign independent trust company must submit to the Commissioner a written request on a form prescribed by the Commissioner for authorization to solicit trust company business in this State. The written request must be accompanied by:***

(a) A nonrefundable fee of $1,000.

(b) Evidence that the foreign independent trust company is qualified to do business as a foreign corporation or foreign limited-liability company pursuant to chapter 80 or 86 of NRS, as applicable.

(c) The designation of a registered agent who resides or is located in this State to receive service of legal process relating to activities conducted by the foreign independent trust company in this State.

(d) If the foreign independent trust company proposes to have a trust representative office in this State:

(1) The address of the trust representative office;

(2) The names of all persons who will be representing the foreign independent trust company at the trust representative office; and

(3) Evidence of compliance with all applicable requirements for state and local business registrations and licenses.

(e) Confirmation that the foreign independent trust company is authorized to conduct business as a trust company in its home state.

(f) Confirmation by the applicable regulatory authority in the home state of the foreign independent trust company that the license or charter of the foreign independent trust company is in good standing.

(g) Evidence that the foreign independent trust company has a policy of insurance covering liability for errors and omissions relating to any activity by the foreign independent trust company involving residents of this State.

(h) Evidence of compliance with section 9 of this act, if the Commissioner requires a foreign independent trust company to maintain a surety bond.

(i) Confirmation that the laws of the home state of the foreign independent trust company authorize a trust company licensed pursuant to the laws of this State to conduct business in the home state of the foreign independent trust company on substantially the same basis.

(j) Confirmation that the home state regulator subscribes to and is a signatory of the Nationwide Cooperative Agreement for Supervision and Examination of Multi-State Trust Institutions as adopted by the Conference of State Bank Supervisors.

2. The Commissioner may deny the approval of a foreign independent trust company to engage in the solicitation of trust company business or have a trust representative office in this State if the Commissioner, in acting on the written request submitted pursuant to subsection 1 after consultation with the home state regulator, finds:

(a) That the foreign independent trust company lacks sufficient financial resources to undertake the proposed solicitation or expansion without adversely affecting its safety or soundness; or

(b) That such approval would be contrary to the public interest.

3. If the Commissioner approves a written request for authorization to solicit trust company business submitted pursuant to subsection 1, the foreign independent trust company must renew the request annually on a

date and form prescribed by the Commissioner to continue such authorization. The written request for renewal must be accompanied by:

(a) A nonrefundable renewal fee of $500; and

(b) Confirmation that the information previously provided pursuant to paragraphs (b) to (j), inclusive, of subsection 1 remains accurate. If any such information has changed, the foreign independent trust company must provide updated information.

4. If the Commissioner approves a written request for authorization to solicit trust company business submitted pursuant to subsection 1, the foreign independent trust company:

(a) Except as otherwise provided in paragraph (b), may solicit trust company business in this State and contact existing or prospective customers.

(b) Shall not:

(1) Accept a fiduciary appointment;

(2) Execute a document that creates a fiduciary relationship;

(3) Make decisions regarding the investment or distribution of fiduciary assets; or

(4) Otherwise engage in any activity for which a license is required pursuant to this chapter.

5. The Commissioner may:

(a) Rely on the applicable regulatory authority of the home state of a foreign independent trust company to examine and investigate activity conducted by the foreign independent trust company;

(b) Investigate any trust representative office established and maintained in this State by a foreign independent trust company as the Commissioner may deem necessary to determine if the trust representative office is being operated in compliance with the applicable laws of this State and in accordance with safe and sound business practices; and

(c) Require periodic reports regarding the operations of any foreign independent trust company that has been approved under this section.

6. All money received by the Commissioner:

(a) From the payment of fees pursuant to paragraph (a) of subsection 1 must be placed in the Investigative Account for Financial Institutions created by NRS 232.545; and

(b) From the payment of renewal fees pursuant to paragraph (a) of subsection 3 must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

7. As used in this section, "trust representative office" means a place of business in this State from which a foreign independent trust company may solicit trust company business and contact existing or prospective customers.

Sec. 9. *1. As a condition to engaging in the solicitation of trust company business in this State pursuant to section 8 of this act, the Commissioner may require a foreign independent trust company to*

maintain a surety bond payable to the Division of Financial Institutions in an amount not less than $100,000, plus any additional amount determined by the Commissioner to be appropriate for the size, complexity and inherent risk of the foreign independent trust company.

2. A surety bond required pursuant to subsection 1 is for the exclusive use and benefit of the Division and any customer receiving the services of the foreign independent trust company.

3. Each surety bond must:

(a) Be in a form satisfactory to the Commissioner;

(b) Be issued by a bonding company authorized to do business in this State; and

(c) Secure the faithful performance of the obligations of the foreign independent trust company respecting the services provided to residents of this State.

4. A foreign independent trust company shall, within 10 days after the commencement of any action or notice of entry of any judgment against the foreign independent trust company by any creditor or claimant arising out of business regulated by section 8 of this act, give notice thereof to the Commissioner by certified mail with details sufficient to identify the action or judgment. The surety that executed the bond of the foreign independent trust company shall, within 10 days after it pays any claim or judgment to a creditor or claimant, give notice thereof to the Commissioner by certified mail with details sufficient to identify the creditor or claimant and the claim or judgment so paid.

5. Whenever the principal sum of the surety bond is reduced by payments thereon less any recoveries, the foreign independent trust company shall furnish:

(a) A new or additional surety bond so that the total or aggregate principal sum of the bonds equals the sum required pursuant to this section; or

(b) An endorsement, duly executed by the surety reinstating the bond to the required principal sum.

6. The liability of the surety on a bond to the Division for a creditor or claimant of the foreign independent trust company is not affected by:

(a) Any misrepresentation, breach of warranty, failure to pay a premium or other act or omission of the foreign independent trust company; or

(b) Any insolvency or bankruptcy of the foreign independent trust company.

7. The liability of the surety continues as to all transactions entered into in good faith by the creditors and claimants with the agents of the foreign independent trust company within 30 days after:

(a) The withdrawal from this State of the foreign independent trust company or the dissolution or liquidation of the foreign independent trust company; or

(b) The termination of the bond,

↪ whichever occurs first.

8. A foreign independent trust company or its surety shall not cancel or alter a bond except after providing notice to the Commissioner by certified mail. The cancellation or alteration must not become effective until 10 days after receipt of the notice by the Commissioner. A cancellation or alteration does not affect any liability incurred or accrued on the bond from inception of the surety bond to the expiration of the 30-day period designated in subsection 7.

Sec. 10. 1. In addition to the authority provided in ~~[subsection 3 and]~~ NRS 662.245 ~~[,]~~ and section 12 of this act, a foreign trust company may act as a fiduciary in this State, whether the appointment is by will, deed, court order or otherwise, without complying with the laws of this State relating to the qualification of corporations or limited-liability companies organized under the laws of this State to conduct trust company business or laws relating to the qualification of foreign corporations or foreign limited-liability companies if:

(a) The foreign trust company is authorized by the laws of the state of its organization or domicile to act as a fiduciary in that state;

(b) The foreign trust company is a subsidiary of a bank, savings association, bank holding company or savings and loan holding company subject to the supervision of a federal banking regulator; and

(c) A trust company organized under the laws of this State, a national banking association having its main office in this State and a federal savings and loan association or federal savings bank having its main office in this State and authorized to act as a fiduciary in this State may, in such other state, act in a similar fiduciary capacity or capacities, as applicable, upon conditions and qualifications which the Commissioner finds are not unduly restrictive compared to those imposed by the laws of this State.

2. In addition to the authority provided in section 8 of this act, a foreign trust company may engage in the solicitation of trust company business in this State, regardless of whether the foreign trust company has a physical location in this State, without complying with the laws of this State relating to the qualification of corporations or limited-liability companies organized under the laws of this State to conduct trust company business or laws relating to the qualification of foreign corporations or foreign limited-liability companies if:

(a) The foreign trust company is authorized by the laws of the state of its organization or domicile to solicit trust company business in that state;

(b) The foreign trust company is a subsidiary of a bank, savings association, bank holding company or savings and loan holding company subject to the supervision of a federal banking regulator; and

(c) A trust company organized under the laws of this State, a national banking association having its main office in this State and a federal savings and loan association or federal savings bank having its main office in this State and authorized to engage in the solicitation of trust company

business in this State may, in such other state, similarly engage in the solicitation of trust company business upon conditions and qualifications which the Commissioner finds are not unduly restrictive compared to those imposed by the laws of this State.

Sec. 11. ***1. A foreign trust company acting in this State in a fiduciary capacity or engaging in this State in the solicitation of trust company business pursuant to section 10 of this act shall be deemed to have appointed the Commissioner as the agent of the foreign trust company for service of process in any action or proceeding against the foreign trust company that relates to or arises out of any matter in which the foreign trust company has:***

(a) Acted or is acting in this State in a fiduciary capacity; or

(b) Engaged or is engaging in this State in solicitation of trust company business.

2. The commission of or engagement in this State in any act described in paragraph (a) or (b) of subsection 1 by a foreign trust company is deemed to signify the agreement of the foreign trust company that any legal process served upon the Commissioner pursuant to subsection 1 is of the same legal force and validity as if the legal process were served directly upon the foreign trust company.

3. Service of legal process pursuant to subsection 1 must be made by delivering to the Commissioner a copy of the legal process and paying the fee for service of process prescribed by the Commissioner. Such service shall be sufficient service of process upon a foreign trust company if:

(a) Notice of such service and a copy of the process are, within 10 days after delivery to the Commissioner, sent by certified mail by the plaintiff to the principal office of the foreign trust company named in the action or proceeding in the state or territory in which it is located; and

(b) An affidavit of compliance with paragraph (a) by the plaintiff is appended to the summons.

4. A court in which an action or proceeding pursuant to this section is pending may order such continuances as may be necessary to afford the foreign trust company named in the action or proceeding reasonable opportunity to defend the action.

5. The fee paid pursuant to subsection 3 by a plaintiff to the Commissioner at the time of the service of process may be recovered as taxable costs by the plaintiff from the defendant if the plaintiff prevails in the action.

6. The Commissioner shall keep a record of each legal process served on the Commissioner pursuant to this section which contains the date and time of each such service of process.

Sec. 12. ***1. If a foreign trust company seeks to establish and maintain a retail trust company office and engage in the business of a trust company in this State, the foreign trust company must, in addition to any other requirements of law, submit to the Commissioner a written request on a***

form prescribed by the Commissioner for authorization to establish and maintain a retail trust company office and engage in the business of a trust company in this State. The written request must be accompanied by:

(a) A nonrefundable fee of $1,000.

(b) Evidence that the foreign trust company is qualified to do business as a foreign corporation or foreign limited-liability company pursuant to chapter 80 or 86 of NRS, as applicable.

(c) The following information about each retail trust company office in this State:

(1) The address of the retail trust company office;

(2) The name of all persons who will be employed at the retail trust company office; and

(3) Evidence of compliance with all applicable requirements for state and local business registrations and licenses.

(d) Confirmation that the foreign trust company is authorized to conduct business as a trust company in its home state.

(e) Confirmation by the applicable regulatory authority in the home state of the foreign trust company that the license or charter of the foreign trust company is in good standing.

(f) Confirmation that the laws of the home state of the foreign trust company authorize a retail trust company organized under the laws of this State, licensed pursuant to this chapter and subject to regulation, supervision and examination by the Commissioner and a federal banking regulator to engage in the activities in which the foreign trust company proposes to engage in this State on substantially the same basis as authorized under the laws of this State.

(g) Confirmation that the foreign trust company's home state regulator subscribes to and is a signatory of the Nationwide Cooperative Agreement for Supervision and Examination of Multi-State Trust Institutions as adopted by the Conference of State Bank Supervisors.

2. The Commissioner, after considering the views of the home state regulator and the federal banking regulator to the extent available, may deny the approval of a foreign trust company to establish and maintain a retail trust company office and engage in the business of a trust company in this State if the Commissioner finds, after notice and hearing:

(a) That the foreign trust company lacks sufficient financial resources to undertake the proposed activity or expansion without adversely affecting its safety or soundness; or

(b) That such approval would be contrary to the public interest.

3. If the Commissioner approves a written request for authorization to establish and maintain a retail trust company office and engage in the business of a trust company in this State submitted pursuant to subsection [3,] 1, the foreign trust company must renew the request annually on a date and form prescribed by the Commissioner to continue such authorization. The written request for renewal must be accompanied by:

(a) A nonrefundable renewal fee of $500; and

(b) Confirmation that the information previously provided pursuant to paragraphs (b) to (g), inclusive, of subsection 1 remains accurate. If any such information has been changed, the foreign trust company shall provide updated information.

4. If the Commissioner approves a written request for authorization to establish and maintain a retail trust company office and engage in the business of a trust company submitted pursuant to subsection 1, the foreign trust company may:

(a) Establish and maintain a retail trust company office in this State; and

(b) Engage in the business of a trust company in this State, including, without limitation:

(1) Acting as a fiduciary in this State;

(2) Accepting fiduciary appointments, executing documents that create a fiduciary relationship and making decisions regarding the investment or distribution of fiduciary assets; and

(3) Advertising and soliciting trust company business in this State and contacting existing or prospective customers.

5. The Commissioner may:

(a) Rely on the applicable regulatory authority of the home state and the applicable federal banking regulator to examine and investigate activity conducted by the foreign trust company;

(b) Investigate any retail trust company office established and maintained in this State by a foreign trust company as the Commissioner may deem necessary to determine if the retail trust company office is being operated in compliance with the applicable laws of this State and in accordance with safe and sound business practices; and

(c) Require periodic reports regarding the operations of any foreign trust company that has established and maintains a retail trust company office in this State.

6. All money received by the Commissioner:

(a) From the payment of fees pursuant to paragraph (a) of subsection 1 must be placed in the Investigative Account for Financial Institutions created by NRS 232.545; and

(b) From the payment of renewal fees pursuant to paragraph (a) of subsection 3 must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

7. As used in this section, "retail trust company office" means a place of business in this State from which a foreign trust company may engage in the business of a trust company.

Sec. 13. NRS 669.090 is hereby amended to read as follows:

669.090 ~~[It]~~ ***Except as otherwise provided in sections 3 to 12, inclusive, of this act, it*** is unlawful for any retail trust company to engage in the

business of a trust company without complying with the provisions of this chapter and having a license issued by the Commissioner.

Sec. 14. NRS 669.095 is hereby amended to read as follows:

669.095 1. Except as otherwise provided in subsection 2, no person or organization formed and doing business under the laws of this State or any other state may:

(a) Use the word "trust" or any direct derivative of that word as a part of its name.

(b) Advertise or use any sign with the word "trust" used as a part of its name.

2. The provisions of subsection 1 do not apply to a person or organization which:

(a) Is supervised by the Commissioner of Financial Institutions pursuant to this chapter or chapters 657 to 668, inclusive, 673 or 677 of NRS;

(b) Is doing business under the laws of the United States or another state relating to banks, savings banks, savings and loan associations or thrift companies;

(c) ***Is authorized to engage in the solicitation of trust company business in this State pursuant to section 8 of this act;***

(d) Is authorized to act as a fiduciary or solicit trust company business pursuant to section 10 of this act or establish and maintain a retail trust company office and engage in the business of a trust company in this State pursuant to section 12 of this act;

(e) Is acting under an appointment pursuant to NRS 662.245;

~~[(d)]~~ ***(f)*** Is supervised by the Commissioner of Insurance; or

~~[(e)]~~ ***(g)*** Is doing business solely as a community land trust.

3. As used in this section, "community land trust" has the meaning ascribed to it in NRS 82.106.

Sec. 15. NRS 669.150 is hereby amended to read as follows:

669.150 1. An applicant must file an application for a license to transact trust company business with the Commissioner on forms prescribed by the Commissioner, which must contain or be accompanied by such information as the Commissioner requires.

2. A nonrefundable fee of not more than $2,000 must accompany the application. The applicant must also pay such reasonable additional expenses incurred in the process of investigation as the Commissioner deems necessary. In addition, a fee of not less than $200 or more than $500, prorated on the basis of the licensing year as provided by the Commissioner, must be paid at the time of making the application.

3. Except as otherwise provided in NRS 669.092, a trust company may maintain offices in this and other states. For every branch location of a trust company organized under the laws of this State, and every branch location in this State of a ~~[foreign]~~ trust company ***organized under the laws of another state and*** authorized to do business in this State, a request for approval and **,** ***if applicable,*** licensing must be filed with the Commissioner on such forms

as the Commissioner prescribes. A nonrefundable fee of not more than $500 must accompany each request. In addition, a fee of not more than $200, prorated on the basis of the licensing year as provided by the Commissioner, must be paid at the time of making the request.

4. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

5. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 12 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 16. NRS 166.015 is hereby amended to read as follows:

166.015 1. Unless the writing declares to the contrary, expressly, this chapter governs the construction, operation and enforcement, in this State, of all spendthrift trusts created in or outside this State if:

(a) All or part of the land, rents, issues or profits affected are in this State;

(b) All or part of the personal property, interest of money, dividends upon stock and other produce thereof, affected, are in this State;

(c) The declared domicile of the creator of a spendthrift trust affecting personal property is in this State; or

(d) At least one trustee qualified under subsection 2 has powers that include maintaining records and preparing income tax returns for the trust, and all or part of the administration of the trust is performed in this State.

2. If the settlor is a beneficiary of the trust, at least one trustee of a spendthrift trust must be:

(a) A natural person who resides and has his or her domicile in this State;

(b) A trust company that:

(1) Is organized under federal law or under the laws of this State or another state; and

(2) Maintains an office in this State for the transaction of business ; ~~***[and at which all or part of the administration of the trust is performed;]***~~ or

(c) A bank that:

(1) Is organized under federal law or under the laws of this State or another state;

(2) Maintains an office in this State for the transaction of business; and

(3) Possesses and exercises trust powers.

3. As used in this section, "trust company" does not include a foreign independent trust company authorized to engage only in the solicitation of trust company business in this State pursuant to section 8 of this act.

Sec. 17. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 107.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 334.

AN ACT relating to unlawful detainer; providing for the sealing of court records relating to eviction under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides that ~~[records]~~ **eviction case court files** relating to actions for ~~[unlawful detainer and]~~ summary eviction ~~[must be]~~ **are** sealed **automatically** and not open to inspection ~~[except to: (1) parties to the action and their attorneys; (2) certain persons who provide the court clerk with certain required information about the action; (3) any person by order of the court upon a showing of good cause; (4) any person by order of the court if 60 days have elapsed after the affidavit of complaint has been filed and the plaintiff prevails in trial; and (5) any other person if 60 days have elapsed after the affidavit of complaint has been filed and the plaintiff prevails within 60 days after such filing.]~~ **: (1) upon the entry of a court order denying or dismissing the action for summary eviction; or (2) if a landlord fails to file an affidavit of complaint within 30 days after a tenant files an affidavit to contest the matter. This bill also authorizes the court to seal an eviction case court file: (1) upon a written stipulation between the landlord and the tenant; or (2) upon motion by the tenant, if the court finds that the eviction should be set aside pursuant to the Justice Court Rules of Civil Procedure or that sealing the eviction case court file is in the interests of justice.**

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In any action for ~~[unlawful detainer or]~~ summary eviction ~~[, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil

~~*Procedure and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony, must be]*~~ *pursuant to NRS 40.253 or 40.254, the eviction case court file is sealed automatically and not open to inspection* ~~*[except:*~~

~~*(a) To parties to the action and their attorneys.*~~

~~*(b) To a person who provides the clerk with the names of at least one plaintiff and one defendant and the address of the premises, including the identifying number of the apartment or unit, if any.*~~

~~*(c) To a resident of the premises who provides the clerk with the name of one of the parties or the case number of the action and shows proof of residence.*~~

~~*(d) To a person by order of the court, which may be granted ex parte, upon a showing of good cause.*~~

~~*(e) To any person by order of the court if, more than 60 days after the filing of the affidavit of complaint, judgment is entered for the plaintiff after a trial. The court shall issue the order upon issuing judgment for the plaintiff.*~~

~~*(f) To any other person, except as otherwise provided in paragraph (g), if:*~~

~~*(1) Sixty days have elapsed after the filing of the affidavit of complaint; and*~~

~~*(2) The plaintiff prevails in the action not later than 60 days after the filing of the affidavit of complaint.*~~

~~*(g) In the case of a complaint involving real property or a mobile home based on NRS 40.255, to any other person if:*~~

~~*(1) Sixty days have elapsed after the filing of the complaint; and*~~

~~*(2) Judgment against all defendants has been entered for the plaintiff after a trial.*~~

~~*2. If a default or default judgment is set aside more than 60 days after the affidavit of complaint has been filed, this section applies as if the affidavit of complaint had been filed on the date the default or default judgment is set aside.]*~~ *:*

(a) Upon the entry of a court order which denies or dismisses the action for summary eviction; or

(b) Thirty-one days after the tenant has filed an affidavit described in subsection 3 of NRS 40.253, if the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 within 30 days after the tenant filed the affidavit.

2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, the court may order the sealing of an eviction case court file:

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:

(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

3. If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

4. As used in this section, "eviction case court file" means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

Sec. 2. NRS 40.215 is hereby amended to read as follows:

40.215 As used in NRS 40.215 to 40.425, inclusive, ***and section 1 of this act,*** unless the context requires otherwise:

1. "Dwelling" or "dwelling unit" means a structure or part thereof that is occupied, or designed or intended for occupancy, as a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

2. "Landlord's agent" means a person who is hired or authorized by the landlord or owner of real property to manage the property or dwelling unit, to enter into a rental agreement on behalf of the landlord or owner of the property or who serves as a person within this State who is authorized to act for and on behalf of the landlord or owner for the purposes of service of process or receiving notices and demands. A landlord's agent may also include a successor landlord or a property manager as defined in NRS 645.0195.

3. "Mobile home" means every vehicle, including equipment, which is constructed, reconstructed or added to in such a way as to have an enclosed room or addition occupied by one or more persons as a residence or sleeping

place and which has no foundation other than wheels, jacks, skirting or other temporary support.

4. "Mobile home lot" means a portion of land within a mobile home park which is rented or held out for rent to accommodate a mobile home.

5. "Mobile home park" or "park" means an area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent. "Mobile home park" or "park" does not include those areas or tracts of land, whether within or outside of a park, where the lots are held out for rent on a nightly basis.

6. "Premises" includes a mobile home.

7. "Recreational vehicle" means a vehicular structure primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled or mounted upon or drawn by a motor vehicle.

8. "Recreational vehicle lot" means a portion of land within a recreational vehicle park, or a portion of land so designated within a mobile home park, which is rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

9. "Recreational vehicle park" means an area or tract of land where lots are rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

10. "Short-term tenancy" means a tenancy in which rent is reserved by a period of 1 week and the tenancy has not continued for more than 45 days.

Sec. 3. The amendatory provisions of this act apply to all actions pending or filed on or after October 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 117.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 74.

SUMMARY—Requires certain educational personnel to take certain actions to ~~[ensure pupils in grade 11]~~ **review the academic plan of certain pupils in grades 9, 10, 11 and 12** in public high schools **to ensure that the pupils** are college and career ready. (BDR 34-292)

AN ACT relating to education; requiring certain educational personnel to ~~[offer to]~~ meet with each pupil enrolled in ~~[grade]~~ **grades 9, 10,** 11 **and 12** to review the academic plan of the pupil and review the pupil's academic strengths and weaknesses; **authorizing the parent or guardian of a pupil to waive the requirement of such a meeting;** requiring the academic plan of a pupil to be revised under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires pupils enrolled in grade 11 in public high schools to take a college and career readiness assessment that has been chosen by the State Board of Education and is administered by the board of trustees of each school district. Existing law also requires that the assessment: (1) be used to provide each pupil who takes the assessment a review of his or her academic strengths and weaknesses; and (2) allow teachers and other licensed educational personnel to use the results of the assessment to provide appropriate interventions for a pupil to prepare for college and career success. (NRS 390.610)

Section 1 of this bill requires the board of trustees of each school district to ensure that a counselor, administrator or other licensed educational personnel ~~[offers to meet]~~ **meets** individually, at least once ~~[,]~~ **each school year,** with each pupil ~~[who is]~~ enrolled in ~~[grade]~~ **grades 9, 10,** 11 **and 12** at a public high school **,** to review with the pupil the academic plan for the pupil. **Section 1 authorizes the parent or guardian of a pupil to waive the requirement for such a meeting.**

The counselor, administrator or other licensed educational personnel **who conducts a meeting required by section 1** is required to use the pupil's results on the college and career readiness assessment ~~[,]~~ **and the results of a National Merit Scholarship Qualifying Test,** if **such an assessment or test is** available, and the pupil's academic records to review with the pupil his or her academic strengths and weaknesses and determine areas the pupil may need to work on to be prepared for college and career success without the need for remediation. If the counselor, administrator or other licensed educational personnel determines that remediation is necessary, **section 1** requires the counselor, administrator or other licensed educational personnel to coordinate with the pupil and the pupil's parent or legal guardian to revise the academic plan for the pupil to ensure that the pupil will be prepared for college and career success before the pupil graduates.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[The]~~ Except as otherwise provided in this subsection, the board of trustees of each school district shall adopt a policy for each public high school in the school district to ensure that a counselor, administrator or other licensed educational personnel from the public high school ~~[offers to meet]~~ meets individually at least once each school year with each pupil enrolled in ~~[grade]~~ grades 9, 10, 11 and 12 in the public high school to review with the pupil the academic plan developed for the pupil pursuant to NRS 388.205. The parent or guardian of a pupil may elect to waive the requirements of this subsection on behalf of the pupil.

2. At a meeting conducted pursuant to subsection 1, the counselor, administrator or other licensed educational personnel must use the results of the pupil's college and career readiness assessment administered pursuant to NRS 390.610, if the results of the assessment are available at the time of the meeting, the results of a preliminary National Merit Scholarship Qualifying Test, if the results of the test are available at the time of the meeting, and the pupil's academic records, to review with the pupil the areas of his or her academic strengths and weaknesses, including, without limitation, areas where additional work in the subject areas tested on the assessment or test, as applicable, is necessary to prepare the pupil for college and career success without the need for remediation.

3. If it is determined that the pupil requires remediation, the counselor, administrator or other licensed educational personnel must coordinate with the pupil and the pupil's parent or legal guardian to revise the academic plan for the pupil to ensure that the pupil is prepared for college and career success before he or she graduates.

Sec. 2. 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. 3. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 119.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 387.

AN ACT relating to garnishment; prioritizing claims for spousal and child support in satisfying multiple writs of garnishment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court, when a garnishee is the subject of multiple writs of garnishment, to give first priority to a writ to satisfy a judgment for the collection of child support. (NRS 31.249) This bill likewise gives priority to writs of garnishment to satisfy judgments for the collection of spousal support over other claims.

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

Section 1. NRS 31.249 is hereby amended to read as follows:

31.249 1. No writ of garnishment in aid of attachment may issue except on order of the court. The court may order the writ of garnishment to be issued:

(a) In the order directing the clerk to issue a writ of attachment; or

(b) If the writ of attachment has previously issued without notice to the defendant and the defendant has not appeared in the action, by a separate order without notice to the defendant.

2. The plaintiff's application to the court for an order directing the issuance of a writ of garnishment must be by affidavit made by or on behalf of the plaintiff to the effect that the affiant is informed and believes that the named garnishee:

(a) Is the employer of the defendant; or

(b) Is indebted to or has property in the garnishee's possession or under the garnishee's control belonging to the defendant,

➥ and that to the best of the knowledge and belief of the affiant, the defendant's future wages, the garnishee's indebtedness or the property possessed is not by law exempt from execution. If the named garnishee is the State of Nevada, the writ of garnishment must be served upon the State Controller.

3. The affidavit by or on behalf of the plaintiff may be contained in the application for the order directing the writ of attachment to issue or may be filed and submitted to the court separately thereafter.

4. Except as otherwise provided in this section, the grounds and procedure for a writ of garnishment are identical to those for a writ of attachment.

5. If the named garnishee is the subject of more than one writ of garnishment regarding the defendant, the court shall determine the priority and method of satisfying the claims, except that any writ of garnishment to satisfy a judgment for the collection of child support ***or spousal support*** must be given first priority. ***As between writs of garnishment to satisfy judgments for the collection of child support and writs of garnishment to satisfy judgments for the collection of spousal support, the court shall give priority in accordance with the provisions of ~~[subsection]~~ subsections 1 and 2 of NRS 31A.160.***

Sec. 1.5. **The amendatory provisions of section 1 of this act apply to any judgment entered on or after July 1, 2017.**

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 124.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 302.

~~[~~ASSEMBLYWOMAN~~]~~ ASSEMBLYWOMEN DIAZ **; AND TOLLES**

SUMMARY—Requires the **~~[~~Department of Education~~]~~ Commission on Professional Standards in Education** to establish **~~[~~a code of conduct~~]~~ the**

Nevada Model Code of Educator Ethics governing interpersonal interactions and certain communications by teachers, administrators and other employees with pupils. (BDR 34-296)

AN ACT relating to education; requiring the ~~[~~Department of Education~~]~~ **Commission on Professional Standards in Education** to establish ~~[~~a code of conduct~~]~~ **the Nevada Model Code of Educator Ethics** governing interpersonal interactions and certain communications by teachers, administrators and other employees with pupils; **requiring the boards of trustees of school districts and the governing bodies of charter schools to provide training on the Code; requiring teachers, administrators and other persons employed by a school district or charter school to sign an acknowledgment of the Code upon completion of the training; creating the Nevada Educator Code of Ethics Advisory Group and prescribing its membership and duties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill requires the ~~[~~Department of Education~~]~~ **Commission on Professional Standards in Education** to prescribe by regulation ~~[~~a code of conduct~~]~~ **the Nevada Model Code of Educator Ethics** for teachers, administrators and all other persons employed by a school district or a charter school relating to interpersonal interactions and communications with pupils. **Section 3** requires the ~~[~~Department~~]~~ **Commission** to develop the regulations **based upon the recommendations of the Nevada Educator Code of Ethics Advisory Group created by section 4 of this bill, and** in consultation with the boards of trustees of school districts, the governing bodies of charter schools ~~[~~, the Teachers and Leaders Council of Nevada~~]~~ and, as practicable, teachers, administrators and other persons employed by school districts and charter schools. **Section 3** prescribes requirements for the ~~[~~code of conduct~~]~~ **Code** including that it clearly state ~~[~~the rules for teachers, administrators and other persons employed by a school district or a charter school when engaging in interpersonal relationships with pupils, provide guidelines for permissible interactions and communications with pupils, requiring records of certain communications with a pupil and requiring teachers, administrators and other persons employed by a school district or a charter school to sign an acknowledgment of the code of conduct and the consequences for violating the code of conduct.~~]~~ **, for all persons employed by a school district or governing body of a charter school, guidelines for their responsibility: (1) to the profession of education; (2) for professional competence; (3) to pupils; (4) to the school community; and (5) for the ethical use of technology.**

Section 3 also requires the ~~[~~code of conduct~~]~~ **boards of trustees of school districts and the governing bodies of charter schools to provide all persons employed by the school district or governing body, as applicable, training in the Code and to ensure that each such person signs an acknowledgment of the Code. Finally, section 3 requires the**

Code to be **: (1)** posted on the Internet website maintained by the Department ~~[and]~~ **of Education; (2) distributed to the State Board of Education and each approved provider of a course of study of training for teachers; and (3) distributed to the board of trustees of each school district and the governing body of each charter school for posting** on the Internet website maintained by the school district or charter school, as applicable.

Section 4 of this bill creates the Advisory Group consisting of 13 members. Section 5 of this bill requires the Advisory Group to, among other things, study codes of ethics and best practices established in other states and make certain recommendations to the Commission related to the adoption of a code of ethics for educators in this State. Section 6 of this bill requires the Advisory Group to submit reports on or before July 1, 2018, and December 1, 2018, to the Governor, State Board, Commission and Director of the Legislative Counsel Bureau for transmittal to the Legislature concerning the progress made towards carrying out its duties, including any recommendations of the Advisory Group. Section 9 of this bill provides for the expiration of the Advisory Group on June 30, 2019.

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

Section 1. Chapter ~~[388]~~ **391** of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[and 3]~~ **to 6, inclusive,** of this act.

Sec. 2. ***The Legislature hereby finds and declares that:***

1. Pupils are the most vital resource to the future of this State;

2. Persons who enter professions that necessitate interaction with the pupils of this State have an obligation to act professionally and ethically when dealing with a pupil;

3. Interactions and communications with pupils, whether taking place inside or outside the classroom, in person or at a distance, must:

(a) Promote a safe and respectful environment conducive to a positive educational experience; and

(b) Maintain appropriate boundaries of authority while fostering empathy and support for and encouragement of pupils . ~~[; and~~

~~*(c) Not needlessly expose pupils to unnecessary embarrassment, disparagement or physical or psychological harm.]*~~

Sec. 3. ***1. The ~~[Department]~~ Commission shall prescribe by regulation a written policy that establishes ~~[a code of conduct]~~ the Nevada Model Code of Educator Ethics for teachers, administrators and other persons employed by a school district or a charter school relating to interpersonal interactions and communications with pupils. The ~~[code of conduct]~~ Nevada Model Code of Educator Ethics must, without limitation:***

(a) Be developed based upon the recommendations of the Nevada Educator Code of Ethics Advisory Group created by section 4 of this act

and in consultation with the boards of trustees of school districts, the governing bodies of charter schools [, the Teachers and Leaders Council of Nevada created by NRS 391.455] and, as practicable, teachers, administrators and other persons employed by school districts and charter schools.

(b) Clearly state the [rules] guidelines for [interpersonal relationships between pupils, identified by grade level, and teachers, administrators or other persons employed by a school district or a charter school.

(c) Provide guidelines for permissible interactions and communications between pupils, identified by grade level, and teachers, administrators or other persons employed by a school district or a charter school, including, without limitation, electronic communications and other interactions taking place at a distance.

(d) Require teachers, administrators and other persons employed by a school district or a charter school to retain for a specified period a copy or record of each communication with a pupil conducted through any means of electronic communication, other than those provided by the Department, school district or charter school.

(e) Require that if a violation of the code of conduct is alleged, the copy or record be made available upon request to the Department, board of trustees of the school district or governing body of the charter school.

(f) Designate consequences, if any, for a violation of the code of conduct, including, without limitation, a violation of the record retention provisions prescribed pursuant to paragraph (d).

(g) Require] :

(1) Responsibility to the profession of education;

(2) Responsibility for professional competence;

(3) Responsibility to pupils;

(4) Responsibility to the school community; and

(5) The responsible and ethical use of technology, including, without limitation, electronic communication.

2. The board of trustees of each school district and the governing body of each charter school shall provide training on the Nevada Model Code of Educator Ethics to teachers, administrators and other persons employed by the school district or charter school. Upon completion of the training, each teacher, administrator and other person employed by a school district or a charter school [to] must sign a written acknowledgment of the [code of conduct] Nevada Model Code of Educator Ethics . [and the consequences for a violation of the code of conduct.

2.] 3. The Department shall post the [code of conduct] Nevada Model Code of Educator Ethics prescribed by regulation pursuant to subsection 1 on the Internet website maintained by the Department and provide a copy of the [code of conduct] Code to [the board] :

(a) The State Board;

(b) Each educational institution that provides a course of study or training for the education of teachers approved pursuant to NRS 391.037 and 391.038;

(c) Each qualified provider approved pursuant to NRS 391.019;

(d) The board of trustees of each school district ; and ~~[the]~~

(e) The governing body of each charter school . ~~[that]~~

➥ *Each board of trustees and governing body must ~~[be posted]~~ post the Code on the Internet website maintained by the school district or charter school, as applicable.*

~~[3.]~~ 4. As used in this section, "electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 4. 1. The Nevada Educator Code of Ethics Advisory Group is hereby created, consisting of the following 13 members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Advisory Group.

(b) One member appointed by the Chancellor of the Nevada System of Higher Education who is a dean of one of the Colleges of Education within the System or a person nominated by such a dean for appointment by the Chancellor.

(c) Three members who are teachers appointed by the Governor from a list of two nominees submitted by the Speaker of the Assembly and two nominees submitted by the Majority Leader of the Senate. The members must be recommended by the Nevada State Education Association or its successor organization and the Association shall consider for recommendation teachers who are certified by a national board.

(d) Two members who are parents of pupils who attend a public school in this State, appointed by the Governor from a list of nominees submitted by the Speaker of the Assembly and the Majority Leader of the Senate.

(e) One member who is a member of student government or the Nevada Youth Legislature, appointed by the Superintendent of Public Instruction.

(f) Two members who are school-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators or its successor organization.

(g) One member who is an employee of a school district with expertise in labor-management relations, appointed by the Governor.

(h) One member who is licensed by a board in this State, other than the State Board, that has a code of ethics and requires compliance as a condition to continued licensure, appointed by the Governor.

(i) One member who is a superintendent of schools of a school district, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents.

➥ In making the appointments to the Advisory Group, the appointing authorities shall ensure that the membership represents the geographic and ethnic diversity of the State.

2. A vacancy on the Advisory Group must be filled in the same manner as the original appointment.

3. The Advisory Group shall, at its first meeting, elect a Chair from among its members.

4. The Advisory Group shall meet at least quarterly and may meet at other times upon the call of the Chair.

5. The members of the Advisory Group serve without compensation, except that for each day or portion of a day during which a member of the Advisory Group attends a meeting of the Advisory Group or is otherwise engaged in the business of the Advisory Group, the member is entitled to receive the per diem allowances and travel expenses provided for state officers and employees generally.

6. A member of the Advisory Group who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Advisory Group without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

7. Any costs associated with employing a substitute teacher while a member of the Advisory Group who is a teacher attends a meeting of the Advisory Group must be paid by the school district or charter school that employs the member.

8. The Department shall provide the Advisory Group with such staff as necessary for the Advisory Group to carry out its responsibilities.

9. The Advisory Group may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties.

Sec. 5. The Nevada Educator Code of Ethics Advisory Group created by section 4 of this act shall:

1. Study codes of ethics and best practices that have been established in other states.

2. Make recommendations to the Commission for the adoption of a code of ethics for educators in this State. Such a code of ethics must address, without limitation, responsibility to the profession of education, professional competence, responsibility to pupils, responsibility to the school community and the ethical use of technology.

3. Develop strategies to carry out a code of ethics which may include, without limitation, recommending the adoption of regulations by the State Board or the Commission or recommending legislation to revise provisions of law.

4. Review courses offered by the Nevada System of Higher Education, educational institutions approved pursuant to NRS 391.037 and 391.038 and qualified providers approved pursuant to NRS 391.019 which provide

training to teachers on ethical responsibilities to determine whether the material is adequate to inform teachers of the requirements included in any proposed code of ethics that is established.

5. Provide any recommendations deemed necessary and appropriate to the Board of Regents of the University of Nevada, educational institutions and qualified providers for improvements to a course described in subsection 4 and provide a copy of such recommendations to the Governor, the State Board, the Commission and the Director of the Legislative Counsel Bureau for transmittal to the 80th Session of the Nevada Legislature.

6. Study the cost of professional development for teachers, administrators, paraprofessionals and other educational personnel and the use and availability of regional training programs and any federal funding available for professional development of teachers, administrators, paraprofessionals and other educational personnel.

Sec. 6. 1. On or before July 1, 2018, and December 1, 2018, the Nevada Educator Code of Ethics Advisory Group created by section 4 of this act shall prepare a report concerning the status of the Advisory Group in carrying out its duties as described in section 5 of this act, including, without limitation, any recommendations which the Advisory Group has made and any response to such recommendations.

2. The report prepared pursuant to subsection 1 must be submitted to the Governor, the State Board, the Commission and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and the 80th Session of the Nevada Legislature.

Sec. 7. **Section 3 of this act is hereby amended to read as follows:**

Sec. 3. 1. The Commission shall prescribe by regulation a written policy that establishes the Nevada Model Code of Educator Ethics for teachers, administrators and other persons employed by a school district or a charter school relating to interpersonal interactions and communications with pupils. The Nevada Model Code of Educator Ethics must, without limitation:

(a) Be developed ~~[based upon the recommendations of the Nevada Educator Code of Ethics Advisory Group created by section 4 of this act and]~~ in consultation with the boards of trustees of school districts, the governing bodies of charter schools and, as practicable, teachers, administrators and other persons employed by school districts and charter schools.

(b) Clearly state the guidelines for:

(1) Responsibility to the profession of education;

(2) Responsibility for professional competence;

(3) Responsibility to pupils;

(4) Responsibility to the school community; and

(5) The responsible and ethical use of technology, including, without limitation, electronic communication.

2. The board of trustees of each school district and the governing body of charter school shall provide training on the Nevada Model Code of Educator Ethics to teachers, administrators and other persons employed by the school district or charter school. Upon completion of the training, each teacher, administrator and other person employed by a school district or a charter school must sign a written acknowledgment of the Nevada Model Code of Educator Ethics.

3. The Department shall post the Nevada Model Code of Educator Ethics prescribed by regulation pursuant to subsection 1 on the Internet website maintained by the Department and provide a copy of the Code to:

(a) The State Board;

(b) Each educational institution that provides a course of study or training for the education of teachers approved pursuant to NRS 391.037 and 391.038;

(c) Each qualified provider approved pursuant to NRS 391.019;

(d) The board of trustees of each school district; and

(e) The governing body of each charter school.

➥ Each board of trustees and governing body must post the Code on the Internet website maintained by the school district or charter school, as applicable.

4. As used in this section, "electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 8. **The members of the Nevada Educator Code of Ethics Advisory Group created by section 4 of this act must be appointed as soon as practicable but not later than October 1, 2017. The Advisory Group shall hold its first meeting not later than January 1, 2018.**

~~[Sec. 4.]~~ ***Sec. 9.*** ~~[This]~~ **1. This section and sections 1, 2 and 3 of this** act ~~[becomes]~~ **become** effective on July 1, 2017.

2. Sections 4, 5, 6 and 8 of this act become effective on July 1, 2017, and expire by limitation on June 30, 2019.

3. Section 7 of this act becomes effective on July 1, 2019.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 144.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 555.

AN ACT relating to education; creating the Nevada Advisory Commission on Mentoring; providing for the membership, powers and duties of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Nevada Advisory Commission on Mentoring for the purpose of supporting and facilitating existing mentorship programs in this State. **Section 3** of this bill creates the Commission and prescribes the membership of the Commission. **Sections 4 and 5** of this bill set forth the duties and powers of the Commission. **Section 4** requires the Commission to meet quarterly and authorizes the Commission to: (1) appoint committees from its members; (2) engage the services of volunteers and consultants without compensation; (3) enter into public-private partnerships; and (4) apply for and receive gifts, grants, contributions and other money from any source. **Section 4** further requires the Commission to appoint a Mentorship Advisory Council to advise the Commission on matters of importance relating to mentoring and mentorship programs in this State. **Section 5** requires the Commission to: (1) establish model guidelines and parameters for existing mentorship programs; (2) develop a model financial plan providing for the sustainability and financial stability of existing mentorship programs; (3) develop model protocols for the management of mentors, mentees and matches under existing mentorship programs; ~~[and]~~ (4) employ a coordinator for mentorship programs in this State ~~[.]~~ **; and (5) develop and administer a competitive grants program to award grants of money to mentorship programs.**

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

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

Sec. 2. ***As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "Commission" means the Nevada Advisory Commission on Mentoring created by section 3 of this act.***

Sec. 3. ***1. The Nevada Advisory Commission on Mentoring is hereby created. The Commission consists of the following 13 members:***

(a) One member appointed by the Governor who is a representative of business and industry with a vested interest in supporting mentorship programs in this State.

(b) One member appointed by the Governor who represents an employment and training organization located in this State.

(c) One member appointed by the Governor who is a resident of a county whose population is less than 100,000.

(d) One member who is the superintendent of a school district in a county whose population is 700,000 or more.

(e) One member who is the superintendent of a school district in a county whose population is 100,000 or more but less than 700,000.

(f) One member appointed by the Majority Leader of the Senate.

(g) One member appointed by the Speaker of the Assembly.

(h) One member appointed by the Minority Leader of the Senate.

(i) One member appointed by the Minority Leader of the Assembly.

(j) Four members appointed to the Commission pursuant to subsection 2.

2. The members of the Commission appointed pursuant to paragraphs (a) to (i), inclusive, of subsection 1 shall, at the first meeting of the Commission, appoint to the Commission four additional voting members:

(a) One of whom must be a member of the state advisory group appointed by the Governor pursuant to 42 U.S.C. § 5633 and operating in this State as the Juvenile Justice Commission under the Division of Child and Family Services of the Department of Health and Human Services;

(b) One of whom must be a representative of business and industry with a vested interest in supporting mentorship programs in this State; and

(c) Two members between the ages of 16 years and 24 years who have a vested interest in supporting mentorship programs in this State.

3. After the initial terms, each member of the Commission appointed pursuant to subsections 1 and 2 serves a term of 4 years. A member of the Commission may be reappointed.

4. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. A member appointed to fill a vacancy shall serve as a member of the Commission for the remainder of the original term of appointment.

5. Each member of the Commission:

(a) Serves without compensation; and

(b) While engaged in the business of the Commission, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 4. *1. At the first meeting of each calendar year, the Commission shall elect from its members a Chair, a Vice Chair and a Secretary and shall adopt the rules and procedures of the Commission.*

2. The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members.

3. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a quorum may exercise any power or authority conferred on the Commission.

4. Except as otherwise provided in section 5 of this act, the Commission may, for the purpose of carrying out the duties of the Commission prescribed by that section:

(a) Appoint committees from its members.

(b) Engage the services of volunteer workers and consultants without compensation.

(c) Enter into a public-private partnership with any business, for-profit organization or nonprofit organization.

(d) Apply for and receive gifts, grants, donations, contributions or other money from any source.

5. The Commission shall appoint a Mentorship Advisory Council consisting of five members who represent organizations which provide mentorship programs in this State. The members of the Council serve at the pleasure of the Commission. If a member of the Council is removed or if the position of a member otherwise becomes vacant, the Commission shall appoint a new member to fill the vacancy at the next regularly scheduled meeting of the Commission. The Council shall advise the Commission on matters of importance relating to mentoring and mentorship programs in this State.

6. The Commission shall, on or before February 1 of each year, prepare and submit a report outlining the activities and recommendations of the Commission to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the Legislature or to the Legislative Commission if the Legislature is not in regular session.

Sec. 5. ***1. The Commission shall, within the scope of its duties, support and facilitate mentorship programs in this State for the purpose of addressing issues relating to education, health, criminal justice and employment with respect to ~~[socioeconomically disadvantaged]~~ children who reside in this State. The Commission shall:***

(a) Establish model guidelines and parameters for existing mentorship programs, including, without limitation:

(1) The development of a model management plan setting forth guidelines for the operation of mentorship programs and strategic goals and benchmarks to measure the success of a mentorship program.

(2) The process for identifying ~~[socioeconomically disadvantaged]~~ children in need of mentorship and geographic areas of need within this State. Such a process must include, without limitation, consideration of children who:

(I) Are disproportionately at risk of being deprived of the opportunity to develop and maintain a competitive position in the economy.

(II) Are disproportionately at risk of failing to make adequate yearly progress in a school in this State.

(III) Have been involved with the system of juvenile justice in this State, either as a victim or as an offender.

(IV) Have been involved with the criminal justice system, either as a victim or as an offender.

(V) Are in the child welfare system.

(b) Develop a model financial plan that provides for the sustainability and financial stability of mentorship programs, including, without limitation:

(1) The development of a resource plan to provide for diversified fundraising.

(2) The identification of potential sources of revenue to fund the hiring of the coordinator for mentorship programs in this State, as required by paragraph (e).

(3) The identification of potential sources of revenue to fund the hiring of administrative support staff for mentorship programs in this State.

(4) The development, in coordination with the Office of Grant Procurement, Coordination and Management of the Department of Administration of a plan for seeking gifts, grants, donations and contributions from any source for the purpose of carrying out a mentorship program.

(5) The identification of potential strategic private partners to assist in the implementation and continuation of mentorship programs.

(6) The development of public relations and marketing campaigns for the purpose of increasing public awareness regarding existing mentorship programs and the value of mentorship programs.

(c) Develop model protocols for the recruitment, screening, training, matching, monitoring and support of mentors.

(d) Develop model protocols for the effective management of mentors, mentees and matches under mentorship programs, including, without limitation, protocols for the introduction of a mentor to a mentee and closure of the relationship between a mentor and a mentee.

(e) Within the limits of legislative appropriations, employ a coordinator for mentorship programs in this State.

(f) Within the limits of legislative appropriations, develop a competitive grants program to award grants of money to mentorship programs in this State. In coordination with the Office of Grant Procurement, Coordination and Management of the Department of Administration, the Commission shall:

(1) Administer the grants program;

(2) Establish guidelines for the submission and review of applications to receive grants from the program; and

(3) Consider and approve or disapprove applications for grants from the program.

2. As used in this section ~~[:~~

~~(a) "Child" has the meaning ascribed to it in NRS 62A.030.~~

~~(b) "Socioeconomically disadvantaged child" means a child who, as the result of the child's cultural, social or economic circumstances, is disproportionately at risk of:~~

~~(1) Being deprived of the opportunity to develop and maintain a competitive position in the economy;~~

~~(2) Failing to make adequate yearly progress in a public school; or~~

~~(3) Entering the juvenile justice system of this State.]~~ , "child" means a person 24 years of age or younger.

Sec. 6. 1. The members of the Nevada Advisory Commission on Mentoring created by section 3 of this act appointed to initial terms in accordance with paragraphs (a) to (i), inclusive, of subsection 1 of section 3 of this act must be appointed on or before October 1, 2017.

2. The Governor shall call the first meeting of the Commission, which must take place on or before December 31, 2017.

3. At the first meeting of the Commission, and after the appointment of 4 voting members to the Commission pursuant to subsection 2 of section 3 of this act, the 13 members appointed to initial terms pursuant to subsections 1 and 2 of section 3 of this act shall choose their term of office by lot, in the following manner:

(a) Five members for terms of 2 years;

(b) Four members for terms of 3 years; and

(c) Four members for terms of 4 years.

Sec. 7. 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. 8. This act becomes effective on July 1, 2017.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 150.

Bill read second time.

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

Amendment No. 64.

AN ACT relating to private professional guardians; revising provisions governing the qualifications necessary to serve as a private professional guardian; requiring certain persons to submit fingerprints to the Division of Financial Institutions of the Department of Business and Industry not less than once every 5 years for the purpose of obtaining a report from the Federal Bureau of Investigation; requiring the Division to maintain a copy of all such reports; requiring the Commissioner of Financial Institutions to adopt regulations establishing any fee required to obtain such reports; replacing references to the term "case manager"; removing the provision that exempts private professional guardians from the provisions of law concerning summary administration granted by a court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in order for a natural person to serve as a private professional guardian, the person must be: (1) qualified to serve as a guardian for an adult or a minor; and (2) a guardian who has a license to engage in the business of a private professional guardian or who does not have such a

license but is certified by the Center for Guardianship Certification. (NRS 159.0595) **Section 2** of this bill removes the requirement relating to the licensure of a natural person and generally provides that in order for a person to serve as a private professional guardian, the person must be: (1) a natural person who is employed by an entity that is licensed to engage in the business of a private professional guardian and who is certified by the Center for Guardianship Certification; or (2) an entity that is licensed to engage in the business of a private professional guardian and meets certain other requirements. **Sections 1, 4-9, 11-13 and 15-20** of this bill make conforming changes.

Existing law requires, as part of an application for a license to engage in the business of a private professional guardian, that certain persons submit to the Commissioner of Financial Institutions a complete set of fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation (hereinafter "FBI") for its report. (NRS 628B.310) **Section 3** of this bill requires: (1) certain persons to submit to the Commissioner, not less than once every 5 years, a complete set of fingerprints and such written permission to enable the Division to obtain a report from the FBI; and (2) the Division to maintain a copy of all reports obtained from the FBI. **Section 3** also requires the Commissioner to adopt regulations establishing the amount of any fee required to obtain a report from the FBI.

Existing law also requires the Commissioner to investigate the facts of an application and the other requirements set forth by law to determine information about certain persons, including any person acting in a case manager capacity. (NRS 628B.330) Existing law further requires the director or manager of a private professional guardian company to require fidelity bonds on certain persons, including a member of the company acting in a case manager capacity, to indemnify the company against loss. (NRS 628B.540) **Sections 9, 10 and 14** of this bill replace the term "case manager" with references to a person who acts in a capacity in which he or she is authorized to make discretionary decisions on behalf of the applicant or private professional guardian company, as applicable.

Existing law provides that with regard to guardianships and the administration of smaller estates, the court is authorized to grant a summary administration if it appears that the value of the property of a ward, after payment of all claims and expenses of the guardianship, does not exceed $10,000. If the court grants a summary administration, the guardian is required to file an inventory and record of value with the court, and the court is authorized to impose certain requirements upon the guardian. (NRS 159.076) Existing law also provides that such provisions concerning summary administration do not apply to a private professional guardian. (NRS 628B.550) **Section 15** removes this exemption.

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

Section 1. NRS 159.024 is hereby amended to read as follows:

159.024 1. "Private professional guardian" means a person who receives compensation for services as a guardian to three or more wards who are not related to the guardian by blood or marriage ~~[.]~~ ***and who meets the requirements set forth in NRS 159.0595.***

2. For the purposes of this chapter, the term includes ~~[:~~

~~(a) A person who]~~ ***an entity that*** serves as a private professional guardian and ~~[who]~~ is ~~[required]~~ ***:***

(a) Required to have a license issued pursuant to chapter 628B of NRS ~~[.]~~ ***; or***

(b) ~~[A person who serves as a private professional guardian but who is exempt]~~ ***Exempt*** pursuant to NRS 159.0595 or 628B.110 from the requirement to have a license issued pursuant to chapter 628B of NRS.

3. The term does not include:

(a) A governmental agency.

(b) A public guardian appointed or designated pursuant to the provisions of chapter 253 of NRS.

Sec. 2. NRS 159.0595 is hereby amended to read as follows:

159.0595 1. In order for a person to serve as a private professional guardian, the person must be:

(a) ~~[Qualified to serve as a guardian pursuant to NRS 159.0613 if the ward is an adult or NRS 159.061 if the ward is a minor; and~~

~~(b)]~~ A ~~[guardian]~~ ***natural person*** who ~~[has a license issued]~~ ***is a certified guardian and is employed by an entity that is licensed*** pursuant to chapter 628B of NRS ~~[or a certified guardian who]~~ ***, unless the entity*** is not required to have such a license pursuant to subsection ~~[3.~~

~~2. In order for an entity to serve as a private professional guardian, the]~~ ***2; or***

(b) An entity ~~[must:~~

~~(a) Be]~~ ***that:***

(1) Is qualified to serve as a guardian pursuant to NRS 159.0613 if the ward is an adult;

~~[(b) Have]~~

(2) Has a license issued pursuant to chapter 628B of NRS ***,*** unless the entity is not required to have such a license pursuant to subsection ~~[3;]~~ ***2;*** and

~~[(c) Have]~~

(3) Has a ***private professional*** guardian who ~~[has a license issued pursuant to chapter 628B of NRS or a certified guardian who is not required to have such a license pursuant to subsection 3]~~ ***meets the requirements set forth in paragraph (a)*** involved in the day-to-day operation or management of the entity.

~~[3. In order for a person or]~~

2. ***An*** entity ***that wishes*** to serve as a private professional guardian ~~[, the person or entity]~~ is not required to have a license issued pursuant to chapter 628B of NRS if the ~~[person or]~~ entity is exempt from the requirement to have such a license pursuant to NRS 628B.110 **.** ~~[and the person or entity:~~

~~(a) Is a banking corporation as defined in NRS 657.016;~~

~~(b) Is an organization permitted to act as a fiduciary pursuant to NRS 662.245;~~

~~(c) Is a trust company as defined in NRS 669.070;~~

~~(d) Is acting in the performance of his or her duties as an attorney at law;~~

~~(e) Acts as a trustee under a deed of trust; or~~

~~(f) Acts as a fiduciary under a court trust.~~

~~4.]~~ ***3.*** As used in this section:

(a) "Certified guardian" means a person who is certified by the Center for Guardianship Certification or any successor organization.

(b) "Entity" includes, without limitation, a corporation, whether or not for profit, a limited-liability company and a partnership.

~~[(c) "Person" means a natural person.]~~

Sec. 3. Chapter 628B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each member, partner, director, officer, manager or employee of a private professional guardian company, and any person who acts in a capacity in which he or she is authorized to make discretionary decisions on behalf of the private professional guardian company, shall, before acting in any such capacity and not less than once every 5 years thereafter, submit to the Commissioner pursuant to this section or subsection 5 of NRS 628B.310, as applicable, a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The Division shall maintain a copy of all reports obtained pursuant to this section and subsection 5 of NRS 628B.310.

3. The Commissioner shall adopt regulations establishing the amount of any fee required to obtain a report pursuant to this section. All money received by the Commissioner must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

Sec. 4. NRS 628B.010 is hereby amended to read as follows:

628B.010 The Legislature finds and declares that:

1. There exists in this State a need, in order to provide for the protection of the public interest, to regulate ~~[persons]~~ ***entities*** engaged in the business of private professional guardians ~~[.]~~ ***and persons employed by such entities.***

2. ~~[Persons]~~ ***Entities*** engaging in the business of private professional guardians must be licensed and regulated in such a manner as to promote advantages and convenience for the public while protecting the public interest.

3. It is the purpose of this chapter to bring under public supervision ~~[persons who]~~ ***entities that*** are engaged in or ~~[who]~~ desire to engage in the business of a private professional guardian and to ensure that there is established in this State an adequate, efficient and competitive private professional guardian service available to the courts and the public at large.

Sec. 5. NRS 628B.030 is hereby amended to read as follows:

628B.030 "Business of a private professional guardian" means the holding out by ~~[a person,]~~ ***an entity,*** through advertising, solicitation or other means, that the ~~[person]~~ ***entity or a person employed by the entity*** is available to act for compensation as a private professional guardian.

Sec. 6. NRS 628B.080 is hereby amended to read as follows:

628B.080 1. "Private professional guardian" has the meaning ascribed to it in NRS 159.024.

2. For the purposes of this chapter, the term does not include ~~[a person who]~~ ***an entity that*** serves as a private professional guardian but ~~[who]~~ is exempt pursuant to NRS 159.0595 or 628B.110 from the requirement to have a license issued pursuant to this chapter.

Sec. 7. NRS 628B.090 is hereby amended to read as follows:

628B.090 1. "Private professional guardian company" means a ~~[natural person or]~~ business entity, including, without limitation, a sole proprietorship, partnership, limited-liability company or corporation, that is licensed pursuant to the provisions of this chapter to engage in the business of a private professional guardian, whether appointed by a court or hired by a private party.

2. For the purposes of this chapter, the term does not include a ~~[natural person or]~~ business entity which engages in the business of a private professional guardian but which is exempt pursuant to NRS 159.0595 or 628B.110 from the requirement to have a license issued pursuant to this chapter.

Sec. 8. NRS 628B.300 is hereby amended to read as follows:

628B.300 It is unlawful for any ~~[person]~~ ***entity*** to engage in the business of a private professional guardian without having a license issued by the Commissioner pursuant to this chapter.

Sec. 9. NRS 628B.310 is hereby amended to read as follows:

628B.310 1. ~~[A person wishing]~~ ***An applicant for a license*** to engage in the business of a private professional guardian in this State must file with the Commissioner an application on a form prescribed by the Commissioner, which must contain or be accompanied by such information as is required.

2. A nonrefundable fee of not more than $750 must accompany the application. The applicant must also pay such reasonable additional expenses incurred in the process of investigation as the Commissioner deems necessary.

3. The application must contain:

(a) The name of the applicant and the name under which the applicant does business or expects to do business, if different.

(b) The complete business and residence addresses of the applicant.

(c) The character of the business sought to be carried on.

(d) The address of any location where business will be transacted.

(e) In the case of a firm or partnership, the full name and residence address of each member or partner and the manager.

(f) In the case of a corporation or voluntary association, the name and residence address of each director and officer and the manager.

(g) A statement by the applicant acknowledging that the applicant is required to comply with the provisions of NRS 159.0595 if issued a license.

(h) Any other information reasonably related to the applicant's qualifications for the license which the Commissioner determines to be necessary.

4. Each application for a license must have attached to it a financial statement showing the assets, liabilities and net worth of the applicant.

5. In addition to any other requirements, each applicant or member, partner, director, officer, manager or ~~[case manager]~~ ***employee*** of an applicant ***, and any person who acts in a capacity in which he or she is authorized to make discretionary decisions on behalf of the applicant,*** shall submit to the Commissioner a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

6. If the applicant is a corporation or limited-liability company, the articles of incorporation or articles of organization must contain:

(a) The name adopted by the private professional guardian company, which must distinguish it from any other private professional guardian company formed or incorporated in this State or engaged in the business of a private professional guardian in this State; and

(b) The purpose for which it is formed.

7. The Commissioner shall deem an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is submitted to the Commissioner. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays the required fees.

8. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section, subject to the following limitations:

(a) An initial fee of not more than $1,500 for a license to transact the business of a private professional guardian; and

(b) A fee of not more than $300 for each branch office that is authorized by the Commissioner.

9. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

Sec. 10. NRS 628B.330 is hereby amended to read as follows:

628B.330 1. Within 90 days after the application for a license is filed, the Commissioner shall investigate the facts of the application and the other requirements of this chapter to determine:

(a) That each person who will serve as a sole proprietor, partner of a partnership, member of a limited-liability company or director or officer of a corporation, and any person acting in a managerial ~~[or case manager]~~ capacity ~~[,]~~ ***or in a capacity in which he or she is authorized to make discretionary decisions on behalf of the applicant,*** as applicable:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to engage in the business of a private professional guardian in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of those qualifications, including, without limitation, evidence that the applicant has passed an examination for private professional guardians specified by the Commissioner.

(2) Has not been convicted of, or entered a plea of guilty or nolo contendere to, a felony or any crime involving fraud, misrepresentation, material omission, misappropriation, conversion or moral turpitude.

(3) Has not made a false statement of material fact on the application.

(4) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license issued pursuant to the provisions of this chapter was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(5) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license as a private professional guardian company which was issued by any other state, district or territory of the United States or any foreign country was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(6) Has not violated any of the provisions of this chapter or any regulations adopted pursuant thereto.

(b) That the financial status of each sole proprietor, partner, member or director and officer of the corporation and person acting in a managerial ~~[or case manager]~~ capacity ***or in a capacity in which he or she is authorized to make discretionary decisions on behalf of the applicant*** indicates fiscal responsibility consistent with his or her position.

(c) That the name of the proposed business complies with all applicable statutes.

(d) That, except as otherwise provided in NRS 628B.540, the initial surety bond is not less than the amount required by NRS 159.065.

2. In rendering a decision on an application for a license, the Commissioner shall consider, without limitation:

(a) The proposed markets to be served and, if they extend outside this State, any exceptional risk, examination or supervision concerns associated with those markets;

(b) Whether the proposed organizational and equity structure and the amount of initial equity or fidelity and surety bonds of the applicant appear adequate in relation to the proposed business and markets, including, without limitation, the average level of assets under guardianship projected for each of the first 3 years of operation; and

(c) Whether the applicant has planned suitable annual audits conducted by qualified outside auditors of its books and records and its fiduciary activities under applicable accounting rules and standards as well as suitable internal audits.

Sec. 11. NRS 628B.380 is hereby amended to read as follows:

628B.380 1. A license issued pursuant to this chapter is not transferable or assignable, but upon the approval of the Commissioner and any applicable court of jurisdiction, a ~~[licensee]~~ ***private professional guardian company*** may merge or consolidate with, or transfer its assets and control to, another ~~[person who holds a license pursuant to this chapter.]~~ ***private professional guardian company.*** In determining whether to grant the approval, the Commissioner may consider the factors set forth in NRS 628B.330.

2. If a change in the control of a private professional guardian company occurs, the chief executive officer or managing member of the company shall report the change in control and the name of the person obtaining control to the Commissioner within 5 business days after obtaining knowledge of the change.

3. A private professional guardian company shall, within 5 business days after a change in the chief executive officer, managing member or a majority of the directors or managing directors of the company occurs, report the change to the Commissioner. The company shall include in its report to the Commissioner a statement of the past and current business and professional affiliations of each new chief executive officer, managing member, director or managing director. A new chief executive officer, managing member, director or managing director shall furnish to the Commissioner a complete financial statement on a form prescribed by the Commissioner.

4. A person who intends to acquire control of a private professional guardian company shall submit an application to the Commissioner. The application must be submitted on a form prescribed by the Commissioner. The Commissioner shall conduct an investigation pursuant to NRS 628B.330 to determine whether the person has a good reputation for honesty, trustworthiness and integrity and is competent to control the private

professional guardian company in a manner which protects the interests of the general public.

5. The private professional guardian company of which the applicant intends to acquire control shall pay the nonrefundable cost of the investigation as required by the Commissioner. If the Commissioner denies the application, the Commissioner may prohibit or limit the applicant's participation in the business.

6. As used in this section, "control" means the possession, directly or indirectly, of the authority to direct or cause the direction of the management and policy of a private professional guardian company, or a change in the ownership of at least 25 percent of the outstanding voting stock of, or participating members' interest in, the company.

Sec. 12. NRS 628B.520 is hereby amended to read as follows:

628B.520 1. A private professional guardian company licensed pursuant to this chapter shall maintain its principal office in this State.

2. To qualify as the principal office for the purposes of subsection 1, an office of the private professional guardian company must:

(a) Have a verifiable physical location in this State at which the private professional guardian company conducts such business operations in this State as are necessary to administer private professional guardianships in this State;

(b) Have available at the office a private professional guardian who ***meets the requirements set forth in paragraph (a) of subsection 1 of NRS 159.0595 and*** is ~~[licensed pursuant to this chapter,]~~ a permanent resident of this State and at least 21 years of age;

(c) Have any license issued pursuant to this chapter conspicuously displayed;

(d) Have available at the office originals or true copies of all material business records and accounts of the private professional guardian company, which must be readily available to access and readily available for examination by the Division;

(e) Have available to the public written procedures for making claims against the surety bond required to be maintained pursuant to NRS 628B.540;

(f) Have available all services to residents of this State which are consistent with the business plan of the private professional guardian company included with the application for a license; and

(g) Comply with any other requirements specified by the Commissioner.

Sec. 13. NRS 628B.530 is hereby amended to read as follows:

628B.530 1. It is unlawful for any ~~[person]~~ ***private professional guardian company*** licensed pursuant to this chapter to engage in the business of a private professional guardian at any office outside this State without the prior approval of the Commissioner.

2. Before the Commissioner will approve a branch to be located outside this State, the private professional guardian ***company*** must:

(a) Obtain from that state any required license as a private professional guardian; or

(b) Provide proof satisfactory to the Commissioner that the private professional guardian company has met all the requirements to engage in the business of a private professional guardian in that state pursuant to its laws, including, without limitation, written documentation from the appropriate court or state agency that the private professional guardian company is authorized to do business in that state.

3. For each branch location of a private professional guardian company organized under the laws of this State, and every branch location in this State of a foreign private professional guardian company authorized to do business in this State, a request for approval and licensing must be filed with the Commissioner on forms prescribed by the Commissioner. A nonrefundable fee of not more than $500, as provided by the Commissioner, must accompany each request. In addition, a fee of not more than $200, to be prorated on the basis of the licensing year as provided by the Commissioner, must be paid at the time of making the request. Money collected pursuant to this section must be deposited in the Investigative Account for Financial Institutions created by NRS 232.545.

4. A foreign corporation or limited-liability company wishing to engage in the business of a private professional guardian in this State must use a name that distinguishes it from any other private professional guardian in this State.

Sec. 14. NRS 628B.540 is hereby amended to read as follows:

628B.540 1. The Commissioner may require a private professional guardian company to maintain equity, fidelity and surety bonds in amounts that are more than the minimum required initially or at any subsequent time based on the Commissioner's assessment of the risks associated with the business plan of the private professional guardian or other information contained in the application, the Commissioner's investigation of the application or any examination of or filing by the private professional guardian company thereafter, including, without limitation, any examination before the opening of the business. In making such a determination, the Commissioner may consider, without limitation:

(a) The nature and type of business to be conducted by the private professional guardian company;

(b) The nature and liquidity of assets proposed to be held in the account of the private professional guardian company;

(c) The amount of fiduciary assets projected to be under the management or administration of the private professional guardian company;

(d) The type of fiduciary assets proposed to be held and any proposed depository of such assets;

(e) The complexity of the fiduciary duties and degree of discretion proposed to be undertaken by the private professional guardian company;

(f) The competence and experience of the proposed management of the private professional guardian company;

(g) The extent and adequacy of proposed internal controls;

(h) The proposed presence of annual audits by an independent certified public accountant, and the scope and frequency of such audits, whether they result in an opinion of the accountant and any qualifications to the opinion;

(i) The reasonableness of business plans for retaining or acquiring additional equity capital;

(j) The adequacy of fidelity and surety bonds and any additional insurance proposed to be obtained by the private professional guardian company for the purpose of protecting its fiduciary assets;

(k) The success of the private professional guardian company in achieving the financial projections submitted with its application for a license; and

(l) The fulfillment by the private professional guardian company of its representations and its descriptions of its business structures and methods and management set forth in its application for a license.

2. The director or manager of a private professional guardian company shall require fidelity bonds in the amount of at least $25,000 on the sole proprietor or each active officer, manager, ***employee and*** member acting in a managerial ~~[or case manager]~~ capacity ~~[and employee,]~~ ***or in a capacity in which he or she is authorized to make discretionary decisions on behalf of the private professional guardian company,*** regardless of whether the person receives a salary or other compensation from the private professional guardian company, to indemnify the company against loss due to any dishonest, fraudulent or criminal act or omission by a person upon whom a bond is required pursuant to this section who acts alone or in combination with any other person. A bond required pursuant to this section may be in any form and may be paid for by the private professional guardian company.

3. A private professional guardian company shall obtain suitable insurance against burglary, robbery, theft and other hazards to which it may be exposed in the operation of its business.

4. A private professional guardian company shall obtain suitable surety bonds in accordance with NRS 159.065, as applicable.

5. The surety bond obtained pursuant to subsection 4 must be in a form approved by a court of competent jurisdiction and the Division and conditioned that the applicant conduct his or her business in accordance with the requirements of this chapter. The bond must be made and executed by the principal and a surety company authorized to write bonds in this State.

6. A private professional guardian company shall at least annually prescribe the amount or penal sum of the bonds or policies of the company and designate the sureties and underwriters thereof, after considering all known elements and factors constituting a risk or hazard. The action must be recorded in the minutes kept by the private professional guardian company and reported to the Commissioner.

7. The bond must cover all matters placed with the private professional guardian company during the term of the license or a renewal thereof.

8. An action may not be brought upon any bond after 2 years from the revocation or expiration of the license.

9. After 2 years, all liability of the surety or sureties upon the bond ceases if no action is commenced upon the bond.

Sec. 15. NRS 628B.550 is hereby amended to read as follows:

628B.550 1. The fiduciary relationship which exists between a private professional guardian and the ward of the private professional guardian may not be used for the private gain of the guardian other than the remuneration for fees and expenses. A private professional guardian may not incur any obligation on behalf of the guardianship that conflicts with the discharge of the duties of the private professional guardian.

2. Unless prior approval is obtained from a court of competent jurisdiction, a private professional guardian shall not:

(a) Have any interest, financial or otherwise, direct or indirect, in any business transaction or activity with the guardianship.

(b) Acquire an ownership, possessory, security or other pecuniary interest adverse to the ward.

(c) Be knowingly designated as a beneficiary on any life insurance policy or pension or benefit plan of the ward unless such designation was validly made by the ward before the adjudication of the person's incapacity.

(d) Directly or indirectly purchase, rent, lease or sell any property or services from or to any business entity in which the private professional guardian, or the spouse or relative of the guardian, is an officer, partner, director, shareholder or proprietor or in which such a person has any financial interest.

3. Any action taken by a private professional guardian which is prohibited by this section may be voided during the term of the guardianship or by the personal representative of the ward's estate. The private professional guardian is subject to removal and to imposition of personal liability through a proceeding for discharge, in addition to any other remedies otherwise available.

4. A court shall not appoint a private professional guardian that ~~[is]~~ ***does*** not ~~[licensed pursuant to this chapter]~~ ***meet the requirements set forth in NRS 159.0595*** as the guardian of a person or estate. The court must review each guardianship involving a private professional guardian on the anniversary date of the appointment of the private professional guardian. If a private professional guardian does not ~~[hold a current license,]~~ ***meet the requirements set forth in NRS 159.0595,*** the court must replace the guardian until such time as the private professional guardian ~~[obtains the necessary license.]~~ ***meets such requirements.***

5. ~~[The provisions of NRS 159.076 regarding summary administration do not apply to a private professional guardian.~~

~~6. A licensee~~] ***A private professional guardian*** shall file any report required by the court in a timely manner.

Sec. 16. NRS 628B.560 is hereby amended to read as follows:

628B.560 1. Except as otherwise provided in NRS 159.076, a ~~[licensee]~~ ***private professional guardian company*** shall maintain a separate guardianship account for each ward into which all money received for the benefit of the ward must be deposited ~~[.]~~ ***, unless otherwise ordered by the court.*** Each guardianship account must be maintained in an insured bank or credit union located in this State, be held in a name which is sufficient to distinguish it from the personal or general checking account of the ~~[licensee]~~ ***private professional guardian company*** and be designated as a guardianship account. Each guardianship account must at all times account for all money received for the benefit of the ward and account for all money dispersed for the benefit of the ward, and no disbursement may be made from the account except as authorized under chapter 159 of NRS or as authorized by court order.

2. Each ~~[licensee]~~ ***private professional guardian company*** shall keep a record of all money deposited in each guardianship account maintained for a ward, which must clearly indicate the date and from whom the money was received, the date the money was deposited, the dates of withdrawals of money and other pertinent information concerning the transactions. Records kept pursuant to this subsection must be maintained for at least 6 years after the completion of the last transaction concerning the account. The records must be maintained at the premises in this State at which the ~~[licensee]~~ ***private professional guardian company*** is authorized to conduct business.

3. The Commissioner or his or her designee may conduct an examination of the guardianship accounts and records relating to wards of each private professional guardian company licensed pursuant to this chapter at any time to ensure compliance with the provisions of this chapter.

4. During the first year a private professional guardian ***company*** is licensed in this State, the Commissioner or his or her designee may conduct any examinations deemed necessary to ensure compliance with the provisions of this chapter.

5. If there is evidence that a private professional guardian company has violated a provision of this chapter, the Commissioner or his or her designee may conduct additional examinations to determine whether a violation has occurred.

6. Each ~~[licensee]~~ ***private professional guardian company*** shall authorize the Commissioner or his or her designee to examine all books, records, papers and effects of the private professional guardian company.

7. If the Commissioner determines that the records of a ~~[licensee]~~ ***private professional guardian company*** are not maintained in accordance with subsections 1 and 2, the Commissioner may require the ~~[licensee]~~ ***private professional guardian company*** to submit, within 60 days, an audited financial statement prepared from the records of the ~~[licensee]~~ ***private***

professional guardian company by a certified public accountant who holds a certificate to engage in the practice of public accounting in this State. The Commissioner may grant a reasonable extension of time for the submission of the financial statement if an extension is requested before the statement is due.

8. Upon the request of the Division, a ~~[licensee]~~ ***private professional guardian company*** must provide to the Division copies of any documents reviewed during an examination conducted by the Commissioner or his or her designee pursuant to subsection 4, 5 or 6. If the copies are not provided, the Commissioner may subpoena the documents.

9. For each examination of the books, papers, records and effects of a private professional guardian company that is required or authorized pursuant to this chapter, the Commissioner shall charge and collect from the private professional guardian company a fee for conducting the examination and preparing a report of the examination based upon the rate established by regulation pursuant to NRS 658.101. Failure to pay the fee within 30 days after receipt of the bill is grounds for revoking the license of the private professional guardian company.

10. All money collected under this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 17. NRS 628B.730 is hereby amended to read as follows:

628B.730 1. If the Commissioner has reason to believe that grounds for the revocation or suspension of a license exist, the Commissioner shall give at least 20 days' written notice to the ~~[licensee]~~ ***private professional guardian company*** stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the ~~[licensee]~~ ***private professional guardian company*** by registered or certified mail.

(b) Impose upon the ~~[licensee]~~ ***private professional guardian company*** an administrative fine of not more than $10,000 for each violation by the ~~[licensee]~~ ***private professional guardian company*** of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The ~~[licensee]~~ ***private professional guardian company*** has failed to pay the annual license fee;

(b) The ~~[licensee]~~ ***private professional guardian company*** has violated any provision of this chapter or any regulation adopted pursuant thereto or any lawful order of the Commissioner;

(c) The ~~[licensee]~~ ***private professional guardian company*** has failed to pay any applicable state or local tax as required;

(d) Any fact or condition exists which would have justified the Commissioner in denying the original application for a license pursuant to the provisions of this chapter; or

(e) The ~~[licensee:]~~ ***private professional guardian company:***

(1) Failed to open an office for the conduct of the business authorized by ~~[his or her]~~ ***its*** license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 30 consecutive days without good cause therefor.

4. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

5. If the Commissioner enters an order suspending or revoking a license pursuant to this section, the Commissioner shall send a copy of the order to each district court in this State.

Sec. 18. NRS 628B.920 is hereby amended to read as follows:

628B.920 ~~[A person who]~~ ***An entity that*** does not have a license issued pursuant to this chapter shall not:

1. Use the term "private professional guardian" or "guardianship services" as a part of ~~[his or her]~~ ***its*** business name.

2. Advertise or use any sign which includes the term "private professional guardian."

Sec. 19. NRS 628B.930 is hereby amended to read as follows:

628B.930 1. The Commissioner shall conduct an investigation if he or she receives a verified complaint that an unlicensed ~~[person]~~ ***entity*** is engaging in an activity for which a license is required pursuant to this chapter.

2. If the Commissioner determines that an unlicensed ~~[person]~~ ***entity*** is engaged in an activity for which a license is required pursuant to this chapter, the Commissioner shall:

(a) Issue and serve on the ~~[person]~~ ***entity*** an order to cease and desist from engaging in the activity until such time as the ~~[person]~~ ***entity*** obtains a license issued by the Commissioner; and

(b) Send a copy of the order to each district court in this State.

3. If ~~[a person]~~ ***an entity*** upon ~~[whom]~~ ***which*** an order to cease and desist is served pursuant to subsection 2 does not comply with the order within 30 days after the service of the order, the Commissioner shall, after providing to the ~~[person]~~ ***entity*** notice and an opportunity for a hearing:

(a) Impose upon the ~~[person]~~ ***entity*** an administrative fine of $10,000; or

(b) Enter into a written agreement with the ~~[person]~~ ***entity*** pursuant to which the ~~[person]~~ ***entity*** agrees to cease and desist from engaging in any activity in this State for which a license is required relating to the business of a private professional guardian and impose upon the ~~[person]~~ ***entity*** an administrative fine of not less than $5,000 and not more than $10,000.

4. The Commissioner shall bring suit in the name and on behalf of the State of Nevada against ~~[a person]~~ ***an entity*** upon ~~[whom]~~ ***which*** an administrative fine is imposed pursuant to subsection 3 to recover the amount of the administrative fine if:

(a) No petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for at least 90 days after notice of the imposition of the fine; or

(b) A petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for at least 90 days after the exhaustion of any right of appeal in the courts of this State resulting in a final determination that upholds the imposition of the fine.

5. ~~[A person's]~~ ***Any*** liability for an administrative fine is in addition to any other penalty provided for in this chapter.

Sec. 20. NRS 628B.940 is hereby amended to read as follows:

628B.940 1. If the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, the Commissioner may, in addition to any action provided for in this chapter and chapter 233B of NRS and without prejudice thereto, enter an order requiring the person to cease and desist or to refrain from such violation. If the Commissioner enters such an order pursuant to this subsection, the Commissioner shall send a copy of the order to each district court in this State.

2. The Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, irreparable harm and lack of an adequate remedy at law will be presumed and an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper. The findings of the Commissioner shall be deemed to be prima facie evidence and sufficient grounds, in the discretion of the court, for the issuance ex parte of a temporary restraining order.

3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of ~~[the person,]~~ ***a private professional guardian company,*** including books, papers, documents and records pertaining thereto, or so much thereof as a court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business, whether such books, papers, documents and records are in the possession of the ~~[person,]~~ ***private professional guardian company,*** a registered agent acting on behalf of the ~~[person]~~ ***private professional guardian company*** or any other person. If a receiver is appointed and qualified, the receiver has such powers and duties relating to the custody, collection, administration, winding up and liquidation of such property and business as may be conferred upon the receiver by the court.

4. If a receiver is appointed pursuant to subsection 3, the receiver shall remit to the owners, members or shareholders of the private professional guardian company any amount of equity of the private professional guardian company remaining after the discharge of the liabilities and payment of the normal, prudent and reasonable expenses of the receivership.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 169.

Bill read second time.

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

Amendment No. 225.

AN ACT relating to county recorders; providing that a county recorder has discretion to accept and record a document that does not meet certain formatting requirements; revising certain fees collected by a county recorder; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain documents submitted to a county recorder must meet certain formatting requirements and the county recorder is authorized to charge and collect a fee for documents which do not meet those formatting requirements. (NRS 247.110, 247.305) **Section 1** of this bill provides that a county recorder has the discretion to accept and record a document that does not meet formatting requirements. **Section 2** of this bill removes the fee charged for documents which do not comply with the formatting requirements.

Existing law requires the county recorder to charge and collect certain other fees for recording a document, including fees based on the number of pages in the document, certain indexing fees and an additional fee. (NRS 247.305) **Section 2** revises the fees collected for recording ~~[a document, from a fee for each page of a document and each portion required to be indexed to a flat fee of $36 for each document.]~~ **certain documents.** **Section 2** also increases the additional fee collected for recording certain documents from $3 to $5.

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

Section 1. NRS 247.110 is hereby amended to read as follows:

247.110 1. When a document authorized, entitled or required by law to be recorded is deposited in the county recorder's office for recording, the county recorder shall:

(a) Endorse upon it the time when it was received, noting:

(1) The year, month, day, hour and minute of its reception;

(2) The document number; and

(3) The amount of fees collected for recording the document.

(b) Record the document without delay, together with the acknowledgments, proofs and certificates, written upon or annexed to it, with the plats, surveys, schedules and other papers thereto annexed, in the order in which the papers are received for recording.

(c) Note at the upper right corner of the record and upon the document, except a map, so recorded the exact time of its reception and the name of the person at whose request it was recorded.

(d) Upon request, place a stamp or other notation upon one copy of the document presented at the time of recording to reflect the information endorsed upon the original pursuant to subparagraphs (1) and (2) of paragraph (a) and as evidence that the county recorder received the original, and return the copy to the person who presented it.

2. In addition to the information described in paragraph (a) of subsection 1, a county recorder may endorse upon a document the book and page where the document is recorded.

3. Except as otherwise provided in this section ~~[, subsection 5 of NRS 247.305]~~ and NRS 111.366 to 111.3697, inclusive, a document, except a map, certificate or affidavit of death, military discharge or document regarding taxes that is issued by the Internal Revenue Service of the United States Department of the Treasury, that is submitted for recording must be on a form authorized by NRS 104.9521 for the type of filing or ***, except as otherwise provided in subsection 5,*** must:

(a) Be on white, 20-pound paper that is 8 1/2 inches by 11 inches in size.

(b) Have a margin of 1 inch on the left and right sides and at the bottom of each page.

(c) Have a space of 3 inches by 3 inches at the upper right corner of the first page and have a margin of 1 inch at the top of each succeeding page.

(d) Not be on sheets of paper that are bound together at the side, top or bottom.

(e) Not contain printed material on more than one side of each page.

(f) Not have any documents or other materials physically attached to the paper.

(g) Not contain:

(1) Colored markings to highlight text or any other part of the document;

(2) A stamp or seal that overlaps with text or a signature on the document, except in the case of a validated stamp or seal of a professional engineer or land surveyor who is licensed pursuant to chapter 625 of NRS;

(3) Text that is smaller than a 10-point Times New Roman font and is printed in any ink other than black; or

(4) More than nine lines of text per vertical inch.

4. The provisions of subsection 3 do not apply to a document submitted for recording that has been filed with a court and which conforms to the formatting requirements established by the court.

5. ***A county recorder has the discretion to accept*** ~~***[or]***~~ ***and record a document that does not meet the formatting requirements set forth in paragraphs (a) to (g), inclusive, of subsection 3.***

6. A document is recorded when the information required pursuant to this section is placed on the document and is entered in the record of the county recorder.

Sec. 2. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

(a) ***For any document specified in paragraphs (k), (l) and (m) of section 1 of NRS 247.120, or any amendments thereto:***

(1) For recording ~~[any]~~ ***a*** document, for the first page, $10. ~~[***$36.***~~

~~(b)]~~ ***(2)*** For each additional page, $1.

~~[(c) For recording each portion of a document which must be separately indexed, after the first indexing, $3.~~

~~(d)]~~ ***(3)*** For copying ~~[any]~~ ***a*** record, for each page, $1.

(b) For any other document:

(1) For recording a document, $25.

(2) For copying a record, for each page, $1.

~~[~~(e) ~~***(e)]***~~ ***(3)*** For certifying, including certificate and seal, $4.

~~[~~(f) ~~***(d)]***~~ ***(4)*** For a certified copy of a certificate of marriage, $10.

~~[~~(g) ~~***(e)]***~~ ***(5)*** For a certified abstract of a certificate of marriage, $10.

~~[~~(h) ~~***(f)]***~~ ***(6)*** For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of $5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed ~~[$3]~~ ***$5*** for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount

of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of $1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children.

5. **[**~~[Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.~~

~~6.~~**]** Except as otherwise provided in subsection **[**~~7,~~**]** ***6,*** a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

(a) The county in which the county recorder's office is located.

(b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

~~[7.]~~ ***6.*** A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

~~[8.]~~ ***7.*** If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by $5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than $5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

~~[9.]~~ ***8.*** Except as otherwise provided in subsection 2, 3, 4 or ~~[8]~~ ***7*** or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

~~[10.]~~ ***9.*** For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 3. ~~[This act becomes effective on July 1, 2017.]~~ **(Deleted by amendment.)**

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 173.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 392.

~~[ASSEMBLYWOMEN]~~ **ASSEMBLYMEN** KRASNER; ~~[AND]~~ **JAUREGUI,** TOLLES **AND YEAGER**

AN ACT relating to civil actions; requiring an applicant for a name change to submit a statement signed under penalty of perjury; revising the requirement for publication of notice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to change his or her name by filing a petition in the district court of the district in which the person resides. The petition from an applicant for a name change must be addressed to the court and must state the applicant's present name, the name which the applicant desires to bear in the future, the reason for desiring the change and whether the applicant has been convicted of a felony. (NRS 41.270) **Section 1** of this bill requires an applicant for a name change to submit with the petition a statement signed under penalty of perjury that the applicant is not changing his or her name for a fraudulent purpose.

Existing law also requires the applicant to publish a notice of the name change in a newspaper of general circulation in the county once a week for 3 successive weeks. (NRS 41.280) **Section 2** of this bill requires such publication to be made at least one time.

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

Section 1. NRS 41.270 is hereby amended to read as follows:

41.270 Any natural person desiring to have his or her name changed may file a verified petition with the clerk of the district court of the district in which the person resides. The petition shall be addressed to the court and shall state the applicant's present name, the name which the applicant desires to bear in the future, the reason for desiring the change **,** ~~[and]~~ whether the applicant has been convicted of a felony ~~[.]~~ ***and a statement signed under penalty of perjury that the applicant is not changing his or her name for a fraudulent purpose.***

Sec. 2. NRS 41.280 is hereby amended to read as follows:

41.280 1. Except as otherwise provided in subsection 2, upon the filing of the petition, the applicant shall make out and procure a notice that must:

(a) State the fact of the filing of the petition, its object, the applicant's present name **,** ~~[and]~~ the name which the applicant desires to bear in the future ~~[:]~~ ***and the fact that the applicant submitted a statement signed under penalty of perjury that the applicant is not changing his or her name for a fraudulent purpose;*** and

(b) Be published in some newspaper of general circulation in the county ~~[once a week for 3 successive weeks.]~~ ***at least one time.***

2. If the applicant submits proof satisfactory to the court that publication of the change of name would place the applicant's personal safety at risk, the court shall not require the applicant to comply with the provisions of subsection 1 and shall order the records concerning the petition and any proceedings concerning the petition to be sealed and to be opened for inspection only upon an order of the court for good cause shown or upon the request of the applicant.

Sec. 3. NRS 41.290 is hereby amended to read as follows:

41.290 1. If, within 10 days after the ~~[last]~~ publication of the notice, no written objection is filed with the clerk, upon proof of the filing of the petition and publication of notice as required in NRS 41.280, and upon being satisfied by the statements in the petition, or by other evidence, that good reason exists therefor, the court shall make an order changing the name of the applicant as prayed for in the petition. If, within the period an objection is filed, the court shall appoint a day for hearing the proofs, respectively, of the applicant and the objection, upon reasonable notice. Upon that day, the court shall hear the proofs, and grant or refuse the prayer of the petitioner, according to whether the proofs show satisfactory reasons for making the change. Before issuing its order, the court shall specifically take into consideration the applicant's criminal record, if any, which is stated in the petition.

2. Upon the making of an order either granting or denying the prayer of the applicant, the order must be recorded as a judgment of the court. If the petition is granted, the name of the applicant must thereupon be as stated in the order and the clerk shall transmit a certified copy of the order to the State Registrar of Vital Statistics.

3. If an order grants a change of name to a person who has a criminal record, the clerk shall transmit a certified copy of the order to the Central Repository for Nevada Records of Criminal History for inclusion in that person's record of criminal history.

4. Upon receiving uncontrovertible proof that an applicant in the petition falsely denied having been convicted of a felony ~~[,]~~ ***or falsely stated under penalty of perjury that he or she is not changing his or her name for a fraudulent purpose,*** the court shall rescind its order granting the change of name and the clerk shall transmit a certified copy of the order rescinding the previous order to:

(a) The State Registrar of Vital Statistics for inclusion in the State Registrar's records.

(b) The Central Repository for Nevada Records of Criminal History for inclusion in the applicant's record of criminal history.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 180.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 229.

ASSEMBLYMEN MONROE-MORENO; BILBRAY-AXELROD, BROOKS, COHEN, **FRIERSON,** MCCURDY II, MILLER **, OHRENSCHALL, THOMPSON** AND YEAGER

AN ACT relating to juvenile justice; enacting the Juvenile Justice Bill of Rights; providing certain rights to children who are detained in a detention facility; requiring notice of those rights to be provided to children who are detained and to certain other persons, and that such notice be posted in certain locations; establishing a procedure for children to report alleged violations of those rights; **requiring detention facilities to establish policies concerning certain medication given to children who are detained;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the Juvenile Justice Bill of Rights. **Section 5** of this bill sets forth certain rights of children who are detained in a detention facility. **Section 6** of this bill requires a detention facility in which a child is detained to: (1) inform the child of the rights set forth in **section 5**; (2) provide the child and, if practicable, the parent or guardian of the child with a written copy of those rights; and (3) post a written copy of those rights in a conspicuous place inside the detention facility. **Section 7** of this bill authorizes a detention facility to place reasonable restrictions on the rights of a child based upon the time, place and manner of the child's exercise of those rights if such restrictions are necessary to preserve order, security or safety. **Section 8** of this bill authorizes a child who believes that his or her rights have been violated to raise and redress a grievance. **Section 8.5 of this bill requires each detention facility to establish appropriate policies to ensure that children who are detained in the detention facility have timely access to clinically appropriate psychotropic medication.** **Sections 9-11** of this bill make conforming changes.

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

Section 1. Chapter 62A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[8,]~~ **8.5,** inclusive, of this act.

Sec. 2. ***"Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.***

Sec. 3. ***Sections 3 to ~~[8,]~~ 8.5, inclusive, of this act may be cited as the Juvenile Justice Bill of Rights.***

Sec. 4. ***As used in sections 3 to ~~[8,]~~ 8.5, inclusive, of this act, "detention facility" includes a:***

1. Local facility for the detention of children;

2. Regional facility for the detention of children; and

3. State facility for the detention of children.

Sec. 5. ***Except as otherwise provided in section 7 of this act, a child who is placed in the care and custody of a detention facility within this State has the right:***

1. To receive information concerning his or her rights set forth in this title.

2. To be treated with basic human dignity and respect [.] , without intentional infliction of humiliation.

3. To have fair and equal access to services, placement, care, treatment and benefits.

4. To a program of [age-appropriate] education that meets the requirements of law [.] and is appropriate for the developmental maturity of the child.

5. To receive adequate, healthy [,] and appropriate [and accessible] food.

6. To receive adequate, appropriate and accessible basic necessities, including, without limitation, shelter, clean clothing and personal hygiene products and facilities.

7. To [receive] have access to necessary medical and behavioral health care services, including, without limitation:

(a) Dental, vision and mental health services;

(b) Medical and psychological screening, assessment and testing; and

(c) Referral to and receipt of medical, emotional, psychological or psychiatric evaluation and treatment as soon as practicable after the need for such services has been identified.

8. To be free from:

(a) Abuse or neglect, as defined in NRS 432B.020.

(b) Corporal punishment, as defined in NRS 388.478 [.] , except the reasonable use of force that is necessary to preserve the order, security or safety of the child, the public, the staff of the detention facility or other children who are detained in the detention facility.

(c) The administration of psychotropic medication unless the administration is consistent with [NRS 432B.197 and] the policies established pursuant [thereto.] to section 8.5 of this act.

(d) Discrimination or harassment on the basis of his or her actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity or expression, mental or physical disability or exposure to [the human immunodeficiency virus.] any communicable disease.

(e) The deprivation of food, sleep, exercise, education, pillows, blankets or personal hygiene products as a form of punishment or discipline.

(f) Being searched for the purpose of harassment [or humiliation,] or as a form of punishment or discipline.

(g) Being restricted from a daily shower, clean clothing, drinking water, a toilet or reading materials relating to the education or detention of the child as a form of punishment or discipline.

9. To have reasonable access and accommodations to participate in religious services of his or her choice when reasonably available on the premises of the detention facility or to refuse to participate in religious services.

10. To communicate with other persons, including, without limitation, the right:

(a) To have regular contact through visits, telephone calls and mail with:

(1) Biological children;

(2) Parents;

(3) Guardians;

(4) Attorneys; and

(5) Other adults with whom the child has established a familial or mentoring relationship, including, without limitation, clergy, caseworkers, teachers, mentors and other persons, upon approval of the ~~[agency which provides child welfare services,]~~ detention facility.

(b) To communicate confidentially with:

(1) ~~[The]~~ Any agency which provides child welfare services to the child concerning his or her care;

(2) Attorneys, legal services organizations and their employees and staff;

(3) Ombudspersons and other advocates;

(4) Members of the clergy; and

(5) Holders of public office, and people who work at a state or federal court.

➥ Except as otherwise provided by specific statute, a communication made pursuant to this paragraph is not a privileged communication.

(c) To report any alleged violation of his or her rights pursuant to section 8 of this act without being threatened or punished.

11. To ~~[attend]~~ participate, in person, by telephone or by videoconference, in all court hearings pertaining to the circumstances which led to the detention of the child.

Sec. 6. *A detention facility shall:*

1. Inform the child of his or her rights as set forth in section 5 of this act;

2. Provide the child with a written copy of those rights;

3. Provide an additional written copy of those rights to the child upon request;

4. To the extent that it is practicable, provide a written copy of those rights to the parent or guardian of the child; and

5. Post a written copy of the rights set forth in section 5 of this act in a conspicuous place inside the detention facility.

Sec. 7. *A detention facility may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in section 5 of this act if such restrictions are necessary to preserve the order, security or safety of the child, the public, the staff of the detention facility or other children who are detained in the detention facility.*

Sec. 8. ***If a child believes that any of his or her rights set forth in section 5 of this act have been violated, the child may raise and redress a grievance through, without limitation:***

1. A member of the staff of the detention facility;

2. A probation officer or parole officer;

3. An agency which provides child welfare services to the child, and any employee thereof;

4. A juvenile court with jurisdiction over the child;

5. A guardian ad litem for the child;

6. An attorney for the child; or

7. The use of any appropriate procedure which has been established by the Division of Child and Family Services to address grievances for children, both in and out of detention.

Sec. 8.5. ***Each detention facility shall establish appropriate policies to ensure that children who are detained in the detention facility have timely access to and safe administration of clinically appropriate psychotropic medication. The policies must include, without limitation, policies concerning:***

1. The use of psychotropic medication in a manner that has not been tested or approved by the United States Food and Drug Administration, including, without limitation, the use of such medication for a child who is of an age that has not been tested or approved or who has a condition for which the use of the medication has not been tested or approved;

2. The concurrent use by a child of three or more classes of psychotropic medication; and

3. The concurrent use by a child of two psychotropic medications of the same class.

Sec. 9. NRS 62A.010 is hereby amended to read as follows:

62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.020 to 62A.350, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 62A.380 is hereby amended to read as follows:

62A.380 1. In carrying out the objects and purposes of this title, the juvenile court may use the services and facilities of the agency which provides child welfare services.

2. The agency which provides child welfare services shall determine the plans, placements and services to be provided to any child pursuant to the provisions of this title, chapter 432 of NRS, NRS 432B.010 to 432B.400, inclusive, and 432B.4681 to 432B.469, inclusive.

~~[3. As used in this section, "agency which provides child welfare services" means:~~

~~(a) In a county whose population is less than 100,000, the local office of the Division of Child and Family Services; or~~

~~(b) In a county whose population is 100,000 or more, the agency of the county,~~

~~which provides or arranges for necessary child welfare services.~~**]**

Sec. 11. NRS 62D.420 is hereby amended to read as follows:

62D.420 1. In each proceeding conducted pursuant to the provisions of this title, the juvenile court may:

(a) Receive all competent, material and relevant evidence that may be helpful in determining the issues presented, including, but not limited to, oral and written reports; and

(b) Rely on such evidence to the extent of its probative value.

2. The juvenile court shall afford the parties and their attorneys an opportunity to examine and controvert each written report that is received into evidence and to cross-examine each person who made the written report, when reasonably available.

3. In any proceeding involving a child for which the court has access to records relating to the custody of the child or the involvement of the child with an agency which provides child welfare services, the juvenile court may review those records to assist the court in determining the appropriate placement or plan of treatment for the child.

4. Except when a record described in subsection 3 would otherwise be admissible as evidence in the proceeding, the juvenile court shall not use a record reviewed pursuant to subsection 3 to prove that the child committed a delinquent act or is in need of supervision or for any purpose other than a purpose set forth in subsection 3. Except as otherwise provided in subsection 5, such records must not be disclosed or otherwise made open to inspection unless the records are admitted as evidence and used to determine the disposition of the case.

5. The juvenile court shall afford the parties and their attorneys an opportunity to examine and address any record reviewed by the juvenile court pursuant to subsection 3.

[~~6. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.~~**]**

Sec. 12. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 190.

Bill read second time.

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

Amendment No. 44.

AN ACT relating to occupational safety; requiring **certain** employees on certain sites related to the entertainment industry to receive certain health and safety training; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 11 of this bill requires: (1) supervisory employees working on certain sites related to the entertainment industry to complete a specified 30-hour health and safety course not later than 15 days after being hired; and (2) certain other workers working on such a site to complete a specified 10-hour course not later than 15 days after being hired. **Section 7 of this bill defines "worker" to include only those persons whose primary occupation is to perform work on such a site, and section 7.5 of this bill provides that the requirements in this bill do not apply to a person who is a volunteer or other person who is not paid to work on such a site.**

Section 9 of this bill requires the Division of Industrial Relations of the Department of Business and Industry to adopt regulations approving courses which may be used to fulfill the requirements of **section 11**. **Section 10** of this bill requires providers of approved courses to display the card evidencing their authorization by the Occupational Safety and Health Administration of the United States Department of Labor to provide such a course at the location at which the course is being provided.

Section 12 of this bill requires employers to suspend or terminate the employment of an employee on an applicable site who fails to provide proof of obtaining the required training not later than 15 days after being hired. **Section 13** of this bill provides for administrative fines for employers who fail to suspend or terminate certain employees on a site after the 15-day period if those employees have not obtained the required training.

Section 16 of this bill: (1) allows employees to satisfy the requirements of **section 11** by completing an alternative course offered by their employer; (2) requires an employee that satisfies the requirements of **section 11** by completing an alternative course to take an approved course before January 1, 2019; and (3) requires an employer to maintain and make available to the Division of Industrial Relations a record of all employees that have completed an alternative course until a date to be established by the Division by regulation.

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

Section 1. Chapter 618 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"OSHA-10 course" means a 10-hour course in general industry safety and health hazard recognition and prevention developed by the Occupational Safety and Health Administration of the United States Department of Labor.***

Sec. 4. ***"OSHA-30 course" means a 30-hour course in general industry safety and health hazard recognition and prevention developed by***

the Occupational Safety and Health Administration of the United States Department of Labor.

Sec. 5. *"Site" means a theater where live entertainment is performed, a sound stage, a showroom, a lounge, an arena or a remote site which has been designated as a location for the production of a motion picture or television program.*

Sec. 6. *"Supervisory employee" means any person having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday.*

Sec. 7. *"Worker" means a person ~~[employed]~~ whose primary occupation is to perform work on a site, including, without limitation, the construction, installation, maintenance, operation, repair or removal of:*

1. Theatrical scenery, rigging or props;

2. Wardrobe, hair or makeup;

3. Audio, camera, projection, video or lighting equipment; or

4. Any other items or parts which are related to or components of the items described in subsection 1, 2 or 3 and which are used for or in conjunction with the presentation or production of:

(a) Live entertainment;

(b) Filmmaking or photography, including, without limitation, motion pictures;

(c) Television programs, including, without limitation, live broadcasts, closed-circuit broadcasts or videotape recordings and playback;

(d) Sporting events; or

(e) Theatrical performances.

Sec. 7.5. The provisions of sections 2 to 13, inclusive, of this act do not apply to a volunteer or any other person who is not paid to perform work on a site.

Sec. 8. *The Division may adopt such regulations as are necessary to carry out the provisions of sections 2 to 13, inclusive, of this act.*

Sec. 9. *1. The Division shall, by regulation, approve OSHA-10 courses and OSHA-30 courses for the purposes of fulfilling the requirements of section 11 of this act.*

2. The Division shall establish a registry to track the providers of courses approved pursuant to subsection 1.

3. The Division shall adopt regulations that set forth guidelines for job-specific training to qualify as continuing education for the purposes of section 11 of this act.

Sec. 10. *1. Each trainer shall display his or her trainer card in a conspicuous manner at each location where the trainer provides an OSHA-10 course or OSHA-30 course.*

2. No person other than a trainer may provide an OSHA-10 course or OSHA-30 course.

3. As used in this section:

(a) "Trainer" means a person who is currently authorized by the Occupational Safety and Health Administration of the United States Department of Labor as a trainer, including, without limitation, a person who has completed OSHA 501, the Trainer Course in OSHA Standards for General Industry.

(b) "Trainer card" means the card issued upon completion of OSHA 501, the Trainer Course in OSHA Standards for General Industry, which reflects the authorization of the holder by the Occupational Safety and Health Administration of the United States Department of Labor to provide OSHA-10 courses and OSHA-30 courses.

Sec. 11. *1. Not later than 15 days after the date a worker other than a supervisory employee is hired, the worker must:*

(a) Obtain a completion card for an OSHA-10 course which is issued upon completion of a course approved by the Division pursuant to section 9 of this act; or

(b) Complete an OSHA-10 alternative course which is offered by his or her employer.

2. Not later than 15 days after the date a supervisory employee is hired, the supervisory employee must:

(a) Obtain a completion card for an OSHA-30 course which is issued upon completion of a course approved by the Division pursuant to section 9 of this act; or

(b) Complete an OSHA-30 alternative course which is offered by his or her employer.

3. Any completion card used to satisfy the requirements of this section expires 5 years after the date it is issued and may be renewed by:

(a) Completing an OSHA-10 course or OSHA-30 course, as applicable, within the previous 5 years; or

(b) Providing proof satisfactory to the Division that the worker has completed continuing education within the previous 5 years consisting of job-specific training that meets the guidelines established by the Division pursuant to section 9 of this act in an amount of:

(1) For a completion card issued for an OSHA-10 course, not less than 5 hours; or

(2) For a completion card issued for an OSHA-30 course, not less than 15 hours.

4. As used in this section:

(a) "OSHA-10 alternative course" means a 10-hour course offered to the employees of an employer that meets or exceeds the guidelines issued

by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA-10 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.

(b) "OSHA-30 alternative course" means a 30-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA-30 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.

Sec. 12. *1. If a worker other than a supervisory employee fails to:*

(a) Present his or her employer with a current and valid completion card for an OSHA-10 course; or

(b) Complete an OSHA-10 alternative course offered by his or her employer,

↪ not later than 15 days after being hired, the employer shall suspend or terminate his or her employment.

2. If a supervisory employee on a site fails to:

(a) Present his or her employer with a current and valid completion card for an OSHA-30 course; or

(b) Complete an OSHA-30 alternative course offered by his or her employer,

↪ not later than 15 days after being hired, the employer shall suspend or terminate his or her employment.

3. As used in this section:

(a) "OSHA-10 alternative course" means a 10-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA-10 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.

(b) "OSHA-30 alternative course" means a 30-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA-30 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.

Sec. 13. *1. If the Division finds that an employer has failed to suspend or terminate an employee as required by section 12 of this act, the Division shall:*

(a) Upon the first violation, in lieu of any other penalty under this chapter, impose upon the employer an administrative fine of not more than $500.

(b) Upon the second violation, in lieu of any other penalty under this chapter, impose upon the employer an administrative fine of not more than $1,000.

(c) Upon the third and each subsequent violation, impose upon the employer the penalty provided in NRS 618.635 as if the employer had committed a willful violation.

2. For the purposes of this section, any number of violations discovered in a single day constitutes a single violation.

3. Before a fine or any other penalty is imposed upon an employer pursuant to this section, the Division must follow the procedures set forth in this chapter for the issuance of a citation, including, without limitation, the procedures set forth in NRS 618.475 for notice to the employer and an opportunity for the employer to contest the violation.

Sec. 14. Section 11 of this act is hereby amended to read as follows:

Sec. 11. 1. Not later than 15 days after the date a worker other than a supervisory employee is hired, the worker must ~~[~~**:**

~~(a) Obtain~~**]** ***obtain*** a completion card for an OSHA-10 course which is issued upon completion of a course approved by the Division pursuant to section 9 of this act **.** ~~[~~**;** ~~or~~

~~(b) Complete an OSHA 10 alternative course which is offered by his or her employer.~~**]**

2. Not later than 15 days after the date a supervisory employee is hired, the supervisory employee must ~~[~~**:**

~~(a) Obtain~~**]** ***obtain*** a completion card for an OSHA-30 course which is issued upon completion of a course approved by the Division pursuant to section 9 of this act **.** ~~[~~**;** ~~or~~

~~(b) Complete an OSHA 30 alternative course which is offered by his or her employer.~~**]**

3. Any completion card used to satisfy the requirements of this section expires 5 years after the date it is issued and may be renewed by:

(a) Completing an OSHA-10 course or OSHA-30 course, as applicable, within the previous 5 years; or

(b) Providing proof satisfactory to the Division that the worker has completed continuing education within the previous 5 years consisting of job-specific training that meets the guidelines established by the Division pursuant to section 9 of this act in an amount of:

(1) For a completion card issued for an OSHA-10 course, not less than 5 hours; or

(2) For a completion card issued for an OSHA-30 course, not less than 15 hours.

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

~~(a) "OSHA 10 alternative course" means a 10 hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA 10 course, including,~~

~~without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.~~

~~(b) "OSHA 30 alternative course" means a 30-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA 30 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.~~**]**

Sec. 15. Section 12 of this act is hereby amended to read as follows:

Sec. 12. 1. If a worker other than a supervisory employee fails to ~~**[**~~**:**

~~(a) Present~~**]** ***present*** his or her employer with a current and valid completion card for an OSHA-10 course ~~**[**~~**; or**

~~(b) Complete an OSHA 10 alternative course offered by his or her employer,~~

~~**]**~~ not later than 15 days after being hired, the employer shall suspend or terminate his or her employment.

2. If a supervisory employee on a site fails to ~~**[**~~**:**

~~(a) Present~~**]** ***present*** his or her employer with a current and valid completion card for an OSHA-30 course ~~**[**~~**; or**

~~(b) Complete an OSHA 30 alternative course offered by his or her employer,~~

~~**]**~~ not later than 15 days after being hired, the employer shall suspend or terminate his or her employment.

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

~~(a) "OSHA 10 alternative course" means a 10-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA 10 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.~~

~~(b) "OSHA 30 alternative course" means a 30-hour course offered to the employees of an employer that meets or exceeds the guidelines issued by the Occupational Safety and Health Administration of the United States Department of Labor for an OSHA 30 course, including, without limitation, federal safety and health regulatory requirements specific to the industry in which the employer participates.~~**]**

Sec. 16. 1. Not later than January 1, 2019, ~~**[an]**~~ **a worker or supervisory** employee who satisfies the requirements of subsection 1 or 2 of section 11 of this act by completing an OSHA-10 alternative course or OSHA-30 alternative course, as defined in section 11 of this act, must complete an OSHA-10 course or OSHA-30 course, as defined in sections 3 and 4 of this act, as applicable, in order to continue to satisfy the requirements of subsection 1 or 2 of section 11 of this act.

2. An employer shall maintain a record of all **workers and supervisory** employees who have completed an OSHA-10 alternative course or OSHA-30 alternative course offered by the employer and the date upon which the **worker or** employee completed the course. The employer shall make the record available at all times for inspection by the Division of Industrial Relations of the Department of Business and Industry and its authorized agents.

3. The Division of Industrial Relations shall, by regulation, establish the length of time that an employer must maintain the record described in subsection 2.

4. As used in this section, "worker" has the meaning ascribed to it in section 7 of this act.

Sec. 17. 1. This section and sections 1 to 13, inclusive, and 16 of this act become effective on January 1, 2018.

2. Sections 14 and 15 of this act become effective on January 1, 2019.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 202.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 222.

ASSEMBLYMEN JOINER ~~[.]~~ **, COHEN;** SWANK AND THOMPSON.

JOINT SPONSORS: SENATORS CANCELA AND RATTI.

SUMMARY— ~~[Revises provisions relating to the Silver State Opportunity Grant Program.]~~ **Requires an interim study concerning the cost and affordability of higher education in this State.** (BDR ~~[34-722)]~~ **S-722)**

AN ACT relating to education; ~~[providing for the award of grants under the Silver State Opportunity Grant Program to qualified students enrolled in universities within the Nevada System of Higher Education; providing that money received from a grant awarded under the Program may be used to pay for the cost of education at more than one community college, state college or university within the System;]~~ **directing the Legislative Commission to appoint a committee to conduct an interim study concerning the cost and affordability of higher education in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates the Silver State Opportunity Grant Program. Under the Program, the Board of Regents of the University of Nevada is required to award grants to eligible students who are enrolled in community colleges and state colleges that are part of the Nevada System of Higher Education to pay for a portion of the cost of education at such institutions. (NRS 396.952)~~

~~Sections 1-4 of this bill provide that students who are enrolled in a university that is a part of the System are also eligible for a grant under the Program. Section 2 of this bill additionally provides that money received from a grant awarded under the Program may be used to pay for the cost of education at more than one community college, state college or university within the System.~~] **Section 1 of this bill requires the Legislative Commission to appoint a committee to conduct an interim study concerning the cost and affordability of higher education in this State and prescribes the membership of the committee. Section 1 also requires this committee to: (1) consult with and solicit input from persons and organizations with expertise in matters relevant to the cost of higher education and funding methods for higher education; and (2) submit a report of its findings and any recommendations to the Legislature. Section 3 of this bill requires the Legislative Counsel Bureau and the Nevada System of Higher Education to provide administrative and technical assistance to the committee at the request of the Chair of the committee.**

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

Delete existing sections 1 through 6 of this bill and replace with the following new sections 1 through 4:

Section 1. **1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the cost and affordability of higher education in the State of Nevada for students.**

2. The committee must be composed of:

(a) Two voting members of the Legislature appointed by the Majority Leader of the Senate;

(b) Two voting members of the Legislature appointed by the Speaker of the Assembly;

(c) One voting member of the Legislature appointed by the Minority Leader of the Senate;

(d) One voting member of the Legislature appointed by the Minority Leader of the Assembly;

(e) One nonvoting member of the general public who is a faculty member in the Nevada System of Higher Education appointed by the Chair of the Legislative Commission from among the names of nominees submitted by the Board of Regents of the University of Nevada pursuant to subsection 3; and

(f) One nonvoting member of the general public who is a student enrolled in the Nevada System of Higher Education appointed by the Chair of the Legislative Commission from among the names of nominees submitted by the Board of Regents of the University of Nevada pursuant to subsection 3.

3. The Board of Regents of the University of Nevada shall submit to the Legislative Commission the names of at least three:

(a) Faculty members in the Nevada System of Higher Education qualified for membership on the committee.

(b) Students enrolled in the Nevada System of Higher Education qualified for membership on the committee.

4. The Speaker of the Assembly shall appoint a Chair and a Vice Chair of the committee.

5. The committee shall consult with and solicit input from persons and organizations with expertise in matters relevant to the cost of higher education in this State and funding methods for higher education in this State.

6. The committee shall submit a report of its findings, including, without limitation, any recommendations for legislation, to the 80th Session of the Nevada Legislature.

Sec. 2. **In studying the cost and affordability of higher education in the State of Nevada, the committee appointed pursuant to section 1 of this act shall:**

1. Examine the cost and affordability of higher education in the State of Nevada for students, including, without limitation:

(a) The average cost of higher education for a student relative to the average income earned by a student;

(b) The affordability of higher education for a student in this State compared to other states;

(c) Options for the creation of a need-based grant program for the purpose of awarding grants to eligible students to pay for a portion of the cost of education at an institution within the Nevada System of Higher Education similar to the Silver State Opportunity Grant Program created by NRS 396.952; and

(d) Any programs, policies and funding that may make higher education more financially accessible to residents of this State, including, without limitation, an examination of the factors contributing to the current cost of higher education and ways to address them;

2. Examine and evaluate the need in this State for existing and potential programs of higher education to ensure economic progress and development and workforce development within this State and to ensure that the educational needs of its residents are being met;

3. Identify areas of study which are of high priority and where needs are not currently being met, including, without limitation, the areas of nursing and teaching;

4. Determine whether it is feasible to reallocate existing resources within institutions of the Nevada System of Higher Education to meet the critical needs of higher education in the State that are not currently being met;

5. Determine whether legislative appropriations and student fee revenues are being efficiently distributed internally at each institution of the Nevada System of Higher Education;

6. Examine whether the system of compensation for faculty at each institution of the Nevada System of Higher Education is appropriate in order to recruit and retain quality faculty that further programs of higher education and research; and

7. Recommend to the Board of Regents of the University of Nevada and the Legislature such action as may be needed:

(a) To address findings relating to the affordability and programs of higher education, including, without limitation, where long-term investments should be made to improve affordability and address workforce needs; and

(b) For the efficient and effective operation of higher education in this State if the State is to progress economically and socially.

Sec. 3. **The Legislative Counsel Bureau and the Nevada System of Higher Education shall provide administrative and technical assistance to the committee appointed pursuant to section 1 of this act as requested by the Chair of the committee.**

Sec. 4. **This act becomes effective on July 1, 2017.**

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 228.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 191.

ASSEMBLYMEN PICKARD; COHEN AND TOLLES

JOINT SPONSORS: SENATORS DENIS, GANSERT, GOICOECHEA, HAMMOND, HARDY, HARRIS, PARKS AND ROBERSON

AN ACT relating to parental rights; revising provisions governing the required service regarding a proceeding for the termination of parental rights; revising the time for a hearing to terminate parental rights; making certain hearings, files and records of the court relating to a proceeding for the termination of parental rights confidential in certain circumstances; authorizing the termination of parental rights in certain circumstances involving a sexual assault; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that service of notice, including, without limitation, by personal service, publication or mailing, must be attempted on a parent, legal custodian or guardian or relative of a child before the commencement of a proceeding for the termination of parental rights. (NRS 128.060,

128.070) Existing law requires personal service to be attempted on a parent or legal custodian or guardian in such a case if the parent or legal custodian or guardian resides in this State. **Section 2** of this bill removes the requirement that the person live in this State so that personal service must be attempted on such a person regardless of residence. If personal service is not feasible, **sections 3 and 4** of this bill authorize the publication of a notice of hearing for the termination of parental rights under certain conditions, after the clerk of the court has replaced every instance of the name of the child with the initials of the child on the notice of hearing.

Existing law requires a hearing to terminate the parental rights of a father, at the request of the mother of an unborn child, to be held after the birth of the child or 6 months after the filing of the petition, whichever is later. (NRS 128.085) **Section 5** of this bill allows such a hearing to take place any time after the birth of the child and service on the father or putative father, if known, is completed.

Existing law requires all hearings, files and records of a court relating to an adoption proceeding to be confidential. (NRS 127.140) **Sections 6 and 8** of this bill similarly require that the hearings, files and records of a court relating to a proceeding to terminate parental rights are confidential, with certain exceptions.

Existing law specifies that if a child is conceived as the result of a sexual assault and the person convicted of the sexual assault is the natural father of the child, that person has no right to custody of the child or visitation except in certain circumstances. (NRS 125C.210) **Section 7** of this bill provides that the conviction of the natural ~~[father]~~ **parent** of a child for a sexual assault which resulted in the conception of the child is grounds for terminating the parental rights of the natural ~~[father.]~~ **parent.**

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

Section 1. NRS 128.050 is hereby amended to read as follows:

128.050 1. The proceedings must be entitled, "In the matter of the parental rights as to ....., a minor."

2. A petition must be verified and may be upon information and belief. It must set forth plainly:

(a) The facts which bring the child within the purview of this chapter.

(b) The name, age and residence of the child.

(c) The names and residences of the parents of the child.

(d) The name and residence of the person or persons having physical custody or control of the child.

(e) The name and residence of the child's legal guardian, if there is one.

(f) The name and residence of the child's nearest known relative **,** ~~[residing within the State,]~~ if no parent or guardian can be found.

(g) Whether the child is known to be an Indian child.

3. If any of the facts required by subsection 2 are not known by the petitioner, the petition must so state.

4. If the petitioner is a mother filing with respect to her unborn child, the petition must so state and must contain the name and residence of the father or putative father, if known.

5. If the petitioner or the child is receiving public assistance, the petition must so state.

Sec. 2. NRS 128.060 is hereby amended to read as follows:

128.060 1. After a petition has been filed, unless the party or parties to be served voluntarily appear and consent to the hearing, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition and stating the date set for the hearing thereof, and requiring the person served therewith to appear before the court at the time and place if that person desires to oppose the petition.

2. ~~[The]~~ ***Except as otherwise provided in NRS 128.070, the*** following persons must be personally served with the notice:

(a) The father or mother of the minor person, ~~[if residing within this State, and]~~ if his or her place of residence is known to the petitioner, ~~[or, if there is no parent so residing,]~~ or if the place of residence of the father or mother is not known to the petitioner, then the nearest known relative of that person, if there is any residing within the State, and if his or her residence and relationship are known to the petitioner; and

(b) The minor's legal custodian or guardian, ~~[if residing within this State and]~~ if his or her place of residence is known to the petitioner.

3. If the petitioner or the child is receiving public assistance, the petitioner shall mail a copy of the notice of hearing and a copy of the petition to the Chief of
the Child ***Support*** Enforcement Program of the Division of Welfare and Supportive Services of the Department of Health and Human Services by registered or certified mail return receipt requested at least 45 days before the hearing.

Sec. 3. NRS 128.070 is hereby amended to read as follows:

128.070 1. When the father or mother of a minor child or the child's legal custodian or guardian ~~[resides out of the State, has departed from the State, or]~~ cannot, after due diligence, be found ~~[within the State,]~~ or conceals himself or herself to avoid the service of the notice of hearing, and the fact appears, by affidavit, to the satisfaction of the court thereof, and it appears, either by affidavit or by a verified petition on file, that the named father or mother or custodian or guardian is a necessary or proper party to the proceedings, the court may grant an order that the service be made by the publication of the notice of hearing. When the affidavit is based on the fact that the ***present address of the*** father or mother or custodian or guardian ~~[resides out of the State, and his or her present address]~~ is unknown, it is a sufficient showing of that fact if the affiant states generally in the affidavit that:

(a) At a previous time the person resided ~~[out of this State]~~ in a certain place (naming the place and stating the latest date known to the affiant when the person so resided there);

(b) That place is the last place in which the person resided to the knowledge of the affiant;

(c) The person no longer resides at that place; ***and***

(d) The affiant does not know the present place of residence of the person or where the person can be found **. [**~~; and~~

~~(e) The affiant does not know and has never been informed and has no reason to believe that the person now resides in this State.~~**]**

➥ In such case, ~~[it shall be presumed that the person still resides and remains out of the State, and]~~ the affidavit shall be deemed to be a sufficient showing of due diligence to find the father or mother or custodian or guardian.

2. The order must direct the publication to be made in a newspaper, to be designated by the court, for a period of 4 weeks, and at least once a week during that time. ~~[In case of publication, where the residence of a nonresident or absent father or mother or custodian or guardian is known, the court shall also direct a copy of the notice of hearing and petition to be deposited in the post office, directed to the person to be served at his or her place of residence.]~~ When publication is ordered, personal service of a copy of the notice of hearing and petition ~~[, out of the State,]~~ is equivalent to completed service by publication **,** ~~[and deposit in the post office,]~~ and the person so served has 20 days after the service to appear and answer or otherwise plead. The service of the notice of hearing shall be deemed complete in cases of publication at the expiration of 4 weeks from the first publication **. [**~~, and in cases when a deposit of a copy of the notice of hearing and petition in the post office is also required, at the expiration of 4 weeks from the deposit.~~**]**

3. ~~[Personal service outside the State upon a father or mother over the age of 18 years or upon the minor's legal custodian or guardian may be made in any action where the person served is a resident of this State. When the facts appear, by affidavit, to the satisfaction of the court, and it appears, either by affidavit or by a verified petition on file, that the person in respect to whom the service is to be made is a necessary or proper party to the proceedings, the court may grant an order that the service be made by personal service outside the State. The service must be made by delivering a copy of the notice of hearing together with a copy of the petition in person to the person served. The methods of service are cumulative, and may be utilized with, after or independently of other methods of service.]~~ ***Before a notice of hearing is published pursuant to subsection 2, the clerk of the court shall ensure that the name of the minor child is replaced with the initials of the minor child in every instance where the name of the minor child appears in the notice of hearing.***

4. Whenever personal service cannot be made, the court may require, before ordering service by publication **,** ~~[or by publication and mailing,]~~ such further and additional search to determine the whereabouts of the person to

be served as may be warranted by the facts stated in the affidavit of the petitioner to the end that actual notice be given whenever possible.

5. If one or both of the parents of the minor is unknown, or if the name of either or both of the parents of the minor is uncertain, then those facts must be set forth in the affidavit and the court shall order the notice to be directed and addressed to either the father or the mother of the person, and to all persons claiming to be the father or mother of the person. The notice, after the caption, must be addressed substantially as follows: "To the father and mother of the above-named person, and to all persons claiming to be the father or mother of that person."

Sec. 4. NRS 128.080 is hereby amended to read as follows:

128.080 ~~[The]~~ ***Except as otherwise provided in subsection 3 of NRS 128.070, the*** notice must be in substantially the following form:

In the ..... Judicial District Court of the State of Nevada,
in and for the County of .....

In the matter of parental rights
as to ....., a minor.

Notice

To ....., the father or ....., the mother of the above-named person; or, to the father and mother of the above-named person, and to all persons claiming to be the father or mother of this person; or, to ....., related to the above-named minor as .....; and, to ....., the legal custodian or guardian of the above-named minor:

You are hereby notified that there has been filed in the above-entitled court a petition praying for the termination of parental rights over the above-named minor person, and that the petition has been set for hearing before this court, at the courtroom thereof, at ....., in the County of ....., on the ..... day of the month of ……. of the year ..... at..... o'clock .....m., at which time and place you are required to be present if you desire to oppose the petition.

Dated ..... (month) ..... (day) ..... (year)

.....
Clerk of Court

(SEAL)

By.....
Deputy

Sec. 5. NRS 128.085 is hereby amended to read as follows:

128.085 When the mother of an unborn child files a petition for termination of the father's parental rights, the father or putative father, if known, shall be served with notice of the hearing in the manner provided for

in NRS 128.060, 128.070 and 128.080. The hearing ~~[shall not]~~ ***may*** be held ~~[until]~~ ***at any time after*** the birth of the child ~~[or 6 months after the filing of the petition, whichever is later.]~~ ***and service on the father or putative father, if known, is complete.***

Sec. 6. NRS 128.090 is hereby amended to read as follows:

128.090 1. At the time stated in the notice, or at the earliest time thereafter to which the hearing may be postponed, the court shall proceed to hear the petition.

2. The proceedings are civil in nature and are governed by the Nevada Rules of Civil Procedure. The court shall in all cases require the petitioner to establish the facts by clear and convincing evidence and shall give full and careful consideration to all of the evidence presented, with regard to the rights and claims of the parent of the child and to any and all ties of blood or affection, but with a dominant purpose of serving the best interests of the child.

3. Information contained in a report filed pursuant to NRS 432.0999 to 432.130, inclusive, or chapter 432B of NRS may not be excluded from the proceeding by the invoking of any privilege.

4. In the event of postponement, all persons served, who are not present or represented in court at the time of the postponement, must be notified thereof in the manner provided by the Nevada Rules of Civil Procedure.

5. Any hearing held pursuant to this section must be held in closed court without admittance of any person other than those necessary to the action or proceeding, unless the court determines that holding such a hearing in open court will not be detrimental to the child.

6. Except as otherwise provided in subsection 7, any hearing held pursuant to NRS 128.005 to 128.150, inclusive, is confidential and must be held in closed court without the admittance of any person other than the petitioner, attorneys, any witnesses, the director of an agency which provides child welfare services or an authorized representative of such person and any other person entitled to notice, except by order of the court.

7. The files and records of the court in a proceeding to terminate parental rights pursuant to NRS 128.005 to 128.150, inclusive, are not open to inspection by any person except:

(a) The person petitioning for the termination of parental rights and a person who intends to file a response to such a petition; or

(b) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor.

Sec. 7. NRS 128.105 is hereby amended to read as follows:

128.105 1. The primary consideration in any proceeding to terminate parental rights must be whether the best interests of the child will be served by the termination. An order of the court for the termination of parental rights must be made in light of the considerations set forth in this section and NRS 128.106 to 128.109, inclusive, and based on evidence and include a finding that:

(a) The best interests of the child would be served by the termination of parental rights; and

(b) The conduct of the parent or parents was the basis for a finding made pursuant to subsection 3 of NRS 432B.393 or demonstrated at least one of the following:

(1) Abandonment of the child;

(2) Neglect of the child;

(3) Unfitness of the parent;

(4) Failure of parental adjustment;

(5) Risk of serious physical, mental or emotional injury to the child if the child were returned to, or remains in, the home of his or her parent or parents;

(6) Only token efforts by the parent or parents:

(I) To support or communicate with the child;

(II) To prevent neglect of the child;

(III) To avoid being an unfit parent; or

(IV) To eliminate the risk of serious physical, mental or emotional injury to the child; ~~[or]~~

(7) With respect to termination of the parental rights of one parent, the abandonment by that parent ~~[.]~~ ***; or***

(8) The child was conceived as a result of a sexual assault for which the natural ~~[father]~~ parent was convicted.

2. Before making a finding pursuant to subparagraph (5) of paragraph (b) of subsection 1, if the child has been out of the care of his or her parent or guardian for at least 12 consecutive months, the court shall consider, without limitation:

(a) The placement options for the child;

(b) The age of the child; and

(c) The developmental, cognitive and psychological needs of the child.

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, ***128.090,*** 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,

228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and

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

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

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

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

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

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

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 232.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 192.

AN ACT relating to civil actions; establishing the procedure for changing the name of a minor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to change his or her name by filing a petition in the district court of the district in which the person resides. (NRS 41.270) **Sections** ~~[2-7]~~ **2-7.5** of this bill establish the procedure for changing the name of a minor. **Section 5** of this bill authorizes the parent of an

unemancipated minor to file a petition to change the name of the minor. The petition must include **:** ~~[the:]~~ (1) **the** minor's present name; (2) **the** name the minor will bear in the future; (3) **the** reason for the name change; (4) **the** consent of the minor if the minor is over 14 years of age; (5) **the verified** consent of the other parent, if any; ~~[and]~~ (6) **the** name and address of the other parent of the minor, if known ~~[.]~~ **; and (7) whether the minor has been convicted of a felony.**

Section 6 of this bill requires the petitioning parent to personally serve notice upon the other parent unless the other parent consents to the change of name. If the petitioning parent can establish to the court that notice cannot be personally served on the other parent, the court may order the petitioning parent to: (1) publish the notice in a newspaper of general circulation for 3 successive weeks; and (2) serve notice and a copy of the petition by mail to the other parent's last known address.

Section 7 of this bill requires the court to make an order changing the name of the minor as requested in the petition upon being satisfied by the statements in the petition or other evidence that good reason exists, if: (1) **verified consent of** the other parent ~~[consents;]~~ **is stated in the petition;** or (2) no written objection is filed within 10 days after the other parent is personally served or the last publication of notice as ordered by the court, upon proof of filing and evidence of service. **Section 7** also requires the court to hold a hearing if an objection is filed. The order must be recorded as a judgment of the court and the clerk is required to transmit a certified copy of the order to the State Registrar of Vital Statistics.

Section 7.5 of this bill authorizes a petition to change the name of an unemancipated minor to be filed in an action concerning divorce, child custody, the establishment of parentage, the termination of parental rights or the emancipation of a minor. If such a petition is filed, the notice and service requirements of the applicable action apply.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[7,]~~ **7.5,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[7,]~~ 7.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Other parent" means a person who, in common with a petitioning parent, is the parent of an unemancipated minor under the laws of this State.***

Sec. 4. ***"Petitioning parent" means a person who is the parent of an unemancipated minor under the laws of this State, desiring to change the name of his or her child.***

Sec. 5. *1. Any parent of an unemancipated minor desiring to have the name of the minor changed may file a verified petition with the clerk of the district court of the district in which the minor resides.*

2. The petition shall be addressed to the court and shall state : ~~[the:]~~

(a) ~~[Minor's]~~ The minor's present name;

(b) ~~[Name]~~ The name which the minor will bear in the future;

(c) ~~[Reason]~~ The reason for desiring the name change;

(d) ~~[Consent]~~ The consent of the minor, if over the age of 14 years;

(e) ~~[Consent,]~~ The verified consent, if any, of the other parent; ~~[and]~~

(f) ~~[Name]~~ The name and address of the other parent, if known ~~[.]~~ ; and

(g) Whether the minor has been convicted of a felony.

Sec. 6. *1. Unless the verified consent of the other parent is stated in the petition, and except as otherwise provided in subsection 2, upon the filing of the petition, the petitioning parent shall make out and procure a notice that must:*

(a) State the fact of the filing of the petition, its object, the minor's present name and the name which the minor will bear in the future; and

(b) Be personally served with a copy of the petition upon the other parent.

2. If the petitioning parent submits proof satisfactory to the court that notice cannot be personally served on the other parent, the court may order the petitioning parent to:

(a) Publish notice in a newspaper of general circulation in the county once a week for 3 successive weeks; and

(b) Serve notice and a copy of the petition by registered or certified mail to the other parent at his or her last known address.

Sec. 7. *1. Except as otherwise provided in subsection 2, the court shall make an order changing the name of the minor as prayed for in the petition upon being satisfied by the statements in the petition or other evidence that good reason exists, if:*

(a) ~~[Consent]~~ The verified consent of the other parent is stated in the petition; or

(b) No written objection is filed with the clerk within 10 days after the other parent is personally served or the last day of publication of notice as ordered in section 6 of this act, upon proof of the filing of the petition and evidence of service.

2. If, within the period described in paragraph (b) of subsection 1, an objection is filed, the court shall appoint a day for hearing the proofs, respectively, of the petitioning parent and the objection, upon reasonable notice. Upon that day, the court shall hear the proofs, and grant or refuse the prayer of the petitioning parent, according to whether the proofs show satisfactory reasons for making the change.

3. Upon the making of an order either granting or denying the prayer of the petitioning parent, the order must be recorded as a judgment of the court. If the petition is granted, the name of the minor must thereupon be

as stated in the order and the clerk shall transmit a certified copy of the order to the State Registrar of Vital Statistics.

Sec. 7.5. ***In addition to a petition to change the name of an unemancipated minor filed pursuant to this chapter, such a petition may be filed in any action brought under the provisions of chapter 122A, 125, 125C, 126, 128 or 129 of NRS. For any petition filed, the notice and service requirements of the chapter under which the applicable action was brought must be met.***

Sec. 8. NRS 41.270 is hereby amended to read as follows:

41.270 Any natural person ***, except an unemancipated minor,*** desiring to have his or her name changed may file a verified petition with the clerk of the district court of the district in which the person resides. The petition shall be addressed to the court and shall state the applicant's present name, the name which the applicant desires to bear in the future, the reason for desiring the change and whether the applicant has been convicted of a felony.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 235.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 266.

AN ACT relating to receiverships; enacting the Uniform Commercial Real Estate Receivership Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to appoint a receiver in certain cases and under certain circumstances. (NRS 32.010, 32.015) This bill enacts the Uniform Commercial Real Estate Receivership Act to establish provisions governing the appointment and powers of a receiver for real property that is used for certain commercial purposes and any personal property related to or used in operating that real property.

Section 29 of this bill sets forth the circumstances under which a court is authorized to appoint a receiver for such property. Under **section 29**, a court is authorized to appoint a receiver: (1) before judgment if the property is subjected to or is in danger of waste, loss, dissipation or impairment or has been or is about to be subject to a voidable transaction; (2) to carry a judgment into effect or preserve property pending an appeal or when an owner of the property refuses to apply the property in satisfaction of the judgment; (3) when the court determines that equitable grounds establish the need for a receiver; or (4) to preserve property that has been sold in an execution or foreclosure sale during the period that the property may be redeemed by the debtor. **Section 29** further provides that a mortgagee under a

mortgage for certain commercial real property is entitled to the appointment of a receiver under certain circumstances.

Section 30 of this bill establishes the circumstances under which a person is disqualified from appointment as a receiver because the person has certain conflicts of interest. Under **section 30**, a court is prohibited from appointing a person as receiver unless the person submits to the court a statement under penalty of perjury that the person is not disqualified from such appointment. **Section 30.5 of this bill requires the Nevada Supreme Court to adopt rules: (1) governing the ethics and independence of receivers; and (2) preventing self-dealing by a receiver.** **Section 31** of this bill requires a receiver to post a bond or alternative security with the court appointing the receiver.

Sections 32-37 of this bill enact provisions setting forth the effect of the appointment of a receiver. **Section 32** provides that a receiver has the status and priority of a lien creditor with respect to the receivership property. Under **section 33**, the appointment of a receiver does not affect the validity of any security interest granted before the appointment of the receiver, and any property acquired by a receiver is subject to a security interest granted under an agreement entered into before the appointment of the receiver. **Section 34** requires a person who possesses property for which a receiver has been appointed to turn over the property to the receiver on demand by the receiver. **Section 35** sets forth the powers and duties of a receiver with respect to the receivership property, including, without limitation, the authority to manage and protect receivership property, operate a business constituting receivership property, pay expenses and assert the rights, claims and defenses of the owner of the property. **Section 36** sets forth the duties of the owner of property for which a receiver has been appointed, including, without limitation, a requirement to assist and cooperate with the receiver, preserve and turn over to the receiver receivership property in the owner's possession or control and making available to the receiver certain records. **Section 37** provides that the appointment of a receiver automatically stays certain actions and proceedings involving receivership property and allows a person whose action or proceeding is stayed to apply to the court for relief from the stay.

Sections 38-46 of this bill enact provisions governing the administration of the receivership. **Section 38** authorizes the receiver to hire and pay certain professionals to assist in the administration of the receivership upon approval of the court. **Section 39** authorizes a receiver to dispose of receivership property outside of the ordinary court of business with the approval of the court. **Sections 39 and 43** further provide that: (1) such a disposition of receivership property is free and clear of junior liens unless the agreement for the disposition provides otherwise; and (2) secured creditors are entitled to receive the proceeds of such a disposition according to the priority established by existing law. **Section 40** authorizes a receiver to adopt or reject contracts under which a party has an unperformed obligation upon

approval of the court and establishes the procedures for doing so. **Section 41** provides immunity to a receiver and requires the approval of the appointing court before a receiver may be sued personally for an act or omission in administering receivership property. **Section 43** requires a receiver to notify certain creditors of the appointment of the receiver and requires creditors to file claims with the receiver to obtain a distribution of or proceeds from receivership property. **Sections 42 and 46** require a receiver to file certain reports with the court.

Under **section 47** of this bill, when the court of another state has appointed a person as receiver, a court in this State may appoint that person as an ancillary receiver for the purpose of obtaining possession and control of receivership property located in this State. **Section 47** further authorizes the court to enter any order necessary to effectuate an order of a court in another state appointing or directing a receiver.

Section 48 of this bill sets forth certain effects of the appointment of a receiver upon the request of a mortgagee or assignee of rents.

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

Section 1. Chapter 32 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 50, inclusive, of this act.

Sec. 2. ***Sections 2 to 50, inclusive, of this act may be cited as the Uniform Commercial Real Estate Receivership Act.***

Sec. 3. ***As used in sections 2 to 50, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 25, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Affiliate" means:***

1. With respect to an individual:

(a) A companion of the individual;

(b) A lineal ancestor or descendant, whether by blood or adoption, of:

(1) The individual; or

(2) A companion of the individual;

(c) A companion of an ancestor or descendant described in paragraph (b);

(d) A sibling, aunt, uncle, great aunt, great uncle, first cousin, niece, nephew, grandniece, or grandnephew of the individual, whether related by the whole or the half blood or adoption, or a companion of any of them; or

(e) Any other individual occupying the residence of the individual; and

2. With respect to a person other than an individual:

(a) Another person that directly or indirectly controls, is controlled by or is under common control with the person;

(b) An officer, director, manager, member, partner, employee or trustee or other fiduciary of the person; or

(c) A companion of, or an individual occupying the residence of, an individual described in paragraph (a) or (b).

Sec. 5. *"Companion" means:*

1. The spouse of an individual;

2. The registered domestic partner of an individual; or

3. Another individual in a civil union with an individual.

Sec. 6. *"Court" means a district court of this State.*

Sec. 7. *"Executory contract" means a contract, including a lease, under which each party has an unperformed obligation and the failure of a party to complete performance would constitute a material breach.*

Sec. 8. *"Governmental unit" means an office, department, division, bureau, board, commission or other agency of this State or a subdivision of this State.*

Sec. 9. *"Lien" means an interest in property which secures payment or performance of an obligation.*

Sec. 10. *"Mortgage" means a record, however denominated, that creates or provides for a consensual lien on real property or rents, even if it also creates or provides for a lien on personal property.*

Sec. 11. *"Mortgagee" means a person entitled to enforce an obligation secured by a mortgage.*

Sec. 12. *"Mortgagor" means a person that grants a mortgage or a successor in ownership of the real property described in the mortgage.*

Sec. 13. *"Owner" means the person for whose property a receiver is appointed.*

Sec. 14. *"Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality, or other legal entity.*

Sec. 15. *"Proceeds" means the following property:*

1. Whatever is acquired on the sale, lease, license, exchange or other disposition of receivership property;

2. Whatever is collected on, or distributed on account of, receivership property;

3. Rights arising out of receivership property;

4. To the extent of the value of receivership property, claims arising out of the loss, nonconformity or interference with the use of, defects or infringement of rights in or damage to the property; or

5. To the extent of the value of receivership property and to the extent payable to the owner or mortgagee, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in or damage to the property.

Sec. 16. *"Property" means all of a person's right, title and interest, both legal and equitable, in real and personal property, tangible and intangible, wherever located and however acquired. The term includes proceeds, products, offspring, rents or profits of or from the property.*

Sec. 17. *"Receiver" means a person appointed by the court as the court's agent, and subject to the court's direction, to take possession of, manage and, if authorized by sections 2 to 50, inclusive, of this act or court*

order, transfer, sell, lease, license, exchange, collect or otherwise dispose of receivership property.

Sec. 18. *"Receivership" means a proceeding in which a receiver is appointed.*

Sec. 19. *"Receivership property" means the property of an owner that is described in the order appointing a receiver or a subsequent order. The term includes any proceeds, products, offspring, rents or profits of or from the property.*

Sec. 20. *"Record," used as a noun, means information that is inscribed on a tangible medium or that is stored on an electronic or other medium and is retrievable in perceivable form.*

Sec. 21. *"Rents" means:*

1. Sums payable for the right to possess or occupy, or for the actual possession or occupation of, real property of another person;

2. Sums payable to a mortgagor under a policy of rental-interruption insurance covering real property;

3. Claims arising out of a default in the payment of sums payable for the right to possess or occupy real property of another person;

4. Sums payable to terminate an agreement to possess or occupy real property of another person;

5. Sums payable to a mortgagor for payment or reimbursement of expenses incurred in owning, operating and maintaining real property or constructing or installing improvements on real property; or

6. Other sums payable under an agreement relating to the real property of another person that constitute rents under law of this State other than sections 2 to 50, inclusive, of this act.

Sec. 22. *"Secured obligation" means an obligation the payment or performance of which is secured by a security agreement.*

Sec. 23. *"Security agreement" means an agreement that creates or provides for a lien.*

Sec. 24. *"Sign" means, with present intent to authenticate or adopt a record, to:*

1. Execute or adopt a tangible symbol; or

2. Attach to or logically associate with the record an electronic sound, symbol or process.

Sec. 25. *"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.*

Sec. 26. *1. Except as otherwise provided in subsection 2, the court may issue an order under sections 2 to 50, inclusive, of this act only after notice and opportunity for a hearing appropriate in the circumstances.*

2. The court may issue an order under sections 2 to 50, inclusive, of this act:

(a) Without prior notice if the circumstances require issuance of an order before notice is given;

(b) After notice and without a prior hearing if the circumstances require issuance of an order before a hearing is held; or

(c) After notice and without a hearing if no interested party timely requests a hearing.

Sec. 27. *1. Except as otherwise provided in subsection 2 or 3, sections 2 to 50, inclusive, of this act apply to a receivership for an interest in real property and any personal property related to or used in operating the real property.*

2. Sections 2 to 50, inclusive, of this act do not apply to a receivership for an interest in real property improved by one to four dwelling units unless:

(a) The interest is used for agricultural, commercial, industrial or mineral-extraction purposes, other than incidental uses by an owner occupying the property as the owner's primary residence;

(b) The interest secures an obligation incurred at a time when the property was used or planned for use for agricultural, commercial, industrial or mineral-extraction purposes;

(c) The owner planned or is planning to develop the property into one or more dwelling units to be sold or leased in the ordinary course of the owner's business; or

(d) The owner is collecting or has the right to collect rents or other income from the property from a person other than an affiliate of the owner.

3. Sections 2 to 50, inclusive, of this act do not apply to a receivership authorized by law of this State other than sections 2 to 50, inclusive, of this act in which the receiver is a governmental unit or an individual acting in an official capacity on behalf of the unit except to the extent provided by the other law.

4. Sections 2 to 50, inclusive, of this act do not limit the authority of a court to appoint a receiver under law of this State other than sections 2 to 50, inclusive, of this act.

5. Unless displaced by a particular provision of sections 2 to 50, inclusive, of this act, the principles of law and equity supplement the provisions of sections 2 to 50, inclusive, of this act.

Sec. 28. *The court that appoints a receiver under sections 2 to 50, inclusive, of this act has exclusive jurisdiction to direct the receiver and determine any controversy related to the receivership or receivership property.*

Sec. 29. *1. The court may appoint a receiver:*

(a) Before judgment, to protect a party that demonstrates an apparent right, title or interest in real property that is the subject of the action, if the property or its revenue-producing potential:

(1) Is being subjected to or is in danger of waste, loss, dissipation or impairment; or

(2) Has been or is about to be the subject of a voidable transaction;

(b) After judgment:

(1) To carry the judgment into effect; or

(2) To preserve nonexempt real property pending appeal or when an execution has been returned unsatisfied and the owner refuses to apply the property in satisfaction of the judgment;

(c) In an action in which a receiver for real property may be appointed on equitable grounds; or

(d) During the time allowed for redemption, to preserve real property sold in an execution or foreclosure sale and secure its rents to the person entitled to the rents.

2. In connection with the foreclosure or other enforcement of a mortgage, a mortgagee is entitled to appointment of a receiver for the mortgaged property if:

(a) Appointment is necessary to protect the property from waste, loss, transfer, dissipation or impairment;

(b) The mortgagor agreed in a signed record to appointment of a receiver on default;

(c) The owner agreed, after default and in a signed record, to appointment of a receiver;

(d) The property and any other collateral held by the mortgagee are not sufficient to satisfy the secured obligation;

(e) The owner fails to turn over to the mortgagee proceeds or rents the mortgagee was entitled to collect; or

(f) The holder of a subordinate lien obtains appointment of a receiver for the property.

3. The court may condition appointment of a receiver without prior notice under paragraph (a) of subsection 2 of section 26 of this act or without a prior hearing under paragraph (b) of subsection 2 of section 26 of this act on the giving of security by the person seeking the appointment for the payment of damages, reasonable attorney's fees and costs incurred or suffered by any person if the court later concludes that the appointment was not justified. If the court later concludes that the appointment was justified, the court shall release the security.

Sec. 30. *1. The court may not appoint a person as receiver unless the person submits to the court a statement under penalty of perjury that the person is not disqualified.*

2. Except as otherwise provided in subsection 3, a person is disqualified from appointment as receiver if the person:

(a) Is an affiliate of a party;

(b) Has an interest materially adverse to an interest of a party;

(c) Has a material financial interest in the outcome of the action, other than compensation the court may allow the receiver;

(d) Has a debtor-creditor relationship with a party; or

(e) Holds an equity interest in a party, other than a noncontrolling interest in a publicly-traded company.

3. A person is not disqualified from appointment as receiver solely because the person:

(a) Was appointed receiver or is owed compensation in an unrelated matter involving a party or was engaged by a party in a matter unrelated to the receivership;

(b) Is an individual obligated to a party on a debt that is not in default and was incurred primarily for personal, family or household purposes; or

(c) Maintains with a party a deposit account as defined in paragraph (cc) of subsection 1 of NRS 104.9102.

4. A person seeking appointment of a receiver may nominate a person to serve as receiver, but the court is not bound by the nomination.

Sec. 30.5. 1. The Supreme Court shall adopt rules:

(a) Governing the ethics and independence of receivers; and

(b) Preventing self-dealing by a receiver.

2. As used in this section, "self-dealing" means any direct or indirect:

(a) Sale, exchange or leasing of property between a receivership and the receiver;

(b) Lending of money or other extension of credit between a receivership and the receiver;

(c) Furnishing of goods, services or facilities between a receivership and the receiver;

(d) Payment of compensation, or payment or reimbursement of expenses, by a receivership to the receiver; or

(e) Transfer to, or use by or for the benefit of, a receiver of the income or assets of the receivership.

Sec. 31. *1. Except as otherwise provided in subsection 2, a receiver shall post with the court a bond that:*

(a) Is conditioned on the faithful discharge of the receiver's duties;

(b) Has one or more sureties approved by the court;

(c) Is in an amount the court specifies; and

(d) Is effective as of the date of the receiver's appointment.

2. The court may approve the posting by a receiver with the court of alternative security, such as a letter of credit or deposit of funds. The receiver may not use receivership property as alternative security. Interest that accrues on deposited funds must be paid to the receiver on the receiver's discharge.

3. The court may authorize a receiver to act before the receiver posts the bond or alternative security required by this section.

4. A claim against a receiver's bond or alternative security must be made not later than 6 months after the date the receiver is discharged.

Sec. 32. *On appointment of a receiver, the receiver has the status of a lien creditor under:*

1. NRS 104.9101 to 104.9717, inclusive, as to receivership property that is personal property or fixtures; and

2. NRS 111.310 to 111.365, inclusive, as to receivership property that is real property.

Sec. 33. *Except as otherwise provided by law of this State other than sections 2 to 50, inclusive, of this act, property that a receiver or owner acquires after appointment of the receiver is subject to a security agreement entered into before the appointment to the same extent as if the court had not appointed the receiver.*

Sec. 34. *1. Unless the court orders otherwise, on demand by a receiver:*

(a) A person that owes a debt that is receivership property and is matured or payable on demand or on order shall pay the debt to or on the order of the receiver, except to the extent the debt is subject to setoff or recoupment; and

(b) Subject to subsection 3, a person that has possession, custody or control of receivership property shall turn the property over to the receiver.

2. A person that has notice of the appointment of a receiver and owes a debt that is receivership property may not satisfy the debt by payment to the owner.

3. If a creditor has possession, custody or control of receivership property and the validity, perfection or priority of the creditor's lien on the property depends on the creditor's possession, custody or control, the creditor may retain possession, custody or control until the court orders adequate protection of the creditor's lien.

4. Unless a bona fide dispute exists about a receiver's right to possession, custody or control of receivership property, the court may sanction as civil contempt a person's failure to turn the property over when required by this section.

Sec. 35. *1. Except as limited by court order or law of this State other than sections 2 to 50, inclusive, of this act, a receiver may:*

(a) Collect, control, manage, conserve and protect receivership property;

(b) Operate a business constituting receivership property, including preservation, use, sale, lease, license, exchange, collection or disposition of the property in the ordinary course of business;

(c) In the ordinary course of business, incur unsecured debt and pay expenses incidental to the receiver's preservation, use, sale, lease, license, exchange, collection or disposition of receivership property;

(d) Assert a right, claim, cause of action or defense of the owner that relates to receivership property;

(e) Seek and obtain instruction from the court concerning receivership property, exercise of the receiver's powers and performance of the receiver's duties;

(f) On subpoena, compel a person to submit to examination under oath, or to produce and permit inspection and copying of designated records or tangible things, with respect to receivership property or any other matter that may affect administration of the receivership;

(g) Engage a professional as provided in section 38 of this act;

(h) Apply to a court of another state for appointment as ancillary receiver with respect to receivership property located in that state; and

(i) Exercise any power conferred by court order, sections 2 to 50, inclusive, of this act or law of this State other than sections 2 to 50, inclusive, of this act.

2. With court approval, a receiver may:

(a) Incur debt for the use or benefit of receivership property other than in the ordinary course of business;

(b) Make improvements to receivership property;

(c) Use or transfer receivership property other than in the ordinary course of business as provided in section 39 of this act;

(d) Adopt or reject an executory contract of the owner as provided in section 40 of this act;

(e) Pay compensation to the receiver as provided in section 44 of this act, and to each professional engaged by the receiver as provided in section 38 of this act;

(f) Recommend allowance or disallowance of a claim of a creditor as provided in section 43 of this act; and

(g) Make a distribution of receivership property as provided in section 43 of this act.

3. A receiver shall:

(a) Prepare and retain appropriate business records, including a record of each receipt, disbursement and disposition of receivership property;

(b) Account for receivership property, including the proceeds of a sale, lease, license, exchange, collection or other disposition of the property;

(c) ~~[File]~~ Record in the office of the county recorder of the county in which the receivership is administered and in the office of the county recorder of every county in which any real property of the receivership is located a copy of the order appointing the receiver and, if a legal description of the real property is not included in the order, the legal description;

(d) Disclose to the court any fact arising during the receivership which would disqualify the receiver under section 30 of this act; and

(e) Perform any duty imposed by court order, sections 2 to 50, inclusive, of this act or law of this State other than sections 2 to 50, inclusive, of this act.

4. The powers and duties of a receiver may be expanded, modified or limited by court order.

Sec. 36. *1. An owner shall:*

(a) Assist and cooperate with the receiver in the administration of the receivership and the discharge of the receiver's duties;

(b) Preserve and turn over to the receiver all receivership property in the owner's possession, custody or control;

(c) Identify all records and other information relating to the receivership property, including a password, authorization or other information needed to obtain or maintain access to or control of the receivership property, and make available to the receiver the records and information in the owner's possession, custody or control;

(d) On subpoena, submit to examination under oath by the receiver concerning the acts, conduct, property, liabilities and financial condition of the owner or any matter relating to the receivership property or the receivership; and

(e) Perform any duty imposed by court order, sections 2 to 50, inclusive, of this act or law of this State other than sections 2 to 50, inclusive, of this act.

2. If an owner is a person other than an individual, this section applies to each officer, director, manager, member, partner, trustee or other person exercising or having the power to exercise control over the affairs of the owner.

3. If a person knowingly fails to perform a duty imposed by this section, the court may:

(a) Award the receiver actual damages caused by the person's failure, reasonable attorney's fees and costs; and

(b) Sanction the failure as civil contempt.

Sec. 37. *1. Except as otherwise provided in subsection 4 or ordered by the court, an order appointing a receiver operates as a stay, applicable to all persons, of an act, action or proceeding:*

(a) To obtain possession of, exercise control over or enforce a judgment against receivership property; and

(b) To enforce a lien against receivership property to the extent the lien secures a claim against the owner which arose before entry of the order.

2. Except as otherwise provided in subsection 4, the court may enjoin an act, action or proceeding against or relating to receivership property if the injunction is necessary to protect the property or facilitate administration of the receivership.

3. A person whose act, action or proceeding is stayed or enjoined under this section may apply to the court for relief from the stay or injunction for cause.

4. An order under subsection 1 or 2 does not operate as a stay or injunction of:

(a) An act, action or proceeding to foreclose or otherwise enforce a mortgage by the person seeking appointment of the receiver;

(b) An act, action or proceeding to perfect, or maintain or continue the perfection of, an interest in receivership property;

(c) Commencement or continuation of a criminal proceeding;

(d) Commencement or continuation of an action or proceeding, or enforcement of a judgment other than a money judgment in an action or

proceeding, by a governmental unit to enforce its police or regulatory power; or

(e) Establishment by a governmental unit of a tax liability against the owner or receivership property or an appeal of the liability.

5. The court may void an act that violates a stay or injunction under this section.

6. If a person knowingly violates a stay or injunction under this section, the court may:

(a) Award actual damages caused by the violation, reasonable attorney's fees and costs; and

(b) Sanction the violation as civil contempt.

Sec. 38. *1. With court approval, a receiver may engage an attorney, accountant, appraiser, auctioneer, broker or other professional to assist the receiver in performing a duty or exercising a power of the receiver. The receiver shall disclose to the court:*

(a) The identity and qualifications of the professional;

(b) The scope and nature of the proposed engagement;

(c) Any potential conflict of interest; and

(d) The proposed compensation.

2. A person is not disqualified from engagement under this section solely because of the person's engagement by, representation of or other relationship with the receiver, a creditor or a party. Sections 2 to 50, inclusive, of this act do not prevent the receiver from serving in the receivership as an attorney, accountant, auctioneer or broker when authorized by law.

3. A receiver or professional engaged under subsection 1 shall file with the court an itemized statement of the time spent, work performed and billing rate of each person that performed the work and an itemized list of expenses. The receiver shall pay the amount approved by the court.

Sec. 39. *1. With court approval, a receiver may use receivership property other than in the ordinary course of business.*

2. With court approval, a receiver may transfer receivership property other than in the ordinary course of business by sale, lease, license, exchange or other disposition. Unless the agreement of sale provides otherwise, a sale under this section is free and clear of a lien of the person that obtained appointment of the receiver, any subordinate lien and any right of redemption but is subject to a senior lien.

3. A lien on receivership property which is extinguished by a transfer under subsection 2 attaches to the proceeds of the transfer with the same validity, perfection and priority the lien had on the property immediately before the transfer, even if the proceeds are not sufficient to satisfy all obligations secured by the lien.

4. A transfer under subsection 2 may occur by means other than a public auction sale. A creditor holding a valid lien on the property to be transferred may purchase the property and offset against the purchase

price part or all of the allowed amount secured by the lien, if the creditor tenders funds sufficient to satisfy in full the reasonable expenses of transfer and the obligation secured by any senior lien extinguished by the transfer.

5. A reversal or modification of an order approving a transfer under subsection 2 does not affect the validity of the transfer to a person that acquired the property in good faith or revive against the person any lien extinguished by the transfer, whether the person knew before the transfer of the request for reversal or modification, unless the court stayed the order before the transfer.

6. As used in this section, "good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

Sec. 40. *1. Except as otherwise provided in subsection 7, with court approval, a receiver may adopt or reject an executory contract of the owner relating to receivership property. The court may condition the receiver's adoption and continued performance of the contract on terms appropriate under the circumstances. If the receiver does not request court approval to adopt or reject the contract within a reasonable time after the receiver's appointment, the receiver is deemed to have rejected the contract.*

2. A receiver's performance of an executory contract before court approval under subsection 1 of its adoption or rejection is not an adoption of the contract and does not preclude the receiver from seeking approval to reject the contract.

3. A provision in an executory contract which requires or permits a forfeiture, modification or termination of the contract because of the appointment of a receiver or the financial condition of the owner does not affect a receiver's power under subsection 1 to adopt the contract.

4. A receiver's right to possess or use receivership property pursuant to an executory contract terminates on rejection of the contract under subsection 1. Rejection is a breach of the contract effective immediately before appointment of the receiver. A claim for damages for rejection of the contract must be submitted by the later of:

(a) The time set for submitting a claim in the receivership; or

(b) Thirty days after the court approves the rejection.

5. If, at the time a receiver is appointed, the owner has the right to assign an executory contract relating to receivership property under law of this State other than sections 2 to 50, inclusive, of this act, the receiver may assign the contract with court approval.

6. If a receiver rejects under subsection 1 an executory contract for the sale of receivership property that is real property in possession of the purchaser or a real-property timeshare interest, the purchaser may:

(a) Treat the rejection as a termination of the contract, and in that case the purchaser has a lien on the property for the recovery of any part of the purchase price the purchaser paid; or

(b) Retain the purchaser's right to possession under the contract, and in that case the purchaser shall continue to perform all obligations arising under the contract and may offset any damages caused by nonperformance of an obligation of the owner after the date of the rejection, but the purchaser has no right or claim against other receivership property or the receiver on account of the damages.

7. A receiver may not reject an unexpired lease of real property under which the owner is the landlord if:

(a) The tenant occupies the leased premises as the tenant's primary residence;

(b) The receiver was appointed at the request of a person other than a mortgagee; or

(c) The receiver was appointed at the request of a mortgagee and:

(1) The lease is superior to the lien of the mortgage;

(2) The tenant has an enforceable agreement with the mortgagee or the holder of a senior lien under which the tenant's occupancy will not be disturbed as long as the tenant performs its obligations under the lease;

(3) The mortgagee has consented to the lease, either in a signed record or by its failure timely to object that the lease violated the mortgage; or

(4) The terms of the lease were commercially reasonable at the time the lease was agreed to and the tenant did not know or have reason to know that the lease violated the mortgage.

8. As used in this section, "timeshare interest" means an interest having a duration of more than 3 years which grants its holder the right to use and occupy an accommodation, facility or recreational site, whether improved or not, for a specific period less than a full year during any given year.

Sec. 41. *1. A receiver is entitled to all defenses and immunities provided by law of this State other than sections 2 to 50, inclusive, of this act for an act or omission within the scope of the receiver's appointment.*

2. A receiver may be sued personally for an act or omission in administering receivership property only with approval of the court that appointed the receiver.

Sec. 42. *A receiver may file or, if ordered by the court, shall file an interim report that includes:*

1. The activities of the receiver since appointment or a previous report;

2. Receipts and disbursements, including a payment made or proposed to be made to a professional engaged by the receiver;

3. Receipts and dispositions of receivership property;

4. Fees and expenses of the receiver and, if not filed separately, a request for approval of payment of the fees and expenses; and

5. Any other information required by the court.

Sec. 43. *1. Except as otherwise provided in subsection 6, a receiver shall give notice of appointment of the receiver to creditors of the owner by:*

(a) Deposit for delivery through first-class mail or other commercially reasonable delivery method to the last known address of each creditor; and

(b) Publication as directed by the court.

2. Except as otherwise provided in subsection 6, the notice required by subsection 1 must specify the date by which each creditor holding a claim against the owner which arose before appointment of the receiver must submit the claim to the receiver. The date specified must be at least 90 days after the later of notice under paragraph (a) of subsection 1 or last publication under paragraph (b) of subsection 1. The court may extend the period for submitting the claim. Unless the court orders otherwise, a claim that is not submitted timely is not entitled to a distribution from the receivership.

3. A claim submitted by a creditor under this section must:

(a) State the name and address of the creditor;

(b) State the amount and basis of the claim;

(c) Identify any property securing the claim;

(d) Be signed by the creditor under penalty of perjury; and

(e) Include a copy of any record on which the claim is based.

4. An assignment by a creditor of a claim against the owner is effective against the receiver only if the assignee gives timely notice of the assignment to the receiver in a signed record.

5. At any time before entry of an order approving a receiver's final report, the receiver may file with the court an objection to a claim of a creditor, stating the basis for the objection. The court shall allow or disallow the claim according to law of this State other than sections 2 to 50, inclusive, of this act.

6. If the court concludes that receivership property is likely to be insufficient to satisfy claims of each creditor holding a perfected lien on the property, the court may order that:

(a) The receiver need not give notice under subsection 1 of the appointment to all creditors of the owner, but only such creditors as the court directs; and

(b) Unsecured creditors need not submit claims under this section.

7. Subject to section 44 of this act:

(a) A distribution of receivership property to a creditor holding a perfected lien on the property must be made in accordance with the creditor's priority under law of this State other than sections 2 to 50, inclusive, of this act; and

(b) A distribution of receivership property to a creditor with an allowed unsecured claim must be made as the court directs according to law of this State other than sections 2 to 50, inclusive, of this act.

Sec. 44. *1. The court may award a receiver from receivership property the reasonable and necessary fees and expenses of performing the duties of the receiver and exercising the powers of the receiver.*

2. The court may order one or more of the following to pay the reasonable and necessary fees and expenses of the receivership, including reasonable attorney's fees and costs:

(a) A person that requested the appointment of the receiver, if the receivership does not produce sufficient funds to pay the fees and expenses; or

(b) A person whose conduct justified or would have justified the appointment of the receiver under paragraph (a) of subsection 1 of section 29 of this act.

Sec. 45. *1. The court may remove a receiver for cause.*

2. The court shall replace a receiver that dies, resigns or is removed.

3. If the court finds that a receiver that resigns or is removed, or the representative of a receiver that is deceased, has accounted fully for and turned over to the successor receiver all receivership property and has filed a report of all receipts and disbursements during the service of the replaced receiver, the replaced receiver is discharged.

4. The court may discharge a receiver and terminate the court's administration of the receivership property if the court finds that appointment of the receiver was improvident or that the circumstances no longer warrant continuation of the receivership. If the court finds that the appointment was sought wrongfully or in bad faith, the court may assess against the person that sought the appointment:

(a) The fees and expenses of the receivership, including reasonable attorney's fees and costs; and

(b) Actual damages caused by the appointment, including reasonable attorney's fees and costs.

Sec. 46. *1. On completion of a receiver's duties, the receiver shall file a final report including:*

(a) A description of the activities of the receiver in the conduct of the receivership;

(b) A list of receivership property at the commencement of the receivership and any receivership property received during the receivership;

(c) A list of disbursements, including payments to professionals engaged by the receiver;

(d) A list of dispositions of receivership property;

(e) A list of distributions made or proposed to be made from the receivership for creditor claims;

(f) If not filed separately, a request for approval of the payment of fees and expenses of the receiver; and

(g) Any other information required by the court.

2. If the court approves a final report filed under subsection 1 and the receiver distributes all receivership property, the receiver is discharged.

Sec. 47. *1. The court may appoint a receiver appointed in another state, or that person's nominee, as an ancillary receiver with respect to property located in this State or subject to the jurisdiction of the court for which a receiver could be appointed under sections 2 to 50, inclusive, of this act if:*

(a) The person or nominee would be eligible to serve as receiver under section 30 of this act; and

(b) The appointment furthers the person's possession, custody, control or disposition of property subject to the receivership in the other state.

2. The court may issue an order that gives effect to an order entered in another state appointing or directing a receiver.

3. Unless the court orders otherwise, an ancillary receiver appointed under subsection 1 has the rights, powers and duties of a receiver appointed under sections 2 to 50, inclusive, of this act.

Sec. 48. *1. A request by a mortgagee for the appointment of a receiver, the appointment of a receiver or the application by a mortgagee of receivership property or proceeds to the secured obligation does not:*

(a) Make the mortgagee a mortgagee in possession of the real property;

(b) Make the mortgagee an agent of the owner;

(c) Constitute an election of remedies that precludes a later action to enforce the secured obligation;

(d) Make the secured obligation unenforceable;

(e) Limit any right available to the mortgagee with respect to the secured obligation;

(f) Constitute an action within the meaning of subsection 1 of NRS 40.430; or

(g) Except as otherwise provided in subsection 2, bar a deficiency judgment pursuant to law of this State other than sections 2 to 50, inclusive, of this act governing or relating to a deficiency judgment.

2. If a receiver sells receivership property that pursuant to subsection 2 of section 39 of this act is free and clear of a lien, the ability of a creditor to enforce an obligation that had been secured by the lien is subject to law of this State other than sections 2 to 50, inclusive, of this act relating to a deficiency judgment.

Sec. 49. *In applying and construing the Uniform Commercial Real Estate Receivership Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

Sec. 50. *Sections 2 to 50, inclusive, of this act modify, limit and supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but does not modify, limit or supersede Section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic*

delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. § 7003(b).

Sec. 51. This act does not apply to a receivership for which the receiver was appointed before October 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 244.

Bill read second time.

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

Amendment No. 45.

AN ACT relating to insurance; authorizing certain types of insurance and insurers to give certain items and gifts not to exceed $100 in aggregate value per policyholder or insured or prospective policyholder or insured in any 1 calendar year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits unfair discrimination and rebates from being used in a policy or contract of life insurance, life annuity or health insurance or by a property, casualty, surety or title insurer or underwritten title company or any employee or representative thereof, or by a broker, agent or solicitor. (NRS 686A.100, 686A.110, 686A.130) ~~[Existing law further clarifies that certain practices that are not included within the definition of discrimination or rebates and are not prohibited. (NRS 686A.120, 686A.130)]~~

Section ~~[1]~~ **1.5** of this bill authorizes the practice of, in the case of a policy or contract of life insurance, life annuity or health insurance, providing to a policyholder or prospective policyholder prizes and gifts, goods and various other items not to exceed $100 in aggregate value per policyholder or prospective policyholder in any 1 calendar year.

Section 2 of this bill allows any property, casualty ~~[,]~~ **or** surety ~~[or title]~~ insurer ~~[or underwritten title company]~~ or any employee or representative thereof, or any broker, agent or solicitor to provide to an insured or prospective insured prizes and gifts, goods and various other items not to exceed $100 in aggregate value per insured or prospective insured in any 1 calendar year.

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

Section 1. ~~[NRS 686A.120 is hereby amended to read as follows:~~

~~686A.120 1. Nothing in NRS 686A.100 and 686A.110 shall be construed as including within the definition of discrimination or rebates any of the following practices:~~

~~(a) In the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, provided that any such bonuses or abatement of premiums shall be fair and equitable to policyholders and for the best interests of the insurer and its policyholders.~~

~~(b) In the case of life insurance policies issued on the debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense.~~

~~(c) Readjusting the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year.~~

~~(d) Reducing the premium rate for policies of large amounts, but not exceeding savings in issuance and administration expenses reasonably attributable to such policies as compared with policies of similar plan issued in smaller amounts.~~

~~(e) Reducing the premium rates for life or health insurance policies or annuity contracts on salary savings, payroll deduction, preauthorized check, bank draft or similar plans in amounts reasonably commensurate with the savings made by the use of such plans.~~

~~(f) Extending credit for the payment of any premium, and for which credit a reasonable rate of interest is charged and collected.~~

~~*(g) In the case of any policy or contract of life insurance, life annuity or health insurance, providing to a policyholder or prospective policyholder prizes and gifts, goods, wares, merchandise, gift certificates, donations made to charitable organizations, raffle entries, meals, event tickets and other items not to exceed $100 in aggregate value per policyholder or prospective policyholder in any 1 calendar year.*~~

~~2. Nothing in NRS 686A.010 to 686A.310, inclusive, shall be construed as including within the definition of securities as inducements to purchase insurance the selling or offering for sale, contemporaneously with life insurance, of mutual fund shares or face amount certificates of regulated investment companies under offerings registered with the Securities and Exchange Commission where such shares or such face amount certificates or such insurance may be purchased independently of and not contingent upon purchase of the other, at the same price and upon similar terms and conditions as where purchased independently.]~~ **(Deleted by amendment.)**

Sec. 1.5. **NRS 686A.110 is hereby amended to read as follows:**

686A.110 ***1.*** Except as otherwise expressly provided by law, no person shall knowingly:

~~[1.]~~ ***(a)*** Permit to be made or offer to make or make any contract of life insurance, life annuity or health insurance, or agreement as to such contract, other than as plainly expressed in the contract issued thereon, or pay or allow, or give or offer to pay, allow or give, directly or indirectly, or

knowingly accept, as an inducement to such insurance or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any paid employment or contract for services of any kind, or any valuable consideration or inducement whatever not specified in the contract; or

~~[2.]~~ ***(b)*** Directly or indirectly give or sell or purchase or offer or agree to give, sell, purchase, or allow as an inducement to such insurance or annuity or in connection therewith, whether or not to be specified in the policy or contract, any agreement of any form or nature promising returns and profits, or any stocks, bonds or other securities, or interest present or contingent therein or as measured thereby, of any insurer or other corporation, association or partnership, or any dividends or profits accrued or to accrue thereon.

2. The provisions of this section do not prohibit any person, in the case of any policy or contract of life insurance, life annuity or health insurance, from providing to a policyholder or prospective policyholder prizes and gifts, goods, wares, merchandise, gift certificates, donations made to charitable organizations, raffle entries, meals, event tickets and other items not to exceed $100 in aggregate value per policyholder or prospective policyholder in any 1 calendar year.

Sec. 2. NRS 686A.130 is hereby amended to read as follows:

686A.130 1. ~~[No]~~ ***Except as otherwise provided in subsection 2, no*** property, casualty, surety or title insurer or underwritten title company or any employee or representative thereof, and no broker, agent or solicitor may pay, allow or give, or offer to pay, allow or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit or reduction of the premium named in a policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified or provided for in the policy, except to the extent provided for in an applicable filing with the Commissioner.

2. ***The provisions of subsections 1 and 4 do not prohibit any property, casualty or surety insurer or any employee or representative thereof, or any broker, agent or solicitor from providing to an insured or prospective insured prizes and gifts, goods, wares, merchandise, gift certificates, donations made to charitable organizations, raffle entries, meals, event tickets and other items not to exceed $100 in aggregate value per insured or prospective insured in any 1 calendar year.***

3. No title insurer or underwritten title company may:

(a) Pay, directly or indirectly, to the insured or any person acting as agent, representative, attorney or employee of the owner, lessee, mortgagee, existing or prospective, of the real property or interest therein which is the subject matter of title insurance or as to which a service is to be performed, any commission, rebate or part of its fee or charges or other consideration as inducement or compensation for the placing of any order for a title insurance

policy or for performance of any escrow or other service by the insurer or underwritten title company with respect thereto; or

(b) Issue any policy or perform any service in connection with which it or any agent or other person has paid or contemplates paying any commission, rebate or inducement in violation of this section.

~~[3. No]~~

4. Except as otherwise provided in subsection 2, no insured named in a policy or any employee of that insured may knowingly receive or accept, directly or indirectly, any such rebate, discount, abatement, credit or reduction of premium, or any such special favor or advantage or valuable consideration or inducement.

~~[4.]~~ ***5.*** No such insurer may make or permit any unfair discrimination between insured or property having like insuring or risk characteristics, in the premium or rates charged for insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of insurance.

~~[5.]~~ ***6.*** No casualty insurer may make or permit any unfair discrimination between persons legally qualified to provide a particular service, in the amount of the fee or charge for that service payable as a benefit under any policy or contract of casualty insurance.

~~[6.]~~ ***7.*** The provisions of this section do not prohibit:

(a) The payment of commissions or other compensation to licensed agents, brokers or solicitors.

(b) The extension of credit to an insured for the payment of any premium and for which credit a reasonable rate of interest is charged and collected.

(c) Any insurer from allowing or returning to its participating policyholders, members or subscribers, dividends, savings or unabsorbed premium deposits.

(d) With respect to title insurance, bulk rates or special rates for customers of prescribed classes if the bulk or special rates are provided for in the effective schedule of fees and charges of the title insurer or underwritten title company.

~~***[(e) Any property, casualty, surety or title insurer or underwritten title company or any employee or representative thereof, or any broker, agent or solicitor from providing to an insured or prospective insured prizes and gifts, goods, wares, merchandise, gift certificates, donations made to charitable organizations, raffle entries, meals, event tickets and other items not to exceed $100 in aggregate value per insured or prospective insured in any 1 calendar year.***~~

~~7.]~~ ***8.*** The provisions of this section do not apply to wet marine and transportation insurance.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 246.

Bill read second time.

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

Amendment No. 249.

AN ACT relating to regional development; revising provisions relating to the creation of a local improvement district; authorizing the governing bodies of two or more municipalities to jointly create a tax increment area under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of any county, city or unincorporated town to create an improvement district for the acquisition of certain projects, including a park project, street project or commercial area vitalization project, and to finance the cost of any such project through the issuance of bonds and the levy of assessments upon property in the improvement district. (Chapter 271 of NRS) Two or more governmental entities are authorized under existing law to enter into a cooperative or interlocal agreement in certain circumstances to perform a governmental function. (NRS 277.045-277.188) Existing law authorizes a county to exercise its powers relating to local improvement projects for a project or benefited property that is within the boundaries of a city if the city in which that territory is located consents in an interlocal agreement to the exercise of those powers within its boundaries. (NRS 271.015) **Section 1** of this bill extends the authority to enter into such an interlocal agreement to two or more counties. Therefore, a county would be authorized under **section 1** to exercise its powers relating to local improvement projects for a project or benefited property that is within the boundaries of another county if the county in which that territory is located consents in an interlocal agreement to the exercise of those powers within its boundaries.

Existing law authorizes the governing body of a municipality to designate a tax increment area for the purpose of creating a special account for the payment of bonds or other securities. The designation of a tax increment area by the governing body provides for the allocation of a portion of the taxes levied upon taxable property in the tax increment area each year to pay the bond requirements of loans, money advanced to or indebtedness incurred by the municipality to finance or refinance the project. (Chapter 278C of NRS) **Section 2** of this bill authorizes the governing bodies of two or more municipalities whose boundaries are contiguous to enter into an interlocal or cooperative agreement for the creation of a tax increment area for the

acquisition or improvement of a ~~[street]~~ project whose boundaries encompass all or part of each municipality. **Section 2** further provides that if the governing bodies of the municipalities enter into such an agreement: (1) the governing bodies are authorized to take joint action to comply with certain procedures for the creation of a tax increment area; and (2) the tax increment area is required to be administered in accordance with the interlocal or cooperative agreement.

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

Section 1. NRS 271.015 is hereby amended to read as follows:

271.015 Except as otherwise provided in NRS 271.700, this chapter applies:

1. To any unincorporated town.

2. To any city, including Carson City, whether incorporated or governed under a general act, special legislative act or special charter, enacted, adopted or granted pursuant to Section 1 or 8 of Article 8 of the Constitution of the State of Nevada, or otherwise.

3. To any county for any project outside of any city.

4. To any county, city, or town for a project not specified in this chapter but which that municipality is otherwise authorized by law to acquire and defray its cost by special assessment, and to any other political subdivision of this State otherwise authorized by law to acquire a specified or described project and to defray its cost by special assessment. In such a case, this chapter provides the method of doing so, to the extent that a special procedure is not provided in the authorizing statute.

5. To a county for a project or benefited property within the boundaries of a city ~~[,]~~ ***or another county,*** if the city ***or other county*** within whose boundaries the project or benefited property is located consents to the exercise of powers under this chapter within its boundaries, in an interlocal agreement entered into pursuant to NRS 277.045 to 277.180, inclusive.

6. To a city for a project or benefited property outside the boundaries of the city, if the county or other city within whose boundaries the project or benefited property is located consents to the exercise of powers under this chapter within its boundaries, in an interlocal agreement entered into pursuant to NRS 277.045 to 277.180, inclusive.

Sec. 2. Chapter 278C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing bodies of two or more municipalities whose boundaries are contiguous may enter into an interlocal or cooperative agreement for the ordering of an undertaking ~~*[that is a street project]*~~ ***whose boundaries encompass all or part of each municipality and the creation of the tax increment area and the tax increment account pertaining thereto. A tax increment area created pursuant to this section***

must be administered as provided in the interlocal or cooperative agreement, notwithstanding any provision of this chapter to the contrary.

2. If the governing bodies of two or more municipalities enter into an interlocal or cooperative agreement pursuant to subsection 1, the governing bodies may, in accordance with the procedures set forth in the interlocal or cooperative agreement:

(a) Jointly take any action required to be taken by a governing body for the creation of a district by the governing body pursuant to NRS 278C.160, 278C.170, 278C.180, 278C.210, 278C.220, 278C.230, 278C.270 and 278C.280, except that each governing body must adopt an ordinance pursuant to NRS 278C.220 in order to create the tax increment area; ~~[and]~~

(b) ~~[Contract with a person to construct or improve the street project, issue]~~ Enter into contracts for the undertaking; and

(c) Issue bonds or otherwise finance the cost of the ~~[project.]~~ undertaking.

Sec. 3. This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 286.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 338.

AN ACT relating to criminal procedure; revising provisions concerning the eligibility of a defendant for assignment to a program for the treatment of veterans and members of the military; authorizing a district court, justice court or municipal court to establish such a program; **making various other changes relating to such a program;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a district court to establish an appropriate program for the treatment of veterans and members of the military to which it may assign an eligible defendant. A justice court or municipal court is authorized, upon approval of the district court, to transfer original jurisdiction of a case involving such an eligible defendant to the district court. (NRS 176A.280, 176A.285) **Section 3** of this bill additionally authorizes a justice court or municipal court to establish such a program and revises the provisions concerning the eligibility of a defendant for assignment to such a program. **Section 3** also provides that the assignment of a defendant to such a program must be for a period of not less than 12 months.

Section 2 of this bill provides that a defendant is ineligible for assignment to such a program if he or she: (1) has previously been assigned to such a

program; ~~[(2) has been convicted of certain offenses;]~~ or ~~[(3)]~~ **(2)** was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under **dishonorable** conditions**.** ~~[other than honorable.]~~ **Section 2** also provides that a defendant who was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under ~~[such]~~ **dishonorable** conditions may be assigned to such a program if a court determines that extraordinary circumstances exist to warrant the assignment.

Existing law provides that upon violation of a term or condition of such a program, the court may: (1) enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged; and (2) order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison. (NRS 176A.290) Section 5 of this bill authorizes the imposition of certain sanctions against a defendant for such a violation.

Existing law provides that upon fulfillment of the terms and conditions of such a program, the court shall discharge the defendant and dismiss the proceedings. (NRS 176A.290) Section 5 provides that for defendants in the program who were charged with battery constituting domestic violence or driving under the influence, the court may conditionally dismiss the charges. Under section 6 of this bill, if the charges are conditionally dismissed, then the court must order that all records relating to the charges be sealed 7 years after such a conditional dismissal.

Under existing law, before accepting a plea from a defendant or proceeding to trial, a justice of the peace or municipal judge must address the defendant personally and ask the defendant if he or she is a veteran or a member of the military. (NRS 4.374, 5.057) Sections 9 and 10 of this bill require that the justice of the peace or municipal judge must, as soon as possible after a defendant is arrested or cited, attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant qualifies for a program for the treatment of veterans and members of the military.

Sections 11 and 12 of this bill provide that: (1) persons who are charged with first misdemeanor offenses of battery constituting domestic violence or driving under the influence are eligible to be assigned to a program for the treatment of veterans and members of the military; and (2) offenses that are conditionally dismissed in connection with successful completion of such a program or a diversionary or specialty court program constitute prior offenses for the purpose of determining whether the person is subject to an enhanced penalty with respect to a subsequent offense.

The remaining sections of this bill make conforming changes.

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

Section 1. NRS 176.015 is hereby amended to read as follows:

176.015 1. Sentence must be imposed without unreasonable delay. Pending sentence, the court may commit the defendant or continue or alter the bail.

2. Before imposing sentence, the court shall:

(a) Afford counsel an opportunity to speak on behalf of the defendant; and

(b) Address the defendant personally and ask the defendant if:

(1) The defendant wishes to make a statement in his or her own behalf and to present any information in mitigation of punishment; and

(2) The defendant is a veteran or a member of the military. If the defendant ~~[~~is a veteran or a member of the military and~~]~~ meets the qualifications of ~~[~~paragraphs (b) and (c) of~~]~~ subsection ~~[~~2~~]~~ ***1*** of NRS ~~[~~176A.285,~~]~~ ***176A.280,*** the court may, if appropriate, assign the defendant to:

(I) A program of treatment established pursuant to NRS 176A.280; or

(II) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:

(a) Appear personally, by counsel or by personal representative; and

(b) Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.

4. The prosecutor shall give reasonable notice of the hearing to impose sentence to:

(a) The person against whom the crime was committed;

(b) A person who was injured as a direct result of the commission of the crime;

(c) The surviving spouse, parents or children of a person who was killed as a direct result of the commission of the crime; and

(d) Any other relative or victim who requests in writing to be notified of the hearing.

➥ Any defect in notice or failure of such persons to appear are not grounds for an appeal or the granting of a writ of habeas corpus. All personal information, including, but not limited to, a current or former address, which pertains to a victim or relative and which is received by the prosecutor pursuant to this subsection is confidential.

5. For the purposes of this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Relative" of a person includes:

(1) A spouse, parent, grandparent or stepparent;

(2) A natural born child, stepchild or adopted child;

(3) A grandchild, brother, sister, half brother or half sister; or

(4) A parent of a spouse.

(c) "Veteran" has the meaning ascribed to it in NRS 176A.090.

(d) "Victim" includes:

(1) A person, including a governmental entity, against whom a crime has been committed;

(2) A person who has been injured or killed as a direct result of the commission of a crime; and

(3) A relative of a person described in subparagraph (1) or (2).

6. This section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing.

Sec. 2. Chapter 176A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a defendant is not eligible for assignment to a program of treatment established pursuant to NRS 176A.280 if the defendant:

(a) Has previously been assigned to such a program; or

(b) [Has been convicted of:

(1) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(2) A violation of NRS 484C.130 or 484C.430;

(3) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430;

(4) A felony that constitutes domestic violence pursuant to NRS 33.018; or

(5) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in this paragraph; or

(c)] Was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions. [other than honorable.]

2. A defendant described in paragraph [(c)] (b) of subsection 1 may be assigned to a program of treatment established pursuant to NRS 176A.280 if a justice court, municipal court or district court, as applicable, determines that extraordinary circumstances exist which warrant the assignment of the defendant to the program.

Sec. 3. NRS 176A.280 is hereby amended to read as follows:

176A.280 **[**A**]**

1. A district court, justice court or municipal court may establish an appropriate program for the treatment of veterans and members of the military to which it may assign a defendant pursuant to NRS 176A.290 **[**,**]** ***if the defendant is a veteran or member of the military and:***

(a) Appears to suffer from mental illness, alcohol or drug abuse or posttraumatic stress disorder, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life which is necessary after combat service;

(b) Would benefit from assignment to the program; and

(c) Is not ineligible for assignment to the program pursuant to section 2 of this act or any other provision of law.

2. The assignment ***of a defendant to a program pursuant to this section*** must ~~[include]~~ ***:***

(a) Include the terms and conditions for successful completion of the program ~~[and provide]~~ ***;***

(b) Provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program ~~[.]~~ ***; and***

(c) Be for a period of not less than 12 months.

Sec. 4. NRS 176A.285 is hereby amended to read as follows:

176A.285 ~~[1. A]~~ ***If a*** justice court or ~~[a]~~ municipal court ***has not established a program pursuant to NRS 176A.280, the justice court or municipal court, as applicable,*** may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving ~~[an eligible]~~ ***a*** defendant ~~[.~~

~~2. As used in this section, "eligible defendant" means a veteran or a member of the military who:~~

~~(a) Has]~~ ***who meets the qualifications of subsection 1 of NRS 176A.280 and has*** not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor ***.*** ~~[;~~

~~(b) Appears to suffer from mental illness, alcohol or drug abuse or posttraumatic stress disorder, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life which is necessary after combat service; and~~

~~(c) Would benefit from assignment to a program established pursuant to NRS 176A.280.]~~

Sec. 5. NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 2 of this act,*** if a defendant ~~[who is a veteran or a member of the military and who suffers from mental illness, alcohol or drug abuse or posttraumatic stress disorder as]~~ described in NRS ~~[176A.285]~~ ***176A.280*** tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the ***district court, justice court or municipal*** court ***, as applicable,*** may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation

upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the ***district court, justice court or municipal*** court ***, as applicable,*** may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the ***district court, justice court or municipal*** court ***, as applicable,*** shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.

3. Upon violation of a term or condition:

(a) ***The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:***

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The ***district court, justice court or municipal*** court ***, as applicable,*** may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

~~[(b)]~~ ***(c)*** Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the ***district*** court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. ~~[Upon]~~ ***Except as otherwise provided in subsection 5, upon*** fulfillment of the terms and conditions, the ***district court, justice court or municipal*** court ***, as applicable,*** shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, ***complaint,*** indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, ***complaint,***

indictment, information or trial in response to an inquiry made of the defendant for any purpose.

5. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges. If a court conditionally dismisses the charges, the court shall notify the defendant that the conditionally dismissed charges are a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but are not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 6. NRS 176A.295 is hereby amended to read as follows:

176A.295 1. ~~[After]~~ ***Except as otherwise provided in subsection 2, after*** a defendant is discharged from probation pursuant to NRS 176A.290, the ***justice court, municipal court or district*** court ***, as applicable,*** shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The ***justice court, municipal court or district*** court ***, as applicable,*** shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. ***If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed as provided in subsection 5 of NRS 176A.290, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed 7 years after such a conditional dismissal. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.***

3. If the ***justice court, municipal court or district*** court ***, as applicable,*** orders sealed the record of a defendant discharged ***or whose charges were conditionally dismissed*** pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order. Each such

agency or officer shall notify the ***justice court, municipal court or district*** court ***, as applicable,*** in writing of its compliance with the order.

Sec. 7. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a fine imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

(s) In actions transferred from the district court pursuant to NRS 3.221.

(t) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(u) In any action seeking an order pursuant to NRS 441A.195.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or ***, if the justice court has not established a program pursuant to NRS*** 176A.280 ~~[.]~~ ***, to a program established pursuant to that section.***

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 8. NRS 4.374 is hereby amended to read as follows:

4.374 1. ***As soon as possible after a defendant is arrested or cited, the justice of the peace shall attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.***

2. Before accepting a plea from a defendant or proceeding to trial, the justice of the peace shall ~~[address]~~ ***:***

(a) Address the defendant personally and ask the defendant if he or she is a veteran or a member of the military ~~[.]~~ ***; and***

(b) Determine whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

~~[2.]~~ ***3.*** If the defendant ~~[is a veteran or a member of the military and]~~ meets the qualifications of ***subsection 1 of*** NRS ~~[176A.285,]~~ ***176A.280,*** the justice court may, ***if the justice court has not established a program pursuant to NRS 176A.280 and,*** if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

~~[3.]~~ ***4.*** As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 9. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To prevent or abate a nuisance within the limits of their respective cities.

2. The municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or ***, if the municipal court has not established a program pursuant to NRS*** 176A.280 ~~[.]~~ ***, to a program established pursuant to that section.***

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the

city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

Sec. 10. NRS 5.057 is hereby amended to read as follows:

5.057 1. ***As soon as possible after a defendant is arrested or cited, the municipal judge shall attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.*** Before accepting a plea from a defendant or proceeding to trial, the municipal judge shall ~~[address]~~ ***:***

(a) Address the defendant personally and ask the defendant if he or she is a veteran or a member of the military ~~[.]~~ ***; and***

(b) Determine whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

2. If the defendant ~~[is a veteran or a member of the military and]~~ meets the qualifications of ***subsection 1 of*** NRS ~~[176A.285,]~~ ***176A.280,*** the municipal court may, ***if the municipal court has not established a program pursuant to NRS 176A.280 and,*** if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 11. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than $15,000.

3. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

4. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section ~~[when]~~ ***:***

(a) When evidenced by a conviction ~~[,]~~ ***; or***

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➥ without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

6. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

7. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

8. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. ~~[A court shall not grant probation to and, except]~~ ***Except*** as otherwise provided in ~~[NRS 4.373, and 5.055, *and 176A.290,]*~~ ***this subsection,*** a court shall not ***grant probation to or*** suspend the sentence of such a person. ***A court may grant probation to or suspend the sentence of such a person:***

(a) As set forth in NRS 4.373 and 5.055; or

(b) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.

9. As used in this section:

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

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 11.5. **NRS 484C.400 is hereby amended to read as follows:**

484C.400 1. Unless a greater penalty is provided pursuant to NRS 484C.430 or 484C.440, and except as otherwise provided in NRS 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:

(1) Except as otherwise provided in subparagraph (4) of this paragraph or subsection 2 of NRS 484C.420, order the person to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if the person fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484C.320, sentence the person to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120;

(3) Fine the person not less than $400 nor more than $1,000; and

(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330, the court shall:

(1) Sentence the person to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine the person not less than $750 nor more than $1,000, or order the person to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120; and

(3) Order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

➥ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) Except as otherwise provided in NRS 484C.340, for a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section ~~[when]~~ ***:***

(a) When evidenced by a conviction ~~[,]~~ ***; or***

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

↵ without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of his or her sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.410 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, "offense" means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 12. NRS 484C.420 is hereby amended to read as follows:

484C.420 1. ~~[A]~~ ***Except as otherwise provided in ~~[NRS 176A.290,]~~ subsection 2, a*** person convicted of violating the provisions of NRS 484C.110 or 484C.120 must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055, 484C.320, 484C.330 and 484C.340, that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484C.110 or 484C.120 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

2. ***The court may grant probation to or suspend the sentence of a person to assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first violation of the provisions of NRS 484C.110 or 484C.120 that is punishable as a misdemeanor.***

3. If the person who violated the provisions of NRS 484C.110 or 484C.120 possesses a driver's license issued by a state other than the State of Nevada and does not reside in the State of Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) of subsection 1 of NRS 484C.400, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of the person's residence within the time specified in the order; or

(b) Order the person to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the Department within the time specified in the order,

➥ and the court shall notify the Department if the person fails to complete the assigned course within the specified time.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 304.

Bill read second time and ordered to third reading.

Assembly Bill No. 310.

Bill read second time.

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

Amendment No. 226.

AN ACT relating to public administrators; revising provisions governing the payment of compensation for certain public administrators; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the election, qualifications and duties of a public administrator in securing and administering the estate of an intestate decedent. (Chapter 253 of NRS) For certain counties, the district attorney of the county serves, ex officio, as the public administrator of the county. In Carson City, the Clerk of Carson City serves as the Public Administrator of Carson City. (NRS 253.010) Existing law also provides that public administrators are entitled to be paid as other administrators or executors, subject to certain restrictions on the annual salary of certain public administrators. (NRS 245.043, 253.050) This bill requires the board of county commissioners, in certain counties where the salary of a public administrator is not set by law, to set and pay the annual compensation of a public administrator for certain costs and expenses. This bill also authorizes such public administrators to retain all fees provided by law for public administrators.

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

Section 1. NRS 253.050 is hereby amended to read as follows:

253.050 1. For the administration of the estates of deceased persons, public administrators are entitled to be paid as other administrators or executors are paid, subject to the provisions of NRS 245.043.

2. The district attorneys of Humboldt, Lander, Lincoln, Storey and White Pine Counties as ex officio public administrators and the Clerk of Carson City serving as Public Administrator of Carson City may retain all fees provided by law received by them as public administrators.

3. The public administrator is entitled to compensation from the estate or from beneficiaries for the reasonable value of his or her services performed in preserving the property of an estate of a deceased person before the appointment of an administrator. Compensation must be set by the board of county commissioners.

4. Except as otherwise provided in subsection 2, a public administrator who does not receive a salary pursuant to NRS 245.043:

(a) Is entitled to receive annual compensation, for the costs and expenses incident to a public administrator, ~~[of $12,000 or more]~~ as set by the board of county commissioners and paid out of the county fund; and

(b) May retain all fees provided by law received by him or her as public administrator.

Sec. 2. 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. 3. This act becomes effective on July 1, 2018.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 316.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 342.

ASSEMBLYMEN THOMPSON, YEAGER, OHRENSCHALL; ARAUJO, CARRILLO, FUMO, MCCURDY II, MILLER**,** ~~[AND]~~ MONROE- MORENO **AND PICKARD**

JOINT SPONSORS: SENATORS SEGERBLOM; AND HARRIS

AN ACT relating to offenders; revising provisions governing the services provided to an offender before the offender's release; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to provide certain information and services to an offender upon the offender's release from prison. (NRS 209.511) This bill **[**~~: (1) requires~~**]** **authorizes** the Director to provide ~~[an offender]~~ **: (1) certain offenders** with evidence-based **or promising practice** reentry programs relating to employment **not later than** 3 months before ~~[the]~~ **each** offender is projected to be released; and (2) ~~[authorizes the Director to provide]~~ mediation services to an offender and the offender's supporting family and friends. **This bill also encourages the Director to work with the Nevada Community Re-Entry Task Force, established by the Governor pursuant to executive order, to align statewide reentry strategies and their implementation.**

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

Section 1. NRS 209.511 is hereby amended to read as follows:

209.511 1. ***Before an offender is released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may provide mediation services to the offender and the family members and***

friends of the offender who provide emotional, psychological and financial support to the offender.

2. [Three] Not later than 3 months before an offender is projected to be released from prison by expiration of his or her term of sentence, by pardon or parole, the Director [shall] may, if space is available, provide [the] an eligible offender with one or more evidence-based or promising practice reentry programs to obtain employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person.

3. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) ~~[~~Shall provide the offender with information relating to obtaining employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person;

~~(f)]~~ Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card; or

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;

~~[(g)]~~ ***(f)*** May provide the offender with clothing suitable for reentering society;

~~[(h)]~~ ***(g)*** May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

~~[(i)]~~ ***(h)*** May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and

~~[(j)]~~ ***(i)*** Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.

~~[2.]~~ ***4.*** The costs authorized in paragraphs (a), ***(e),*** (f), ~~[(g), (h) and (j)]~~ ***(g) and (i)*** of subsection ~~[1]~~ ***3*** must be paid out of the appropriate account

within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

~~[3.]~~ ***5. The Director is encouraged to work with the Nevada Community Re-Entry Task Force established by the Governor pursuant to executive order, or its successor body, if any, to align statewide strategies for the reentry of offenders into the community and the implementation of those strategies.***

6. As used in this section:

(a) ***"Eligible offender" means an offender who is:***

(1) Determined to be eligible for reentry programming based on the Nevada Risk Assessment Services instrument, or its successor risk assessment tool; and

(2) Enrolled in:

(I) Programming services under a reentry program at a correctional facility which has staff designated to provide the services; or

(II) A community-based program to assist offenders to reenter the community.

(b) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

~~[(b)]~~ ***(c)*** "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

(d) "Promising practice reentry program" means a reentry program that has strong quantitative and qualitative data showing positive outcomes, but does not have sufficient research or replication to support recognition as an evidence-based practice.

Sec. 2. This act becomes effective on July 1, 2017.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 326.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 344.

SUMMARY—Revises provisions relating to reports of presentence investigations **~~[.]~~ and general investigations.** (BDR 14-1117)

AN ACT relating to criminal procedure; revising provisions relating to certain information included in reports of presentence investigations; **authorizing the court to order the Division of Parole and Probation of the Department of Public Safety to correct the contents of a report of any presentence investigation or general investigation in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Parole and Probation of the Department of Public Safety to include in the report of any presentence investigation any information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment. (NRS 176.145) Existing law also generally requires the Division to disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court the factual content of the report of any presentence investigation and the recommendations of the Division not later than 14 calendar days before the defendant will be sentenced. (NRS 176.153)

Section 1 of this bill provides that if the Division includes in the report of any presentence investigation any information relating to the defendant being affiliated with or a member in a criminal gang and the Division reasonably believes such information is disputed by the defendant, the Division is required to provide with the information disclosed, before the defendant will be sentenced, copies of all documentation relied upon by the Division as a basis for including such information in the report. **Section 1** also provides that if such information is disputed by the defendant, the Division **or the prosecuting attorney** is required to prove by clear and convincing evidence that the information is accurate.

Existing law requires the Division to afford an opportunity to the prosecuting attorney, the counsel for the defendant and the defendant to object to factual errors in a report of any presentence investigation or general investigation. (NRS 176.156) Section 2 of this bill authorizes the court to order the Division to correct the contents of any such report following sentencing of the defendant if the prosecuting attorney and the defendant stipulate to correcting the contents of any such report within 180 days after the date on which the judgment of conviction was entered.

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

Section 1. NRS 176.153 is hereby amended to read as follows:

176.153 ***1.*** Except as otherwise provided in ~~[this section,]~~ ***subsection 3,*** the Division shall disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court, not later than 14 calendar days before the defendant will be sentenced, the factual content of the report of any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division.

2. In addition to the disclosure requirements set forth in subsection 1, if the Division includes in the report of any presentence investigation made pursuant to NRS 176.135 any information relating to the defendant being affiliated with or a member in a criminal gang and the Division reasonably believes such information is disputed by the defendant, the Division shall provide with the information disclosed pursuant to subsection 1 copies of all documentation relied upon by the Division as a basis for including such

information in the report, including, without limitation, any field interview cards. If such information is disputed by the defendant, the Division or the prosecuting attorney must prove by clear and convincing evidence that the information is accurate.

3. The defendant may waive the minimum period required by ~~[this section.]~~ ***subsection 1.***

4. As used in this section, "criminal gang" has the meaning ascribed to it in NRS 193.168.

Sec. 2. NRS 176.156 is hereby amended to read as follows:

176.156 1. The Division shall disclose to the prosecuting attorney, the counsel for the defendant and the defendant the factual content of the report of:

(a) Any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division ~~[.]~~ ***and, if applicable, provide the documentation required pursuant to subsection 2 of NRS 176.153,*** in the period provided in NRS 176.153.

(b) Any general investigation made pursuant to NRS 176.151.

➥ The Division shall afford an opportunity to each party to object to factual errors in any such report and to comment on any recommendations. ***The court may order the Division to correct the contents of any such report following sentencing of the defendant if, within 180 days after the date on which the judgment of conviction was entered, the prosecuting attorney and the defendant stipulate to correcting the contents of any such report.***

2. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to a law enforcement agency of this State or a political subdivision thereof and to a law enforcement agency of the Federal Government for the limited purpose of performing their duties, including, without limitation, conducting hearings that are public in nature.

3. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Division of Public and Behavioral Health of the Department of Health and Human Services for the limited purpose of performing its duties,
including, without limitation, evaluating and providing any report or information to the Division concerning the mental health of:

(a) A sex offender as defined in NRS 213.107; or

(b) An offender who has been determined to be mentally ill.

4. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Nevada Gaming Control Board for the limited purpose of performing its duties in the administration of the provisions of chapters 462 to 467, inclusive, of NRS.

5. Except for the disclosures required by subsections 1 to 4, inclusive, a report of a presentence investigation or general investigation and the sources

of information for such a report are confidential and must not be made a part of any public record.

Sec. 3. The amendatory provisions of this act apply to a report of any presentence investigation **or general investigation** that is made on or after October 1, 2017.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 347.

Bill read second time and ordered to third reading.

Assembly Bill No. 366.

Bill read second time.

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

Amendment No. 194.

ASSEMBLYMEN ARAUJO, BUSTAMANTE ADAMS, FRIERSON, THOMPSON, YEAGER; PAUL ANDERSON, BENITEZ-THOMPSON, CARLTON, JOINER, MONROE-MORENO, OSCARSON AND SPRINKLE

SENATORS WOODHOUSE, FORD, RATTI, GANSERT, KIECKHEFER; CANCELA, **HARDY,** HARRIS AND MANENDO

AN ACT relating to mental health; creating four behavioral health regions in this State; creating a regional behavioral health policy board for each region to advise the Division of Public and Behavioral Health and the Commission on Behavioral Health of the Department of Health and Human Services regarding certain behavioral health issues; **authorizing each regional behavioral health policy board to request the drafting of not more than one legislative measure for each regular session of the Legislature;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill creates the Northern, Washoe, Rural and Southern Behavioral Health Regions, each consisting of certain cities and counties in this State. **Section 6** of this bill creates a regional behavioral health policy board for each of the four regions. **Section 6** also provides that the membership of each policy board consists of ~~[12]~~ **13** persons, including: ~~[11]~~ **(1) six** members appointed by the ~~[Director of the Department of Health and Human Services; and 1 member who represents the criminal justice system appointed by the]~~ Governor ~~[.]~~ **or his or her designee; (2) three members appointed by the Speaker of the Assembly; (3) three members appointed by the Majority Leader of the Senate; and (4) one member appointed by the Legislative Commission.** **Section 10** of this bill staggers the terms for the appointed members of each policy board.

Section 7 of this bill requires each policy board to: (1) advise the Department, the Division of Public and Behavioral Health and the

Commission on Behavioral Health of the Department on certain regional behavioral health issues; (2) promote improvements in the delivery of behavioral health services in the behavioral health region; ~~[and]~~ (3) coordinate and exchange information with **other policy boards to provide unified recommendations to** the Department, Division and Commission regarding behavioral health services in their respective behavioral health region ~~[.]~~ **; (4) review data collection and reporting standards relating to behavioral health information; and (5) submit a report to the Commission which includes the priorities and needs of the policy board's behavioral health region.** **Section 8** of this bill revises the requirements of the report submitted by the Commission annually to the Governor and biennially to the Legislature to include: (1) recommendations from each policy board; (2) the epidemiologic profiles of substance use and abuse, problem gambling and suicide; (3) relevant behavioral health prevalence data for each behavioral health region; and (4) the health priorities set for each behavioral health region. **Sections 8.3 and 8.7 of this bill authorize each policy board to request for each regular session of the Legislature the drafting of not more than one legislative measure which relates to matters within the scope of a policy board.**

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

Section 1. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive of this act.

Sec. 2. ***As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Behavioral health region" means a behavioral health region created by section 5 of this act.***

Sec. 4. ***"Policy board" means a regional behavioral health policy board created by section 6 of this act.***

Sec. 5. ***Four behavioral health regions are hereby created as follows:***

1. The Northern Behavioral Health Region consisting of Carson City and the counties of Churchill, Douglas, Lyon, Mineral and Storey;

2. The Washoe Behavioral Health Region consisting of the county of Washoe;

3. The Rural Behavioral Health Region consisting of the counties of Elko, Eureka, Humboldt, Lander, Lincoln, Pershing and White Pine; and

4. The Southern Behavioral Health Region consisting of the counties of Clark, Esmeralda ~~[, Lincoln]~~ and Nye.

Sec. 6. ***1. A regional behavioral health policy board is hereby created for each behavioral health region.***

2. Each policy board consists of ~~[12]~~ 13 members as follows:

(a) ~~[Eleven]~~ Six members appointed by the ~~[Director of the Department]~~ Governor or his or her designee as follows:

(1) ~~[One member who is a health officer of a county or who is in a position with duties similar to those of such a health officer;~~

~~(2) One member who is a psychiatrist or doctor of psychology with clinical experience and who is licensed to practice in this State;~~

~~(3) One member who represents private or public insurers who offer coverage for behavioral health services;~~

~~(4) One member who represents the interests of behavioral health patients or the families of behavioral health patients;~~

~~(5) One member who represents providers of emergency services and who has experience providing emergency services to behavioral health patients, which may include, without limitation, a paramedic or physician;~~

~~(6) One member who represents law enforcement agencies;~~

~~(7)]~~ One member who represents the criminal justice system;

(2) Two members who have extensive experience in the delivery of social services in the field of behavioral health, including, without limitation, directors or officers of social service agencies in the behavioral health region; and

~~[(8)]~~ (3) Three members who represent the interests of one or more of the following:

(I) Hospitals, residential long-term care facilities or facilities that provide acute inpatient behavioral health services;

(II) Community-based organizations which provide behavioral health services;

(III) Administrators or counselors who are employed at facilities for the treatment of abuse of alcohol or drugs; or

(IV) Owners or administrators of residential treatment facilities, transitional housing or other housing for persons who are mentally ill or suffer from addiction or substance abuse.

➥ At least one member of the policy board appointed by the ~~[Director of the Department]~~ Governor or his or her designee for each region pursuant to this subparagraph must be a behavioral health professional who has experience in evaluating and treating children.

(b) ~~[One member]~~ Three members ~~[who represents the criminal justice system,]~~ appointed by the ~~[Governor.]~~ Speaker of the Assembly as follows:

(1) One member who is a health officer of a county or who is in a position with duties similar to those of such a health officer;

(2) One member who is a psychiatrist or doctor of psychology with clinical experience and who is licensed to practice in this State; and

(3) One member who represents private or public insurers who offer coverage for behavioral health services.

(c) Three members appointed by the Majority Leader of the Senate as follows:

(1) One member who has received behavioral health services in this State or a family member of such a person or, if such a person is not

available, a person who represents the interests of behavioral health patients or the families of behavioral health patients;

(2) One member who represents providers of emergency medical services or fire services and who has experience providing emergency services to behavioral health patients, which may include, without limitation, a paramedic or physician; and

(3) One member who represents law enforcement agencies and who has experience with and knowledge of matters relating to people in need of behavioral health services.

(d) One member who is a Legislator, appointed by the Legislative Commission.

3. In making appointments, preference must be given to persons who reside in the behavioral health region served by the policy board.

4. Each member of the policy board serves without compensation for a term of 2 years and may be reappointed. The ~~[Director of the Department]~~ appointing authority may remove a member from the policy board if the ~~[Director]~~ appointing authority determines the member has neglected his or her duties. Any vacancy in the membership of a policy board must be filled in the same manner as the original appointment.

5. ~~[On or before July 1 of each odd-numbered year, the Speaker of the Assembly]~~ Each policy board shall ~~[designate]~~ meet not later than 60 days after all appointments to such board have been made and elect one member of ~~[each]~~ the policy board to act as the Chair for the biennium. The Director of the Department or his or her designee shall preside over the election of the Chair for each policy board at each board's first meeting. Each policy board shall thereafter meet at least quarterly at the call of the Chair.

6. As used in this section, "social services agency" means any public agency or organization that provides social services in this State, including, without limitation, welfare and health care services.

Sec. 7. *Each policy board shall:*

1. Advise the Department, Division and Commission regarding:

(a) The behavioral health needs of adults and children in the behavioral health region;

(b) Any progress, problems or proposed plans relating to the provision of behavioral health services and methods to improve the provision of behavioral health services in the behavioral health region;

(c) Identified gaps in the behavioral health services which are available in the behavioral health region and any recommendations or service enhancements to address those gaps; and

(d) Priorities for allocating money to support and develop behavioral health services in the behavioral health region.

2. Promote improvements in the delivery of behavioral health services in the behavioral health region.

3. Coordinate and exchange information with the other policy boards to provide unified and coordinated recommendations to the Department, Division and Commission regarding behavioral health services in the behavioral health region.

4. Review the collection and reporting standards of behavioral health data to determine standards for such data collection and reporting processes.

5. In coordination with existing entities in this State that address issues relating to behavioral health services, submit an annual report to the Commission which includes, without limitation, the specific behavioral health needs of the behavioral health region. Such a report may be submitted more often than annually if the policy board determines that a specific behavioral health issue requires an additional report to the Commission.

Sec. 8. NRS 433.314 is hereby amended to read as follows:

433.314 The Commission shall:

1. Establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual disabilities and related conditions, substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;

2. Set policies for the care and treatment of persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;

3. Review the programs and finances of the Division; and

4. Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature on ~~[the]~~ ***:***

(a) Information concerning the quality of the care and treatment provided for persons with mental illness, persons with intellectual disabilities and persons with related conditions, persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment ~~[.]~~ ***; and***

(b) In coordination with the Department, any recommendations from the regional behavioral health policy boards created pursuant to section 6 of this act. The report must include, without limitation:

(1) The epidemiologic profiles of substance use and abuse, problem gambling and suicide;

(2) Relevant behavioral health prevalence data for each behavioral health region created by section 5 of this act; and

(3) The health priorities set for each behavioral health region.

Sec. 8.3. **Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:**

1. For a regular session, each regional behavioral health policy board created by section 6 of this act may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the policy board. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 8.7. **NRS 218D.100 is hereby amended to read as follows:**

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, ***and section 8.3 of this act*** apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, ***and section 8.3 of this act*** for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, ***and section 8.3 of this act*** but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Assign a number to a request for the drafting of a legislative measure to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

(b) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(c) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 9. 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. 10. As soon as practicable on or after July 1, 2017, the ~~[Director of the Department of Health and Human Services]~~ **Governor or his or her designee, the Speaker of the Assembly, the Majority Leader of the Senate and the Legislative Commission,** shall make the appointments required by ~~[paragraph (b) of]~~ subsection 2 of section 6 of this act to each of the four regional behavioral health policy boards created by section 6 of this

act. Notwithstanding the provisions of section 6 of this act, members appointed by the ~~[Director]~~ **:**

1. Governor or his or her designee to serve on a regional behavioral health policy board must be appointed to serve the following initial terms:

~~[1. Five]~~

(a) Three persons for an initial term of 1 year.

~~[2. Six]~~

(b) Three persons for an initial term of 2 years.

2. Speaker of the Assembly to serve on a regional behavioral health policy board must be appointed to serve the following initial terms:

(a) One person for an initial term of 1 year.

(b) Two persons for an initial term of 2 years.

3. Majority Leader of the Senate to serve on a regional behavioral health policy board must be appointed to serve the following initial terms:

(a) Two persons for an initial term of 1 year.

(b) One person for an initial term of 2 years.

4. Legislative Commission to serve on a regional behavioral health policy board must be appointed to serve an initial term of 2 years.

Sec. 11. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 372.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 223.

AN ACT relating to intercollegiate athletics; enacting the Revised Uniform Athlete Agents Act (2015); repealing the Uniform Athletes' Agents Act; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law enacted and subsequently amended the Uniform Athletes' Agents Act. Generally, the Uniform Athletes' Agent Act requires an athlete agent to register with the Secretary of State and prohibits certain conduct by athlete agents. (NRS 398.400-398.620) This bill repeals the Uniform Athletes' Agents Act and enacts the Revised Uniform Athlete Agents Act (2015) **~~[.]~~ , except that section 20.3 maintains existing law governing the applicability of the provisions of law governing athlete agents and section 20.7 maintains existing law governing the confidentiality of certain information or documents obtained by, or filed with, the Secretary of State.**

Section 5 of this bill generally defines an athlete agent subject to the provisions of the Revised Uniform Athlete Agents Act (2015) as an individual who: (1) directly or indirectly induces or attempts to induce a

student athlete to enter an agency contract; (2) for compensation procures or attempts to procure employment for a student athlete as a professional athlete; (3) for compensation or the anticipation of compensation advises a student athlete on his or her finance or business affairs; or (4) in anticipation of representing a student athlete gives something of value to the athlete or another person.

Section 22 of this bill prohibits an individual from acting as an athlete agent without registering with the Secretary of State. **Section 23** of this bill requires an applicant for such registration to disclose certain information including, without limitation, training, experience and education, any conviction of a felony or crime of moral turpitude, any administrative or judicial determination that the applicant has made a false or deceptive representation and whether the applicant's license as an athlete agent has been denied, suspended or revoked in any state or has been the subject or cause of any sanction, suspension or declaration of ineligibility.

Sections 23 and 24 of this bill require reciprocal registration of an athlete agent if: (1) the agent is issued a certificate of registration by another state and the registration has not been suspended or revoked; (2) no action involving the athlete agent's conduct as an athlete agent is pending in any state; and (3) the application and registration requirements of the other state are substantially similar to or more restrictive than the law in this State.

Section 29 of this bill maintains existing law by requiring the Secretary of State to establish by regulation fees for the registration or renewal of registration as an athlete agent.

Sections 30-32 of this bill contain the requirements for entering an agency contract. **Section 30** requires such a contract to include, without limitation, a statement that the athlete agent is registered in the state in which the contract is signed, list any other state in which the agent is registered and set forth compensation of the athlete agent. The contract must be accompanied by a separate record signed by the student athlete acknowledging that signing the contract may result in the loss of eligibility to participate in the athlete's sport. **Section 31** requires both the agent and the student athlete to give notice of the contract to the athletic director of the affected educational institution within 72 hours of signing the agreement or before the athlete's next scheduled event, whichever occurs first. **Section 31** further specifies additional circumstances under which an athlete agent or student athlete must notify an athletic director or educational institution of information concerning the relationship between the athlete agent and the student athlete. **Section 32** provides a student athlete with a right to cancel an agency contract not more than 14 days after the contract is signed.

Section 33 of this bill requires athlete agents to maintain executed contracts and other specified records for a period of 5 years, including information about represented individuals and recruitment.

Section 34 of this bill prohibits an athlete agent from: (1) providing materially false or misleading information, promises or representations with

the intent of influencing a student athlete to enter into an agency contract; (2) furnishing anything of value to a student athlete before that athlete enters into an agency contract; (3) furnishing anything of value to an individual other than a student athlete; (4) initiating contact with a student athlete unless registered under the Revised Uniform Athlete Agents Act (2015); (5) failing to create, retain or permit inspection of required records; (6) failing to register where required; (7) providing materially false or misleading information in an application for registration or renewal thereof; (8) predating or postdating an agency contract; (9) failing to notify a student athlete that signing an agency contract may make the student athlete ineligible to participate as a student athlete in that sport; or (10) encouraging another individual to take on behalf of the agent an action the agent is prohibited from taking. **Section 35** of this bill provides that a person who violates any provision of **section 34** of this bill is guilty of a misdemeanor and must be required to pay restitution. **Section 36** of this bill authorizes a student athlete or educational institution to bring a civil action against an athlete agent for damages, and authorizes the student athlete or educational institution to be awarded actual damages, as well as costs and reasonable attorney's fees.

Sections 39-41 of this bill revise provisions governing the enforcement of the Uniform Athletes' Agents Act so that those provisions apply to the enforcement of the provisions of this bill. **Section 40** further increases the maximum administrative fine that may be imposed by the Secretary of State from $25,000 to $50,000.

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

Section 1. Title 34 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38, inclusive, of this act.

Sec. 2. ***NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act may be cited as the Revised Uniform Athlete Agents Act (2015).***

Sec. 3. ***As used in NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 20, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Agency contract" means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the athlete a professional sports services contract or endorsement contract.***

Sec. 5. ***"Athlete agent":***

1. Means an individual, whether or not registered under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act who:

(a) Directly or indirectly recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers,

promises, attempts or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization;

(b) For compensation or in anticipation of compensation related to a student athlete's participation in athletics:

(1) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or

(2) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts or taxes; or

(c) In anticipation of representing a student athlete for a purpose related to the athlete's participation in athletics:

(1) Gives consideration to the student athlete or another person;

(2) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits or career management decisions; or

(3) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts or taxes; but

2. Does not include an individual who:

(a) Acts solely on behalf of a professional sports team or organization; or

(b) Is a licensed, registered or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless the individual:

(1) Also recruits or solicits the athlete to enter into an agency contract;

(2) Also, for compensation, procures employment or offers, promises, attempts or negotiates to obtain employment for the athlete as a professional athlete or member of a professional sports team or organization; or

(3) Receives consideration for providing the services calculated using a different method than for an individual who is not a student athlete.

Sec. 6. *"Athletic director" means the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.*

Sec. 7. *"Educational institution" includes a public or private elementary school, secondary school, technical or vocational school, community college, college and university.*

Sec. 8. *"Endorsement contract" means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the athlete may have because of publicity, reputation, following or fame obtained because of athletic ability or performance.*

Sec. 9. *"Enrolled" means registered for courses and attending athletic practice or class. "Enrolls" has a corresponding meaning.*

Sec. 10. *"Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association that promotes or regulates collegiate athletics.*

Sec. 11. *"Interscholastic sport" means a sport played between educational institutions that are not community colleges, colleges or universities.*

Sec. 12. *"Licensed, registered or certified professional" means an individual licensed, registered or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant or member of a profession, other than that of athlete agent, who is licensed, registered or certified by the state or a nationally recognized organization that licenses, registers or certifies members of the profession on the basis of experience, education or testing.*

Sec. 13. *"Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality or other legal entity.*

Sec. 14. *"Professional sports services contract" means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.*

Sec. 15. *"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 16. *"Recruit or solicit" means attempt to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, a parent or guardian of the athlete. The term does not include giving advice on the selection of a particular agent in a family, coaching or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.*

Sec. 17. *"Registration" means registration as an athlete agent under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.*

Sec. 18. *"Sign" means, with present intent to authenticate or adopt a record:*

1. To execute or adopt a tangible symbol; or

2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 19. *"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.*

Sec. 20. *"Student athlete" means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. The term does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.*

Sec. 20.3. 1. The provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act apply to a person who sells or offers to sell his or her services as an athlete agent if the offer is:

(a) Made in this State;

(b) Accepted in this State;

(c) Accepted by a resident of this State; or

(d) Accepted by a student athlete who is enrolled at an educational institution.

2. For the purpose of this section, an offer is made in this State, whether or not either party is present in this State, if the offer:

(a) Originates in this State; or

(b) Is directed by the offeror to a destination in this State and received where it is directed, or at a post office in this State if the offer is mailed.

3. For the purpose of this section, an offer is accepted in this State if the acceptance:

(a) Is communicated to the offeror in this State; and

(b) Has not previously been communicated to the offeror, orally or in writing, outside this State.

➥ Acceptance is communicated to the offeror in this State, whether or not either party is present in this State, if the offeree directs it to the offeror in this State reasonably believing the offeror to be in this State and it is received where it is directed, or at any post office in this State if the acceptance is mailed.

Sec. 20.7. 1. Except as otherwise provided in subsections 2 and 3 and NRS 239.0115, the following information and documents do not constitute public information and are confidential:

(a) Information or documents obtained by the Secretary of State in connection with an investigation conducted pursuant to NRS 398.600 concerning possible violations of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) Information or documents filed with the Secretary of State in connection with an application for registration filed pursuant to NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act that constitute commercial or financial information, or business practices, of a person for which that person is entitled to and has asserted a claim of privilege or confidentiality authorized by law.

2. The Secretary of State may submit any information or evidence obtained in connection with an investigation conducted pursuant to NRS 398.600 to the Attorney General or appropriate district attorney for the

purpose of prosecuting a criminal action pursuant to NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.

3. The Secretary of State may disclose any information obtained in connection with an investigation conducted pursuant to NRS 398.600 to any other governmental agency if the disclosure is provided for the purpose of a civil, administrative or criminal investigation or proceeding and the receiving agency represents in writing that, under applicable law, protections exist to preserve the integrity, confidentiality and security of the information.

4. The provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act do not create any privilege and do not diminish any privilege existing pursuant to common law, a specific statute or regulation, or otherwise.

Sec. 21. ***1. The Secretary of State may adopt regulations to carry out the provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.***

2. By acting as an athlete agent in this State, a nonresident individual appoints the Secretary of State as the individual's agent for service of process in any civil action in this State related to the individual acting as an athlete agent in this State.

3. The Secretary of State may issue a subpoena for material that is relevant to the administration of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.

Sec. 22. ***1. Except as otherwise provided in subsection 2, an individual may not act as an athlete agent in this State without holding a certificate of registration under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act.***

2. Before being issued a certificate of registration under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act, an individual may act as an athlete agent in this State for all purposes except signing an agency contract if:

(a) A student athlete or another person acting on behalf of the athlete initiates communication with the individual; and

(b) Not later than 7 days after an initial act that requires the individual to register as an athlete agent, the individual submits an application for registration as an athlete agent in this State.

3. An agency contract resulting from conduct in violation of this section is void, and the athlete agent shall return any consideration received under the contract.

Sec. 23. ***1. An applicant for registration as an athlete agent shall submit an application for registration to the Secretary of State in a form prescribed by the Secretary of State. The applicant must be an individual, and the application must be signed by the applicant under penalty of perjury. The application must contain at least the following:***

(a) The name and date and place of birth of the applicant and the following contact information for the applicant:

(1) The address of the applicant's principal place of business;

(2) Work and mobile telephone numbers; and

(3) Any means of communicating electronically, including a facsimile number, electronic mail address, and personal and business or employer websites;

(b) The name of the applicant's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, organization form and the nature of the business;

(c) Each social media account with which the applicant or the applicant's business or employer is affiliated;

(d) Each business or occupation in which the applicant engaged within 5 years before the date of the application, including self-employment and employment by others, and any professional or occupational license, registration or certification held by the applicant during that time;

(e) A description of the applicant's:

(1) Formal training as an athlete agent;

(2) Practical experience as an athlete agent; and

(3) Educational background relating to the applicant's activities as an athlete agent;

(f) The name of each student athlete for whom the applicant acted as an athlete agent within 5 years before the date of the application or, if the individual is a minor, the name of the parent or guardian of the minor, together with the athlete's sport and last known team;

(g) The name and address of each person that:

(1) Is a partner, member, officer, manager, associate or profit sharer or directly or indirectly holds an equity interest of 5 percent or greater of the athlete agent's business if it is not a corporation; and

(2) Is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of 5 percent or greater in the corporation;

(h) A description of the status of any application by the applicant, or any person named under paragraph (g), for a state or federal business, professional or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal or termination of the license and any reprimand or censure related to the license;

(i) Whether the applicant, or any person named under paragraph (g), has pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would involve moral turpitude or be a felony if committed in this State and, if so, identification of:

(1) The crime;

(2) The law enforcement agency involved; and

(3) If applicable, the date of the conviction and the fine or penalty imposed;

(j) Whether, within 15 years before the date of application, the applicant, or any person named under paragraph (g), has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of incompetence and, if so, the date and a full explanation of each proceeding;

(k) Whether the applicant, or any person named under paragraph (g), has an unsatisfied judgment or a judgment of continuing effect, including spousal support or a domestic order in the nature of child support, which is not current at the date of the application;

(l) Whether, within 10 years before the date of application, the applicant, or any person named under paragraph (g), was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;

(m) Whether there has been any administrative or judicial determination that the applicant, or any person named under paragraph (g), made a false, misleading, deceptive or fraudulent representation;

(n) Each instance in which conduct of the applicant, or any person named under paragraph (g), resulted in the imposition of a sanction, suspension or declaration of ineligibility to participate in an interscholastic, intercollegiate or professional athletic event on a student athlete or a sanction on an educational institution;

(o) Each sanction, suspension or disciplinary action taken against the applicant, or any person named under paragraph (g), arising out of occupational or professional conduct;

(p) Whether there has been a denial of an application for, suspension or revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any person named under paragraph (g), as an athlete agent in any state;

(q) Each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent;

(r) If the applicant is certified or registered by a professional league or players association:

(1) The name of the league or association;

(2) The date of certification or registration, and the date of expiration of the certification or registration, if any; and

(3) If applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration; and

(s) Any additional information required by the Secretary of State.

2. Instead of proceeding under subsection 1, an individual registered as an athlete agent in another state may apply for registration as an athlete agent in this State by submitting to the Secretary of State:

(a) A copy of the application for registration in the other state;

(b) A statement that identifies any material change in the information on the application or verifies there is no material change in the information, signed under penalty of perjury;

(c) A copy of the certificate of registration from the other state; and

(d) The information required by section 25 of this act.

3. Except as otherwise provided in section 25 of this act, the Secretary of State shall issue a certificate of registration to an individual who applies for registration under subsection 2 if the Secretary of State determines:

(a) The application and registration requirements of the other state are substantially similar to or more restrictive than NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) The registration has not been revoked or suspended and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

4. For purposes of implementing subsection 3, the Secretary of State ~~[shall:]~~ may:

(a) Cooperate with national organizations concerned with athlete agent issues and agencies in other states which register athlete agents to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) Exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies.

Sec. 24. *1. Except as otherwise provided in subsection 2 and section 25 of this act, the Secretary of State shall issue a certificate of registration to an applicant for registration who complies with subsection 1 of section 23 of this act.*

2. The Secretary of State may refuse to issue a certificate of registration to an applicant for registration under subsection 1 of section 23 of this act if the Secretary of State determines that the applicant has engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent. In making the determination, the Secretary of State may consider whether the applicant has:

(a) Pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would involve moral turpitude or be a felony if committed in this State;

(b) Made a materially false, misleading, deceptive or fraudulent representation in the application or as an athlete agent;

(c) Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;

(d) Engaged in conduct prohibited by section 34 of this act;

(e) Had a registration as an athlete agent suspended, revoked or denied in any state;

(f) Been refused renewal of registration as an athlete agent in any state;

(g) Engaged in conduct resulting in imposition of a sanction, suspension or declaration of ineligibility to participate in an interscholastic, intercollegiate or professional athletic event on a student athlete or a sanction on an educational institution; or

(h) Engaged in conduct that adversely reflects on the applicant's credibility, honesty or integrity.

3. In making a determination under subsection 2, the Secretary of State shall consider:

(a) How recently the conduct occurred;

(b) The nature of the conduct and the context in which it occurred; and

(c) Other relevant conduct of the applicant.

4. An athlete agent registered under subsection 1 may apply to renew the registration by submitting an application for renewal in a form prescribed by the Secretary of State. The applicant shall sign the application for renewal under penalty of perjury and include current information on all matters required in an original application for registration.

5. An athlete agent registered under subsection 3 of section 23 of this act may renew the registration by proceeding under subsection 4 or, if the registration in the other state has been renewed, by submitting to the Secretary of State copies of the application for renewal in the other state, the renewed registration from the other state and the information required by section 25 of this act. Except as otherwise provided in section 25 of this act, the Secretary of State shall renew the registration if the Secretary of State determines:

(a) The registration requirements of the other state are substantially similar to or more restrictive than NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act; and

(b) The renewed registration has not been suspended or revoked and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

6. A certificate of registration or renewal of registration under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act is valid for 2 years.

Sec. 25. ***1. In addition to any other requirements set forth in this chapter:***

(a) An individual who applies for registration or the renewal of registration as an athlete agent pursuant to section 23 or 24 of this act, respectively, must include the social security number of the applicant in the application submitted to the Secretary of State.

(b) An applicant described in paragraph (a) shall submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Secretary of State shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for registration or the renewal of registration as an athlete agent; or

(b) A separate form prescribed by the Secretary of State.

3. Registration as an athlete agent may not be issued or renewed by the Secretary of State if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 26. *1. If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to an individual who is registered as an athlete agent, the Secretary of State shall deem the registration to be suspended at the end of the 30th day after the date on which the court order was issued unless the Secretary of State receives a letter issued to the registrant by the district attorney or other public agency pursuant to NRS 425.550 stating that the registrant has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Secretary of State shall reinstate a registration as an athlete agent that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the individual whose registration was suspended stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 27. *1. The Secretary of State may limit, suspend, revoke or refuse to renew a registration of an individual registered under subsection 1 of section 24 of this act for conduct that would have justified refusal to issue a certificate of registration under subsection 2 of section 24 of this act.*

2. The Secretary of State may suspend or revoke the registration of an individual registered under subsection 3 of section 23 of this act or

renewed under subsection 5 of section 24 of this act for any reason for which the Secretary of State could have refused to grant or renew registration or for conduct that would justify refusal to issue a certificate of registration under subsection 2 of section 24 of this act.

Sec. 28. ***The Secretary of State may issue a temporary certificate of registration as an athlete agent while an application for registration or renewal of registration is pending.***

Sec. 29. ***The Secretary of State shall adopt regulations establishing fees for:***

1. An initial application for registration.

2. Registration based on a certificate of registration issued by another state.

3. An application for renewal of registration.

4. Renewal of registration based on a renewal of registration in another state.

Sec. 30. ***1. An agency contract must be in a record signed by the parties.***

2. An agency contract must contain:

(a) A statement that the athlete agent is registered as an athlete agent in this State and a list of any other states in which the agent is registered as an athlete agent;

(b) The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the agent under the contract and any other consideration the agent has received or will receive from any other source for entering into the contract or providing the services;

(c) The name of any person not listed in the agent's application for registration or renewal of registration which will be compensated because the athlete signed the contract;

(d) A description of any expenses the athlete agrees to reimburse;

(e) A description of the services to be provided to the athlete;

(f) The duration of the contract; and

(g) The date of execution.

3. Subject to subsection 7, an agency contract must contain a conspicuous notice in boldface type and in substantially the following form:

WARNING TO STUDENT ATHLETE
IF YOU SIGN THIS CONTRACT:

(a) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;

(b) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC

DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

(c) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

4. An agency contract must be accompanied by a separate record signed by the student athlete or, if the athlete is a minor, the parent or guardian of the athlete acknowledging that signing the contract may result in the loss of the athlete's eligibility to participate in the athlete's sport.

5. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.

6. At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy in a record of the contract and the separate acknowledgment required by subsection 4.

7. If a student athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by subsection 3 must be revised accordingly.

Sec. 31. ***1. Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the athlete is enrolled or at which the agent has reasonable grounds to believe the athlete intends to enroll.***

2. Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete shall inform the athletic director of the educational institution at which the athlete is enrolled that the athlete has entered into an agency contract and the name and contact information of the athlete agent.

3. If an athlete agent enters into an agency contract with a student athlete and the athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the institution of the existence of the contract not later than 72 hours after the agent knew or should have known the athlete enrolled.

4. If an athlete agent has a relationship with a student athlete before the athlete enrolls in an educational institution and receives an athletic scholarship from the institution, the agent shall notify the institution of the

relationship not later than 10 days after the enrollment if the agent knows or should have known of the enrollment and:

(a) The relationship was motivated in whole or part by the intention of the agent to recruit or solicit the athlete to enter an agency contract in the future; or

(b) The agent directly or indirectly recruited or solicited the athlete to enter an agency contract before the enrollment.

5. An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with:

(a) The athlete or, if the athlete is a minor, a parent or guardian of the athlete, to influence the athlete or parent or guardian to enter into an agency contract; or

(b) Another individual to have that individual influence the athlete or, if the athlete is a minor, the parent or guardian of the athlete to enter into an agency contract.

6. If a communication or attempt to communicate with an athlete agent is initiated by a student athlete or another individual on behalf of the athlete, the agent shall notify in a record the athletic director of any educational institution at which the athlete is enrolled. The notification must be made not later than 10 days after the communication or attempt.

7. An educational institution that becomes aware of a violation of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act by an athlete agent shall notify the Secretary of State and any professional league or players association with which the institution is aware the agent is licensed or registered of the violation.

8. As used in this section, "communicating or attempting to communicate" means contacting or attempting to contact by an in-person meeting, a record or any other method that conveys or attempts to convey a message.

Sec. 32. *1. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may cancel an agency contract by giving notice in a record of cancellation to the athlete agent not later than 14 days after the contract is signed.*

2. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may not waive the right to cancel an agency contract.

3. If a student athlete, parent or guardian cancels an agency contract, the athlete, parent or guardian is not required to pay any consideration under the contract or return any consideration received from the athlete agent to influence the athlete to enter into the contract.

Sec. 33. *1. An athlete agent shall create and retain for 5 years records of the following:*

(a) The name and address of each individual represented by the agent;

(b) Each agency contract entered into by the agent; and

(c) The direct costs incurred by the agent in the recruitment or solicitation of each student athlete to enter into an agency contract.

2. Records described in subsection 1 are open to inspection by the Secretary of State during normal business hours.

Sec. 34. *1. An athlete agent, with the intent to influence a student athlete or, if the athlete is a minor, a parent or guardian of the athlete to enter into an agency contract, may not take any of the following actions or encourage any other individual to take or assist any other individual in taking any of the following actions on behalf of the agent:*

(a) Give materially false or misleading information or make a materially false promise or representation;

(b) Furnish anything of value to the athlete before the athlete enters into the contract; or

(c) Furnish anything of value to an individual other than the athlete or another registered athlete agent.

2. An athlete agent may not intentionally do any of the following or encourage any other individual to do any of the following on behalf of the agent:

(a) Initiate contact, directly or indirectly, with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent or guardian to enter an agency contract unless registered under NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act;

(b) Fail to create or retain or to permit inspection of the records required by section 33 of this act;

(c) Fail to register when required by section 22 of this act;

(d) Provide materially false or misleading information in an application for registration or renewal of registration;

(e) Predate or postdate an agency contract; or

(f) Fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, before the athlete, parent or guardian signs an agency contract for a particular sport that the signing may make the athlete ineligible to participate as a student athlete in that sport.

3. The provisions of NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act do not limit the power of the State of Nevada to punish a person for conduct that constitutes a crime pursuant to any other law.

Sec. 35. *An athlete agent who violates section 34 of this act is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $50,000 or by both fine and imprisonment. In addition to any other penalty, the court shall order the person to pay restitution.*

Sec. 36. *1. An educational institution or student athlete may bring an action for damages against an athlete agent if the institution or athlete is adversely affected by an act or omission of the agent in violation of NRS*

398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act. An educational institution or student athlete is adversely affected by an act or omission of the agent only if, because of the act or omission, the institution or an individual who was a student athlete at the time of the act or omission and enrolled in the institution:

(a) Is suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or

(b) Suffers financial damage.

2. A plaintiff that prevails in an action under this section may recover actual damages and costs and reasonable attorney's fees. An athlete agent found liable under this section forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the agent by or on behalf of the athlete.

Sec. 37. ***In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.***

Sec. 38. ***NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of this act modify, limit or supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).***

Sec. 39. NRS 398.600 is hereby amended to read as follows:

398.600 1. The Secretary of State may, within or outside this state:

(a) Investigate any violation of:

(1) A provision of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive;]~~ ***and sections 2 to 38, inclusive, of this act;***

(2) A regulation adopted by the Secretary of State pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive;]~~ ***and sections 2 to 38, inclusive, of this act;*** or

(3) An order denying, suspending or revoking the effectiveness of a registration, or an order to cease and desist, issued by the Secretary of State pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive.]~~ ***and sections 2 to 38, inclusive, of this act.***

(b) Conduct such other investigations as the Secretary of State finds necessary to aid in the enforcement of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** and any regulation or order adopted or issued by the Secretary of State pursuant thereto.

2. If the Secretary of State determines that a violation specified in paragraph (a) of subsection 1 has occurred, the Attorney General may prosecute the violation at the request of the Secretary of State.

3. If the Attorney General declines to prosecute such a violation, the district attorney of the appropriate county may prosecute the violation at the request of the Secretary of State.

Sec. 40. NRS 398.610 is hereby amended to read as follows:

398.610 1. If the Secretary of State reasonably believes, whether or not based upon an investigation conducted pursuant to NRS 398.600, that a person has violated, or is about to violate, any provision of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** or any regulation or order of the Secretary of State adopted or issued pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act,*** the Secretary of State, in addition to any specific power granted by NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** may, without a prior hearing, issue a summary order against the person, directing the person to cease and desist from any further acts that constitute or would constitute such a violation until he or she is in compliance with NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive.]~~ ***and sections 2 to 38, inclusive, of this act.*** The summary order to cease and desist must specify the section of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** or the regulation or order of the Secretary of State adopted or issued pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** which the Secretary of State reasonably believes has been or is about to be violated.

2. If the Secretary of State reasonably believes, whether or not based upon an investigation conducted pursuant to NRS 398.600, that a person has violated any provision of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** or any regulation or order of the Secretary of State adopted or issued pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act,*** the Secretary of State, in addition to any specific power granted by NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act*** after giving notice by registered or certified mail and conducting a hearing in an administrative proceeding, unless the right to notice and hearing is waived by the person against whom the sanction is imposed, may:

(a) Issue an order against the person to cease and desist;

(b) Censure the person if he or she is a registered ~~[athlete's]~~ ***athlete*** agent;

(c) Suspend, revoke or refuse to renew the registration of the person as an ~~[athlete's]~~ ***athlete*** agent; or

(d) If it is determined that the violation was willful, issue an order against the person imposing an administrative fine of not more than ~~[$25,000.]~~ ***$50,000.***

3. If the person to whom notice is given pursuant to subsection 2 does not request a hearing within 45 days after receipt of the notice, the person

waives his or her right to a hearing and the Secretary of State shall issue a permanent order. If the person requests a hearing, the Secretary of State shall set the matter for hearing not less than 15 or more than 60 days after the Secretary of State receives the request for a hearing. The Secretary of State shall promptly notify the parties by registered or certified mail of the time and place set for the hearing.

4. The imposition of the sanctions provided in this section is limited as follows:

(a) If the Secretary of State revokes the registration of an ~~[athlete's]~~ ***athlete*** agent, the imposition of that sanction precludes the imposition of an administrative fine pursuant to subsection 2; and

(b) The imposition by the Secretary of State of one or more sanctions pursuant to subsection 2 with respect to a specific violation precludes the Secretary of State from later imposing any other sanction pursuant to subsection 2 with respect to that violation.

5. For the purpose of determining any sanction to be imposed pursuant to subsection 2, the Secretary of State shall consider, among other factors, how recently the conduct occurred, the nature of the conduct and the context in which it occurred, and any other relevant conduct of the applicant.

6. If a sanction is imposed pursuant to this section, the Secretary of State may recover the costs of the proceeding, including, without limitation, investigative costs and attorney's fees, from the person against whom the sanction is imposed.

Sec. 41. NRS 398.620 is hereby amended to read as follows:

398.620 1. For the purposes of an investigation or proceeding pursuant to NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act,*** the Secretary of State or any officer or employee designated by the Secretary of State by regulation, order or written direction may conduct hearings, administer oaths and affirmations, render findings of fact and conclusions of law, subpoena witnesses and compel their attendance, take evidence and require the production, by subpoena or otherwise, of books, papers, correspondence, memoranda, agreements or other documents or records which the Secretary of State or the Secretary of State's designated officer or employee determines to be relevant or material to the investigation or proceeding. A person whom the Secretary of State or a designated officer or employee does not consider to be the subject of an investigation is entitled to reimbursement at the rate of 25 cents per page for copies of documents which he or she is required by subpoena to produce. The Secretary of State or a designated officer or employee may require or permit a person to file a statement, under oath or otherwise as the Secretary of State or a designated officer or employee determines, as to the facts and circumstances concerning the matter to be investigated.

2. If the activities constituting an alleged violation for which the information is sought would be a violation of NRS ~~[398.400 to]~~ ***398.600, 398.610 and*** 398.620 ~~[, inclusive,]~~ ***and sections 2 to 38, inclusive, of this act***

had the activities occurred in this state, the Secretary of State may issue and apply to enforce subpoenas in this state at the request of an agency or Secretary of State of another state.

3. If a person does not testify or produce the documents required by the Secretary of State or a designated officer or employee pursuant to subpoena, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:

(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents, if the person is subject to service of process in this state; or

(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents, if the person is not subject to service of process in this state.

Sec. 42. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, **[**~~398.403,~~**]** 408.3885, 408.3886, 408.3888,

408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 20.7 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 43. A person who holds a certificate of registration as an athlete's agent which was issued pursuant to NRS 398.400 to 398.620, inclusive, before July 1, 2017, and which is not expired or revoked must be deemed to hold a certificate of registration as an athlete agent issued pursuant to sections 2 to 38, inclusive, of this act.

Sec. 43.5. **The regulation of the Secretary of State which is codified as NAC 398.100 remains in effect and may be enforced until the Secretary of State adopts a regulation to repeal or replace that regulation.**

Sec. 44. NRS 398.400, 398.402, 398.403, 398.404, 398.408, 398.412, 398.416, 398.420, 398.424, 398.428, 398.432, 398.436, 398.440, 398.444, 398.446, 398.448, 398.452, 398.456, 398.460, 398.464, 398.468, 398.472, 398.476, 398.480, 398.482, 398.484, 398.488, 398.490, 398.492 and 398.496 are hereby repealed.

Sec. 45. 1. This act becomes effective on July 1, 2017.

2. Sections 25 and 26 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

398.400 Short title.

398.402 Applicability of provisions to person who sells or offers to sell services as athlete's agent.

398.403 Confidentiality of information obtained in connection with application or investigation; exceptions; effect on privilege.

398.404 Definitions.

398.408 "Athlete's agent" defined.

398.412 "Athletic director" defined.

398.416 "Contract for endorsement" defined.

398.420 "Contract for professional sports services" defined.

398.424 "Contract of agency" defined.

398.428 "Intercollegiate sport" defined.

398.432 "Person" defined.

398.436 "Record" defined.

398.440 "Registration" defined.

398.444 "State" defined.

398.446 "Student athlete" defined.

398.448 Registration required to act as athlete's agent; limited exception; contract of agency void if in violation of section.

398.452 Submission of application for registration to Secretary of State; application is public record; required contents and disclosures of application.

398.456 Submission of application by person who holds registration or licensure in another state.

398.460 Issuance of certificate of registration; grounds for denial by Secretary of State.

398.464 Renewal of registration; period for which initial certificate and renewal are valid.

398.468 Grounds for suspension, revocation or refusal to renew registration; issuance of temporary certificate of registration authorized.

398.472 Adoption of regulations establishing fees; authority of Secretary of State to adopt other regulations.

398.476 Secretary of State appointed agent for service of process for nonresident athlete's agent; issuance of subpoenas by Secretary of State.

398.480 Retention and inspection of records; duty to file updated information.

398.482 Required contents of contract; contract void if does not contain required warning; athlete's agent required to give record of contract to student athlete.

398.484 Athlete's agent and student athlete required to give notice of entering into contract.

398.488 Cancellation of contract by student athlete.

398.490 Liability of athlete's agent or student athlete to institution for damages caused by violation; award of attorney's fees and costs; accrual of right of action; joint and several liability; section does not restrict other rights and remedies.

398.492 Liability of person other than athlete's agent or student athlete to institution for damages caused by violation; award of attorney's fees and costs.

398.496 Prohibition on certain conduct by athlete's agent; penalties for violation of Act, regulations and certain orders.

Assemblyman Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 383.

Bill read second time and ordered to third reading.

Assembly Bill No. 427.

Bill read second time and ordered to third reading.

Assembly Bill No. 437.

Bill read second time and ordered to third reading.

Assembly Bill No. 459.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 230.

SUMMARY— ~~[Creates a procedure for the establishment of paternity in proceedings]~~ **Authorizes a court to order certain blood and genetic testing** concerning a child in need of protection. (BDR 38-1026)

AN ACT relating to children; ~~[creating a procedure for the establishment of paternity in proceedings concerning a child in need of protection;]~~ **authorizing a court to order certain tests for the typing of blood or taking of specimens for the genetic identification of a child in need of protection, the natural mother of such a child or the alleged father of such a child;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing proceedings concerning a child who is or may be in need of protection. (NRS 432B.410-432B.590) ~~[Section 2 of this bill provides that if a petition alleging that a child is or may be in need of protection is filed with a court and the paternity of the child has not been legally established, a motion to establish paternity may be filed with the court. Such a motion must include certain information and be served by personal service upon the alleged father of the child. Section 3 of this bill provides that if the alleged father of the child is personally served with a motion to establish paternity and he does not appear at the hearing to consider the motion or does not file with the court a written response denying~~

~~paternity, the court may enter a recommendation or order, as applicable, that declares and establishes the alleged father as the natural father of the child.~~

~~— Section 4 of this bill authorizes a court to enter a recommendation or order, as applicable, establishing the legal paternity of a child during any proceeding concerning a child who is or may be in need of protection if both parents sign an affidavit or other sworn statement indicating that paternity of the child has not been legally established and the father is presumed to be the natural father of the child pursuant to applicable provisions of law.~~

~~— Section 5 of this bill requires a court to order tests for the typing of blood or taking of specimens for genetic identification of a child, the natural mother of the child and the alleged father of the child in certain circumstances. Section 5 provides that after receipt of the results of such tests showing a probability of 99 percent or more that the alleged father is the natural father of the child, if a written objection to the result of such tests is not timely filed, the court may enter a recommendation or order, as applicable, establishing the legal paternity of the child. Section 5 further requires the Division of Welfare and Supportive Services of the Department of Health and Human Services to pay the costs of such tests except for any additional tests conducted for the purpose of contesting the results of a test.~~

~~— Section 6 of this bill provides that any approved recommendation or order establishing the legal paternity of a child establishes legal paternity for all purposes and is excluded from certain confidentiality requirements. Section 6 also requires that such a recommendation or order provide for the issuance of a new birth certificate that includes the name of the natural father if necessary.~~

~~— Sections 7-13 of this bill make conforming changes.~~] **This bill authorizes a court to order tests for the typing of blood or taking of specimens for the genetic identification of such a child, the natural mother of such a child or the alleged father of such a child.**

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

Delete existing sections 1 through 14 of this bill and replace with the following new sections 1 and 2:

Section 1. **NRS 432B.560 is hereby amended to read as follows:**

432B.560 1. The court may also order:

(a) The child, a parent or the guardian to undergo such medical, psychiatric, psychological, or other care or treatment as the court considers to be in the best interests of the child.

(b) A parent or guardian to refrain from:

(1) Any harmful or offensive conduct toward the child, the other parent, the custodian of the child or the person given physical custody of the child; and

(2) Visiting the child if the court determines that the visitation is not in the best interest of the child.

(c) A reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of the parents of the child.

(d) Tests for the typing of blood or taking of specimens for genetic identification of the child, the natural mother of the child or the alleged father of the child pursuant to NRS 126.121.

2. The court shall order a parent or guardian to pay to the custodian an amount sufficient to support the child while the child is in the care of the custodian pursuant to an order of the court, unless the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown. Payments for the obligation of support must be determined in accordance with NRS 125B.070 and 125B.080, but must not exceed the reasonable cost of the child's care, including food, shelter, clothing, medical care and education. An order for support made pursuant to this subsection must:

(a) Require that payments be made to the appropriate agency or office;

(b) Provide that the custodian is entitled to a lien on the obligor's property in the event of nonpayment of support; and

(c) Provide for the immediate withholding of income for the payment of support unless:

(1) All parties enter into an alternative written agreement; or

(2) One party demonstrates and the court finds good cause to postpone the withholding.

3. A court that enters an order pursuant to subsection 2 shall ensure that the social security number of the parent or guardian who is the subject of the order is:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

Sec. 2. **This act becomes effective on July 1, 2017.**

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 471.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 232.

AN ACT relating to cybersecurity; creating the Nevada Office of Cyber Defense Coordination within the Department of Public Safety; providing for the powers and duties of the Office; requiring the Nevada Commission on Homeland Security to consider a certain report of the Office when performing certain duties; providing for the confidentiality of certain

information regarding cybersecurity; requiring certain state agencies to comply with the provisions of certain regulations adopted by the Office; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Nevada Office of Cyber Defense Coordination within the Department of Public Safety, to be headed by an Administrator, who is appointed by the Director of the Department and is ex officio a nonvoting member of the Nevada Commission on Homeland Security. Under **section 10** of this bill, the Office must: (1) periodically review the information systems of state agencies; (2) identify risks to the security of those systems; and (3) develop strategies, standards and guidelines for preparing for and mitigating risks to, and otherwise protecting, the security of those systems. The Office must also: (1) coordinate performance audits and assessments of state agencies; and (2) coordinate statewide programs for awareness and training regarding risks to the security of information systems of state agencies.

Under **section 11** of this bill, the Office must establish partnerships with local governments, agencies of the Federal Government, the Nevada System of Higher Education and private entities that have expertise in cybersecurity or information systems, must consult with the Division of Emergency Management of the Department of Public Safety and the Division of Enterprise Information Technology Services of the Department of Administration regarding strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems and must coordinate with the Investigation Division of the Department of Public Safety regarding gathering intelligence on and initiating investigations of cyber threats and incidents.

Section 12 of this bill requires the Office to establish policies and procedures for notifications to and by the Office of specific threats to information systems. **Section 12** also requires the Administrator of the Office to appoint a cybersecurity incident response team or teams and requires the Office to establish policies and procedures for the Administrator to convene such a team in the event of a specific threat to the security of an information system.

Section 13 of this bill requires the Office to prepare and make publicly available a statewide strategic plan that outlines policies, procedures, best practices and recommendations for preparing for and mitigating risks to, and otherwise protecting, the security of information systems in this State. Under **section 22** of this bill, the first such plan must be prepared and made available not later than January 1, 2018, and under **section 13**, the plan must be updated every ~~[5]~~ **2** years. Under **section 21** of this bill, the Nevada Commission on Homeland Security must consider the most recent plan when performing certain duties.

Section 14 of this bill requires the Office to prepare an annual report on the activities of the Office.

Section 15 of this bill provides that certain information of any state agency, including the Office, **or local government** which identifies the detection of, the investigation of or a response to a suspected or confirmed threat to or attack on the security of an information system is not a public record and may be disclosed only under certain circumstances.

Section 16 of this bill authorizes the Office to adopt any regulations necessary to carry out the provisions of this bill.

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

Section 1. Chapter 480 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. ***The Legislature hereby finds and declares that:***

1. The protection and security of information systems, and the coordination of efforts to promote the protection and security of information systems, are essential to protecting the health, safety and welfare of the people of this State.

2. The continued development of technologies relating to information systems and the expanding and diverse applications of those technologies pose significant implications for the functioning of any infrastructure in this State that is critical to the health, safety and welfare of the people of this State, particularly in the areas of transportation, health care, energy, education, law enforcement and commercial enterprises.

3. Information systems and the application of information systems relating to the operation of State Government and local governments make up a statewide cyberinfrastructure that is integral to the delivery of essential services to the people of this State and the essential functions of government that ensure the protection of the health, safety and welfare of the people of this State.

4. Protecting and securing the statewide cyberinfrastructure requires the identification of the areas in which information systems may be vulnerable to attack, unauthorized use or misuse or other dangerous, harmful or destructive acts.

5. Protecting and securing the statewide cyberinfrastructure requires an ability to identify and eliminate threats to information systems in both the public and private sectors.

6. Protecting and securing the statewide cyberinfrastructure requires a strategic statewide plan for responding to incidents in which information systems are compromised, breached or damaged, including, without limitation, actions taken to:

(a) Minimize the harmful impacts of such incidents on the health, safety and welfare of the people of this State;

(b) Minimize the disruptive effects of such incidents on the delivery of essential services to the people of this State and on the essential functions

of government that ensure the protection of the health, safety and welfare of the people of this State; and

(c) Ensure the uninterrupted and continuous delivery of essential services to the people of this State and the uninterrupted and continuous operations of the essential functions of government that ensure the protection of the health, safety and welfare of the people of this State.

7. Protecting and securing the statewide cyberinfrastructure depends on collaboration and cooperation, including the sharing of information and analysis regarding cybersecurity threats, among local, state and federal agencies and across a broad spectrum of the public and private sectors.

8. Institutions of higher education play a critical role in protecting and securing statewide cyberinfrastructure by developing programs that support a skilled workforce, promote innovation and contribute to a more secure statewide cyberinfrastructure.

9. It is therefore in the public interest that the Legislature enact provisions to enable the State to prepare for and mitigate risks to, and otherwise protect, information systems and statewide cyberinfrastructure.

Sec. 3. *As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Administrator" means the Administrator of the Office of Cyber Defense Coordination appointed pursuant to section 9 of this act.*

Sec. 5. *"Information system" means any computer equipment, computer software, procedures or technology used to communicate, collect, process, distribute or store information.*

Sec. 6. *"Office" means the Nevada Office of Cyber Defense Coordination of the Department of Public Safety.*

Sec. 7. *"Security of an information system" includes, without limitation, the security of:*

1. The physical infrastructure of an information system; and

2. Information, including, without limitation, personal information, that is stored on, transmitted to, from or through, or generated by an information system.

Sec. 8. *"State agency" means every public agency, bureau, board, commission, department or division of the Executive Branch of State Government.*

Sec. 9. *The Nevada Office of Cyber Defense Coordination is hereby created and is composed of:*

1. The Administrator of the Office, who is appointed by the Director; and

2. Within the limits of legislative appropriations, a number of employees which the Director determines to be sufficient to carry out the duties of the Office.

Sec. 10. *1. The Office shall:*

(a) Periodically review the information systems that are operated or maintained by state agencies.

(b) Identify risks to the security of information systems that are operated or maintained by state agencies.

(c) Develop and update, as necessary, strategies, standards and guidelines for preparing for and mitigating risks to, and otherwise protecting, the security of information systems that are operated or maintained by state agencies.

(d) Coordinate performance audits and assessments of the information systems of state agencies to determine, without limitation, adherence to the regulations, standards, practices, policies and conventions of the Division of Enterprise Information Technology Services of the Department of Administration that are identified by the Division as security-related.

(e) Coordinate statewide programs for awareness and training regarding risks to the security of information systems that are operated or maintained by state agencies.

2. Upon review of an information system that is operated or maintained by a state agency, the Office may make recommendations to the state agency and the Division of Enterprise Information Technology Services regarding the security of the information system.

Sec. 11. *The Office shall:*

1. Establish partnerships with:

(a) Local governments;

(b) The Nevada System of Higher Education; and

(c) Private entities that have expertise in cyber security or information systems,

to encourage the development of strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems that are operated or maintained by a public or private entity in this State.

2. Establish partnerships to assist and receive assistance from local governments and appropriate agencies of the Federal Government regarding the development of strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems.

3. Consult with the Division of Emergency Management of the Department and the Division of Enterprise Information Technology Services of the Department of Administration regarding the development of strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems.

4. Coordinate with the Investigation Division of the Department regarding gathering intelligence on and initiating investigations of cyber threats and incidents.

Sec. 12. *1. The Office shall establish policies and procedures for:*

(a) A state agency to notify the Office of any specific threat to the security of an information system operated or maintained by the state agency;

(b) Any other public or private entity to notify the Office of any specific threat to the security of an information system;

(c) The Office to notify state agencies, appropriate law enforcement and prosecuting authorities and any other appropriate public or private entity of any specific threat to the security of an information system of which the Office has been notified; and

(d) The Administrator to convene a cybersecurity incident response team appointed pursuant to subsection 2 upon notification of the Office of a specific threat to the security of an information system.

2. In consultation with appropriate state agencies, local governments and agencies of the Federal Government, the Administrator shall appoint a cybersecurity incident response team or teams.

3. A cybersecurity incident response team appointed pursuant to subsection 2 shall convene at the call of the Administrator and, subject to the direction of the Administrator, shall assist the Office and any appropriate state agencies, local governments or agencies of the Federal Government in responding to the threat to the security of an information system.

Sec. 13. ***1. The Office shall prepare and make publicly available a statewide strategic plan that outlines policies, procedures, best practices and recommendations for preparing for and mitigating risks to, and otherwise protecting, the security of information systems in this State and for recovering from and otherwise responding to threats to or attacks on the security of information systems in this State.***

2. The statewide strategic plan must include, without limitation, policies, procedures, best practices and recommendations for:

(a) Identifying, preventing and responding to threats to and attacks on the security of information systems in this State;

(b) Ensuring the safety of, and the continued delivery of essential services to, the people of this State in the event of a threat to or attack on the security of an information system in this State;

(c) Protecting the confidentiality of personal information that is stored on, transmitted to, from or through, or generated by an information system in this State;

(d) Investing in technologies, infrastructure and personnel for protecting the security of information systems; and

(e) Enhancing the sharing of information and any other collaboration among state agencies, local governments, agencies of the Federal Government and appropriate private entities regarding protecting the security of information systems.

3. The statewide strategic plan must be updated at least every ~~[5]~~ 2 years.

Sec. 14. ***1. The Office shall annually prepare a report that includes, without limitation:***

(a) A summary of the progress made by the Office during the previous year in executing, administering and enforcing the provisions of sections 2 to 16, inclusive, of this act and performing such duties and exercising such powers as are conferred upon it pursuant to sections 2 to 16, inclusive, of this act and any other specific statute;

(b) A description of any threat during the previous year to the security of an information system that prompted the Administrator to convene a cybersecurity incident response team pursuant to section 12 of this act, and a summary of the response to the threat;

(c) A summary of the goals and objectives of the Office for the upcoming year;

(d) A summary of any issues presenting challenges to the Office; and

(e) Any other information that the Administrator determines is appropriate to include in the report.

2. The report required pursuant to subsection 1 must be submitted not later than [January] July 1 of each year to the Governor, to the Information Technology Advisory Board created by NRS 242.122 and to the Director of Legislative Counsel Bureau.

Sec. 15. ***Any record of a state agency, including the Office, or a local government which identifies the detection of, the investigation of or a response to a suspected or confirmed threat to or attack on the security of an information system is not a public record and may be disclosed only to another state agency or local government, a cybersecurity incident response team appointed pursuant to section 12 of this act and appropriate law enforcement or prosecuting authorities and only for the purposes of preparing for and mitigating risks to, and otherwise protecting, the security of information systems or as part of a criminal investigation.***

Sec. 16. ***1. The Office may adopt any regulations necessary to carry out the provisions of sections 2 to 16, inclusive, of this act.***

2. Every state agency shall, to the extent practicable, comply with the provisions of any regulations adopted by the Office pursuant to sections 2 to 16, inclusive, of this act.

Sec. 17. NRS 480.130 is hereby amended to read as follows:

480.130 The Department consists of:

1. An Investigation Division;
2. A Nevada Highway Patrol Division;
3. A Division of Emergency Management;
4. A State Fire Marshal Division;
5. A Division of Parole and Probation;
6. A Capitol Police Division;
7. ***A Nevada Office of Cyber Defense Coordination;***
8. A Training Division; and

[8.] ***9.*** A General Services Division.

Sec. 18. NRS 480.140 is hereby amended to read as follows:

480.140 The primary functions and responsibilities of the divisions of the Department are as follows:

1. The Investigation Division shall:

(a) Execute, administer and enforce the provisions of chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;

(b) Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124; and

(c) Perform such duties and exercise such powers as may be conferred upon it pursuant to this chapter and any other specific statute.

2. The Nevada Highway Patrol Division shall, in conjunction with the Department of Motor Vehicles, execute, administer and enforce the provisions of chapters 484A to 484E, inclusive, of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to NRS 480.360 and any other specific statute.

3. The Division of Emergency Management shall execute, administer and enforce the provisions of chapters 414 and 414A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapters 414 and 414A of NRS and any other specific statute.

4. The State Fire Marshal Division shall execute, administer and enforce the provisions of chapter 477 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 477 of NRS and any other specific statute.

5. The Division of Parole and Probation shall execute, administer and enforce the provisions of chapters 176A and 213 of NRS relating to parole and probation and perform such duties and exercise such powers as may be conferred upon it pursuant to those chapters and any other specific statute.

6. The Capitol Police Division shall assist in the enforcement of subsection 1 of NRS 331.140.

7. ***The Nevada Office of Cyber Defense Coordination shall:***

(a) Serve as the strategic planning, facilitating and coordinating office for cybersecurity policy and planning in this State; and

(b) Execute, administer and enforce the provisions of sections 2 to 16, inclusive, of this act and perform such duties and exercise such powers as may be conferred upon it pursuant to sections 2 to 16, inclusive, of this act and any other specific statute.

8. The Training Division shall provide training to the employees of the Department.

~~[8.]~~ ***9.*** The General Services Division shall:

(a) Execute, administer and enforce the provisions of chapter 179A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 179A of NRS and any other specific statute;

(b) Provide dispatch services for the Department and other agencies as determined by the Director;

(c) Maintain records of the Department as determined by the Director; and

(d) Provide support services to the Director, the divisions of the Department and the Nevada Criminal Justice Information System as may be imposed by the Director.

Sec. 19. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,

599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 15 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 20. NRS 239C.120 is hereby amended to read as follows:

239C.120 1. The Nevada Commission on Homeland Security is hereby created.

2. The Governor shall appoint to the Commission 16 voting members that the Governor determines to be appropriate and who serve at the Governor's pleasure, which must include at least:

(a) The sheriff of each county whose population is 100,000 or more.

(b) The chief of the county fire department in each county whose population is 100,000 or more.

(c) A member of the medical community in a county whose population is 700,000 or more.

(d) An employee of the largest incorporated city in each county whose population is 700,000 or more.

(e) A representative of the broadcaster community. As used in this paragraph, "broadcaster" has the meaning ascribed to it in NRS 432.310.

(f) A representative recommended by the Inter-Tribal Council of Nevada, Inc., or its successor organization, to represent tribal governments in Nevada.

3. The Governor shall appoint:

(a) An officer of the United States Department of Homeland Security whom the Department of Homeland Security has designated for this State;

(b) The agent in charge of the office of the Federal Bureau of Investigation in this State; ~~[and]~~

(c) The Chief of the Division ~~[.]~~ ***; and***

(d) The Administrator of the Nevada Office of Cyber Defense Coordination appointed pursuant to section 9 of this act,

➥ as nonvoting members of the Commission.

4. The Senate Majority Leader shall appoint one member of the Senate as a nonvoting member of the Commission.

5. The Speaker of the Assembly shall appoint one member of the Assembly as a nonvoting member of the Commission.

6. The term of office of each member of the Commission who is a Legislator is 2 years.

7. The Governor or his or her designee shall:

(a) Serve as Chair of the Commission; and

(b) Appoint a member of the Commission to serve as Vice Chair of the Commission.

Sec. 21. NRS 239C.160 is hereby amended to read as follows:

239C.160 The Commission shall, within the limits of available money:

1. Make recommendations to the Governor, the Legislature, agencies of this State, political subdivisions, tribal governments, businesses located within this State and private persons who reside in this State with respect to actions and measures that may be taken to protect residents of this State and visitors to this State from potential acts of terrorism and related emergencies.

2. ~~[Make]~~ ***Upon consideration of the most recent statewide strategic plan prepared by the Nevada Office of Cyber Defense Coordination pursuant to section 13 of this act, make*** recommendations to the Governor, through the Division, on the use of money received by the State from any homeland security grant or related program, including, without limitation, the State Homeland Security Grant Program and Urban Area Security Initiative, in accordance with the following:

(a) The Division shall provide the Commission with program guidance and briefings;

(b) The Commission must be provided briefings on existing and proposed projects, and shall consider statewide readiness capabilities and priorities for the use of money, administered by the Division, from any homeland security grant or related program;

(c) The Commission shall serve as the public body which reviews and makes recommendations for the State's applications to the Federal Government for homeland security grants or related programs, as administered by the Division; and

(d) The Commission shall serve as the public body which recommends, subject to approval by the Governor, the distribution of money from any homeland security grant or related program for use by state, local and tribal government agencies and private sector organizations.

3. Propose goals and programs that may be set and carried out, respectively, to counteract or prevent potential acts of terrorism and related emergencies before such acts of terrorism and related emergencies can harm or otherwise threaten residents of this State and visitors to this State.

4. With respect to buildings, facilities, geographic features and infrastructure that must be protected from acts of terrorism and related emergencies to ensure the safety of the residents of this State and visitors to this State, including, without limitation, airports other than international airports, the Capitol Complex, dams, gaming establishments, governmental buildings, highways, hotels, information technology infrastructure, lakes, places of worship, power lines, public buildings, public utilities, reservoirs, rivers and their tributaries, and water facilities:

(a) Identify and categorize such buildings, facilities, geographic features and infrastructure according to their susceptibility to and need for protection from acts of terrorism and related emergencies; and

(b) Study and assess the security of such buildings, facilities, geographic features and infrastructure from acts of terrorism and related emergencies.

5. Examine the use, deployment and coordination of response agencies within this State to ensure that those agencies are adequately prepared to

protect residents of this State and visitors to this State from acts of terrorism and related emergencies.

6. Assess, examine and review the use of information systems and systems of communication used by response agencies within this State to determine the degree to which such systems are compatible and interoperable. After conducting the assessment, examination and review, the Commission shall:

(a) Establish a state plan setting forth criteria and standards for the compatibility and interoperability of those systems when used by response agencies within this State; and

(b) Advise and make recommendations to the Governor relative to the compatibility and interoperability of those systems when used by response agencies within this State, with particular emphasis upon the compatibility and interoperability of public safety radio systems.

7. Assess, examine and review the operation and efficacy of telephone systems and related systems used to provide emergency 911 service.

8. To the extent practicable, cooperate and coordinate with the Division to avoid duplication of effort in developing policies and programs for preventing and responding to acts of terrorism and related emergencies.

9. Submit an annual briefing to the Governor assessing the preparedness of the State to counteract, prevent and respond to potential acts of terrorism and related emergencies, including, but not limited to, an assessment of response plans and vulnerability assessments of utilities, public entities and private business in this State. The briefing must be based on information and documents reasonably available to the Commission and must be compiled with the advice of the Division after all utilities, public entities and private businesses assessed have a reasonable opportunity to review and comment on the Commission's findings.

10. Perform any other acts related to their duties set forth in subsections 1 to 9, inclusive, that the Commission determines are necessary to protect or enhance:

(a) The safety and security of the State of Nevada;

(b) The safety of residents of the State of Nevada; and

(c) The safety of visitors to the State of Nevada.

Sec. 22. The Nevada Office of Cyber Defense Coordination shall prepare and make available to the public the statewide strategic plan required pursuant to section 13 of this act not later than January 1, 2018.

Sec. 23. 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. 24. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 477.
Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 9.
Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 124, 144, 326, 366, and 471 be rereferred to the Committee on Ways and Means.
Motion carried.

Assemblywoman Carlton moved that Assembly Bills Nos. 383, 437, and 477 be rereferred to the Committee on Ways and Means.
Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 54 and 444; Assembly Joint Resolutions Nos. 4, 10, 11, and 13; Assembly Joint Resolution 10 of the 78th Session be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 4:30 p.m.
Motion carried.

Assembly in recess at 12:58 p.m.

ASSEMBLY IN SESSION

At 5:03 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 128, 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 Commerce and Labor, to which was referred Assembly Bill No. 223, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 393, 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 156, 224, 340, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 360, 445, 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which were referred Assembly Bills Nos. 368, 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 19, 2017

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 232.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 52, 81, 86, 151, 162, 164, 185, 241, 247, 291, 324, 346, 354, 432, 468, 483.

CLAIRE CLIFT
Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 19, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 124 and 326.

CINDY JONES
Fiscal Analysis Division

April 19, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 227.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 52.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 81.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 86.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 151.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 162.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 164.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 185.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 232.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 241.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 247.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 291.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 324.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 346.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 354.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 432.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 468.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 483.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Margherita Ann Neanover.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Sun Valley Elementary School: Diego Rivera, Naomi Chaves-Jacinto, Angel Abarca Martinez, Brisa Aguilar Alvarado, Betsy Arana Sanchez, Jaime Avina Gonzalez, Alma Banuelos Roman, Kaeylinn Corral Reyes, Edgar Correa de la Cruz, Marcos Correa de la Cruz, Camiah Crawford, Angel Diaz Flores, Eddy Estrada Ramirez, Josiah Garay, Armando Gutierrez Bustamante, Lukez Harvey, Shea Hill, Madison Johnson, Unaloto Malafu, Joshua Marcotte, Fernando Martinez Cortes, Maria Melendrez Manjarrez, Luis Negrete, Yadira Ramirez, Jairo Rodriguez, Luis Salazar Guzman, Samantha Serafin Lugo, Leila Stone, Robert Wiese, Alexa Alamos Lopez, Ivan Aparicio-Rodriguez, Victor Barajas, Brittney Byram, Kamyla Cardona Mancilla, Scarlett Castillo Marquez, Abigail Cruz Neri, Sergio Diaz Gonzalez, Daniel Egan, Brian Estrada Munoz, Alyssa Guillen

Sotelo, Omar Hernandez Gracia, Sterling Hood, Magdalena Lopez, Josue Lopez Rojas, Mia Lopez Velasco, Erick Mendoza Sanchez, Ayden-James Nemedez, Isaias Nyholm-Martinez, Juan Ramierz Neri, Alejandro Ruiz-Sanchez, Marisol Segura Gomez, Alejandra Torres Diaz, Boyd Turner, Daisy Virgen Rico, Zakk Weider, Angel Aguilar, Emily Benson, Lazet Casillas, Juliana Castro, Alondra Cazares Palazuelos, Adilene Figueroa Rodriguez, Sophia Flores-Crawford, Ayanna Fryman, Edgar Guzman Bravo, Joshua Hernandez Marquez, Brianna Juarez, Sara Martinez, Amy Martinez Trujillo, Tyson Mata-Martinez, Manson Matheny, Mike Montenegro Gramajo, Edward Ocegueda-Tafolla, Ashley Perez Santos, Gabriel Ramirez Castaneda, Giselle Ramos Quintero, Alex Rodriguez, Max Rodriguez, Julio Rodriguez-Gutierrez, Gisela Rojas-Ibanez, Julian Salazar Cardenas, Josue Serrano Rodriguez, Omar Aguilar Moreno, Joanna Aquino Ramirez, Axel Rich Baylon, Kimberly Casas Correa, Jenyfer Cuevas Ortiz, Emiliano Delgado, Justin Fleming, Gilbert Flores Navidad, Guadalupe Flores Santos, Roxanna Frausto, Gladys Gasca, Javontae Jackson, Phillip Johnson, Cloe Leigh, Camilo Martinez Martinez, Augusto Martinez Orozco, Bryant Morales Garcia, Aislinn Morales Saldana, Zane Nelson, Angel Nepomuceno Cardona, Chayenne Neyra, Evelyn Romero Corona, Karen Salgado Gonzalez, Natalia Soriano Martinez, Athina Torres, Cindy Torres Vega, and Damian Vizcarra Rodriguez.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Liberty Baptist Academy: Lucas Benyameen, Jakob LaRue, Korissa Fox, Regan Fox, Angelina Guerrero, Racheal Guerrero, Nehemiah Guerrero, Rachel Luttig, Sophia Ramirez, Hailey Smith, Hunter Smith, Ella Stojanovic, Marissa Webb, and Amelia Woolard.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Jorge Alberto Sanchez-Esparza and Bonnie Jean Sedich.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Soila Solano.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Benjamin Navarro-Ibarra.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Aileen Cohen.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Robinson and Camille Silva.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Byron Enrique Chacon, Balmore Orellana-Martinez, and Rodrigo Solano Quiroz.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Lauren Eliot and Alexis Leon.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Jalen Glover.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Jesai Olmedo, Adriana Vargas, and John Morales.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Carlos Hernandez and Brandon Salyers.

On request of Assemblyman Fumo, the privilege of the floor of the Assembly Chamber for this day was extended to Geoconda Hughes, Denise Signorelli, and Cecia Martinez.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Evertt Rogers, Amir Rowe, and Stephanie Hill.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob Bakke, Nohely Dominguez, and Nohemi Valdez.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Somer Rodgers, Jaime Hernandez, and Nicole Meza.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Jose Guardado and Juan Andres Carrasco.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Robyn Rohde and Ashlee Allison.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Carranza.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Karla Manzanero, Ed Schmitz, and Kimberly Zawacki.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Carla Manzanero and Kimberly Padilla Estrada.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Tiffany Zepeda-Ochoa.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Augusta Massey and Alexia Durazo.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Loren Young and Brad Johnson.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Keyonna Denise Lawrence and Jacobo Perez-Jimenez.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Akins, Ayesha Kidd, and Charles R. Estevez.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Alexandria Hollingsworth and Robert O'Toole.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, April 20, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:13 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly