THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 20, 2017

Assembly called to order at 12:30 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Woodbury, who was excused.

Prayer by the Chaplain, Captain Leslie Cyr.

Heavenly Father, we thank You for today and for all the good that can be done in it. It is my prayer that all of us here today will find favor in Your sight and will be led by Your Spirit of righteousness, of justice, and compassion.

I am reminded of Micah 6:8 which states, "He has shown you, O mortal, what is good. And what does the Lord require of you? To act justly and to love mercy and to walk humbly with your God." When we follow this recipe for life, all is well with our souls.

Father, bless this Assembly today, I pray for Your leading and guidance. May we find rest in Your presence against the busyness of the day. In the Name of Jesus 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 Commerce and Labor, to which was referred Assembly Bill No. 255, 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 Education, to which were referred Assembly Bills Nos. 110, 351, 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. 317, 350, 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. 89, 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 346, 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. 125, 218, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 207, 253, 356, 376, 412, 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 Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 298, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 231, 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 410, 485, 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*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 20, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 156 and 291.

CINDY JONES
Fiscal Analysis Division

April 20, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 66.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 223, 360, and 368 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 98 and 286 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 119 and 202 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 101 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 297 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 242 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 26 be taken from General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 64.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 152.

SUMMARY—Revises requirements for receipt of a ~~[standard]~~ high school diploma for pupils with disabilities. (BDR 34-251)

AN ACT relating to education; prescribing the criteria for receipt of a standard high school diploma for a pupil with a disability; **prescribing the criteria for receipt of an alternative diploma for a pupil with a significant cognitive disability;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations that prescribe the criteria for a pupil to receive a standard high school diploma, which must provide that each pupil: (1) take the college and career readiness assessment; (2) enroll in the courses of study designed to prepare the pupil for graduation from high school and readiness for college and career; and (3) pass at least four end-of-course examinations. (NRS 390.600) **Section 6** of this bill provides that a pupil with a disability who does not satisfy the requirements prescribed by the State Board may receive a standard high school diploma if he or she instead: (1) demonstrates **, through a portfolio of his or her work,** proficiency in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools; and (2) satisfies the requirements set forth in his or her

individualized education program. **Section 6 also provides that a pupil who has a significant cognitive disability may receive an alternative diploma if he or she passes an alternate assessment prescribed by the State Board.** **Sections** ~~[1-5]~~ **1-5.5** of this bill make conforming changes.

Section 6.5 of this bill provides that a pupil with a disability who is less than 22 years of age and has not been issued a standard high school diploma on or before July 1, 2017, but who satisfies the criteria prescribed for receipt of a standard high school diploma by a pupil with a disability in section 6 is entitled to a standard high school diploma.

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

Section 1. **NRS 385A.260 is hereby amended to read as follows:**

385A.260 The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the graduation and drop-out rates of pupils and the enrollment of pupils in remedial courses in college, including, without limitation:

1. For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(a) A standard high school diploma.

(b) An adult diploma.

(c) An adjusted diploma.

(d) An alternative diploma.

2. For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this subsection must be provided in consultation with the Department to ensure the accuracy of the comparison.

3. The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(a) Provide proof to the school district of successful completion of the high school equivalency assessment selected by the State Board pursuant to NRS 390.055.

(b) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(c) Withdraw from school to attend another school.

4. For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately

preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

~~[Section 1.]~~ ***Sec. 1.3.*** NRS 385A.290 is hereby amended to read as follows:

385A.290 The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

1. The number of pupils enrolled in a course of career and technical education;

2. The number of pupils who completed a course of career and technical education;

3. The average daily attendance of pupils who are enrolled in a program of career and technical education;

4. The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

5. The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma ***,*** ~~[or]~~ an adjusted diploma ~~[,]~~ ***or an alternative diploma;*** and

6. The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to satisfy the ***requirements of subsection 3 or 4 of NRS 390.600 or the*** criteria prescribed by the State Board pursuant to ***subsection 1 of*** NRS 390.600.

Sec. 1.7. **NRS 385A.470 is hereby amended to read as follows:**

385A.470 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the graduation and drop-out rates of pupils and the enrollment of pupils in remedial courses in college, including, without limitation:

1. For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(a) A standard high school diploma.

(b) An adult diploma.

(c) An adjusted diploma.

(d) An alternative diploma.

2. The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(a) Provide proof to the school district of successful completion of the high school equivalency assessment selected by the State Board pursuant to NRS 390.055.

(b) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(c) Withdraw from school to attend another school.

3. The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

Sec. 2. NRS 385A.500 is hereby amended to read as follows:

385A.500 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include for each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

1. The number of pupils enrolled in a course of career and technical education;

2. The number of pupils who completed a course of career and technical education;

3. The average daily attendance of pupils who are enrolled in a program of career and technical education;

4. The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

5. The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma ***,*** ~~[or]~~ an adjusted diploma ~~[,]~~ ***or an alternative diploma;*** and

6. The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to satisfy the ***requirements of subsection 3 or 4 of NRS 390.600 or the*** criteria prescribed by the State Board pursuant to ***subsection 1 of*** NRS 390.600.

Sec. 3. NRS 388A.405 is hereby amended to read as follows:

388A.405 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department pursuant to NRS 388A.105 or 388A.110 contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by those annual measurable objectives and performance targets, for the majority of the years of its operation; and

(d) At least 75 percent of the pupils enrolled in grade 12 in the charter school in the immediately preceding school year have satisfied the ***requirements of subsection 3 or 4 of NRS 390.600 or the*** criteria prescribed by the State Board pursuant to ***subsection 1 of*** NRS 390.600, if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual report submitted to the Department pursuant to NRS 388A.351. If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c) and (d) of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 4. NRS 388B.270 is hereby amended to read as follows:

388B.270 1. To the extent money is available from legislative appropriation or otherwise, an achievement charter school may apply to the Department for money for facilities if:

(a) The achievement charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) The Executive Director has determined that the finances of the achievement charter school are being managed in a prudent manner;

(c) The achievement charter school has met or exceeded the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools or has demonstrated improvement in the achievement of pupils enrolled in the achievement

charter school, as indicated by those annual measurable objectives and performance targets, for the majority of the years of its operation;

(d) At least 75 percent of the pupils enrolled in grade 12 in the achievement charter school in the immediately preceding school year have satisfied the ***requirements of subsection 3 or 4 of NRS 390.600 or the*** criteria prescribed by the State Board pursuant to ***subsection 1 of*** NRS 390.600, if the achievement charter school enrolls pupils at a high school grade level; and

(e) The achievement charter school meets the requirements prescribed by regulation of the Department.

2. An achievement charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the achievement charter school if requested by the Executive Director.

Sec. 5. NRS 388C.120 is hereby amended to read as follows:

388C.120 1. A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil's potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.

2. A person who wishes to apply for admission to a university school for profoundly gifted pupils must:

(a) Submit to the governing body of the school:

(1) A completed application;

(2) Evidence that the applicant possesses advanced intellectual and academic ability, including, without limitation, proof that he or she satisfies the requirements of NRS 388C.030;

(3) At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant;

(4) A transcript from each school previously attended by the applicant; and

(5) Such other information as may be requested by the university school or governing body of the school.

(b) If requested by the governing body of the school, participate in an on-campus interview.

3. The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.

4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil ~~[satisfies]~~ ***:***

(a) Satisfies the requirements of subsection 3 or 4 of NRS 390.600; or

(b) Satisfies the criteria prescribed by the State Board pursuant to ***subsection 1 of*** NRS 390.600 ~~[and]~~ ***, successfully passes*** the courses in American government and American history as required by NRS 389.054 and 389.057 ~~[,]~~ and successfully completes any requirements established by the State Board of Education for graduation from high school.

5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, the State Board and the Director of the Legislative Counsel Bureau a report that contains information regarding the school, including, without limitation, the process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils.

Sec. 5.5. **NRS 389.018 is hereby amended to read as follows:**

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English language arts;

(b) Mathematics;

(c) Science; and

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

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

(a) Four units of credit in English language arts;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) American government;

(2) American history; and

(3) World history or geography.

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

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for

grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 6. NRS 390.600 is hereby amended to read as follows:

390.600 1. ~~[A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program. As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).~~

~~2.]~~ The State Board shall adopt regulations that ***:***

(a) Except as otherwise provided in subsection 3, prescribe the ~~[:~~

~~(a) Criteria]~~ ***criteria*** for a pupil to receive a standard high school diploma, which must include, without limitation, the requirement that:

(1) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enrolled in grade 11 take the college and career readiness assessment administered pursuant to NRS 390.610;

(2) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enroll in the courses of study designed to prepare the pupil for graduation from high school and for readiness for college and career; and

(3) Commencing with the 2014-2015 school year and each school year thereafter, a pupil pass at least four end-of-course examinations prescribed pursuant to paragraph (b).

(b) ~~[Courses]~~ ***Prescribe the courses*** of study in which pupils must pass the end-of-course examinations required by subparagraph (3) of paragraph (a), which must include, without limitation, the subject areas for which the State Board has adopted the common core standards and which may include any other courses of study prescribed by the State Board.

(c) ~~[The]~~ ***Prescribe the*** maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

~~[3.]~~ ***2.*** The criteria prescribed by the State Board pursuant to subsection ~~[2]~~ ***1*** for a pupil to receive a standard high school diploma must not include

the results of the pupil on the college and career readiness assessment administered to the pupil in grade 11 pursuant to NRS 390.610.

~~[4.]~~ ***3. A pupil with a disability who does not satisfy the requirements to receive a standard high school diploma prescribed by the State Board pursuant to subsection 1 may receive a standard high school diploma if*** ~~[:~~

~~*(a) His or her individualized education program team determines that]*~~ ***the pupil demonstrates , through a portfolio of the pupil's work, proficiency in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520*** ***.*** ~~*[; and*~~

~~*(b) The pupil satisfies the requirements set forth in his or her individualized education program.]*~~

4. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma prescribed in subsection 3 or by the State Board pursuant to subsection 1 may receive a diploma designated as an ~~*[adjusted]*~~ ***:***

(a) Adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program ~~*[.]*~~ ***; or***

(b) Alternative diploma if the pupil:

(1) Has a significant cognitive disability; and

(2) Passes an alternate assessment prescribed by the State Board.

5. If a pupil does not satisfy the requirements ~~[prescribed by the State Board]~~ to receive a standard high school diploma ~~[.]~~ ***prescribed by subsection 3 or by the State Board pursuant to subsection 1,*** the pupil must not be issued a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for such a diploma. The provisions of this subsection do not apply to a pupil who receives an adjusted diploma ***or an alternative diploma*** pursuant to subsection ~~[1.]~~ ***4.***

6. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

(b) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

Sec. 6.5. **A pupil with a disability who is less than 22 years of age and has not been issued a standard high school diploma on or before July 1, 2017, but satisfies the criteria prescribed in subsection 3 of NRS 390.600, as amended by section 6 of this act, is entitled to a standard high school diploma.**

Sec. 7. 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. 70.

Bill read second time.

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

Amendment No. 6.

AN ACT relating to redevelopment; expanding the purposes for which the proceeds of certain taxes levied in a redevelopment area may be used; **revising the amount of the proceeds that must be set aside for such purposes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Community Redevelopment Law authorizes the city council, board of county commissioners or other legislative body of a city or county to declare the need for a redevelopment agency to function in the community. The Community Redevelopment Law grants a redevelopment agency certain powers and duties with regard to the elimination of blight in a redevelopment area in the community. (Chapter 279 of NRS)

Under existing law, a redevelopment agency in a city in a county whose population is 700,000 or more (currently Clark County) is authorized to adopt, in certain circumstances, an ordinance which provides for the recalculation of the total assessed value of the taxable property in a redevelopment area for certain purposes. If such a redevelopment agency adopts such an ordinance and receives certain revenue from taxes on the taxable property located in the redevelopment area affected by the ordinance, existing law requires that not less than 18 percent of the revenue received on or after the effective date of the ordinance be set aside to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. (NRS 279.676) **Section 3** of this bill **limits the amount of the revenue that must be set aside to 18 percent and removes the requirement that the educational facilities be existing facilities. Section 3 further** provides that such revenue may also be used **: (1) to increase, improve or enhance public educational facilities; (2)** to support public educational activities and programs **; or (3) for facilities, activities and programs** which are ~~[conducted]~~ **located in or** within **1 mile of** the redevelopment area or which serve pupils who reside **in or** within **1 mile of** the redevelopment area. **Section 1** of this bill defines the term "public educational activities and programs."

Under existing law, a city whose population is 500,000 or more (currently the City of Las Vegas) is required, under certain circumstances, to set aside not less than 18 percent of the revenue from taxes levied upon the taxable property in a redevelopment area received on or after October 1, 2011, but before March 6, 2031, to: (1) increase, improve, preserve or enhance the operating viability of dwelling units in the community for low-income households; and (2) improve existing public educational facilities located within a redevelopment area or within 1 mile of a redevelopment area. On or

after March 6, 2031, not less than 18 percent of such revenues must be set aside and used only to improve existing public educational facilities located within a redevelopment area or within 1 mile of a redevelopment area. (NRS 279.685) ~~[Section]~~ **For revenue received on or after July 1, 2017, section 4** of this bill ~~[provides that both before and after March 6, 2031, such revenue may also be used to support public educational activities and programs]~~ **limits the amount of such revenue that must be set aside to 18 percent, removes the requirement that the educational facilities be existing facilities, expands the purposes for which money may be spent in connection with such facilities, and authorizes such spending for facilities and educational programs and activities which are located in or within 1 mile of the redevelopment area or** which serve pupils who reside ~~[within the redevelopment area]~~ **in** or within 1 mile of the redevelopment area.

Under existing law, the city council of a city whose population is 220,000 or more but less than 500,000 located in a county whose population is 700,000 or more (currently the City of Henderson) is required, under certain circumstances, to set aside not less than 18 percent of the revenues received from taxes on the taxable property located in the redevelopment area affected by the ordinance on or after the effective date of the ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. (NRS 279.6855) **Section 5** of this bill ~~[provides that such revenue may also be used to support public educational activities and programs]~~ **limits the amount of the revenue that must be set aside to 18 percent, removes the requirement that the educational facilities be existing facilities, expands the purposes for which money may be spent in connection with such facilities, and authorizes such spending for facilities, educational programs and activities** which **are located in or within 1 mile of the redevelopment area or which** serve pupils who reside **in or** within **1 mile of** the redevelopment area.

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

Section 1. Chapter 279 of NRS is hereby amended by adding thereto a new section to read as follows:

1. "Public educational activities and programs" includes, without limitation:

(a) Early childhood education programs;

(b) Literacy programs;

(c) Summer ~~[school]~~ learning programs, before- and after-school programs and other instruction at times during the year when school is not in session; and

(d) Wrap-around services.

2. As used in this section, "wrap-around services" means integrated student supports and supplemental services provided to a pupil ~~[with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.]~~ that help create an environment conducive to learning and assist the pupil in making the transition from early childhood education through postsecondary education and into the workforce.

Sec. 2. NRS 279.384 is hereby amended to read as follows:

279.384 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 279.676 is hereby amended to read as follows:

279.676 1. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in the redevelopment area each year by or for the benefit of the State, any city, county, district or other public corporation, after the effective date of the ordinance approving the redevelopment plan, must be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment area on the effective date of the ordinance but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance must be used in determining the assessed valuation of the taxable property in the redevelopment area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the State and becomes exempt from taxation, the assessed valuation of the exempt property as shown on the assessment roll last equalized before the date on which the property was transferred to the State must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

(b) Except as otherwise provided in paragraphs (c) and (d) and NRS 540A.265, that portion of the levied taxes each year in excess of the amount set forth in paragraph (a) must be allocated to and when collected must be paid into a special fund of the redevelopment agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the redevelopment agency to finance or refinance, in

whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in a redevelopment area exceeds the total assessed value of the taxable property in the redevelopment area as shown by:

(1) The assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan; or

(2) The assessment roll last equalized before the effective date of an ordinance adopted pursuant to subsection 5,

➥ whichever occurs later, less the assessed valuation of any exempt property subtracted pursuant to paragraph (a), all of the taxes levied and collected upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies. When the redevelopment plan is terminated pursuant to the provisions of NRS 279.438 and 279.439 and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

(d) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

2. Except as otherwise provided in subsection 3, in any fiscal year, the total revenue paid to a redevelopment agency must not exceed:

(a) In a county whose population is 100,000 or more or a city whose population is 150,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a county whose population is 30,000 or more but less than 100,000 or a city whose population is 25,000 or more but less than 150,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

(c) In a county whose population is less than 30,000 or a city whose population is less than 25,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 20 percent of the total assessed valuation of the municipality.

➥ If the revenue paid to a redevelopment agency must be limited pursuant to paragraph (a), (b) or (c) and the redevelopment agency has more than one

redevelopment area, the redevelopment agency shall determine the allocation to each area. Any revenue which would be allocated to a redevelopment agency but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. The taxing agencies shall continue to pay to a redevelopment agency any amount which was being paid before July 1, 1987, and in anticipation of which the agency became obligated before July 1, 1987, to repay any bond, loan, money advanced or any other indebtedness, whether funded, refunded, assumed or otherwise incurred.

4. For the purposes of this section, the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan is the assessment roll in existence on March 15 immediately preceding the effective date of the ordinance.

5. If in any year the assessed value of the taxable property in a redevelopment area located in a city in a county whose population is 700,000 or more as shown by the assessment roll most recently equalized has decreased by 10 percent or more from the assessed value of the taxable property in the redevelopment area as shown by the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan, the redevelopment agency may adopt an ordinance which provides that the total assessed value of the taxable property in the redevelopment area for the purposes of paragraphs (a) and (b) of subsection 1 is the total assessed value of the taxable property in the redevelopment area as shown by the assessment roll last equalized before the effective date of the ordinance adopted pursuant to this subsection. A redevelopment agency may adopt an ordinance pursuant to this subsection only once, and the election to adopt such an ordinance is irrevocable.

6. An agency which adopts an ordinance pursuant to subsection 5 and which receives revenue pursuant to paragraph (b) of subsection 1 from taxes on the taxable property located in the redevelopment area affected by the ordinance shall set aside ~~[not less than]~~ 18 percent of that revenue received on and after the effective date of the ordinance to ~~[improve]~~ ***:***

(a) ~~[Improve~~ and~~]~~ Increase, improve, preserve ~~[existing]~~ ***or enhance*** public educational facilities ***;***

(b) Support public educational activities and programs; or

(c) ~~[Improve and]~~ Increase, improve, preserve ~~[existing]~~ or enhance public educational facilities and support public educational activities and programs,

➥ which are located ***in or*** within ***1 mile of*** the redevelopment area or which serve pupils who reside ***in or*** within ***1 mile of*** the redevelopment area. For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in this subsection and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered

year, or to the next session of the Legislature, if the report is received during an even-numbered year.

7. The obligation of an agency pursuant to subsection 6 to set aside ~~[not less than]~~ 18 percent of the revenue allocated to and received by the agency pursuant to paragraph (b) of subsection 1 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 5 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by an agency before the effective date of an ordinance adopted by the agency pursuant to subsection 5, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency on or after the effective date of an ordinance adopted by the agency pursuant to subsection 5 shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

Sec. 4. NRS 279.685 is hereby amended to read as follows:

279.685 1. Except as otherwise provided in this section or subsections 6 and 7 of NRS 279.676, an agency of a city whose population is 500,000 or more that receives revenue from taxes pursuant to paragraph (b) of subsection 1 of NRS 279.676 shall set aside ***:*** ~~[not less than:]~~

(a) ~~[Fifteen]~~ ***Not less than 15*** percent of that revenue received on or before October 1, 1999, and 18 percent of that revenue received after October 1, 1999, but before October 1, 2011, to increase, improve and preserve the number of dwelling units in the community for low-income households;

(b) ~~[Eighteen]~~ ***Not less than 18*** percent of that revenue received on or after October 1, 2011, but before ~~[March 6, 2031,]~~ ***July 1, 2017,*** to :

(1) Increase, ~~***[increase,]***~~ improve, preserve or enhance the operating viability of dwelling units in the community for low-income households ; and

(2) ~~***[:***~~

~~***(1)]***~~ Improve existing public educational facilities ~~***[;***~~

~~***(2) Support public educational activities and programs; or***~~

~~***(3) Improve existing public educational facilities and support public educational activities and programs,***~~

~~***" which are]***~~ located within ~~***[or which serve pupils who reside within]***~~ a redevelopment area or within 1 mile of a redevelopment area; and

(c) ***Eighteen percent of that revenue received on or after July 1, 2017, but before March 6, 2031, to increase, improve, preserve or enhance the operating viability of dwelling units in the community for low-income households and:***

(1) Increase, improve, preserve or enhance public educational facilities;

(2) Support public educational activities and programs; or

(3) Increase, improve, preserve or enhance public educational facilities and support public educational activities and programs,

which are located in or within 1 mile of a redevelopment area or which serve pupils who reside in or within 1 mile of a redevelopment area; and

(d) Eighteen percent of that revenue received on or after March 6, 2031, to ~~[improve]~~ ***:***

(1) ~~[***Improve*** existing]~~ ***Increase, improve, preserve or enhance*** public educational facilities ***;***

(2) Support public educational activities and programs; or

(3) ~~[***Improve existing]***~~ ***Increase, improve, preserve or enhance public educational facilities and support public educational activities and programs,***

described in ~~[subparagraph (2) of]~~ paragraph ~~[(b).~~

~~For]~~ ***(c).***

2. For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in ~~[~~subparagraph ~~***subparagraphs (1),*** (2) ***and (3)*** of]~~ paragraph (b) ***,*** ~~[or paragraph]~~ (c) ~~[,]~~ ***or (d) of subsection 1,*** as applicable, and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

~~[2.]~~ ***3.*** The obligation of an agency to set aside not less than 15 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before July 1, 1993, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after July 1, 1993, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

~~[3.]~~ ***4.*** The obligation of an agency to set aside an additional 3 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before October 1, 1999, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after October 1, 1999, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

~~[4.]~~ ***5.*** From the revenue set aside by an agency pursuant to paragraph (b) ***or (c)*** of subsection 1, not more than 50 percent of that amount may be used to:

(a) Increase, improve, preserve or enhance the operating viability of dwelling units in the community for low-income households; or

(b) ~~[Improve existing]~~ ***Increase, improve, preserve or enhance*** public educational facilities ***, support public educational activities and programs or increase, improve, preserve or enhance public educational facilities and support public educational activities and programs which are*** located ***in or*** within ~~***[or which serve pupils who reside within]***~~ ***1 mile of*** a redevelopment area or ***which serve pupils who reside in or*** within 1 mile of a redevelopment area,

➥ unless the agency establishes that such an amount is insufficient to pay the cost of a project identified in the redevelopment plan for the redevelopment area.

~~[5.]~~ ***6.*** Except as otherwise provided in paragraphs (b) ***,*** ~~[and]~~ (c) ***and (d)*** of subsection 1 and subsection ~~[4,]~~ ***5,*** the agency may expend or otherwise commit money for the purposes of subsection 1 outside the boundaries of the redevelopment area.

Sec. 5. NRS 279.6855 is hereby amended to read as follows:

279.6855 1. Except as otherwise provided in this section, an agency of a city whose population is 220,000 or more but less than 500,000 located in a county whose population is 700,000 or more that adopts an ordinance pursuant to subsection 4 of NRS 279.439 and which receives revenue pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance shall set aside ~~[not less than]~~ 18 percent of such revenue received on or after the effective date of the ordinance to ~~[improve]~~ ***:***

(a) ~~***[Improve***~~ and~~]~~ ***Increase, improve,*** preserve ~~[existing]~~ ***or enhance*** public educational facilities ***;***

(b) Support public educational activities and programs; or

(c) ~~***[Improve and]***~~ ***Increase, improve, preserve*** ~~***[existing]***~~ ***or enhance public educational facilities and support public educational activities and programs,***

➥ which are located ***in or*** within ***1 mile of*** the redevelopment area or which serve pupils who reside ***in or*** within ***1 mile of*** the redevelopment area. The provisions of this subsection do not apply if such an agency is required pursuant to subsection 6 of NRS 279.676 to set aside ~~[not less than]~~ 18 percent of revenue received pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 5 of NRS 279.676 on or after the effective date of that ordinance to ***increase,*** improve ***,*** ~~[and]~~ preserve ~~[existing]~~ ***or enhance*** public educational facilities ***,*** ~~***[or]***~~ ***support public educational activities and programs or increase, improve, preserve or enhance public educational activities and support public educational activities and programs*** which are located ***in or*** within ***1 mile of*** the redevelopment area or which serve pupils who reside ***in or*** within ***1 mile of*** the redevelopment area. For each fiscal year, the agency shall

prepare a written report concerning the amount of money expended for the purposes set forth in this subsection and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

2. The obligation of an agency pursuant to subsection 1 to set aside ~~[not less than]~~ 18 percent of the revenue allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 4 of NRS 279.439 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before the effective date of the ordinance adopted by the agency pursuant to subsection 4 of NRS 279.439, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency on or after the effective date of the ordinance adopted by the agency pursuant to subsection 4 of NRS 279.439 shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

Sec. 6. NRS 279.687 is hereby amended to read as follows:

279.687 A school district shall not use any money received pursuant to subsection 6 of NRS 279.676, ~~[subparagraph *(1),* (2) *or (3)* of]~~ paragraph (b) ***, (c) or (d)*** of subsection 1 of NRS ~~[279.685, paragraph (c) of subsection 1 of NRS]~~ 279.685 or NRS 279.6855 to reduce or supplant the amount of any money which the school district would otherwise expend for the purposes described in ~~[subsection 6 of NRS 279.676, subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685, paragraph (c) of subsection 1 of NRS 279.685 and NRS 279.6855, respectively.]~~ ***those provisions.***

Sec. 7. 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. 95.

Bill read second time.

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

Amendment No. 268.

AN ACT relating to child support; prohibiting debts for support of a child from being incurred by a parent or other person receiving **certain** public

assistance for the benefit of a dependent child under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a duty on a parent of a child to support his or her child. (NRS 125B.020, 425.350) Under existing law, if a parent or other person with custody of a child receives public assistance in his or her own behalf or in behalf of the child: (1) the parent or other person is deemed to have assigned his or her right to child support from any other person to the Division of Welfare and Supportive Services of the Department of Health and Human Services to the extent of the public assistance received; and (2) the Division is entitled to any child support to which the parent or other person is entitled to the extent of the public assistance provided by the Division. (NRS 425.350, 425.360)

Existing law also provides that a debt for the support of a child may not be incurred by a parent or any other person who is a recipient of public assistance for the benefit of a dependent child during the period when the parent or other person is a recipient of such public assistance. (NRS 425.360) In *Valdez v. Aguilar*, 132 Nev. Adv. Op. 37 (2016), the Nevada Supreme Court held that this provision of existing law suspends a debt for support of a child owed to the Division by a parent or other person who is a recipient of public assistance for the benefit of a dependent child, but does not suspend a debt for support of a child owed by the recipient of public assistance to another parent or any other person with custody of the child. This bill provides that a parent or other person who is a recipient of ~~[public assistance]~~ **Temporary Assistance for Needy Families** for the benefit of a dependent child does not incur a debt for support of a child, whether owed to the Division or any other person, during the period that the parent or other person is receiving such ~~[public]~~ assistance ~~[.]~~ **, unless a court finds that the parent or other person has remained purposefully unemployed. This bill also provides that any debt for support of a child incurred before the person becomes a recipient of Temporary Assistance for Needy Families are held in abeyance while the person is receiving such assistance.**

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

Section 1. Chapter 425 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of chapters 31A, 125B and 126 of NRS, debts for support of a child owed to any person may not be incurred by a parent or any other person who is the recipient of ~~[public assistance]~~ Temporary Assistance for Needy Families pursuant to the provisions of chapter 422A of NRS for the benefit of a dependent child for the period when the parent or other person is a recipient ~~[.]~~ , unless a court finds that the parent or other person has remained purposefully unemployed.

2. Any debts for support of a child owed to any person incurred by a parent or other person before becoming a recipient of Temporary Assistance for Needy Families as described in subsection 1 must be held in abeyance while the parent or other person is receiving such benefit.

3. As used in this section, "Temporary Assistance for Needy Families" has the meaning ascribed to it in NRS 422A.080.

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

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 128.

Bill read second time.

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

Amendment No. 42.

AN ACT relating to service of process; exempting certain unpaid individuals from the requirement to obtain licensure as a process server; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who engages in the business of a process server to obtain a license. (NRS 648.060) Existing law defines engaging in such business to include a single act. (NRS 648.063) This bill exempts any **natural** person who ~~[without compensation]~~ serves legal process from the requirements of chapter 648 of NRS relating to process servers, including, without limitation, the requirement to obtain a license to engage in the business of a process server ~~[.]~~ **, if that natural person serves legal process: (1) without compensation; (2) on behalf of another natural person who is not a business entity; and (3) not more than three times each calendar year.**

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

Section 1. NRS 648.063 is hereby amended to read as follows:

648.063 ~~[An]~~

1. Except as otherwise provided in subsection 2, an unlicensed person who performs a single act for which a license is required has engaged in the business for which the license is required and, unless exempt from licensing or performing an investigation pursuant to NRS 253.220, has violated NRS 648.060.

2. A natural person who ~~[without compensation]~~ serves legal process must not be deemed to be engaged in the business of a process server and the provisions of this chapter relating to process servers, including, without

limitation, the requirement to obtain a license to engage in the business of a process server pursuant to NRS 648.060, do not apply to ~~[such a]~~ the natural person ~~[.]~~ , if the natural person serves legal process:

(a) Without compensation;

(b) On behalf of a litigant who is a natural person and is not a business entity; and

(c) Not more than three times each calendar year.

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. 133.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 265.

AN ACT relating to real property rights; prohibiting adverse action against certain persons for requesting emergency assistance on a rental property in certain cases; specifying that a request for emergency assistance on a rental property does not constitute a nuisance in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill prohibit a landlord from taking adverse action against a tenant of a dwelling or manufactured home, including, without limitation, evicting or taking certain other punitive action based **solely** upon a tenant or other person in the rental property of the tenant requesting emergency assistance from a provider of emergency services based on a reasonable belief that an emergency response is necessary or that criminal activity has occurred. **Sections 1 and 2** also prohibit a local government or political subdivision of this State from taking adverse action against a landlord based **solely** on the request of a tenant or other person for emergency assistance. **Sections 1 and 2 also specify that the provisions of this bill do not prohibit a landlord or a local government or political subdivision of this State from curing a breach of a rental agreement or abating a nuisance or a violation of a local law, ordinance or regulation which is discovered by or reported to the landlord by a peace officer as a result of a request for emergency assistance.**

Existing law provides that any provision of a rental agreement for a dwelling or rental agreement or lease for a manufactured home lot that waives or limits certain rights or remedies provided by law is void and unenforceable and therefore any provision in such a rental agreement or lease that allows adverse action against a tenant in violation of the provisions of **sections 1 and 2** would be void and unenforceable. (NRS 118A.200, 118B.050)

Existing law provides that a nuisance includes conditions on a property that interfere with the free use or comfortable enjoyment of the property, including, without limitation, health hazards or the use of a property for the commission of certain crimes. (NRS 40.140, 202.450) **Sections 4-6** of this bill provide that a request for emergency assistance by a tenant or other person in the rental property of the tenant as described above does not constitute a nuisance for purposes of civil or criminal law.

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

Section 1. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A landlord shall not take any adverse action against a tenant, including, without limitation, evicting, imposing a fine or taking any other punitive action against the tenant, based solely upon the tenant or another person in the dwelling of the tenant requesting emergency assistance if the tenant or other person had a reasonable belief that an emergency response was necessary or that criminal activity may have occurred, regardless of any other previous requests for emergency assistance by the tenant or other person.

2. A local government or other political subdivision of this State shall not deem there to be a nuisance or take any other adverse action against the landlord of a dwelling based solely upon the tenant or another person in the dwelling of the tenant requesting emergency assistance in accordance with subsection 1.

3. Any local charter, code, ordinance, regulation or other law that conflicts with this section is void and unenforceable.

4. This section does not:

(a) Prohibit a landlord from taking any action necessary to abate a nuisance on the property pursuant to NRS 40.140 or 202.450 or taking any other action which is not in conflict with the provisions of this section [; or] , including, without limitation, commencing eviction proceedings in accordance with the provisions of chapter 40 of NRS for any nuisance discovered by or reported to the landlord by a peace officer as a result of a request for emergency assistance pursuant to subsection 1;

(b) Authorize a tenant to breach any provision of a rental agreement that is not in conflict with this section or to violate any other provision of law [.] ;

(c) Prohibit a landlord from taking any action necessary to cure a breach of any provision of a rental agreement or any other provision of law by a tenant which is discovered by or reported to the landlord by a peace officer as a result of a request for emergency assistance pursuant to subsection 1; or

(d) Prohibit a local government or other political subdivision of this State from taking any action against a landlord or a tenant to abate a

nuisance or a violation of any local law, ordinance or regulation which is discovered by a peace officer while responding to a request for emergency assistance pursuant to subsection 1.

5. In addition to any other remedies, a tenant, landlord or district attorney may bring a civil action in a court of competent jurisdiction for a violation of this section to seek any or all of the following relief:

(a) Declaratory and injunctive relief.

(b) Actual damages.

(c) Reasonable attorney's fees and costs.

(d) Any other legal or equitable relief that the court deems appropriate.

6. As used in this section [, "emergency] :

(a) "Emergency assistance" means assistance provided by an agency of the State of Nevada or a political subdivision of this State that provides police, fire-fighting, rescue, emergency medical services or any other services related to public safety.

(b) "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 2. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A landlord shall not take any adverse action against a tenant, including, without limitation, evicting, imposing a fine or taking any other punitive action against the tenant, based solely upon the tenant or another person in the manufactured home of the tenant requesting emergency assistance if the tenant or other person had a reasonable belief that an emergency response was necessary or that criminal activity may have occurred, regardless of any other previous requests for emergency assistance by the tenant or other person.

2. A local government or other political subdivision of this State shall not deem there to be a nuisance or take any other adverse action against the landlord of a manufactured home park based solely upon the tenant or another person in the manufactured home of the tenant requesting emergency assistance in accordance with subsection 1.

3. Any local charter, code, ordinance, regulation or other law that conflicts with this section is void and unenforceable.

4. This section does not:

(a) Prohibit a landlord from taking any action necessary to abate a nuisance on the property pursuant to NRS 40.140 or 202.450 or taking any other action which is not in conflict with the provisions of this section [; or] , including, without limitation, commencing eviction proceedings in accordance with the provisions of chapter 40 of NRS for any nuisance discovered by or reported to the landlord by a peace officer as a result of a request for emergency assistance pursuant to subsection 1;

(b) Authorize a tenant to breach any provision of a rental agreement that is not in conflict with this section or to violate any other provision of law ~~***[.]***~~ ***;***

(c) Prohibit a landlord from taking any action necessary to cure a breach of any provision of a rental agreement or any other provision of law by a tenant which is discovered by or reported to the landlord by a peace officer as a result of a request for emergency assistance pursuant to subsection 1; or

(d) Prohibit a local government or other political subdivision of this State from taking any action against a landlord or a tenant to abate a nuisance or a violation of any local law, ordinance or regulation which is discovered by a peace officer while responding to a request for emergency assistance pursuant to subsection 1.

5. In addition to any other remedies, a tenant, landlord or district attorney may bring a civil action in a court of competent jurisdiction for a violation of this section to seek any or all of the following relief:

(a) Declaratory and injunctive relief.

(b) Actual damages.

(c) Reasonable attorney's fees and costs.

(d) Any other legal or equitable relief that the court deems appropriate.

6. As used in this section ~~***[, "emergency]***~~ ***:***

(a) "Emergency assistance" means assistance provided by an agency of the State of Nevada or a political subdivision of this State that provides police, fire-fighting, rescue, emergency medical services or any other services related to public safety.

(b) "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 3. NRS 118B.210 is hereby amended to read as follows:

118B.210 1. The landlord shall not terminate a tenancy, refuse to renew a tenancy, increase rent or decrease services the landlord normally supplies, or bring or threaten to bring an action for possession of a manufactured home lot as retaliation upon the tenant because:

(a) The tenant has complained in good faith about a violation of a building, safety or health code or regulation pertaining to a manufactured home park to the governmental agency responsible for enforcing the code or regulation.

(b) The tenant has complained to the landlord concerning the maintenance, condition or operation of the park or a violation of any provision of NRS 118B.040 to 118B.220, inclusive, ***and section 2 of this act*** or 118B.240.

(c) The tenant has organized or become a member of a tenants' league or similar organization.

(d) The tenant has requested the reduction in rent required by:

(1) NRS 118.165 as a result of a reduction in property taxes.

(2) NRS 118B.153 when a service, utility or amenity is decreased or eliminated by the landlord.

(e) A citation has been issued to the landlord as the result of a complaint of the tenant.

(f) In a judicial proceeding or arbitration between the landlord and the tenant, an issue has been determined adversely to the landlord.

2. A landlord, manager or assistant manager of a manufactured home park shall not willfully harass a tenant.

3. A tenant shall not willfully harass a landlord, manager or assistant manager of a manufactured home park or an employee or agent of the landlord.

4. As used in this section, "harass" means to threaten or intimidate, through words or conduct, with the intent to affect the terms or conditions of a tenancy or a person's exercise of his or her rights pursuant to this chapter.

Sec. 4. NRS 40.140 is hereby amended to read as follows:

40.140 1. Except as otherwise provided in this section:

(a) Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property;

(b) A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog;

(c) A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(1) Which has not been deemed safe for habitation by the board of health; or

(2) From which all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed or remediated by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog; or

(d) A building or place regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang,

➥ is a nuisance, and the subject of an action. The action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

2. It is presumed:

(a) That an agricultural activity conducted on farmland, consistent with good agricultural practice and established before surrounding nonagricultural

activities is reasonable. Such activity does not constitute a nuisance unless the activity has a substantial adverse effect on the public health or safety.

(b) That an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

3. A shooting range does not constitute a nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range in operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range that begins operation after October 1, 1997.

➥ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

4. A request for emergency assistance by a tenant as described in sections 1 and 2 of this act does not constitute a nuisance.

~~[4.]~~ ***5.*** As used in this section:

(a) "Board of health" has the meaning ascribed to it in NRS 439.4797.

(b) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(c) "Criminal gang" has the meaning ascribed to it in NRS 193.168.

(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(e) "Shooting range" means an area designed and used for archery or sport shooting, including, but not limited to, sport shooting that involves the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or other similar items.

Sec. 5. NRS 202.450 is hereby amended to read as follows:

202.450 1. A public nuisance is a crime against the order and economy of the State.

2. Every place:

(a) Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefor is kept;

(b) Wherein any fighting between animals or birds is conducted;

(c) Wherein any dog races are conducted as a gaming activity;

(d) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;

(e) Wherein a controlled substance, immediate precursor or controlled substance analog is unlawfully sold, served, stored, kept, manufactured, used or given away;

(f) That is regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang; or

(g) Where vagrants resort,

➥ is a public nuisance.

3. Every act unlawfully done and every omission to perform a duty, which act or omission:

(a) Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;

(b) Offends public decency;

(c) Unlawfully interferes with, befouls, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or

(d) In any way renders a considerable number of persons insecure in life or the use of property,

➥ is a public nuisance.

4. A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog is a public nuisance if the building or place has not been deemed safe for habitation by the board of health and:

(a) The owner of the building or place allows the building or place to be used for any purpose before all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have been removed from or remediated on the building or place by an entity certified or licensed to do so; or

(b) The owner of the building or place fails to have all materials or substances involving the controlled substance, immediate precursor or controlled substance analog removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

5. Agricultural activity conducted on farmland consistent with good agricultural practice and established before surrounding nonagricultural activities is not a public nuisance unless it has a substantial adverse effect on the public health or safety. It is presumed that an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

6. A shooting range is not a public nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range that begins operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range in operation after October 1, 1997.

➥ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

7. ***A request for emergency assistance by a tenant as described in sections 1 and 2 of this act is not a public nuisance.***

8. As used in this section:

(a) "Board of health" has the meaning ascribed to it in NRS 439.4797.

(b) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(c) "Criminal gang" has the meaning ascribed to it in NRS 193.168.

(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(e) "Shooting range" has the meaning ascribed to it in NRS 40.140.

Sec. 6. NRS 266.335 is hereby amended to read as follows:

266.335 The city council may:

1. Except as otherwise provided in ~~[~~subsection~~]~~ ***subsections*** 3 ***and 4*** of NRS 40.140 and ~~[~~subsection~~]~~ ***subsections*** 6 ***and 7*** of NRS 202.450, determine by ordinance what shall be deemed nuisances.

2. Provide for the abatement, prevention and removal of the nuisances at the expense of the person creating, causing or committing the nuisances.

3. Provide that the expense of removal is a lien upon the property upon which the nuisance is located. The lien must:

(a) Be perfected by recording with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien.

(b) Be coequal with the latest lien thereon to secure the payment of general taxes.

(c) Not be subject to extinguishment by the sale of any property because of the nonpayment of general taxes.

(d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

4. Provide any other penalty or punishment of persons responsible for the nuisances.

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

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 135.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 390.

AN ACT relating to public safety; revising provisions relating to prohibited acts concerning the use of marijuana and the operation of a vehicle or vessel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access if the person is under the influence of a controlled substance or has certain specified amounts of a prohibited substance in his or her blood or urine, including marijuana and marijuana metabolite. (NRS 484C.110) **Section 1** of this bill removes the specified amounts of marijuana and marijuana metabolite in a person's urine, thereby providing that the amount of marijuana or marijuana metabolite in a person's system can only be measured through his or her blood. **Sections 2 and 6** of this bill make the same changes to similar provisions of existing law relating to a person driving or being in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access or operating or being in actual physical control of a vessel under power or sail on the waters of this State, respectively. **Sections 3-5 and 7-17** 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 484C.110 is hereby amended to read as follows:

484C.110 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

➥ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle,

➥ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of **[**~~a~~**]** ***any of the following*** prohibited **[**~~substance~~**]** ***substances*** in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) **[**~~Marijuana~~	~~0~~	~~2~~
~~(h) Marijuana metabolite~~	~~15~~	~~5~~
~~(i)~~**]** Methamphetamine	500	100
[~~(j)~~**]** ***(h)*** Phencyclidine	25	10

4. ***It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:***

Prohibited substance	***Blood Nanograms per milliliter***
(a) Marijuana (delta-9-tetrahydrocannabinol)	***2***
(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)	***5***

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before

the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

~~[5.]~~ ***6.*** A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 2. NRS 484C.120 is hereby amended to read as follows:

484C.120 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath,

➥ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a commercial motor vehicle,

➥ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of ~~[a]~~ ***any of the following*** prohibited ~~[substance]~~ ***substances*** in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) ~~[~~Marijuana	10	2

~~(h) Marijuana metabolite~~	~~15~~	~~5~~
~~(i)~~] Methamphetamine	500	100
~~[(j)~~] ***(h)*** Phencyclidine	25	10

4. ***It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:***

Prohibited substance	***Blood Nanograms per milliliter***
(a) Marijuana (delta-9-tetrahydrocannabinol)	***2***
(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)	***5***

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.04 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

~~[5.]~~ ***6.*** A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

~~[6.]~~ ***7.*** As used in this section:

(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(2) Has a gross vehicle weight rating of 26,001 or more pounds;

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et. seq., and for which the display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F.

(b) The phrase "concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath" means 0.04 gram or more but less than

0.08 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Sec. 3. NRS 484C.130 is hereby amended to read as follows:

484C.130 1. A person commits vehicular homicide if the person:

(a) Drives or is in actual physical control of a vehicle on or off the highways of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(3) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle; or

(6) Has a prohibited substance in his or her blood or urine ***, as applicable,*** in an amount that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110;

(b) Proximately causes the death of another person while driving or in actual physical control of a vehicle on or off the highways of this State; and

(c) Has previously been convicted of at least three offenses.

2. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

3. As used in this section, "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 this section or NRS 484C.110 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. 4. NRS 484C.160 is hereby amended to read as follows:

484C.160 1. Except as otherwise provided in subsections 4 and 5, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given

his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the request of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. A police officer who requests that a person submit to a test pursuant to subsection 1 shall inform the person that his or her license, permit or privilege to drive will be revoked if he or she fails to submit to the test.

3. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person to be tested.

4. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath ~~***[, saliva]***~~ or urine test.

5. If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses whose testimony in court or an administrative hearing is necessary because of the use of the blood test. The expenses of such a witness may be assessed at an hourly rate of not less than:

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) Except as otherwise provided in NRS 484C.200, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.

6. ~~[If]~~ ***Except as otherwise provided in subsection 7, if*** the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may request that the person submit to a blood or urine test, or both.

7. ***If the presence of marijuana in the blood of the person is in issue, the officer may request that the person submit to a blood test.***

8. Except as otherwise provided in subsections 4 and 6, a police officer shall not request that a person submit to a urine test.

~~[8.]~~ ***9.*** If a person to be tested fails to submit to a required test as requested by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430,

➥ the officer may apply for a warrant or court order directing that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested.

~~[9.]~~ ***10.*** If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 5. NRS 484C.430 is hereby amended to read as follows:

484C.430 1. Unless a greater penalty is provided pursuant to NRS 484C.440, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle; or

(f) Has a prohibited substance in his or her blood or urine ***, as applicable,*** in an amount that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110,

➥ and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned 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. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 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. A sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. Except as otherwise provided in subsection 4, if consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If the defendant is also charged with violating the provisions of NRS 484E.010, 484E.020 or 484E.030, the defendant may not offer the affirmative defense set forth in subsection 3.

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.

Sec. 6. NRS 488.410 is hereby amended to read as follows:

488.410 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

➥ to operate or be in actual physical control of a vessel under power or sail on the waters of this State.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under power or sail,

➥ to operate or be in actual physical control of a vessel under power or sail on the waters of this State.

3. It is unlawful for any person to operate or be in actual physical control of a vessel under power or sail on the waters of this State with an amount of ~~[~~a~~]~~ ***any of the following*** prohibited ~~[~~substance~~]~~ ***substances*** in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) ~~[~~Marijuana	10	2
(h) Marijuana metabolite	15	5
~~(i)~~] Methamphetamine	500	100
~~[(j)]~~ ***(h)*** Phencyclidine	25	10

4. ***It is unlawful for any person to operate or be in actual physical control of a vessel under power or sail on the waters of this State with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:***

Prohibited substance	***Blood Nanograms per milliliter***
(a) Marijuana (delta-9-tetrahydrocannabinol)	***2***
(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)	***5***

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

~~[~~5.~~]~~ ***6.*** Except as otherwise provided in NRS 488.427, a person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 7. NRS 488.420 is hereby amended to read as follows:

488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or being in actual physical control of a vessel under power or sail; or

(f) Has a prohibited substance in his or her blood or urine ***, as applicable,*** in an amount that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 488.410,

➥ and does any act or neglects any duty imposed by law while operating or being in actual physical control of any vessel under power or sail, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned 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. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 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 sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under power or sail, and before his or her blood was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 8. NRS 488.425 is hereby amended to read as follows:

488.425 1. A person commits homicide by vessel if the person:

(a) Operates or is in actual physical control of a vessel under power or sail on the waters of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(3) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under power or sail; or

(6) Has a prohibited substance in his or her blood or urine ***, as applicable,*** in an amount that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 488.410;

(b) Proximately causes the death of another person while operating or in actual physical control of a vessel under power or sail; and

(c) Has previously been convicted of at least three offenses.

2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 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.

4. A prosecuting attorney shall not dismiss a charge of homicide by vessel 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 sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood

or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. If the defendant was transporting a person who is less than 15 years of age in the vessel at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, "offense" means:

(a) A violation of NRS 488.410 or 488.420;

(b) A homicide resulting from operating or being in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; 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. 9. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to have given consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the request of a peace officer having reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath ***[, saliva]*** or urine test.

4. If the concentration of alcohol of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses whose testimony in court is necessary because of the use of the blood test. The expenses of such a witness may be assessed at an hourly rate of not less than:

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) Except as otherwise provided in NRS 488.470, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.

5. ~~[If]~~ ***Except as otherwise provided in subsection 6, if*** the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may request that the person submit to a blood or urine test, or both.

6. ***If the presence of marijuana in the blood of the person is in issue, the officer may request that the person submit to a blood test.***

7. Except as otherwise provided in subsections 3 and 5, a peace officer shall not request that a person submit to a urine test.

~~[7.]~~ ***8.*** If a person to be tested fails to submit to a required test as requested by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425,

➥ the officer may apply for a warrant or court order directing that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested.

~~[8.]~~ ***9.*** If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 10. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;

(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;

(e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;

(f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and

(g) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;

(b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and

(c) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence;

(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to chapter 159 of NRS or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;

(4) Pay all costs and fees incurred by the applicant in bringing the action; and

(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.

3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine ***, as applicable,*** that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110.

Sec. 11. NRS 62C.020 is hereby amended to read as follows:

62C.020 1. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for committing a battery that constitutes domestic violence pursuant to NRS 33.018, unless the peace officer or probation officer who has taken the child into custody determines that the child does not otherwise meet the criteria for secure detention and:

(a) Respite care or another out-of-home alternative to secure detention is available for the child;

(b) An out-of-home alternative to secure detention is not necessary to protect the victim from injury; or

(c) Family services are available to maintain the child in the home and the parents or guardians of the child agree to receive those family services and to allow the child to return to the home.

2. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or for violating a temporary or extended order for protection against sexual assault issued pursuant to NRS 200.378 and:

(a) The peace officer or probation officer who has taken the child into custody determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The child has previously violated a temporary or extended order for protection of the type for which the child has been taken into custody; or

(c) At the time of the violation or within 2 hours after the violation, the child has:

(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or

(2) An amount of a prohibited substance in his or her blood or urine ***, as applicable,*** that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110.

3. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if

it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

Sec. 12. NRS 125.555 is hereby amended to read as follows:

125.555 1. A restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence which is issued in an action or proceeding brought pursuant to this title must provide notice that a person who is arrested for violating the order or injunction will not be admitted to bail sooner than 12 hours after the person's arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or

(2) An amount of a prohibited substance in his or her blood or urine ***, as applicable,*** that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110.

2. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

Sec. 13. NRS 171.1225 is hereby amended to read as follows:

171.1225 1. When investigating an act of domestic violence, a peace officer shall:

(a) Make a good faith effort to explain the provisions of NRS 171.137 pertaining to domestic violence and advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community.

(b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:

(1) My name is Officer ..... (naming the investigating officer). Nevada law requires me to inform you of the following information.

(2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you are or were actually residing, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.

(3) If I am unable to arrest the person suspected of committing the battery, you have the right to request that the prosecutor file a criminal

complaint against the person. I can provide you with information on this procedure. If convicted, the person who committed the battery may be placed on probation, ordered to see a counselor, put in jail or fined.

(4) The law provides that you may seek a court order for the protection of you, your minor children or any animal that is owned or kept by you, by the person who committed or threatened the act of domestic violence or by the minor child of either such person against further threats or acts of domestic violence. You do not need to hire a lawyer to obtain such an order for protection.

(5) An order for protection may require the person who committed or threatened the act of domestic violence against you to:

(I) Stop threatening, harassing or injuring you or your children;

(II) Move out of your residence;

(III) Stay away from your place of employment;

(IV) Stay away from the school attended by your children;

(V) Stay away from any place you or your children regularly go;

(VI) Avoid or limit all communication with you or your children;

(VII) Stop physically injuring, threatening to injure or taking possession of any animal that is owned or kept by you or your children, either directly or through an agent; and

(VIII) Stop physically injuring or threatening to injure any animal that is owned or kept by the person who committed or threatened the act or his or her children, either directly or through an agent.

(6) A court may make future orders for protection which award you custody of your children and require the person who committed or threatened the act of domestic violence against you to:

(I) Pay the rent or mortgage due on the place in which you live;

(II) Pay the amount of money necessary for the support of your children;

(III) Pay part or all of the costs incurred by you in obtaining the order for protection; and

(IV) Comply with the arrangements specified for the possession and care of any animal owned or kept by you or your children or by the person who committed or threatened the act or his or her children.

(7) To get an order for protection, go to room number ..... (state the room number of the office at the court) at the court, which is located at ..... (state the address of the court). Ask the clerk of the court to provide you with the forms for an order of protection.

(8) If the person who committed or threatened the act of domestic violence against you violates the terms of an order for protection, the person may be arrested and, if:

(I) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(II) The person has previously violated a temporary or extended order for protection; or

(III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in the person's blood or breath or an amount of a prohibited substance in the person's blood or urine ***, as applicable,*** that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110,

➥ the person will not be admitted to bail sooner than 12 hours after arrest.

(9) You may obtain emergency assistance or shelter by contacting your local program against domestic violence at ..... (state name, address and telephone number of local program) or you may call, without charge to you, the Statewide Program Against Domestic Violence at ..... (state toll-free telephone number of Statewide Program).

2. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or the officer's employer.

3. As used in this section:

(a) "Act of domestic violence" means any of the following acts committed by a person against his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she is or was actually residing, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(VII) Injuring or killing an animal.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

(b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The

term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 14. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail;

(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or

(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail; or

(b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest,

without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

➥ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine ***, as applicable,*** that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110.

9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

➥ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.

➥ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010; or

(b) Increase the amount of bail pursuant to NRS 178.499.

13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.

14. Before a person may be admitted to bail, the person must sign a document stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.

➥ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

17. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.

Sec. 15. NRS 200.378 is hereby amended to read as follows:

200.378 1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of sexual assault has been committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who allegedly committed the sexual assault to:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged sexual assault and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged sexual assault or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.

2. If a defendant charged with a crime involving sexual assault is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged sexual assault and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged sexual assault or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.

3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:

(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and

(b) A hearing is held on the petition.

4. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:

(a) A temporary order is guilty of a gross misdemeanor.

(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. Any court order issued pursuant to this section must:

(a) Be in writing;

(b) Be personally served on the person to whom it is directed; and

(c) Contain the warning that violation of the order:

(1) Subjects the person to immediate arrest.

(2) Is a gross misdemeanor if the order is a temporary order.

(3) Is a category C felony if the order is an extended order.

7. A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or

(2) An amount of a prohibited substance in his or her blood or urine ***, as applicable,*** that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110.

Sec. 16. NRS 200.591 is hereby amended to read as follows:

200.591 1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who is allegedly committing the crime to:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

2. If a defendant charged with a crime involving harassment, stalking or aggravated stalking is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:

(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.

3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:

(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and

(b) A hearing is held on the petition.

4. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:

(a) A temporary order is guilty of a gross misdemeanor.

(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. Any court order issued pursuant to this section must:

(a) Be in writing;

(b) Be personally served on the person to whom it is directed; and

(c) Contain the warning that violation of the order:

(1) Subjects the person to immediate arrest.

(2) Is a gross misdemeanor if the order is a temporary order.

(3) Is a category C felony if the order is an extended order.

7. A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or

(2) An amount of a prohibited substance in his or her blood or urine ***, as applicable,*** that is equal to or greater than the amount set forth in subsection 3 ***or 4*** of NRS 484C.110.

Sec. 17. NRS 616C.230 is hereby amended to read as follows:

616C.230 1. Compensation is not payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS for an injury:

(a) Caused by the employee's willful intention to injure himself or herself.

(b) Caused by the employee's willful intention to injure another.

(c) That occurred while the employee was in a state of intoxication, unless the employee can prove by clear and convincing evidence that his or her state of intoxication was not the proximate cause of the injury. For the purposes of this paragraph, an employee is in a state of intoxication if the level of alcohol in the bloodstream of the employee meets or exceeds the limits set forth in subsection 1 of NRS 484C.110.

(d) That occurred while the employee was under the influence of a controlled or prohibited substance, unless the employee can prove by clear and convincing evidence that his or her being under the influence of a controlled or prohibited substance was not the proximate cause of the injury. For the purposes of this paragraph, an employee is under the influence of a controlled or prohibited substance if the employee had an amount of a controlled or prohibited substance in his or her system at the time of his or her injury that was equal to or greater than the limits set forth in subsection 3

or 4 of NRS 484C.110 and for which the employee did not have a current and lawful prescription issued in the employee's name.

2. For the purposes of paragraphs (c) and (d) of subsection 1:

(a) The affidavit or declaration of an expert or other person described in NRS 50.310, 50.315 or 50.320 is admissible to prove the existence of an impermissible quantity of alcohol or the existence, quantity or identity of an impermissible controlled or prohibited substance in an employee's system. If the affidavit or declaration is to be so used, it must be submitted in the manner prescribed in NRS 616C.355.

(b) When an examination requested or ordered includes testing for the use of alcohol or a controlled or prohibited substance, the laboratory that conducts the testing must be licensed pursuant to the provisions of chapter 652 of NRS.

(c) The results of any testing for the use of alcohol or a controlled or prohibited substance, irrespective of the purpose for performing the test, must be made available to an insurer or employer upon request, to the extent that doing so does not conflict with federal law.

3. No compensation is payable for the death, disability or treatment of an employee if the employee's death is caused by, or insofar as the employee's disability is aggravated, caused or continued by, an unreasonable refusal or neglect to submit to or to follow any competent and reasonable surgical treatment or medical aid.

4. If any employee persists in an unsanitary or injurious practice that imperils or retards his or her recovery, or refuses to submit to such medical or surgical treatment as is necessary to promote his or her recovery, the employee's compensation may be reduced or suspended.

5. An injured employee's compensation, other than accident benefits, must be suspended if:

(a) A physician or chiropractor determines that the employee is unable to undergo treatment, testing or examination for the industrial injury solely because of a condition or injury that did not arise out of and in the course of employment; and

(b) It is within the ability of the employee to correct the nonindustrial condition or injury.

➥ The compensation must be suspended until the injured employee is able to resume treatment, testing or examination for the industrial injury. The insurer may elect to pay for the treatment of the nonindustrial condition or injury.

6. As used in this section, "prohibited substance" has the meaning ascribed to it in NRS 484C.080.

Sec. 18. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 156.

Bill read second time.

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

Amendment No. 220.

~~[ASSEMBLYMAN]~~ ASSEMBLYMEN YEAGER **AND OSCARSON**

AN ACT relating to public health; authorizing public and private schools to obtain and maintain an albuterol inhaler and certain other devices under certain conditions; requiring certain training relating to the storage and use of an albuterol inhaler; requiring public and private schools, to the extent feasible, to develop a comprehensive action plan relating to symptoms of **~~[respiratory distress;]~~ an asthmatic attack;** authorizing certain providers of health care to issue an order for an albuterol inhaler and certain other devices to a public or private school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each public school, including, without limitation, each charter school, to obtain an order from a provider of health care to acquire and maintain auto-injectable epinephrine at the public school for use in treating anaphylaxis. (NRS 386.870) Existing law also authorizes private schools to obtain and maintain auto-injectable epinephrine under similar circumstances. (NRS 394.1995) **Section 3** of this bill requires each public school, including, without limitation, each charter school, to obtain an order from a provider of health care to maintain one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler at the school for the treatment of **~~[respiratory distress.]~~ an asthmatic attack. Section 9** of this bill similarly authorizes a private school to maintain these devices.

Existing law authorizes certain providers of health care, including physicians, osteopathic physicians, physician assistants and advanced practice registered nurses, to issue an order for auto-injectable epinephrine to be maintained at a public or private school for the treatment of anaphylaxis. (NRS 630.374, 632.239, 633.707) **Sections 11, 12 and 14** of this bill similarly authorize physicians, osteopathic physicians, physician assistants and advanced practice registered nurses to issue an order for one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler to be maintained at a public or private school for the treatment of **~~[respiratory distress.]~~ an asthmatic attack.**

Existing law requires each public and private school, if a private school elects to maintain auto-injectable epinephrine at the school, to provide certain training relating to the storage and administration of auto-injectable epinephrine. (NRS 386.870, 394.1995) Existing law also requires each public and private school, to the extent feasible, to develop a comprehensive action plan relating to anaphylaxis, including, without limitation, the signs and symptoms of this condition. (NRS 386.875, 394.1997) **Section 1** of this bill

authorizes a school nurse or other designated employee of a public or private school to possess and administer a dose of albuterol from an albuterol inhaler if the school nurse or other employee has received training in the proper storage and use of an albuterol inhaler. **Section 6** of this bill also requires a charter school to designate a school nurse or other employee of the school who is authorized to administer a dose of albuterol from an albuterol inhaler. **Sections 6, 7 and 9** of this bill require that training relating to the storage and administration of a dose of albuterol from an albuterol inhaler must be provided to certain authorized employees of a public or private school. **Sections 5 and 10** of this bill additionally require that each public school and private school, to the extent feasible, develop a comprehensive action plan relating to ~~[respiratory distress.]~~ **asthmatic attacks.**

Section 7 of this bill requires the chief nurse of a school district to provide certain coordination and training relating to albuterol inhalers to schools within the district. **Section 13** of this bill provides that a nurse is not subject to disciplinary action for administering a dose of albuterol from an albuterol inhaler pursuant to a valid order issued by a provider of health care pursuant to **sections 11, 12 or 14**. **Sections 11, 12 and 14** also provide immunity from liability to a physician, osteopathic physician, physician assistant and advanced practice registered nurse **, except in cases of gross negligence,** for certain actions relating to the acquisition, possession, provision and administration of a dose of albuterol from an albuterol inhaler maintained by a school. **Section 15** of this bill **also** provides ~~[similar]~~ immunity to a pharmacist who dispenses an albuterol inhaler or spacers or holding chambers designed for use with that albuterol inhaler to a school.

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

Section 1. Chapter 454 of NRS is hereby amended by adding thereto a new section to read as follows:

A school nurse or other employee of a public or private school who is designated pursuant to section 3, 6 or 9 of this act to administer a dose of albuterol from an albuterol inhaler to a pupil may possess and use an albuterol inhaler maintained by the school if the school nurse or other employee has received training in the proper storage and use of an albuterol inhaler as required by section 3, 6 or 9 of this act.

Sec. 2. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. ***1. Each public school, including, without limitation, each charter school, shall obtain an order from a physician, osteopathic physician, physician assistant or advanced practice registered nurse pursuant to NRS 630.374, 632.239 or 633.707, as applicable, for one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler to be maintained at the school. If an albuterol inhaler maintained by the public school is depleted or***

expires, the school must discard the inhaler and obtain an additional inhaler to replace the depleted or expired inhaler. If an albuterol inhaler maintained by the public school is used by a pupil, the school must ~~[discard]~~ obtain an additional spacer or holding chamber to replace the used device and either:

(a) Discard the spacer or holding chamber used to administer the dose of albuterol ~~[and obtain an additional spacer or holding chamber to replace the used device.]~~ ; or

(b) Label the spacer or holding chamber used to administer the dose of albuterol for the future use of the same pupil who was administered the dose of albuterol.

2. An albuterol inhaler maintained by a public school pursuant to this section may be administered:

(a) At a public school other than a charter school, by a school nurse or any other employee of the public school who has been designated by the principal or other administrator in consultation with the school nurse and has received training in the proper storage and use of an albuterol inhaler pursuant to NRS 391.291; or

(b) At a charter school, by an employee designated pursuant to section 6 of this act who has received training in the proper storage and use of an albuterol inhaler as required pursuant to section 6 of this act.

3. A school nurse or other designated employee of a public school may use an albuterol inhaler maintained at the school to administer a dose of albuterol to ~~[any]~~ a pupil who has been diagnosed with asthma by a provider of health care on the premises of the public school during regular school hours whom the school nurse or other designated employee reasonably believes is ~~[exhibiting symptoms of respiratory distress.]~~ experiencing an asthmatic attack.

4. A public school may accept gifts, grants and donations from any source for the support of the public school in carrying out the provisions of this section, including, without limitation, the acceptance of an albuterol inhaler, spacer or holding chamber from a manufacturer, distributor or wholesaler of such devices.

Sec. 4. *1. Each public school shall ensure that an albuterol inhaler maintained at the school pursuant to section 3 of this act is stored in a designated, secure location that is unlocked and easily accessible.*

2. Each school district shall establish a policy for the schools within the district, other than charter schools, regarding the proper handling and transportation of albuterol inhalers.

3. Not later than 30 days after the last day of each school year, each school district and charter school shall submit a report to the Division of Public and Behavioral Health of the Department of Health and Human Services identifying the number of doses of an albuterol inhaler that were administered to pupils pursuant to section 3 of this act at each public

school within the school district or charter school, as applicable, during the school year.

Sec. 5. ***Each public school, including, without limitation, each charter school, shall, to the extent feasible, develop a comprehensive action plan concerning symptoms of ~~[respiratory distress,]~~ an asthmatic attack, which must include, without limitation, information relating to:***

1. The triggers that may cause ~~[respiratory distress;]~~ an asthmatic attack;

2. Ways to avoid triggers that may cause ~~[respiratory distress;]~~ an asthmatic attack;

3. The signs and symptoms of a person experiencing ~~[respiratory distress,]~~ an asthmatic attack, including, without limitation, an assessment of whether the administration of a dose of albuterol from an albuterol inhaler is necessary;

4. How to access an albuterol inhaler when necessary, including, without limitation, the location of an albuterol inhaler that is maintained at the public school pursuant to section 3 of this act;

5. The method of administering a dose of albuterol from an albuterol inhaler that is maintained at the public school pursuant to section 3 of this act; and

6. Medical care that should be received after the administration of a dose of albuterol from an albuterol inhaler.

Sec. 6. Chapter 388A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each charter school shall designate a school nurse or other employee of the school who is authorized to administer a dose of albuterol from an albuterol inhaler pursuant to section 3 of this act.

2. Each charter school shall ensure that each employee so designated receives training in the proper storage and use of an albuterol inhaler.

3. The governing body of a charter school shall establish a policy for the charter school regarding the proper handling and transportation of albuterol inhalers.

Sec. 7. NRS 391.291 is hereby amended to read as follows:

391.291 1. The provision of nursing services in a school district by school nurses and other qualified personnel must be under the direction and supervision of a chief nurse who is a registered nurse as provided in NRS 632.240 and who:

(a) Holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission; or

(b) Is employed by a state, county, city or district health department and provides nursing services to the school district in the course of that employment.

2. A school district shall not employ a person to serve as a school nurse unless the person holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission.

3. The chief nurse shall ensure that each school nurse:

(a) Coordinates with the principal of each school to designate employees of the school who are authorized to administer auto-injectable epinephrine ~~[.]~~ ***and to use an albuterol inhaler;*** and

(b) Provides the employees so designated with training concerning the proper storage and administration of auto-injectable epinephrine ~~[.]~~ ***and the proper storage and use of an albuterol inhaler.***

Sec. 8. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. ***1. A private school may obtain an order from a physician, osteopathic physician, physician assistant or advanced practice registered nurse pursuant to NRS 630.374, 632.239 or 633.707, as applicable, for one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler to be maintained at the school. If an albuterol inhaler maintained by the private school is depleted or expires, the school must discard the inhaler and may obtain an additional inhaler to replace the depleted or expired inhaler. If an albuterol inhaler maintained by the private school is used by a pupil, the school must*** ~~***[discard]***~~ ***obtain an additional spacer or holding chamber to replace the used device and either:***

(a) Discard the spacer or holding chamber used to administer the dose of albuterol ~~***[and obtain an additional spacer or holding chamber to replace the used device.]***~~ ***; or***

(b) Label the spacer or holding chamber used to administer the dose of albuterol for the future use of the same pupil who was administered the dose of albuterol.

2. An albuterol inhaler maintained by a private school pursuant to this section may be used by a school nurse or any other employee of the school who has been designated by the ~~***[governing body]***~~ ***principal or other administrator of the private school , in consultation with a school nurse, if applicable, and has received training in the proper storage and use of an albuterol inhaler.***

3. A school nurse or other designated employee may use an albuterol inhaler maintained at the school to administer a dose of albuterol to ~~***[any]***~~ ***a pupil who has been diagnosed with asthma by a provider of health care on the premises of the private school during regular school hours whom the school nurse or other trained employee reasonably believes is*** ~~***[exhibiting symptoms of respiratory distress.]***~~ ***experiencing an asthmatic attack.***

4. If an albuterol inhaler is maintained at the private school, the school shall ensure that:

(a) The albuterol inhaler is stored in a designated, secure location that is unlocked and easily accessible.

(b) Each employee designated by the governing body of the private school pursuant to this section receives training in the proper storage and use of an albuterol inhaler.

5. The governing body of a private school that maintains an albuterol inhaler shall establish a policy for the school regarding the proper handling and transportation of albuterol inhalers.

Sec. 10. ***The governing body of each private school shall, to the extent feasible, develop a comprehensive action plan concerning symptoms of ~~[respiratory distress,]~~ an asthmatic attack, which must include, without limitation, information relating to:***

1. The triggers that may cause ~~[respiratory distress;]~~ an asthmatic attack;

2. Ways to avoid triggers that may cause ~~[respiratory distress;]~~ an asthmatic attack;

3. The signs and symptoms of a person experiencing ~~[respiratory distress,]~~ an asthmatic attack, including, without limitation, an assessment of whether the administration of a dose of albuterol from an albuterol inhaler is necessary;

4. How to access an albuterol inhaler when necessary, including, without limitation, the location of an albuterol inhaler within the private school, if an albuterol inhaler is maintained at the private school pursuant to section 9 of this act;

5. The method of administering a dose of albuterol from an albuterol inhaler, if an albuterol inhaler is maintained at the private school pursuant to section 9 of this act; and

6. Medical care that should be received after the administration of a dose of albuterol from an albuterol inhaler.

Sec. 11. NRS 630.374 is hereby amended to read as follows:

630.374 1. A physician or physician assistant may issue to a public or private school an order to allow the school to obtain and maintain auto-injectable epinephrine at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

2. A physician or physician assistant may issue to an authorized entity an order to allow the authorized entity to obtain and maintain auto-injectable epinephrine at any location under the control of the authorized entity where allergens capable of causing anaphylaxis may be present, regardless of whether any person employed by, affiliated with or served by the authorized entity has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

3. ***A physician or physician assistant may issue to a public or private school an order to allow the school to obtain and maintain one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the***

person to require such medication for the treatment of ~~[respiratory distress.]~~ an asthmatic attack.

4. An order issued pursuant to subsection 1 ***,*** ~~[or]~~ 2 ***or 3*** must contain:

(a) The name and signature of the physician or physician assistant and the address of the physician or physician assistant if not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name of the public or private school or authorized entity to which the order is issued;

(d) The name, strength and quantity of the drug authorized to be obtained and maintained by the order; and

(e) The date of issue.

~~[4.]~~ ***5.*** A physician or physician assistant is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 ***,*** ~~[or]~~ 2 ***or 3*** to an entity other than a natural person and without knowledge of a specific natural person who requires the medication.

~~[5.]~~ ***6.*** A physician or physician assistant is not liable for any error or omission ~~***[not resulting from gross negligence or reckless, willful or wanton conduct of the physician or physician assistant]***~~ concerning the acquisition, possession, provision or administration of auto-injectable ~~***[:***~~

~~***(a) Auto-injectable]***~~ epinephrine maintained by a public or private school or authorized entity pursuant to an order issued by the physician or physician assistant pursuant to subsection 1 or 2 not resulting from gross negligence or reckless, willful or wanton conduct of the physician or physician assistant.

~~[6.***; or***~~

~~***(b) A dose of albuterol from an albuterol inhaler, spacer or holding chamber maintained by a public or private school pursuant to an order issued by the physician or physician assistant pursuant to subsection 3.]***~~

7. A physician or physician assistant is not liable for any error or omission concerning the acquisition, possession, provision or administration of a dose of albuterol from an albuterol inhaler, spacer or holding chamber maintained by a public or private school pursuant to an order issued by the physician or physician assistant pursuant to subsection 3 not resulting from the gross negligence of the physician or physician assistant.

8. As used in this section:

(a) "Authorized entity" has the meaning ascribed to it in NRS 450B.710.

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

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 12. NRS 632.239 is hereby amended to read as follows:

632.239 1. An advanced practice registered nurse may issue to a public or private school an order to allow the school to obtain and maintain auto-injectable epinephrine at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

2. An advanced practice registered nurse may issue to an authorized entity an order to allow the authorized entity to obtain and maintain auto-injectable epinephrine at any location under the control of the authorized entity where allergens capable of causing anaphylaxis may be present, regardless of whether any person employed by, affiliated with or served by the authorized entity has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

3. ***An advanced practice registered nurse may issue to a public or private school an order to allow the school to obtain and maintain one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of ~~[respiratory distress.]~~ an asthmatic attack.***

4. An order issued pursuant to subsection 1 **,** ~~[or]~~ 2 ***or 3*** must contain:

(a) The name and signature of the advanced practice registered nurse and the address of the advanced practice registered nurse if not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name of the public or private school or authorized entity to which the order is issued;

(d) The name, strength and quantity of the drug authorized to be obtained and maintained by the order; and

(e) The date of issue.

~~[4.]~~ ***5.*** An advanced practice registered nurse is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 **,** ~~[or]~~ 2 ***or 3*** to an entity other than a natural person and without knowledge of a specific natural person who requires the medication.

~~[5.]~~ ***6.*** An advanced practice registered nurse is not liable for any error or omission ~~***[not resulting from gross negligence or reckless, willful or wanton conduct of the advanced practice registered nurse]***~~ concerning the acquisition, possession, provision or administration of auto-injectable ~~***[:***~~

~~***(a) Auto-injectable]***~~ epinephrine maintained by a public or private school or authorized entity pursuant to an order issued by the advanced practice registered nurse pursuant to subsection 1 or 2 not resulting from gross negligence or reckless, willful or wanton conduct of the advanced practice registered nurse.

~~[6. ***; or***~~

~~***(b) A dose of albuterol from an albuterol inhaler, spacer or holding chamber maintained by a public or private school pursuant to an order issued by the advanced practice registered nurse pursuant to subsection 3.]***~~

7. An advanced practice registered nurse is not liable for any error or omission concerning the acquisition, possession, provision or administration of a dose of albuterol from an albuterol inhaler, spacer or holding chamber maintained by a public or private school or authorized

entity pursuant to an order issued by the advanced practice registered nurse pursuant to subsection 3 not resulting from the gross negligence of the advanced practice registered nurse.

8. As used in this section:

(a) "Authorized entity" has the meaning ascribed to it in NRS 450B.710.

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

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 13. NRS 632.347 is hereby amended to read as follows:

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

(r) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163 or 453.164.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an

offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 ***, 632.239*** or 633.707.

4. ***A licensee or certificate holder is not subject to disciplinary action solely for administering a dose of albuterol from an albuterol inhaler pursuant to a valid order issued pursuant to NRS 630.374, 632.239 or 633.707.***

5. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 14. NRS 633.707 is hereby amended to read as follows:

633.707 1. An osteopathic physician or physician assistant may issue to a public or private school an order to allow the school to obtain and maintain auto-injectable epinephrine at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

2. An osteopathic physician or physician assistant may issue to an authorized entity an order to allow the authorized entity to obtain and maintain auto-injectable epinephrine at any location under the control of the authorized entity where allergens capable of causing anaphylaxis may be present, regardless of whether any person employed by, affiliated with or served by the authorized entity has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

3. ***An osteopathic physician or physician assistant may issue to a public or private school an order to allow the school to obtain and maintain one albuterol inhaler and not less than two spacers or holding chambers designed for use with that albuterol inhaler at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of*** ~~***[respiratory distress.]***~~ ***an asthmatic attack.***

4. An order issued pursuant to subsection 1 ***,*** ~~**[**or**]**~~ 2 ***or 3*** must contain:

(a) The name and signature of the osteopathic physician or physician assistant and the address of the osteopathic physician or physician assistant if not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name of the public or private school or authorized entity to which the order is issued;

(d) The name, strength and quantity of the drug authorized to be obtained and maintained by the order; and

(e) The date of issue.

~~**[**4.**]**~~ ***5.*** An osteopathic physician or physician assistant is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 ***,***

~~[or]~~ 2 ***or 3*** to an entity other than a natural person and without knowledge of a specific natural person who requires the medication.

~~[5.]~~ ***6.*** An osteopathic physician or physician assistant is not liable for any error or omission ~~***[not resulting from gross negligence or reckless, willful or wanton conduct of the osteopathic physician or physician assistant]***~~ concerning the acquisition, possession, provision or administration of auto-injectable ~~***[:***~~

~~***(a) Auto-injectable]***~~ epinephrine maintained by a public or private school or authorized entity pursuant to an order issued by the osteopathic physician or physician assistant ***pursuant to subsection 1 or 2*** not resulting from gross negligence or reckless, willful or wanton conduct of the osteopathic physician or physician assistant.

~~[6.~~***~~; or~~***

~~***(b) A dose of albuterol from an albuterol inhaler, spacer or holding chamber maintained by a public or private school pursuant to an order issued by the osteopathic physician or physician assistant pursuant to subsection 3.]***~~

7. An osteopathic physician or physician assistant is not liable for any error or omission concerning the acquisition, possession, provision or administration of a dose of albuterol from an albuterol inhaler, spacer or holding chamber maintained by a public or private school or authorized entity pursuant to an order issued by the osteopathic physician or physician assistant pursuant to subsection 3 not resulting from the gross negligence of the osteopathic physician or physician assistant.

8. As used in this section:

(a) "Authorized entity" has the meaning ascribed to it in NRS 450B.710.

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

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 15. NRS 639.2357 is hereby amended to read as follows:

639.2357 1. Upon the request of a patient, or a public or private school or an authorized entity for which an order was issued pursuant to NRS 630.374, 632.239 or 633.707, a registered pharmacist shall transfer a prescription or order to another registered pharmacist.

2. A registered pharmacist who transfers a prescription or order pursuant to subsection 1 shall comply with any applicable regulations adopted by the Board relating to the transfer.

3. The provisions of this section do not authorize or require a pharmacist to transfer a prescription or order in violation of:

(a) Any law or regulation of this State;

(b) Federal law or regulation; or

(c) A contract for payment by a third party if the patient is a party to that contract.

4. A pharmacist is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine ***, a dose of albuterol from an albuterol inhaler or a spacer or***

holding chamber that the pharmacist has dispensed to a public or private school or authorized entity pursuant to an order issued pursuant to NRS 630.374, 632.239 or 633.707 not resulting from gross negligence or reckless, willful or wanton conduct of the pharmacist.

5. As used in this section, "authorized entity" has the meaning ascribed to it in NRS 450B.710.

Sec. 16. 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. 17. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 196.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 305.

SUMMARY—Provides for an endorsement that a teacher, administrator or other educational personnel may obtain in ~~[culturally responsive educational leadership.]~~ **cultural competency.** (BDR 34-659)

AN ACT relating to educational personnel; providing for an endorsement that a teacher, administrator or other educational personnel may obtain in ~~[culturally responsive educational leadership;]~~ **cultural competency;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commission on Professional Standards in Education is required to adopt regulations prescribing the qualifications for the licensure and endorsement of teachers. (NRS 391.019) This bill requires the Commission to establish by regulation requirements for a teacher, administrator or other educational personnel to obtain an endorsement on his or her license in ~~[culturally responsive educational leadership. Such requirements must include at least 18 semester hours of postgraduate coursework or the equivalent thereof, in multicultural education.]~~ **cultural competency.**

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

Section 1. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a

license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which

provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization, including, without limitation, an endorsement to teach English as a second language based upon the recommendations of the English Mastery Council pursuant to NRS 388.411.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(g) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor's degree, a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(1) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(2) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

➥ An applicant for licensure pursuant to this paragraph who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of the applicant's employment as a teacher with a school district or charter school.

(h) Requiring an applicant for a special qualifications license to:

(1) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(2) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the bachelor's degree, master's degree or doctoral degree held by the applicant.

(i) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the bachelor's degree, master's degree or doctoral degree held by that person.

(j) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(1) Holds a bachelor's degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;

(2) Is not licensed to teach public school in another state;

(3) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(4) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of the applicant's employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.

➥ An applicant for licensure pursuant to this paragraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(k) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(l) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in ~~***[culturally responsive educational leadership which must include, without limitation, the completion of at least 18 semester hours of postgraduate coursework, or the equivalent thereof, in multicultural education and any requirements for the renewal thereof.]***~~ ***cultural competency.***

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

4. A person who is licensed pursuant to paragraph (g) or (j) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 2. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2018, for all other purposes.

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. 224.

Bill read second time.

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

Amendment No. 195.

AN ACT relating to disabilities; replacing the ~~[terms "intellectual disability" and]~~ **term** "related conditions" with the term "developmental disability" for certain purposes; prohibiting a provider of jobs and day training services from entering into certain contracts or arrangements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Various provisions of existing law govern the care and services provided to persons with intellectual disabilities and persons with related conditions. (Chapters 433, 433A, 433C and 435 of NRS) For the purposes of these provisions, a ~~["person with intellectual disabilities" means a person with "significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period." (NRS 433.099) The term]~~ "person with related conditions" is generally defined to mean a person with a condition "closely related to an intellectual disability" and requiring "treatment or services similar to those required by a person with an intellectual disability." (NRS 433.211) For the purposes of the provisions referred to above, this bill generally ~~[combines these two groups of persons into a single new group comprised of persons with "developmental disabilities."]~~ **replaces references to the term "related conditions" with the term "developmental disability."** Such a disability is defined in **sections 1 and 17** of this bill as ~~[one which:]~~ **autism, cerebral palsy, epilepsy, a visual or hearing impairment or any other neurological condition diagnosed by a qualified professional that:** (1) ~~[is attributable to a mental or physical impairment or a combination of the two; (2)]~~ is manifested before the age of 22 years and is likely to continue indefinitely; ~~[(3)]~~ **(2)** substantially limits certain major life activities; and ~~[(4)]~~ **(3)** results in a lifelong or protracted need for individually planned and coordinated services, support or other assistance. ~~[Thus, this bill primarily eliminates references in chapters 433, 433A, 433C and 435 of NRS to persons with intellectual disabilities and persons with related conditions and replaces them with references to persons with developmental disabilities.]~~

Existing law permits a person or organization to provide jobs and day training services to persons with intellectual disabilities and persons with related conditions. (NRS 435.130-435.310) Such a provider may contract with county and school officials and public and private agencies for the provision of such services. (NRS 435.310) **Section 45** of this bill prohibits any such contract that provides for the employment of a person under 25 years of age unless the person is paid at least the federal minimum wage.

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 a new section to read as follows:

"Developmental disability" has the meaning ascribed to it in NRS 435.007.

Sec. 2. NRS 433.005 is hereby amended to read as follows:

433.005 As used in chapters 433 to 433C, inclusive, of NRS, unless the context otherwise requires, or except as otherwise defined by specific statute, the words and terms defined in NRS 433.014 to 433.227, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. 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, persons with developmental*** 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, developmental*** 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, persons with developmental*** 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 quality of the care and treatment provided for persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** 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.

Sec. 4. NRS 433.316 is hereby amended to read as follows:

433.316 The Commission may:

1. Collect and disseminate information pertaining to mental health, intellectual ***disabilities, developmental*** disabilities **,** ~~[and related conditions,]~~ substance use disorders and co-occurring disorders.

2. Request legislation pertaining to mental health, intellectual ***disabilities, developmental*** disabilities **,** ~~[and related conditions,]~~ substance use disorders and co-occurring disorders.

3. Review findings of investigations of complaints about the care of any person in a public facility for the treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders.

4. Accept, as authorized by the Legislature, gifts and grants of money and property.

5. Take appropriate steps to increase the availability of and to enhance the quality of the care and treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders provided through private nonprofit organizations, governmental entities, hospitals and clinics.

6. Promote programs for the treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders and participate in and promote the development of facilities for training persons to provide services for persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders.

7. Create a plan to coordinate the services for the treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders provided in this State and to provide continuity in the care and treatment provided.

8. Establish and maintain an appropriate program which provides information to the general public concerning mental illness, intellectual ***disabilities, developmental*** disabilities **,** ~~[and related conditions,]~~ substance use disorders and co-occurring disorders and consider ways to involve the general public in the decisions concerning the policy on mental illness, intellectual ***disabilities, developmental*** disabilities **,** ~~[and related conditions,]~~ substance use disorders and co-occurring disorders.

9. Compile statistics on mental illness and study the cause, pathology and prevention of that illness.

10. Establish programs to prevent or postpone the commitment of residents of this State to facilities for the treatment of persons with mental illness, persons with intellectual ***disabilities, persons with developmental***

disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders.

11. Evaluate the future needs of this State concerning the treatment of mental illness, intellectual ***disabilities, developmental*** disabilities **,** ~~[and related conditions,]~~ substance use disorders and co-occurring disorders and develop ways to improve the treatment already provided.

12. Take any other action necessary to promote mental health in this State.

Sec. 5. NRS 433.318 is hereby amended to read as follows:

433.318 1. The Commission may appoint a subcommittee or an advisory committee composed of members who have experience and knowledge of matters relating to persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders and who, to the extent practicable, represent the ethnic and geographic diversity of this State.

2. A subcommittee or advisory committee appointed pursuant to this section shall consider specific issues and advise the Commission on matters related to the duties of the Commission.

3. The members of a subcommittee or advisory committee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee or advisory committee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

Sec. 6. NRS 433.325 is hereby amended to read as follows:

433.325 The Commission or its designated agent may inspect any state facility providing services for persons with mental illness, persons with intellectual ***disabilities, persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ persons with substance use disorders or persons with co-occurring disorders to determine if the facility is in compliance with the provisions of this title and any regulations adopted pursuant thereto.

Sec. 7. ~~[NRS 433.4547 is hereby amended to read as follows:~~

~~433.4547 1. To the extent possible, the provisions of the Interstate Compact on Mental Health are intended to supplement other statutory provisions governing the treatment and transfer of persons with mental illness and persons with [intellectual] *developmental* disabilities and the return of such persons to their place of residence must be given effect to the extent that those provisions do not conflict with the provisions of the Compact.~~

~~2. Except as provided in subsection 3, if there is a conflict between the provisions of the Compact and any other provisions of NRS, the provisions of the Compact prevail.~~

~~3. Nothing in the Compact shall be construed to restrict any rights of a consumer as provided in NRS 433.456 to 433.536, inclusive.~~] **(Deleted by amendment.)**

Sec. 8. [~~NRS 433A.115 is hereby amended to read as follows:~~

~~433A.115 1. As used in NRS 433A.115 to 433A.330, inclusive, unless the context otherwise requires, "person with mental illness" means any person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of a mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others, but does not include any person in whom that capacity is diminished by epilepsy, intellectual disability, dementia, delirium, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person.~~

~~2. A person presents a clear and present danger of harm to himself or herself if, within the immediately preceding 30 days, the person has, as a result of a mental illness:~~

~~(a) Acted in a manner from which it may reasonably be inferred that, without the care, supervision or continued assistance of others, the person will be unable to satisfy his or her need for nourishment, personal or medical care, shelter, self-protection or safety, and if there exists a reasonable probability that the person's death, serious bodily injury or physical debilitation will occur within the next following 30 days unless he or she is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to the person;~~

~~(b) Attempted or threatened to commit suicide or committed acts in furtherance of a threat to commit suicide, and if there exists a reasonable probability that the person will commit suicide unless he or she is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to the person; or~~

~~(c) Mutilated himself or herself, attempted or threatened to mutilate himself or herself or committed acts in furtherance of a threat to mutilate himself or herself, and if there exists a reasonable probability that he or she will mutilate himself or herself unless the person is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to the person.~~

~~3. A person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted to a mental health~~

~~facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to him or her.~~

~~*4. As used in this section, "intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.*~~ **(Deleted by amendment.)**

Sec. 9. NRS 433C.110 is hereby amended to read as follows:

433C.110 The Legislature declares that the purposes of this chapter are:

1. To encourage and provide financial assistance to counties in the establishment and development of mental health services, including services to persons with intellectual ***disabilities and persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ through locally controlled community mental health programs.

2. To promote the improvement and, if necessary, the expansion of already existing services which help to conserve the mental health of the people of Nevada. It is the intent of this chapter that services to individuals be rendered only upon voluntary application.

Sec. 10. NRS 433C.170 is hereby amended to read as follows:

433C.170 The county board shall:

1. Review and evaluate communities' needs, services, facilities and special problems in the fields of mental health **,** ~~[and]~~ intellectual ***disabilities and developmental*** disabilities **.** ~~[and related conditions.]~~

2. Advise the governing body as to programs of community mental health services and facilities and services to persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions,]~~ and, when requested by the governing body, make recommendation regarding the appointment of a county director.

3. After adoption of a program, continue to act in an advisory capacity to the county director.

Sec. 11. NRS 433C.190 is hereby amended to read as follows:

433C.190 The county director shall:

1. Serve as chief executive officer of the county program and be accountable to the county board.

2. Exercise administrative responsibility and authority over the county program and facilities furnished, operated or supported in connection therewith, and over services to persons with intellectual ***disabilities or persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ except as administrative responsibility is otherwise provided for in this title.

3. Recommend to the governing body, after consultation with the county board, the providing of services, establishment of facilities, contracting for services or facilities and other matters necessary or desirable to accomplish the purposes of this chapter.

4. Submit an annual report to the governing body reporting all activities of the program, including a financial accounting of expenditures and a forecast of anticipated needs for the ensuing year.

5. Carry on such studies as may be appropriate for the discharge of his or her duties, including the control and prevention of psychiatric disorders and the treatment of intellectual ***disabilities and developmental*** disabilities **.** ~~[and related conditions.]~~

Sec. 12. NRS 433C.260 is hereby amended to read as follows:

433C.260 Expenditures made by counties for county programs, including services to persons with intellectual ***disabilities or persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ pursuant to this chapter ~~[,]~~ must be reimbursed by the State pursuant to NRS 433C.270 to 433C.350, inclusive.

Sec. 13. NRS 433C.270 is hereby amended to read as follows:

433C.270 1. A service operated within a county program must be directed to at least one of the following mental health areas:

(a) Mental illness;

(b) Intellectual ***disabilities;***

(c) Developmental disabilities ***;*** ~~[and related conditions;~~

~~(c)]~~ ***(d)*** Organic brain and other neurological impairment;

~~[(d)]~~ ***(e)*** Alcoholism; and

~~[(e)]~~ ***(f)*** Drug abuse.

2. A service is any of the following:

(a) Diagnostic service;

(b) Emergency service;

(c) Inpatient service;

(d) Outpatient or partial hospitalization service;

(e) Residential, sheltered or protective care service;

(f) Habilitation or rehabilitation service;

(g) Prevention, consultation, collaboration, education or information service; and

(h) Any other service approved by the Division.

Sec. 14. NRS 433C.300 is hereby amended to read as follows:

433C.300 1. Money provided by direct legislative appropriation for purposes of reimbursement as provided by NRS 433C.260 to 433C.290, inclusive, must be allotted to the governing body as follows:

(a) The State shall pay to each county a sum equal to 90 percent of the total proposed expenditures as reflected by the plan of proposed expenditures submitted pursuant to NRS 433C.280 if the county has complied with the provisions of paragraph (b).

(b) Before payment under this subsection, the governing body of a county must submit evidence to the Administrator that 10 percent of the total proposed expenditures have been raised and budgeted by the county for the establishment or maintenance of a county program.

2. All state and federal moneys appropriated or authorized for the promotion of mental health or for services to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ in the State of Nevada must be disbursed through the Division in accordance with the provisions of this chapter and rules and regulations adopted in accordance therewith.

Sec. 15. NRS 433C.340 is hereby amended to read as follows:

433C.340 Fees for mental health services, including services to persons with intellectual ***disabilities or persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ rendered pursuant to an approved county plan must be charged in accordance with ability to pay, but not in excess of actual cost.

Sec. 16. NRS 435.005 is hereby amended to read as follows:

435.005 Unless specifically excluded by law, the provisions of this chapter apply to all facilities within the Division offering services to persons with intellectual ***disabilities or persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

Sec. 17. NRS 435.007 is hereby amended to read as follows:

435.007 As used in this chapter, unless the context otherwise requires:

1. "Administrative officer" means a person with overall executive and administrative responsibility for those state or nonstate intellectual ***and developmental*** disability centers designated by the Administrator.

2. "Administrator" means the Administrator of the Division.

3. "Child" means any person under the age of 18 years who may be eligible for intellectual ***disability services or developmental*** disability services **.** ~~[or services for a related condition.]~~

4. "Department" means the Department of Health and Human Services.

5. ***"Developmental disability" means*** ~~***[a severe, chronic disability which:]***~~ ***autism, cerebral palsy, epilepsy, a visual or hearing impairment or any other neurological condition diagnosed by a qualified professional that:***

(a) ~~***[Is attributable to a mental or physical impairment or a combination thereof;***~~

~~***(b)]***~~ ***Is manifested before the person affected attains the age of 22 years;***

~~***[(c)]***~~ ***(b) Is likely to continue indefinitely;***

~~***[(d)]***~~ ***(c) Results in substantial functional limitations , as measured by a qualified professional, in three or more of the following areas of major life activity:***

(1) Taking care of oneself;

(2) Understanding and use of language;

(3) Learning;

(4) Mobility;

(5) Self-direction; and

(6) Capacity for independent living; and

[(c)] ***(d) Results in the person affected requiring a combination of individually planned and coordinated services, support or other assistance that is lifelong or has an extended duration.***

6. [“Developmental disability center” means an organized program for providing appropriate services and treatment to persons with developmental disabilities. The term includes, without limitation, facilities for residential treatment and training.

7.] “Director of the Department” means the administrative head of the Department.

[6.***8.]*** ***7.*** “Division” means the Aging and Disability Services Division of the Department.

[7.***9.]*** ***8.*** “Division facility” means any unit or subunit operated by the Division for the care, treatment and training of consumers.

[8.***]*** ***9.*** “Intellectual disability” means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

[9.***]*** ***10.*** “Intellectual ***and developmental*** disability center” means an organized program for providing appropriate services and treatment to persons with intellectual disabilities and persons with ***[***related conditions.***]*** ***developmental disabilities.*** An intellectual ***and developmental*** disability center may include facilities for residential treatment and training.

[10.***]*** ***11.*** “Medical director” means the chief medical officer of any program of the Division for persons with intellectual ***disabilities or developmental*** disabilities ***.*** ***[***and persons with other related conditions.

11.] ***12.*** “Mental illness” has the meaning ascribed to it in NRS 433.164.

[12.***]*** ***13.*** “Parent” means the parent of a child. The term does not include the parent of a person who has attained the age of 18 years.

[13.***]*** ***14.*** “Person” includes a child and any other consumer with an intellectual ***disability and a child or any other consumer with a developmental*** disability ***[***or a related condition***]*** who has attained the age of 18 years.

[14.***]*** ***15.*** “Person professionally qualified in the field of psychiatric mental health” has the meaning ascribed to it in NRS 433.209.

[15. “Persons with related conditions” means persons who have a severe, chronic disability which:

(a) Is attributable to:

(1) Cerebral palsy or epilepsy; or

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

(b) Is manifested before the person affected attains the age of 22 years;

(c) Is likely to continue indefinitely; and

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

~~(1) Taking care of oneself;~~

~~(2) Understanding and use of language;~~

~~(3) Learning;~~

~~(4) Mobility;~~

~~(5) Self-direction; and~~

~~(6) Capacity for independent living.~~**]**

16. "Residential facility for groups" means a structure similar to a private residence which will house a small number of persons in a homelike atmosphere.

17. ***[16.]*** "Training" means a program of services directed primarily toward enhancing the health, welfare and development of persons with intellectual ***disabilities or persons with developmental*** disabilities **[**~~and persons with related conditions~~**]** through the process of providing those experiences that will enable the person to:

(a) Develop his or her physical, intellectual, social and emotional capacities to the fullest extent;

(b) Live in an environment that is conducive to personal dignity; and

(c) Continue development of those skills, habits and attitudes essential to adaptation in contemporary society.

18. ***[17.]*** "Treatment" means any combination of procedures or activities, of whatever level of intensity and whatever duration, ranging from occasional counseling sessions to full-time admission to a residential facility.

Sec. 18. NRS 435.009 is hereby amended to read as follows:

435.009 It is the policy of this State that persons with intellectual ***disabilities and persons with developmental*** disabilities ***:*** **[**~~and persons with related conditions:~~**]**

1. Receive services in a considerate and respectful manner;

2. Are recognized as individuals before recognizing the disabilities of the persons; and

3. Are to be referred to using language which is commonly viewed as respectful and which refers to the person before referring to his or her disability.

Sec. 19. NRS 435.010 is hereby amended to read as follows:

435.010 1. The boards of county commissioners of the various counties shall make provision for the support, education and care of the children with intellectual ***disabilities and children with developmental*** disabilities **[**~~and children with related conditions~~**]** of their respective counties.

2. For that purpose, they are empowered to make all necessary contracts and agreements to carry out the provisions of this section and NRS 435.020 and 435.030. Any such contract or agreement may be made with any responsible person or facility in or without the State of Nevada.

3. The provisions of this section and NRS 435.020 and 435.030 supplement the services which other political subdivisions or agencies of the

State are required by law to provide, and do not supersede or relieve the responsibilities of such political subdivisions or agencies.

Sec. 20. NRS 435.020 is hereby amended to read as follows:

435.020 All children with intellectual ***disabilities and children with developmental*** disabilities ~~[and children with related conditions]~~ are entitled to benefits under this section and NRS 435.010 and 435.030:

1. Who are unable to pay for their support and care;

2. Whose parents, relatives or guardians are unable to pay for their support and care; and

3. If division facilities are to be utilized, whom the Division recognizes as proper subjects for services within such division facilities.

Sec. 21. NRS 435.030 is hereby amended to read as follows:

435.030 1. A parent, relative, guardian or nearest friend of any child with an intellectual ***disability or any child with a developmental*** disability ~~[or any child with a related condition]~~ who is a resident of this State may file with the board of county commissioners of the proper county an application under oath stating:

(a) That the child meets the criteria set forth in NRS 435.020; and

(b) That the child requires services not otherwise required by law to be provided to the child by any other county, political subdivision or agency of this or any other state.

2. If the board of county commissioners is satisfied that the statements made in the application are true, the board shall issue a certificate to that effect.

3. The board of county commissioners shall make necessary arrangements for the transportation of a child with an intellectual ***disability or a child with a developmental*** disability ~~[or a child with a related condition]~~ to any responsible person or facility to be utilized pursuant to contract or agreement as designated in NRS 435.010 at the expense of the county.

4. A certificate of the board of county commissioners, when produced, shall be the authority of any responsible person or facility in or without the State of Nevada under contract with the board of county commissioners to receive any such child.

Sec. 22. NRS 435.035 is hereby amended to read as follows:

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

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

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

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

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

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

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

(f) Nonmedical transportation;

(g) Career planning;

(h) Supported employment; and

(i) Prevocational services.

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

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

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

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

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

5. As used in this section:

(a) ~~[“Children with related conditions” means children who have a severe, chronic disability which:~~

~~(1) Is attributable to:~~

~~(I) Cerebral palsy or epilepsy; or~~

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

~~(2) Is likely to continue indefinitely; and~~

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

~~(I) Taking care of oneself;~~

~~(II) Understanding and use of language;~~

~~(III) Learning;~~

~~(IV) Mobility;~~

~~(V) Self-direction; and~~

~~(VI) Capacity for independent living.~~

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

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

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

Sec. 23. NRS 435.060 is hereby amended to read as follows:

435.060 The Division may operate a residential facility for groups to care for and maintain persons with intellectual ***disabilities or persons with developmental*** disabilities **[**~~and persons with related conditions~~**]** until they can live in a more normal situation.

Sec. 24. NRS 435.077 is hereby amended to read as follows:

435.077 1. The Administrator shall adopt regulations for the transfer of persons with intellectual ***disabilities or persons with developmental*** disabilities **[**~~and persons with related conditions~~**]** from one facility to another facility operated by the Division.

2. Subject to the provisions of subsection 3, when the Administrator or his or her designee determines that it is in the best interest of the person, the Administrator or his or her designee may discharge, or place on convalescent leave, any person with an intellectual ***disability or a person with a developmental*** disability **[**~~or person with a related condition~~**]** in a facility operated by the Division.

3. When a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ is committed to a division facility by court order, the committing court must be given 10 days' notice before the discharge of that person.

Sec. 25. NRS 435.081 is hereby amended to read as follows:

435.081 1. The Administrator or the Administrator's designee may receive a person ***of this State*** with an intellectual ***disability or a person of this State with a developmental*** disability ~~[or a person with a related condition of this State]~~ for services in a facility operated by the Division if:

(a) The person is a person with an intellectual ***disability or a person with a developmental*** disability ~~[or is a person with a related condition]~~ and is in need of institutional training and treatment;

(b) Space is available which is designed and equipped to provide appropriate care for the person;

(c) The facility has or can provide an appropriate program of training and treatment for the person; and

(d) There is written evidence that no less restrictive alternative is available in the person's community.

2. A person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ may be accepted at a division facility for emergency evaluation when the evaluation is requested by a court. A person must not be retained pursuant to this subsection for more than 10 working days.

3. A court may order that a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ be admitted to a division facility if it finds that admission is necessary because of the death or sudden disability of the parent or guardian of the person. The person must not be retained pursuant to this subsection for more than 45 days. Before the expiration of the 45-day period, the Division shall report to the court its recommendations for placement or treatment of the person. If less restrictive alternatives are not available, the person may be admitted to the facility using the procedures for voluntary or involuntary admission, as appropriate.

4. A child may be received, cared for and examined at a division facility for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ for not more than 10 working days without admission, if the examination is ordered by a court having jurisdiction of the minor in accordance with the provisions of NRS 62E.280 and subsection 1 of NRS 432B.560. At the end of the 10 days, the Administrator or the Administrator's designee shall report the result of the examination to the court and shall detain the child until the further order of the court, but not to exceed 7 days after the Administrator's report.

5. The parent or guardian of a person believed to be a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ may apply to the administrative officer of a

division facility to have the person evaluated by personnel of the Division who are experienced in the diagnosis of intellectual ***disabilities and developmental*** disabilities **.** ~~[and related conditions.]~~ The administrative officer may accept the person for evaluation without admission.

6. If, after the completion of an examination or evaluation pursuant to subsection 4 or 5, the administrative officer finds that the person meets the criteria set forth in subsection 1, the person may be admitted to the facility using the procedures for voluntary or involuntary admission, as appropriate.

7. If, at any time, the parent or guardian of a person admitted to a division facility on a voluntary basis, or the person himself or herself if the person has attained the age of 18 years, requests in writing that the person be discharged, the administrative officer shall discharge the person. If the administrative officer finds that discharge from the facility is not in the person's best interests, the administrative officer may initiate proceedings for involuntary admission, but the person must be discharged pending those proceedings.

Sec. 26. NRS 435.085 is hereby amended to read as follows:

435.085 The administrative officer of a division facility may authorize the transfer of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ to a general hospital for necessary diagnostic, medical or surgical services not available within the Division. All expenses incurred under this section must be paid as follows:

1. In the case of a person with an intellectual ***disability or person with a developmental*** disability who is judicially committed **,** ~~[or a person with a related condition who is judicially committed,]~~ the expenses must be paid by the person's parents or guardian to the extent of their reasonable financial ability as determined by the Administrator, and the remainder, if any, is a charge upon the county of the last known residence of the person with an intellectual ***disability or the person with a developmental*** disability ***;*** ~~[or the person with a related condition;]~~

2. In the case of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ admitted to a division facility pursuant to NRS 435.010, 435.020 and 435.030, the expenses are a charge upon the county from which a certificate was issued pursuant to subsection 2 of NRS 435.030; and

3. In the case of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ admitted to a division facility upon voluntary application as provided in NRS 435.081, the expenses must be paid by the parents or guardian to the extent of their reasonable financial ability as determined by the Administrator, and for the remainder, if any, the Administrator shall explore all reasonable alternative sources of payment.

Sec. 27. NRS 435.090 is hereby amended to read as follows:

435.090 1. When any child with an intellectual ***disability or any child with a developmental*** disability ~~[or a child with a related condition]~~ is committed to a division facility by a court of competent jurisdiction, the court shall examine the parent, parents or guardian of the child regarding the ability of the parent, parents or guardian or the estate of the child to contribute to the care, support and maintenance of the child while residing in the facility.

2. If the court determines that the parent, parents or guardian of the child is able to contribute, it shall enter an order prescribing the amount to be contributed.

3. If the court determines that the estate of the child is able to contribute, it shall enter an order requiring that a guardian of the estate of the child be appointed, if there is none, and that the guardian of the estate contribute the amount prescribed by the court from the estate.

4. If the parent, parents or guardian fail or refuse to comply with the order of the court, the Division is entitled to recover from the parent, parents or guardian, by appropriate legal action, all sums due together with interest.

Sec. 28. NRS 435.100 is hereby amended to read as follows:

435.100 1. When any person with an intellectual ***disability or any person with a developmental*** disability ~~[or a person with a related condition]~~ is transferred from one care facility operated by the Division to another care facility operated by the Division, the parent, parents or guardian shall continue to contribute the amount for the care, support and maintenance of the person as may have previously been ordered by the court of competent jurisdiction committing the person.

2. If no such order was entered by the committing court, the Division may petition the court for an order requiring the parent, parents or guardian to contribute.

3. Any order for contribution entered under the provisions of subsection 2 must be entered in the same manner and has the same effect as an order for contribution entered under the provisions of NRS 435.090.

Sec. 29. NRS 435.110 is hereby amended to read as follows:

435.110 1. When any child with an intellectual ***disability or any child with a developmental*** disability ~~[or a child with a related condition]~~ is admitted to a facility operated by the Division at the request of a parent, parents or guardian, the parent, parents or guardian shall enter into an agreement with the Division providing for the contribution of an amount for the care, support and maintenance of the child as determined by the Division to be reasonable. In determining the amount, the Division shall give consideration to the ability of the parent, parents or guardian to make such a contribution, and may excuse the making of any contribution.

2. If the parent, parents or guardian fail or refuse to perform under the terms of the agreement, the Division is entitled to recover from the parent,

parents or guardian, by appropriate legal action, all sums due together with interest.

3. If the Division determines that the parent, parents or guardian do not have the ability to contribute an amount sufficient to pay for the care, support and maintenance of the child, but that the estate of the child is able to contribute, the Division may make application to a court of competent jurisdiction for the appointment of a guardian of the estate of the child, if there is none, and for an order requiring the guardian to contribute an amount as determined by the court.

Sec. 30. NRS 435.115 is hereby amended to read as follows:

435.115 The Administrator shall establish a fee schedule, in consultation with the State Association for Retarded Citizens and subject to the approval of the Board and the Director of the Department, for services rendered to persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions]~~ by the Division.

Sec. 31. ~~[NRS 435.120 is hereby amended to read as follows:~~

~~435.120 Any money collected by the Division under NRS 435.060 to 435.110, inclusive, must be deposited in the State Treasury, accounted for separately by the Division and must be expended for the augmentation of the [intellectual] developmental disability residential placement function, in accordance with the allotment, transfer, work program and budget provisions of NRS 353.150 to 353.245, inclusive.]~~ **(Deleted by amendment.)**

Sec. 32. NRS 435.121 is hereby amended to read as follows:

435.121 1. There are two types of admissions of persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ to an intellectual ~~*[a]*~~ ***and developmental*** disability center:

(a) Voluntary admission.

(b) Involuntary admission.

2. An application for admission of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ to an intellectual ~~*[a]*~~ ***and developmental*** disability center must be made on a form approved by the Division and the Attorney General. The clerk of each district court in the State shall make the forms available to any person upon request.

Sec. 33. NRS 435.122 is hereby amended to read as follows:

435.122 1. Any person with an intellectual ***disability or any person with a developmental*** disability ~~[or a person with a related condition]~~ may apply to any intellectual ***and developmental*** disability center for admission as a voluntary consumer. The person's parent or guardian or another responsible person may submit the application on his or her behalf.

2. If the person or a responsible party on behalf of the person objects to voluntary admission, the procedure for involuntary admission may be followed.

Sec. 34. NRS 435.123 is hereby amended to read as follows:

435.123 Whenever a person is alleged to be a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ and is alleged to be a clear and present danger to himself or herself or others, the person's parent or guardian or another responsible person may initiate proceedings for his or her involuntary admission to an intellectual ~~[a]~~ ***and developmental*** disability center by petitioning the district court of the county where the person resides. The petition must be accompanied by a certificate signed by a physician or licensed psychologist experienced in the diagnosis of intellectual ***disabilities or developmental*** disabilities ~~[and related conditions]~~ stating that he or she has examined the person within the preceding 30 days and has concluded that the person is a person with an intellectual ***disability or a person with a developmental*** disability ~~[or is a person with a related condition,]~~ has demonstrated that the person is a clear and present danger to himself or herself or to others and is in need of institutional training and treatment.

Sec. 35. NRS 435.124 is hereby amended to read as follows:

435.124 Immediately after receiving the petition, the clerk of the district court shall transmit the petition to the district judge, who shall:

1. Determine whether appropriate space and programs are available for the person at the intellectual ***and developmental*** disability center to which it is proposed that the person be admitted; and

2. If appropriate space and programs are available, set a time and place for a hearing on the petition.

➥ The hearing must be held within 7 calendar days after the date when the petition was filed. The clerk of the court shall give notice of the hearing to the person who is the subject of the petition, the person's attorney, if known, the petitioner and the administrative officer of the intellectual ***and developmental*** disability center to which it is proposed that the person be admitted.

Sec. 36. NRS 435.125 is hereby amended to read as follows:

435.125 1. After the petition is filed, the court may cause a physician or licensed psychologist promptly to examine the person who is the subject of the petition or request an evaluation from the intellectual ***and developmental*** disability center to which it is proposed the person be admitted. Any physician or licensed psychologist requested by the court to conduct such an examination must be experienced in the diagnosis of intellectual ***disabilities and developmental*** disabilities ~~[and related conditions.]~~ The examination or evaluation must indicate whether the person is or is not a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ and whether the person is or is not in need of institutional training and treatment.

2. The court may allow the person alleged to be a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ to remain at his or her place of residence

pending any ordered examination and to return upon completion of the examination. One or more of the person's relatives or friends may accompany the person to the place of examination.

Sec. 37. NRS 435.126 is hereby amended to read as follows:

435.126 1. The person alleged to be a person with an intellectual ***disability or a person with a developmental*** disability **,** ~~[or a person with a related condition,]~~ or any relative or friend acting on the person's behalf, is entitled to retain counsel to represent him or her in any proceeding before the district court relating to his or her involuntary admission to an intellectual ~~***[a]***~~ ***and developmental*** disability center.

2. If counsel has not been retained, the court, before proceeding, shall advise the person and the person's guardian, or closest living relative if such a relative can be located, of the person's right to have counsel.

3. If the person fails or refuses to secure counsel, the court shall appoint counsel to represent the person. If the person is indigent, the counsel appointed may be the public defender.

4. Any counsel appointed by the court is entitled to fair and reasonable compensation for his or her services. The compensation must be charged against the property of the person for whom the counsel was appointed. If the person is indigent, the compensation must be charged against the county in which the person alleged to be a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ last resided.

Sec. 38. NRS 435.127 is hereby amended to read as follows:

435.127 In proceedings for involuntary admission of a person to an intellectual ~~***[a]***~~ ***and developmental*** disability center:

1. The court shall hear and consider all relevant evidence, including the certificate, signed by a physician or licensed psychologist, which accompanied the petition and the testimony of persons who conducted examinations or evaluations ordered by the court after the petition was filed.

2. The person must be present and has the right to testify, unless the physician or licensed psychologist who signed the certificate, or who examined the person as ordered by the court, is present and testifies that the person is so severely disabled that he or she is unable to be present.

3. The person may obtain independent evaluation and expert opinion at his or her own expense, and may summon other witnesses.

Sec. 39. NRS 435.128 is hereby amended to read as follows:

435.128 1. Upon completion of the proceedings for involuntary admission of a person to an intellectual ~~***[a]***~~ ***and developmental*** disability center, if the court finds:

(a) That the person is a person with an intellectual ***disability or a person with a developmental*** disability **,** ~~[or a person with a related condition,]~~ has demonstrated that the person is a clear and present danger to himself or herself or others and is in need of institutional training and treatment;

(b) That appropriate space and programs are available at the intellectual ***and developmental*** disability center to which it is proposed that the person be admitted; and

(c) That there is no less restrictive alternative to admission to an intellectual ~~[a]~~ ***and developmental*** disability center which would be consistent with the best interests of the person,

➥ the court shall by written order certify that the person is eligible for involuntary admission to an intellectual ~~[a]~~ ***and developmental*** disability center.

2. A certificate of eligibility for involuntary admission expires 12 months after the date of issuance if the consumer has not been discharged earlier by the procedure provided in NRS 435.129. At the end of the 12-month period, the administrative officer of the intellectual ***and developmental*** disability center may petition the court to renew the certificate for an additional period of not more than 12 months. Each petition for renewal must set forth the specific reasons why further treatment is required. A certificate may be renewed more than once.

Sec. 40. NRS 435.129 is hereby amended to read as follows:

435.129 1. If the administrative officer of an intellectual ~~[a]~~ ***and developmental*** disability center finds that a consumer is no longer in need of the services offered at the center, the administrative officer shall discharge that consumer.

2. A written notice of the discharge must be given to the consumer and the consumer's representatives at least 10 days before the discharge.

3. If the consumer was admitted involuntarily, the Administrator shall, at least 10 days before the discharge, notify the district court which issued the certificate of eligibility for the person's admission.

Sec. 41. NRS 435.130 is hereby amended to read as follows:

435.130 The intent of the Legislature in the enactment of NRS 435.130 to 435.310, inclusive, is to aid persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions]~~ who are not served by existing programs in receiving high quality care and training in an effort to help them become useful citizens.

Sec. 42. NRS 435.176 is hereby amended to read as follows:

435.176 "Jobs and day training services" means individualized services for day habilitation, prevocational, employment and supported employment:

1. Which are provided:

(a) For compensation;

(b) In a division facility or in the community; and

(c) To a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ who is served by the Division; and

2. Which are designed to assist the person in:

(a) Learning or maintaining skills;

(b) Succeeding in paid or unpaid employment;

(c) Increasing self-sufficiency, including, without limitation, training and habilitation services; and

(d) Contributing to the person's community.

Sec. 43. NRS 435.220 is hereby amended to read as follows:

435.220 1. The Administrator shall adopt regulations governing jobs and day training services, including, without limitation, regulations that set forth:

(a) Standards for the provision of quality care and training by providers of jobs and day training services;

(b) The requirements for the issuance and renewal of a certificate; and

(c) The rights of consumers of jobs and day training services, including, without limitation, the right of a consumer to file a complaint and the procedure for filing the complaint.

2. The Division may enter into such agreements with public and private agencies as it deems necessary for the provision of jobs and day training services. Any such agreements must include a provision stating that employment is the preferred service option for all adults of working age.

3. For the purpose of entering into an agreement described in subsection 2, if the qualifications of more than one agency are equal, the Division shall give preference to the agency that will provide persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual ***disabilities or persons without developmental*** disabilities ***;*** ~~[and persons without related conditions;]~~ and

(b) Pays at or above the minimum wage prescribed by regulation of the Labor Commissioner pursuant to NRS 608.250.

Sec. 44. NRS 435.225 is hereby amended to read as follows:

435.225 1. A partnership, firm, corporation or association, including, without limitation, a nonprofit organization, or a state or local government or agency thereof shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

2. A natural person other than a person who is employed by an entity listed in subsection 1 shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

3. For the purpose of issuing a certificate pursuant to this section, if the qualifications of more than one applicant are equal, the Division shall give preference to the natural person who, or the nonprofit organization, state or local government or agency thereof that, will provide persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual ***disabilities or persons without developmental*** disabilities ***;*** ~~[and persons without related conditions;]~~ and

(b) Pays at or above the minimum wage prescribed by regulation of the Labor Commissioner pursuant to NRS 608.250.

4. Each application for the issuance or renewal of a certificate issued pursuant to this section must include a provision stating that employment is the preferred service option for all adults of working age.

Sec. 45. NRS 435.310 is hereby amended to read as follows:

435.310 A provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive ~~[, may enter]~~ ***:***

1. Except as otherwise provided in subsection 2, may enter into contracts with authorized county and school officials and public and private agencies to give care and training to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ who would also qualify for care or training programs offered by the public schools or by county welfare programs.

2. Shall not enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person under 25 years of age where the person will be paid less than the federal minimum wage.

Sec. 46. NRS 435.3315 is hereby amended to read as follows:

435.3315 "Supported living arrangement services" means flexible, individualized services provided in the home, for compensation, to a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ who is served by the Division that are designed and coordinated to assist the person in maximizing the person's independence, including, without limitation, training and habilitation services.

Sec. 47. NRS 435.340 is hereby amended to read as follows:

435.340 Neither voluntary admission nor judicial commitment nor any other procedure provided in this chapter may be construed as depriving a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ of the person's full civil and legal rights by any method other than a separate judicial proceeding resulting in a determination of incompetency wherein the civil and legal rights forfeited and the legal disabilities imposed are specifically stated.

Sec. 48. NRS 435.350 is hereby amended to read as follows:

435.350 1. Each person with an intellectual ***disability and each person with a developmental*** disability ~~[and each person with a related condition]~~ admitted to a division facility is entitled to all rights enumerated in NRS 435.006, 435.565 and 435.570.

2. The Administrator shall designate a person or persons to be responsible for establishment of regulations relating to denial of rights of persons with an intellectual ***disability or persons with a developmental***

disability **.** ~~[and persons with related conditions.]~~ The person designated shall file the regulations with the Administrator.

3. Consumers' rights specified in NRS 433.482, 433.484, 435.565 and 435.570 may be denied only for cause. Any denial of such rights must be entered in the consumer's treatment record, and notice of the denial must be forwarded to the Administrator's designee or designees as provided in subsection 2. Failure to report denial of rights by an employee may be grounds for dismissal.

4. Upon receipt of notice of a denial of rights as provided in subsection 3, the Administrator's designee or designees shall cause a full report to be prepared which sets forth in detail the factual circumstances surrounding the denial. A copy of the report must be sent to the Administrator and the Commission on Behavioral Health.

5. The Commission on Behavioral Health has such powers and duties with respect to reports of denial of rights as are enumerated for the Commission on Behavioral Health in subsection 3 of NRS 435.610.

Sec. 49. NRS 435.360 is hereby amended to read as follows:

435.360 1. The relatives of a consumer with an intellectual ***disability or a consumer with a developmental*** disability ~~[or a consumer with a related condition]~~ who is 18 years of age or older are not responsible for the costs of the consumer's care and treatment within a division facility.

2. The consumer or the consumer's estate, when able, may be required to contribute a reasonable amount toward the costs of the consumer's care and treatment. Otherwise, the full costs of the services must be borne by the State.

Sec. 50. NRS 435.365 is hereby amended to read as follows:

435.365 1. To the extent that money is available for that purpose, whenever a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a related condition]~~ is cared for by a parent or other relative with whom the person lives, that parent or relative is eligible to receive assistance on a monthly basis from the Division for each such person who lives and is cared for in the home if the Division finds that:

(a) The person with an intellectual ***disability or the person with a developmental*** disability ~~[or a related condition]~~ has been diagnosed as having a profound or severe intellectual ***disability or developmental*** disability or, if he or she is under 6 years of age, has developmental delays that require support that is equivalent to the support required by a person with a profound or severe intellectual ***disability or a person with a profound or severe developmental*** disability ***;*** ~~[or a related condition;]~~

(b) The person with an intellectual ***disability or the person with a developmental*** disability ~~[or a related condition]~~ is receiving adequate care; and

(c) The person with an intellectual ***disability or the person with a developmental*** disability ~~[or a related condition]~~ and the parent or other

relative with whom the person lives is not reasonably able to pay for his or her care and support.

➥ The amount of the assistance must be established by legislative appropriation for each fiscal year.

2. The Administrator shall adopt regulations:

(a) Which establish a procedure of application for assistance;

(b) For determining the eligibility of an applicant pursuant to subsection 1; and

(c) For determining the amount of assistance to be provided to an eligible applicant.

3. The Administrator shall establish a waiting list for applicants who are eligible for assistance but who are denied assistance because the legislative appropriation is insufficient to provide assistance for all eligible applicants.

4. The decision of the Administrator regarding eligibility for assistance or the amount of assistance to be provided is a final administrative decision.

Sec. 51. NRS 435.370 is hereby amended to read as follows:

435.370 The Division may make such rules and regulations and enter such agreements with public and private agencies as are deemed necessary to implement residential placement-foster family care programs for persons with intellectual ***disabilities or persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

Sec. 52. NRS 435.375 is hereby amended to read as follows:

435.375 1. The Division shall enter into a cooperative agreement with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to provide long-term support to persons with intellectual ***disabilities or persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ including, without limitation, jobs and day training services and supported living arrangement services. The agreement must include a provision stating that employment is the preferred service option for all adults of working age.

2. The Administrator may adopt regulations governing the provision of services to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ who are unable or unwilling to be employed.

Sec. 53. NRS 435.380 is hereby amended to read as follows:

435.380 1. All gifts or grants of money which the Division is authorized to accept must be spent in accordance with the provisions of the gift or grant. In the absence of those provisions, the Division must spend the money for the purpose approved by the Interim Finance Committee.

2. All such money must be deposited in the State Treasury to the credit of the Intellectual ***and Developmental*** Disability Gift Account in the Department of Health and Human Services' Gift Fund.

3. All claims must be approved by the Administrator before they are paid.

Sec. 54. NRS 435.390 is hereby amended to read as follows:

435.390 1. The administrative officer of any division facility where persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[or persons with related conditions]~~ reside may establish a canteen operated for the benefit of consumers and employees of the facility. The administrative officer shall keep a record of transactions in the operation of the canteen.

2. Each canteen must be self-supporting. No money provided by the State may be used for its operation.

3. The respective administrative officers shall deposit the money used for the operation of the canteen in one or more banks or credit unions of reputable standing, except that an appropriate sum may be maintained as petty cash at each canteen.

Sec. 55. NRS 435.400 is hereby amended to read as follows:

435.400 1. The division facilities providing services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ are designated as:

(a) Desert Regional Center;

(b) Sierra Regional Center; and

(c) Rural Regional Center.

2. Division facilities established after July 1, 1981, must be named by the Administrator, subject to the approval of the Director of the Department.

Sec. 56. NRS 435.411 is hereby amended to read as follows:

435.411 The administrative officer of a facility of the Division must:

1. Be selected on the basis of training and demonstrated administrative qualities of leadership in any one of the fields of psychiatry, medicine, psychology, social work, education or administration.

2. Be appointed on the basis of merit as measured by administrative training or experience in programs relating to intellectual ***disabilities and developmental*** disabilities, including care and treatment of persons with intellectual ***disabilities and persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

Sec. 57. NRS 435.425 is hereby amended to read as follows:

435.425 1. The Division shall carry out a vocational and educational program for the certification of intellectual ***and developmental*** disability technicians, including forensic technicians employed by the Division, or other employees of the Division who perform similar duties, but are classified differently. The program must be carried out in cooperation with the Nevada System of Higher Education.

2. An intellectual ~~*[A]*~~ ***and developmental*** disability technician is responsible to the director of the service in which his or her duties are performed. The director of a service may be a licensed physician, dentist, podiatric physician, psychiatrist, psychologist, rehabilitation therapist, social worker, registered nurse or other professionally qualified person. This section does not authorize an intellectual ~~*[a]*~~ ***and developmental*** disability technician

to perform duties which require the specialized knowledge and skill of a professionally qualified person.

3. The Administrator shall adopt regulations to carry out the provisions of this section.

4. As used in this section, "intellectual ~~***["developmental]***~~ ***and developmental*** disability technician" means an employee of the Division who, for compensation or personal profit, carries out procedures and techniques which involve cause and effect and which are used in the care, treatment and rehabilitation of persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions,]~~ and who has direct responsibility for:

(a) Administering or carrying out specific therapeutic procedures, techniques or treatments, excluding medical interventions, to enable consumers to make optimal use of their therapeutic regime, their social and personal resources, and their residential care; or

(b) The application of interpersonal and technical skills in the observation and recognition of symptoms and reactions of consumers, for the accurate recording of such symptoms and reactions, and for carrying out treatments authorized by members of the interdisciplinary team that determines the treatment of the consumers.

Sec. 58. NRS 435.430 is hereby amended to read as follows:

435.430 1. The Administrator shall adopt regulations:

(a) For the care and treatment of persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions]~~ by all state agencies and facilities, and their referral to private facilities;

(b) To ensure continuity in the care and treatment provided to persons with intellectual ***disabilities and persons with developmental*** disabilities ~~[and persons with related conditions]~~ in this State; and

(c) Necessary for the proper and efficient operation of the facilities of the Division.

2. The Administrator may adopt regulations to promote programs relating to intellectual ***disabilities or developmental*** disabilities **.** ~~[and related conditions.]~~

Sec. 59. NRS 435.445 is hereby amended to read as follows:

435.445 The Division or its designated agent may inspect any division facility providing services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ to determine if the facility is in compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 60. NRS 435.455 is hereby amended to read as follows:

435.455 The Division may, by contract with general hospitals or other institutions having adequate facilities in the State of Nevada, provide for inpatient care of persons with intellectual ***disabilities or persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

Sec. 61. NRS 435.460 is hereby amended to read as follows:

435.460 The Division may contract with appropriate persons professionally qualified in the field of psychiatric mental health to provide inpatient and outpatient care for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ when it appears that they can be treated best in that manner.

Sec. 62. NRS 435.470 is hereby amended to read as follows:

435.470 Nothing in this chapter precludes the involuntary court-ordered admission of a person with an intellectual ~~[a]~~ ***disability or a person with a developmental*** disability ~~[or person with a related condition]~~ to a private institution where such admission is authorized by law.

Sec. 63. NRS 435.490 is hereby amended to read as follows:

435.490 1. Upon approval of the Director of the Department, the Administrator may accept:

(a) Donations of money and gifts of real or personal property; and

(b) Grants of money from the Federal Government,

➥ for use in public or private programs that provide services to persons in this State with intellectual ***disabilities or persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

2. The Administrator shall disburse any donations, gifts and grants received pursuant to this section to programs that provide services to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ in a manner that supports the plan to coordinate services created by the Commission on Behavioral Health pursuant to subsection 7 of NRS 433.316. In the absence of a plan to coordinate services, the Administrator shall make disbursements to programs that will maximize the benefit provided to persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ in consideration of the nature and value of the donation, gift or grant.

3. Within limits of legislative appropriations or other available money, the Administrator may enter into a contract for services related to the evaluation and recommendation of recipients for the disbursements required by this section.

Sec. 64. NRS 435.495 is hereby amended to read as follows:

435.495 1. The Division shall establish a fee schedule for services rendered through any program supported by the State pursuant to the provisions of this chapter. The schedule must be submitted to the Commission on Behavioral Health and the Director of the Department for joint approval before enforcement. The fees collected by facilities operated by the Division pursuant to this schedule must be deposited in the State Treasury to the credit of the State General Fund, except as otherwise provided in NRS 435.465 for fees collected pursuant to contract or agreement and in NRS 435.120 for fees collected for services to consumers with

intellectual ***disabilities or consumers with developmental*** disabilities **.** ~~[and related conditions.]~~

2. For a facility providing services for the treatment of persons with intellectual ***disabilities or persons with developmental*** disabilities **,** ~~[and persons with related conditions,]~~ the fee established must approximate the cost of providing the service, but if a consumer is unable to pay in full the fee established pursuant to this section, the Division may collect any amount the consumer is able to pay.

Sec. 65. NRS 435.505 is hereby amended to read as follows:

435.505 An intellectual ~~*[A]*~~ ***and developmental*** disability center revolving account up to the amount of $5,000 is hereby created for each division intellectual ***and developmental*** disability center, and may be used for the payment of ***bills of the*** intellectual ***and developmental*** disability center ~~[bills]~~ requiring immediate payment and for no other purposes. The respective administrative officers shall deposit the money for the respective revolving accounts in one or more banks or credit unions of reputable standing. Payments made from each account must be promptly reimbursed from appropriated money of the respective intellectual ***and developmental*** disability centers on claims as other claims against the State are paid.

Sec. 66. NRS 435.515 is hereby amended to read as follows:

435.515 1. For the purpose of facilitating the return of nonresident consumers to the state in which they have legal residence, the Administrator may enter into reciprocal agreements, consistent with the provisions of this chapter, with the proper boards, commissioners or officers of other states for the mutual exchange of consumers confined in, admitted or committed to an intellectual ~~*[a]*~~ ***or developmental*** disability facility in one state whose legal residence is in the other, and may give written permission for the return and admission to a division facility of any resident of this State when such permission is conformable to the provisions of this chapter governing admissions to a division facility.

2. The county clerk and board of county commissioners of each county, upon receiving notice from the Administrator that an application for the return of an alleged resident of this State has been received, shall promptly investigate and report to the Administrator their findings as to the legal residence of the consumer.

Sec. 67. NRS 435.535 is hereby amended to read as follows:

435.535 "Administrative officer" means a person with overall executive and administrative responsibility for a facility that provides services relating to intellectual ***disabilities or developmental*** disabilities ~~[and related conditions]~~ and that is operated by any public or private entity.

Sec. 68. NRS 435.575 is hereby amended to read as follows:

435.575 1. An individualized written plan of intellectual ***disability services or developmental*** disability services ~~[or plan of services for a related condition]~~ must be developed ***, as applicable,*** for each consumer of each facility. The plan must:

(a) Provide for the least restrictive treatment procedure that may reasonably be expected to benefit the consumer; and

(b) Be developed with the input and participation of:

(1) The consumer, to the extent that he or she is able to provide input and participate; and

(2) To the extent that the consumer is unable to provide input and participate, the parent or guardian of the consumer if the consumer is under 18 years of age and is not legally emancipated, or the legal guardian of a consumer who has been adjudicated mentally incompetent.

2. The plan must be kept current and must be modified, with the input and participation of the consumer, the parent or guardian of the consumer or the legal guardian of the consumer, as appropriate, when indicated. The plan must be thoroughly reviewed at least once every 3 months.

3. The person in charge of implementing the plan of services must be designated in the plan.

Sec. 69. NRS 435.645 is hereby amended to read as follows:

435.645 1. An employee of a public or private facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities **[**~~and persons with related conditions~~**]** or any other person, except a consumer, who:

(a) Has reason to believe that a consumer of the Division or of a private facility offering services for consumers with intellectual ***disabilities or consumers with developmental*** disabilities **[**~~and consumers with related conditions~~**]** has been or is being abused or neglected and fails to report it;

(b) Brings intoxicating beverages or a controlled substance into any division facility occupied by consumers unless specifically authorized to do so by the administrative officer or a staff physician of the facility;

(c) Is under the influence of liquor or a controlled substance while employed in contact with consumers, unless in accordance with a lawfully issued prescription;

(d) Enters into any transaction with a consumer involving the transfer of money or property for personal use or gain at the expense of the consumer; or

(e) Contrives the escape, elopement or absence of a consumer,

➥ is guilty of a misdemeanor, in addition to any other penalties provided by law.

2. In addition to any other penalties provided by law, an employee of a public or private facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities **[**~~and persons with related conditions~~**]** or any other person, except a consumer, who willfully abuses or neglects a consumer:

(a) For a first violation that does not result in substantial bodily harm to the consumer, is guilty of a gross misdemeanor.

(b) For a first violation that results in substantial bodily harm to the consumer, is guilty of a category B felony.

(c) For a second or subsequent violation, is guilty of a category B felony.

➥ A person convicted of a category B felony pursuant to this section shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

3. A person who is convicted pursuant to this section is ineligible for 5 years for appointment to or employment in a position in the state service and, if the person is an officer or employee of the State, the person forfeits his or her office or position.

4. A conviction pursuant to this section is, when applicable, grounds for disciplinary action against the person so convicted and the facility where the violation occurred. The Division may recommend to the appropriate agency or board the suspension or revocation of the professional license, registration, certificate or permit of a person convicted pursuant to this section.

5. For the purposes of this section:

(a) "Abuse" means any willful and unjustified infliction of pain, injury or mental anguish upon a consumer, including, but not limited to:

(1) The rape, sexual assault or sexual exploitation of the consumer;

(2) The use of any type of aversive intervention;

(3) Except as otherwise provided in NRS 433.5486, a violation of NRS 433.549; and

(4) The use of physical, chemical or mechanical restraints or the use of seclusion in violation of federal law.

➥ Any act which meets the standard of practice for care and treatment does not constitute abuse.

(b) "Consumer" includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a public or private institution or facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities **.** ~~[and persons with related conditions.]~~

(c) "Neglect" means any omission to act which causes injury to a consumer or which places the consumer at risk of injury, including, but not limited to, the failure to follow:

(1) An appropriate plan of treatment to which the consumer has consented; and

(2) The policies of the facility for the care and treatment of consumers.

➥ Any omission to act which meets the standard of practice for care and treatment does not constitute neglect.

(d) "Standard of practice" means the skill and care ordinarily exercised by prudent professional personnel engaged in health care.

Sec. 70. NRS 435.655 is hereby amended to read as follows:

435.655 1. When a person is admitted to a division facility or hospital under one of the various forms of admission prescribed by law, the parent or legal guardian of a person with an intellectual ***disability or a person with a developmental*** disability ~~[or person with a related condition]~~ who is a minor or the husband or wife of a person with an intellectual ***disability or a person***

with a developmental disability **,** ~~[or person with a related condition,]~~ if of sufficient ability, and the estate of the person with an intellectual ***disability or the person with a developmental*** disability **,** ~~[or person with a related condition,]~~ if the estate is sufficient for the purpose, shall pay the cost of the maintenance for the person with an intellectual ***disability or the person with a developmental*** disability **,** ~~[or person with a related condition,]~~ including treatment and surgical operations, in any hospital in which the person is hospitalized under the provisions of this chapter:

(a) To the administrative officer if the person is admitted to a division facility; or

(b) In all other cases, to the hospital rendering the service.

2. If a person or an estate liable for the care, maintenance and support of a committed person neglects or refuses to pay the administrative officer or the hospital rendering the service, the State is entitled to recover, by appropriate legal action, all money owed to a division facility or which the State has paid to a hospital for the care of a committed person, plus interest at the rate established pursuant to NRS 99.040.

Sec. 71. NRS 435.700 is hereby amended to read as follows:

435.700 1. A public or private facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ may return a prescription drug that is dispensed to a patient of the facility, but will not be used by that patient, to the dispensing pharmacy for the purpose of reissuing the drug to fill other prescriptions for patients in that facility or for the purpose of transferring the drug to a nonprofit pharmacy designated by the State Board of Pharmacy pursuant to NRS 639.2676 if:

(a) The drug is not a controlled substance;

(b) The drug is dispensed in a unit dose, in individually sealed doses or in a bottle that is sealed by the manufacturer of the drug;

(c) The drug is returned unopened and sealed in the original manufacturer's packaging or bottle;

(d) The usefulness of the drug has not expired;

(e) The packaging or bottle contains the expiration date of the usefulness of the drug; and

(f) The name of the patient for whom the drug was originally prescribed, the prescription number and any other identifying marks are obliterated from the packaging or bottle before the return of the drug.

2. A dispensing pharmacy to which a drug is returned pursuant to this section may:

(a) Reissue the drug to fill other prescriptions for patients in the same facility if the registered pharmacist of the pharmacy determines that the drug is suitable for that purpose in accordance with standards adopted by the State Board of Pharmacy pursuant to subsection 5; or

(b) Transfer the drug to a nonprofit pharmacy designated by the State Board of Pharmacy pursuant to NRS 639.2676.

3. No drug that is returned to a dispensing pharmacy pursuant to this section may be used to fill other prescriptions more than one time.

4. A facility offering services for persons with intellectual ***disabilities or persons with developmental*** disabilities ~~[and persons with related conditions]~~ shall adopt written procedures for returning drugs to a dispensing pharmacy pursuant to this section. The procedures must:

(a) Provide appropriate safeguards for ensuring that the drugs are not compromised or illegally diverted during their return.

(b) Require the maintenance and retention of such records relating to the return of such drugs as are required by the State Board of Pharmacy.

(c) Be approved by the State Board of Pharmacy.

5. The State Board of Pharmacy shall adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation, requirements for:

(a) Returning and reissuing such drugs pursuant to the provisions of this section.

(b) Transferring drugs to a nonprofit pharmacy pursuant to the provisions of this section and NRS 639.2676.

(c) Maintaining records relating to the return and the use of such drugs to fill other prescriptions.

Sec. 72. ~~[NRS 176A.047 is hereby amended to read as follows:~~

~~176A.047 "Intellectual disability" [has the meaning ascribed to it in NRS 433.099.] *means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.]~~ **(Deleted by amendment.)**

Sec. 73. NRS 220.125 is hereby amended to read as follows:

220.125 1. The Legislative Counsel shall, to the extent practicable, ensure that persons with physical, mental or cognitive disabilities are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her disability.

2. Words and terms that are preferred for use in Nevada Revised Statutes include, without limitation, "persons with disabilities," "persons with mental illness," ***"persons with developmental disabilities,"*** "persons with intellectual disabilities" and other words and terms that are structured in a similar manner.

3. Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, "disabled," "handicapped," "mentally disabled," "mentally ill," "mentally retarded" and other words and terms that tend to equate the disability with the person.

Sec. 74. NRS 608.255 is hereby amended to read as follows:

608.255 For the purposes of this chapter and any other statutory or constitutional provision governing the minimum wage paid to an employee, the following relationships do not constitute employment relationships and are therefore not subject to those provisions:

1. The relationship between a rehabilitation facility or workshop established by the Department of Employment, Training and Rehabilitation pursuant to chapter 615 of NRS and an individual with a disability who is participating in a training or rehabilitative program of such a facility or workshop.

2. The relationship between a provider of jobs and day training services which is recognized as exempt pursuant to the provisions of 26 U.S.C. § 501(c)(3) and which has been issued a certificate by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 435.130 to 435.310, inclusive, and a person with an intellectual ***disability or a person with a developmental*** disability ~~[or a person with a related condition]~~ participating in a jobs and day training services program.

3. The relationship between a principal and an independent contractor.

4. As used in this section, "developmental disability" has the meaning ascribed to it in NRS 435.007.

Sec. 75. In preparing supplements to the Nevada Administrative Code, the Legislative Counsel shall make such changes as necessary so that references in chapters 433 and 435 of the Nevada Administrative Code to "mental retardation," ~~["intellectual disabilities,"]~~ "related conditions" and related terms are replaced with references to "developmental disabilities" and related terms.

Sec. 76. 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. 77. 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. 78. NRS ~~[433.099 and]~~ 433.211 ~~[are]~~ **is** hereby repealed.

Sec. 79. 1. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

2. Section 22 of this act expires by limitation on June 30, 2019.

TEXT OF REPEALED ~~[SECTIONS]~~ SECTION

~~[433.099 "Intellectual disability" defined. "Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.]~~

433.211 "Persons with related conditions" defined. "Persons with related conditions" means persons who have a severe, chronic disability which:

1. Is attributable to:

(a) Cerebral palsy or epilepsy; or

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

2. Is manifested before the person affected attains the age of 22 years;

3. Is likely to continue indefinitely; and

4. Results in substantial functional limitations in three or more of the following areas of major life activity:

(a) Taking care of oneself;

(b) Understanding and use of language;

(c) Learning;

(d) Mobility;

(e) Self-direction; and

(f) Capacity for independent living.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 241.

Bill read second time.

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

Amendment No. 132.

SUMMARY—Requires baby changing ~~[facilities]~~ **tables** in certain ~~[public restrooms.]~~ **buildings and facilities used by the public.** (BDR 22-861)

AN ACT relating to public accommodations; providing that counties and cities must include in building codes or adopt by ordinance a requirement that ~~[public restrooms in]~~ certain buildings **and facilities used by the public** be equipped with **one or more** baby changing ~~[facilities;]~~ **tables; requiring the board of trustees of any school district that adopts a building code to include such a provision in the code;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the governing body of any county or incorporated city is authorized to: (1) regulate matters relating to the construction of buildings; and (2) adopt building codes. (NRS 244.3675, 268.413) **In any county whose population is 700,000 or more, the board of trustees of the school district generally regulates the construction of buildings and facilities of the district and is required to adopt any building code necessary to perform that function. (NRS 393.110) Section 1** of this bill requires each county and city to include in its respective building code a requirement that

every ~~[public restroom in a building]~~ **permanent building and facility used by the public and** constructed on or after ~~[the effective date of this bill]~~ **October 1, 2017,** be equipped with **one or more** baby changing ~~[facilities.]~~ **tables accessible to men and women.** If a county or city has no building code, **section 1** requires the county or city to adopt this requirement by ordinance. **Section 1 further provides that the building code or ordinance, as applicable, must provide an exception for any building or facility that is not lawfully accessible by persons under 18 years of age. Finally, section 1 provides that it applies, without limitation, to any school district for which a building code is adopted as described above. Sections 2-4** 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 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Each]~~ Except as otherwise provided in subsection 3, each county , ~~[and]~~ city and any other governmental entity that adopts a building code shall include in its respective building code a requirement that ~~[every public restroom in a building]~~ any permanent building or facility used by the public and constructed on or after ~~[the effective date of this act]~~ October 1, 2017, be equipped with ~~[baby changing facilities.]~~ at least one baby changing table. If a baby changing table is not accessible in such a building or facility to both men and women, the building code must require that the building or facility be equipped with at least one such table accessible to men and at least one such table accessible to women.

2. ~~[If]~~ Except as otherwise provided in subsection 3, if a county or a city has no building code, it shall adopt by ordinance a requirement that ~~[every public restroom in a building]~~ any permanent building or facility used by the public and constructed on or after ~~[the effective date of this act]~~ October 1, 2017, be equipped with ~~[baby changing facilities.]~~ one or more baby changing tables as provided in subsection 1.

3. A building code or ordinance adopted pursuant to this section must provide an exception to the requirements described in subsection 1 or 2, as applicable, for any building or facility that is not lawfully accessible by persons under 18 years of age.

4. The provisions of this section apply, without limitation, to any school district for which a building code is adopted pursuant to subsection 2 of NRS 393.110.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.02315, 278.580, 278.582, 278.586, 444.340 to 444.430, inclusive, and 477.030, ***and section 1 of this act,*** the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 4. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.02315, 278.580, 278.582, 278.586, 444.340 to 444.430, inclusive, and 477.030, ***and section 1 of this act,*** the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, those fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 5. This act becomes effective upon passage and approval **[.]** **for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on October 1, 2017, for all other purposes.**

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. 291.

Bill read second time.

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

Amendment No. 339.

SUMMARY—Revises provisions relating to **reports of** presentence investigations and **[**reports.**]** **general investigations.** (BDR 14-1076)

AN ACT relating to criminal procedure; revising provisions relating to **reports of** presentence investigations and **[**reports;**]** **general investigations;** requiring certain information to be included in a presentence report; **[**revising the limitation of time for disclosure**]** **authorizing the court to order the correction** of the factual content of reports of presentence investigations **and general investigations** by the Division of Parole and Probation of the

Department of Public Safety **[,] under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Parole and Probation of the Department of Public Safety to make presentence investigations and reports in certain circumstances and to include certain information and recommendations. (NRS 176.133-176.159) **Section 1** of this bill requires the Division to also include in the report of any presentence investigation **: (1) certain information concerning the criminal history of the defendant; and (2) whether information pertaining to the defendant's financial condition has been verified. Section 1 also requires the Division to include** the source of any information as stated in the report, that is related to the defendant's offense, including information from: (1) a police report; (2) an investigative report filed with law enforcement; or (3) any other source available to the Division. Further, **section 1** ~~[removes the requirement that]~~ **requires** the Division **to** include **any scoresheets or scales used to determine** a recommendation: (1) of certain penalties for the defendant; and (2) if appropriate, that the defendant undergo a program of regimental discipline. Additionally, **sections 1 and 2** of this bill change the term "criminal record" to "criminal convictions."

Existing law requires the Division to ~~[disclose the factual content of the report of any presentence investigation and the recommendations of the Division 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, unless the defendant waives the minimum period. (NRS 176.153) Section 3 of this bill increases the time limitation for such disclosure from 14 to 21 calendar days, and removes the requirement to include the recommendations of the Division.]~~ **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 4 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 176.145 is hereby amended to read as follows:

176.145 1. The report of any presentence investigation must contain:

(a) Any ~~[prior]~~ **:**

(1) Prior criminal ~~[record]~~ ***convictions*** of the defendant;

(2) Unresolved criminal cases involving the defendant;

(3) Incidents in which the defendant has failed to appear in court when his or her presence was required;

(4) Arrests during the 10 years immediately preceding the date of the offense for which the report is being prepared; and

(5) Participation in any program in a specialty court or any diversionary program, including whether the defendant successfully completed the program;

(b) Information concerning the characteristics of the defendant, the defendant's financial condition, ***including whether the information pertaining to the defendant's financial condition has been verified,*** the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the information to be included in the report is solely at the discretion of the Division;

(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether the defendant is in arrears in payment on that obligation;

(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS that relate to the defendant and are made available pursuant to NRS 432B.290;

(f) The results of the evaluation of the defendant conducted pursuant to NRS 484C.300, if such an evaluation is required pursuant to that section;

(g) A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by statute, or a fine, or both;

(h) A recommendation, if the Division deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176A.780;

(i) If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110; and

(j) ~~*[(h)]*~~ Such other information as may be required by the court.

2. ***The Division shall include in the report all scoresheets and scales used in determining any recommendation made pursuant to paragraphs (g) and (h) of subsection 1.***

3. The Division shall include in the report the source of any information, as stated in the report, related to the defendant's offense, including, without limitation, information from:

(a) A police report;

(b) An investigative report filed with law enforcement; or

(c) Any other source available to the Division.

~~*[3.]*~~ ***4.*** The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 2. NRS 176.151 is hereby amended to read as follows:

176.151 1. If a defendant pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, one or more category E felonies, but no other felonies, the Division shall not make a presentence investigation and report on the defendant pursuant to NRS 176.135, unless the Division has not made a presentence investigation and report on the defendant pursuant to NRS 176.135 within the 5 years immediately preceding the date initially set for sentencing on the category E felony or felonies and:

(a) The court requests a presentence investigation and report; or

(b) The prosecuting attorney possesses evidence that would support a decision by the court to deny probation to the defendant pursuant to paragraph (b) of subsection 1 of NRS 176A.100.

2. If the Division does not make a presentence investigation and report on a defendant pursuant to subsection 1, the Division shall, not later than 45 days after the date on which the defendant is sentenced, make a general investigation and report on the defendant that contains:

(a) Any prior criminal ~~[record]~~ ***convictions*** of the defendant;

(b) Information concerning the characteristics of the defendant, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful to persons responsible for the supervision or correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination and the extent of the information included in the report is solely at the discretion of the Division;

(d) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS that relate to the defendant and are made available pursuant to NRS 432B.290; and

(e) Any other information that the Division believes may be helpful to persons responsible for the supervision or correctional treatment of the defendant.

Sec. 3. ~~[NRS 176.153 is hereby amended to read as follows:~~

~~176.153 Except as otherwise provided in this section, the Division shall disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court, not later than [14] *21* 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.] The defendant may waive the minimum period required by this section.]~~ **(Deleted by amendment.)**

Sec. 4. 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, 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.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 302.

Bill read second time.

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

Amendment No. 340.

AN ACT relating to governmental administration; transferring the Division of Parole and Probation from the Department of Public Safety to the Department of Corrections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Division of Parole and Probation within the Department of Public Safety and requires the Division to supervise probationers and parolees. (NRS 480.110, 480.130, 480.140) This bill transfers the Division from the Department of Public Safety to the Department of Corrections.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

"Division of Parole and Probation" means the Division of Parole and Probation of the Department created by NRS 213.1071.

Sec. 2. NRS 209.011 is hereby amended to read as follows:

209.011 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 209.021 to 209.085, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 209.131 is hereby amended to read as follows:

209.131 The Director shall:

1. Administer the Department under the direction of the Board.

2. Supervise the administration of ***the Division of Parole and Probation and*** all institutions and facilities of the Department.

3. Receive, retain and release, in accordance with law, offenders sentenced to imprisonment in the state prison.

4. Be responsible for the supervision, custody, treatment, care, security and discipline of all offenders under his or her jurisdiction.

5. Ensure that any person employed by the Department whose primary responsibilities are:

(a) The supervision, custody, security, discipline, safety and transportation of an offender;

(b) The security and safety of the staff; and

(c) The security and safety of an institution or facility of the Department, ➥ is a correctional officer who has the powers of a peace officer pursuant to subsection 1 of NRS 289.220.

6. Establish regulations with the approval of the Board and enforce all laws governing the administration of the Department and the custody, care and training of offenders.

7. Take proper measures to protect the health and safety of the staff and offenders in the institutions and facilities of the Department.

8. Take proper measures to protect the health and safety of persons employed by a school district to operate a program of education for incarcerated persons in an institution or facility pursuant to chapter 388H of NRS.

9. Cause to be placed from time to time in conspicuous places about each institution and facility copies of laws and regulations relating to visits and correspondence between offenders and others.

10. Provide for the holding of religious services in the institutions and facilities and make available to the offenders copies of appropriate religious materials.

Sec. 4. NRS 209.241 is hereby amended to read as follows:

209.241 1. The Director may accept money, including the net amount of any wages earned during the incarceration of an offender after any deductions made by the Director and valuables belonging to an offender at the time of his or her incarceration or afterward received by gift, inheritance or the like or earned during the incarceration of an offender, and shall deposit the money in the Prisoners' Personal Property Fund, which is hereby created as a trust fund.

2. An offender shall deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund.

3. The Director:

(a) Shall keep, or cause to be kept, a full and accurate account of the money and valuables, and shall submit reports to the Board relating to the money and valuables as may be required from time to time.

(b) May permit withdrawals for immediate expenditure by an offender for personal needs.

(c) May permit the distribution of money to a governmental entity for any applicable deduction authorized pursuant to NRS 209.247 or any other deduction authorized by law from any money deposited in the individual account of an offender from any source other than the offender's wages.

(d) Shall pay over to each offender upon his or her release any remaining balance in his or her individual account.

4. The interest and income earned on the money in the Prisoners' Personal Property Fund, after deducting any applicable bank charges, must be credited each calendar quarter as follows:

(a) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is less than the amount of interest and

income earned by the offender, the Director shall credit the individual account of the offender with an amount equal to the difference between the amount of interest and income earned by the offender and the offender's share of the cost of administering the Prisoners' Personal Property Fund.

(b) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is equal to or greater than the amount of interest and income earned by the offender, the Director shall credit the interest and income to the Offenders' Store Fund.

5. An offender who does not deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

6. A person who aids or encourages an offender not to deposit all money the offender receives into the individual account of the offender in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

7. The Director may exempt an offender from the provisions of this section if the offender is:

(a) Confined in an institution outside this State pursuant to chapter 215A of NRS; or

(b) Assigned to the custody of the Division of Parole and Probation ~~[of the Department of Public Safety]~~ to:

(1) Serve a term of residential confinement pursuant to NRS 209.392, 209.3925 or 209.429; or

(2) Participate in a correctional program for reentry into the community pursuant to NRS 209.4887.

Sec. 5. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of the offender's confinement and to meet any existing obligation for restitution to any victim of his or her crime,

➥ assign the offender to the custody of the Division of Parole and Probation ~~[of the Department of Public Safety]~~ to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his or her sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS

213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that the victim may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to the offender in a faithful and orderly manner;

(c) Has been convicted of:

(1) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim within the immediately preceding 3 years;

(2) A sexual offense that is punishable as a felony; or

(3) Except as otherwise provided in subsection 4, a category A or B felony;

(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.420, 488.425 or 488.427; or

(e) Has escaped or attempted to escape from any jail or correctional institution for adults,

➥ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. The standards adopted by the Director pursuant to subsection 3 must provide that an offender who has been convicted of a category B felony is eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section if:

(a) The offender is not otherwise ineligible pursuant to subsection 3 for an assignment to serve a term of residential confinement; and

(b) The Director makes a written finding that such an assignment of the offender is not likely to pose a threat to the safety of the public.

5. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of the offender's residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

6. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 6. NRS 209.3925 is hereby amended to read as follows:

209.3925 1. Except as otherwise provided in subsection 6, the Director may assign an offender to the custody of the Division of Parole and Probation ~~[of the Department of Public Safety]~~ to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his or her sentence, if:

(a) The Director has reason to believe that the offender is:

(1) Physically incapacitated or in ill health to such a degree that the offender does not presently, and likely will not in the future, pose a threat to the safety of the public; or

(2) In ill health and expected to die within 12 months, and does not presently, and likely will not in the future, pose a threat to the safety of the public; and

(b) At least two physicians licensed pursuant to chapter 630 or 633 of NRS, one of whom is not employed by the Department, verify, in writing, that the offender is:

(1) Physically incapacitated or in ill health; or

(2) In ill health and expected to die within 12 months.

2. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:

(a) The board of county commissioners of the county in which the offender will reside; and

(b) The Division of Parole and Probation.

3. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:

(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and

(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.

➥ If a current address has not been provided by a victim as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 7. NRS 209.427 is hereby amended to read as follows:

209.427 1. If the results of an evaluation conducted pursuant to NRS 484C.300 or 488.430 indicate that an offender is an abuser of alcohol or drugs and that the offender can be treated successfully for his or her condition, the Director shall, except as otherwise provided in this section, assign the offender to the program of treatment established pursuant to NRS 209.425. Such an assignment must be, to the extent that the period reasonably can be predicted, for the year, or as much thereof as practicable, immediately preceding the date the offender is due to be released from prison, either on parole or at the expiration of the offender's term.

2. Before assigning an offender to a program of treatment, the Director, in cooperation with the Division of Parole and Probation **, [**~~of the Department of Public Safety,~~**]** shall determine, to the extent possible:

(a) The length of time remaining on the offender's sentence, taking into consideration any credits earned by the offender; and

(b) The likelihood that the offender will complete the entire program of treatment.

3. The Director shall when assigning offenders to the program, to the extent possible, give preference to those offenders who appear to the Director capable of successfully completing the entire program.

4. The Director is not required to assign an offender to the program of treatment if the offender is not eligible for assignment to an institution or facility of minimum security pursuant to the provisions of NRS 209.481 and the regulations adopted pursuant thereto.

5. The Director may withdraw the offender from the program of treatment at any time if the Director determines that the offender:

(a) Is not responding satisfactorily to the program; or

(b) Has failed or refused to comply with any term or condition of the program.

6. As used in this section, "entire program" means both phases of the program established pursuant to NRS 209.425, for offenders who have not been released from prison, and NRS 209.429, for offenders who have been assigned to the custody of the Division of Parole and Probation **.** ~~[of the Department of Public Safety.]~~

Sec. 8. NRS 209.429 is hereby amended to read as follows:

209.429 1. Except as otherwise provided in subsection 6, the Director shall assign an offender to the custody of the Division of Parole and Probation ~~[of the Department of Public Safety]~~ to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of the maximum term or the maximum aggregate term, as applicable, of his or her sentence if the offender has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his or her confinement and to meet any existing obligation for restitution to any victim of his or her crime.

2. Before a person may be assigned to serve a term of residential confinement pursuant to this section, he or she must submit to the Division of Parole and Probation a signed document stating that:

(a) He or she will comply with the terms or conditions of the residential confinement; and

(b) If he or she fails to comply with the terms or conditions of the residential confinement and is taken into custody outside of this State, he or she waives all rights relating to extradition proceedings.

3. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits earned by the offender to reduce his or her sentence pursuant to this chapter before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding forfeiture of credits is final.

4. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

5. A person does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

6. The Director shall not assign an offender who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to the custody of the Division of Parole and Probation to serve a term of residential confinement unless the Director makes a finding that the offender is not likely to pose a threat to the victim of the battery.

7. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 9. NRS 209.4299 is hereby amended to read as follows:

209.4299 The **[**~~Department of Corrections and the~~**]** Division of Parole and Probation **[**~~of the Department of Public Safety~~**]** shall **[**~~jointly~~**]** submit a report at least twice annually to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. The report must include:

1. The number of probationers participating in the diversion program;

2. The reasons the probationers entered the program;

3. The number of probationers who satisfied the terms and conditions of their participation in the program; and

4. The status of the probationers who are in the program at the time the report is prepared.

Sec. 10. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.451, inclusive, unless the context otherwise requires:

1. "Offender" includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation **[**~~of the Department of Public Safety~~**]** pursuant to NRS 209.4886 or 209.4888.

2. "Residential confinement" means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include

any confinement ordered pursuant to NRS 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 11. NRS 209.446 is hereby amended to read as follows:

209.446 1. Every offender who is sentenced to prison for a crime committed on or after July 1, 1985, but before July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated under sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation ~~[of the Department of Public Safety]~~ pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 10 days from the offender's sentence for each month the offender serves.

2. In addition to the credit provided for in subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate or an equivalent document, 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

3. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is entitled to the entire 20 days of credit each month which is authorized in subsections 1 and 2.

4. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

5. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

6. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole.

Sec. 12. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation ~~[of the Department of Public Safety]~~ pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate or an equivalent document, 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsections 8 and 9, credits earned pursuant to this section:

(a) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; or

(d) A category A or B felony,

➥ apply to eligibility for parole and, except as otherwise provided in subsection 9, must be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole and must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

9. Credits deducted pursuant to subsection 8 may reduce the minimum term or the minimum aggregate term imposed by the sentence, as applicable, by not more than 58 percent for an offender who:

(a) Is serving a sentence for an offense committed on or after July 1, 2014; or

(b) On or after July 1, 2014, makes an irrevocable election to have his or her consecutive sentences aggregated pursuant to NRS 213.1212.

Sec. 13. NRS 209.4827 is hereby amended to read as follows:

209.4827 The Director may:

1. With the approval of the Board, establish centers to house offenders within a community so they may work to earn wages with which to make restitution to the victims of their crimes.

2. If space is available, assign to the center:

(a) An offender participating in a work or educational release program.

(b) An offender who has been paroled if such a request is made by the Division of Parole and Probation **.** ~~[of the Department of Public Safety.]~~

Sec. 14. NRS 209.4871 is hereby amended to read as follows:

209.4871 As used in NRS 209.4871 to 209.4889, inclusive, unless the context otherwise requires, the words and terms defined in NRS 209.4873 ~~[to 209.488, inclusive,]~~ ***, 209.4877 and 209.488*** have the meanings ascribed to them in those sections.

Sec. 15. NRS 212.187 is hereby amended to read as follows:

212.187 1. A prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** pursuant to NRS 209.4886 or 209.4888 or residential confinement, and who voluntarily engages in sexual conduct with another person who is not an employee of or a contractor or volunteer for a prison is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in NRS 212.188, a person who voluntarily engages in sexual conduct with a prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole

and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** pursuant to NRS 209.4886 or 209.4888 or residential confinement, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section, "sexual conduct":

(a) Includes acts of masturbation, sexual penetration or physical contact with another person's clothed or unclothed genitals or pubic area to arouse, appeal to or gratify the sexual desires of a person.

(b) Does not include acts of a person who has custody of a prisoner or an employee of or a contractor or volunteer for the prison in which the prisoner is confined that are performed to carry out the necessary duties of such a person, employee, contractor or volunteer.

Sec. 16. NRS 212.188 is hereby amended to read as follows:

212.188 1. An employee of or a contractor or volunteer for a prison who voluntarily engages in, or attempts to engage in, with a prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** pursuant to NRS 209.4886 or 209.4888 or residential confinement, any of the acts set forth in:

(a) Paragraph (a) of subsection 3, commits sexual abuse of a prisoner.

(b) Paragraph (b) of subsection 3, commits unauthorized custodial conduct.

2. Unless a greater penalty is provided pursuant to any other applicable provision of law, an employee of or a contractor or volunteer for a prison who commits:

(a) Sexual abuse of a prisoner is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) Unauthorized custodial conduct by engaging in any of the acts described in paragraph (b) of subsection 3 is guilty of a gross misdemeanor.

(c) Unauthorized custodial conduct by attempting to engage in any of the acts described in paragraph (b) of subsection 3 is guilty of a misdemeanor.

3. As used in this section:

(a) "Sexual abuse":

(1) Includes any of the following acts between an employee of or a contractor or volunteer for a prison and a prisoner, regardless of whether the prisoner consents to the act:

(I) Sexual intercourse or anal intercourse, including penetration, however slight;

(II) Fellatio, cunnilingus or contact between the mouth and the anus;

(III) Penetration, however slight, of an object into the genital or anal opening of the body of a prisoner committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

(IV) Any other intentional contact with a prisoner's unclothed genitals, pubic area, anus, buttocks, inner thigh or breasts committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

(V) Watching a prisoner change clothing or use a shower, toilet or urinal;

(VI) Requiring a prisoner to expose his or her genitals, buttocks or breasts; or

(VII) Capturing an image of the private area of a prisoner in violation of NRS 200.604.

(2) Does not include acts of an employee of or a contractor or volunteer for the prison in which the prisoner is confined that are performed to carry out the official duties of such an employee, contractor or volunteer.

(b) "Unauthorized custodial conduct":

(1) Includes any of the following acts between an employee of or a contractor or volunteer for a prison and a prisoner, regardless of whether the prisoner consents to the act:

(I) Contact between the mouth and any part of the body committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

(II) Any other intentional contact with a prisoner's clothed genitals, pubic area, anus, buttocks, inner thigh or breasts committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

(III) Any threat or request by an employee or a contractor or volunteer to engage in any act described in sub-subparagraphs (I) or (II); or

(IV) Any display by an employee or a contractor or volunteer of his or her unclothed genitals, buttocks or breasts in the presence of a prisoner.

(2) Does not include acts of an employee of or a contractor or volunteer for the prison in which the prisoner is confined that are performed to carry out the official duties of such an employee, contractor or volunteer.

Sec. 17. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.

2. "Chief" means the Chief Parole and Probation Officer.

3. "Division" means the Division of Parole and Probation of the Department of ~~[~~Public Safety.~~]~~ ***Corrections.***

4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 18. NRS 213.1071 is hereby amended to read as follows:

213.1071 1. There is hereby created the Division of Parole and Probation of the Department of ~~[Public Safety.]~~ ***Corrections.***

2. The Division consists of the Chief and such sections as the Chief may create with the approval of the Director of the Department of ~~[Public Safety.]~~ ***Corrections.***

3. The Chief of the Division is the Chief Parole and Probation Officer.

4. The Division shall execute, administer and enforce the provisions of this chapter and chapter 176A 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.

Sec. 19. NRS 213.1092 is hereby amended to read as follows:

213.1092 1. The Director of the Department of ~~[Public Safety]~~ ***Corrections*** shall appoint the Chief Parole and Probation Officer, who is in the unclassified service of the State.

2. The Chief Parole and Probation Officer must:

(a) Be selected on the basis of his or her training, experience, capacity and interest in correctional services.

(b) Have had at least 5 years' experience in correctional programs, of which at least 3 years were in a responsible administrative position.

Sec. 20. NRS 213.310 is hereby amended to read as follows:

213.310 1. If a program is established by the Department pursuant to NRS 213.300, the Director shall, by appropriate means of classification and selection, determine which of the offenders, during the last 6 months' confinement, are suitable for the program, excluding those sentenced to life imprisonment who are not eligible for parole and those imprisoned for violations of chapter 201 of NRS who have not been certified by the designated board as eligible for parole.

2. The Director shall then select the names of those offenders the Director determines to be eligible for the program, and the Director shall refer the names of those offenders to the Chair of the State Board of Parole Commissioners for release into the program and, if appropriate, for residential confinement or other appropriate supervision as determined by the Division of Parole and Probation of the Department **.** ~~[of Public Safety.]~~

Sec. 21. NRS 213.371 is hereby amended to read as follows:

213.371 As used in NRS 213.371 to 213.410, inclusive, unless the context otherwise requires:

1. "Division" means the Division of Parole and Probation of the Department of ~~[Public Safety.]~~ ***Corrections.***

2. "Offender" means a prisoner assigned to the custody of the Division pursuant to NRS 209.392, 209.3925 or 209.429.

3. "Residential confinement" means the confinement of an offender to his or her place of residence under the terms and conditions established by the Division.

Sec. 22. NRS 213.610 is hereby amended to read as follows:

213.610 "Division" means the Division of Parole and Probation of the Department of ~~[Public Safety.]~~ ***Corrections.***

Sec. 23. NRS 62A.100 is hereby amended to read as follows:

62A.100 "Division of Parole and Probation" means the Division of Parole and Probation of the Department of ~~[Public Safety.]~~ ***Corrections.***

Sec. 24. NRS 174.063 is hereby amended to read as follows:

174.063 1. If a plea of guilty or guilty but mentally ill is made in a written plea agreement, the agreement must be substantially in the following form:

Case No. .....
Dept. No. .....

IN THE ..... JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF.....,

The State of Nevada,
PLAINTIFF,

v.

(Name of defendant),

DEFENDANT.

GUILTY OR GUILTY BUT MENTALLY ILL PLEA AGREEMENT

I hereby agree to plead guilty or guilty but mentally ill to: (List charges to which defendant is pleading guilty or guilty but mentally ill), as more fully alleged in the charging document attached hereto as Exhibit 1.

My decision to plead guilty or guilty but mentally ill is based upon the plea agreement in this case which is as follows:

(State the terms of the agreement.)

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty or guilty but mentally ill I admit the facts which support all the elements of the offenses to which I now plead as set forth in Exhibit 1.

I understand that as a consequence of my plea of guilty or guilty but mentally ill I may be imprisoned for a period of not more than (maximum term of imprisonment) and that I (may or will) be fined up to

(maximum amount of fine). I understand that the law requires me to pay an administrative assessment fee.

I understand that, if appropriate, I will be ordered to make restitution to the victim of the offenses to which I am pleading guilty or guilty but mentally ill and to the victim of any related offense which is being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for expenses relating to my extradition, if any.

I understand that I (am or am not) eligible for probation for the offense to which I am pleading guilty or guilty but mentally ill. (I understand that, except as otherwise provided by statute, the question of whether I receive probation is in the discretion of the sentencing judge, or I understand that I must serve a mandatory minimum term of (term of imprisonment) or pay a minimum mandatory fine of (amount of fine) or serve a mandatory minimum term (term of imprisonment) and pay a minimum mandatory fine of (amount of fine).)

I understand that if more than one sentence of imprisonment is imposed and I am eligible to serve the sentences concurrently, the sentencing judge has the discretion to order the sentences served concurrently or consecutively.

I understand that information regarding charges not filed, dismissed charges or charges to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

I have not been promised or guaranteed any particular sentence by anyone. I know that my sentence is to be determined by the court within the limits prescribed by statute. I understand that if my attorney or the State of Nevada or both recommend any specific punishment to the court, the court is not obligated to accept the recommendation.

I understand that the Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** may or will prepare a report for the sentencing judge before sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. I understand that this report may contain hearsay information regarding my background and criminal history. My attorney (if represented by counsel) and I will each have the opportunity to comment on the information contained in the report at the time of sentencing.

WAIVER OF RIGHTS

By entering my plea of guilty or guilty but mentally ill, I understand that I have waived the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the

defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial, the State would bear the burden of proving beyond a reasonable doubt each element of the offense charged.

3. The constitutional right to confront and cross-examine any witnesses who would testify against me.

4. The constitutional right to subpoena witnesses to testify on my behalf.

5. The constitutional right to testify in my own defense.

6. The right to appeal the conviction, with the assistance of an attorney, either appointed or retained, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS 174.035.

VOLUNTARINESS OF PLEA

I have discussed the elements of all the original charges against me with my attorney (if represented by counsel) and I understand the nature of these charges against me.

I understand that the State would have to prove each element of the charge against me at trial.

I have discussed with my attorney (if represented by counsel) any possible defenses and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights and waiver of rights have been thoroughly explained to me by my attorney (if represented by counsel).

I believe that pleading guilty or guilty but mentally ill and accepting this plea bargain is in my best interest and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney (if represented by counsel) and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney (if represented by counsel) has answered all my questions regarding this guilty or guilty but mentally ill plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

Dated: This ..... day of the month of …... of the year ….

.....
Defendant.

Agreed to on this ..... day of the month of .... of the year ….

.....
Deputy District Attorney.

2. If the defendant is represented by counsel, the written plea agreement must also include a certificate of counsel that is substantially in the following form:

CERTIFICATE OF COUNSEL

I, the undersigned, as the attorney for the defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the defendant the allegations contained in the charges to which guilty or guilty but mentally ill pleas are being entered.

2. I have advised the defendant of the penalties for each charge and the restitution that the defendant may be ordered to pay.

3. All pleas of guilty or guilty but mentally ill offered by the defendant pursuant to this agreement are consistent with all the facts known to me and are made with my advice to the defendant and are in the best interest of the defendant.

4. To the best of my knowledge and belief, the defendant:

(a) Is competent and understands the charges and the consequences of pleading guilty or guilty but mentally ill as provided in this agreement.

(b) Executed this agreement and will enter all guilty or guilty but mentally ill pleas pursuant hereto voluntarily.

(c) Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time of the execution of this agreement.

Dated: This ..... day of the month of …... of the year ….

.....
Attorney for defendant.

Sec. 25. NRS 176.002 is hereby amended to read as follows:

176.002 As used in this chapter, unless the context otherwise requires, "Division" means the Division of Parole and Probation of the Department of ~~[~~Public Safety.~~]~~ ***Corrections.***

Sec. 26. NRS 176.0123 is hereby amended to read as follows:

176.0123 1. The Advisory Commission on the Administration of Justice is hereby created. The Commission consists of:

(a) One member who is a municipal judge or justice of the peace, appointed by the governing body of the Nevada Judges of Limited Jurisdiction;

(b) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

(c) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;

(d) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

(e) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

(f) One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

(g) One member who is a representative of a law enforcement agency, appointed by the Governor;

(h) One member who is a representative of the Division of Parole and Probation of the Department of ~~[Public Safety,]~~ ***Corrections,*** appointed by the Governor;

(i) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

(j) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

(k) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

(l) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

(m) The Director of the Department of Corrections;

(n) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

(o) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

➥ If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Governor.

2. The Attorney General is an ex officio voting member of the Commission.

3. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. 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.

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

5. At the first regular meeting of each odd-numbered year, the members of the Commission shall elect a Chair by majority vote who shall serve until the next Chair is elected.

6. The Commission shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chair.

7. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.

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

9. To the extent of legislative appropriation, the Director of the Legislative Counsel Bureau shall provide the Commission with such staff as is necessary to carry out the duties of the Commission.

Sec. 27. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

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

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

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

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

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

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

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

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

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

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

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

(a) Policies relating to parole;

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

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

(d) Budgetary issues; and

(e) Other related matters.

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

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

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

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

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

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

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

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

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

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

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

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

(a) Must cause to be identified any provision in the Nevada Constitution, the Nevada Revised Statutes and the Nevada Administrative Code which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;

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

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

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

Sec. 28. NRS 176A.040 is hereby amended to read as follows:

176A.040 "Division" means the Division of Parole and Probation of the Department of ~~[Public Safety.]~~ ***Corrections.***

Sec. 29. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail;

(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or

(c) The Division of Parole and Probation of the Department of ~~[~~Public Safety~~]~~ ***Corrections*** directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail; or

(b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is

no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

➥ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person’s blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110.

9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

➥ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or

extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.

➥ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010; or

(b) Increase the amount of bail pursuant to NRS 178.499.

13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.

14. Before a person may be admitted to bail, the person must sign a document stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.

➥ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

17. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.

Sec. 30. NRS 179.259 is hereby amended to read as follows:

179.259 1. Except as otherwise provided in subsections 3, 4 and 5, 5 years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible person'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. The court may order those records sealed without a hearing unless the Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of an eligible person, 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 court in writing of its compliance with the order.

3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

4. The Division of Insurance of the Department of Business and Industry is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Eligible person" means a person who has:

(1) Successfully completed a program for reentry, which the person participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and

(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.

(c) "Program for reentry" means:

(1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or

(2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4883.

(d) "Sexual offense" has the meaning ascribed to it in paragraph (b) of subsection 7 of NRS 179.245.

Sec. 31. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. "Record of criminal history" means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484C.110, 484C.120, 484C.130 and 484C.430, detentions, decisions of a district attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences, information set forth in NRS 209.353 concerning an offender in prison, any postconviction relief, correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the fingerprints of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation of the Department ~~[.]~~ ***of Corrections.***

2. "Record of criminal history" does not include:

(a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws;

(b) Information concerning juveniles;

(c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension;

(d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed;

(e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including, without limitation, permits to work in the gaming industry;

(f) Except as otherwise provided in subsection 1, court indexes and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings;

(g) Except as otherwise provided in subsection 1, records of traffic violations constituting misdemeanors;

(h) Records of traffic offenses maintained by the Department to regulate the issuance, suspension, revocation or renewal of drivers' or other operators' licenses;

(i) Announcements of actions by the State Board of Pardons Commissioners and the State Board of Parole Commissioners, except information concerning the status of an offender on parole or probation; or

(j) Records which originated in an agency other than an agency of criminal justice in this State.

Sec. 32. NRS 179B.060 is hereby amended to read as follows:

179B.060 "Division" means the Division of Parole and Probation of the Department ~~[.]~~ ***of Corrections.***

Sec. 33. NRS 179D.040 is hereby amended to read as follows:

179D.040 "Division" means the Division of Parole and Probation of the Department of ~~[Public Safety.]~~ ***Corrections.***

Sec. 34. NRS 432B.215 is hereby amended to read as follows:

432B.215 1. An agency which provides child welfare services may request the Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** to provide information concerning a probationer or parolee that may assist the agency in carrying out the provisions of this chapter. The Division of Parole and Probation shall provide such information upon request.

2. The agency which provides child welfare services may use the information obtained pursuant to subsection 1 only for the limited purpose of carrying out the provisions of this chapter.

Sec. 35. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court as defined in NRS 159.015 to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;

(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

(q) The child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(r) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;

(s) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(t) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(u) The Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(w) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(y) An employer in accordance with subsection 3 of NRS 432.100;

(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence; or

(aa) The Committee to Review Suicide Fatalities created by NRS 439.5104.

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of an unsubstantiated report of child abuse or neglect made pursuant to this chapter and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency

may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.

10. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or

(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

13. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 36. NRS 449.0055 is hereby amended to read as follows:

449.0055 1. "Facility for transitional living for released offenders" means a residence that provides housing and a living environment for

persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. The term does not include a halfway house for recovering alcohol and drug abusers or a facility for the treatment of abuse of alcohol or drugs.

2. As used in this section, "person who has been released from prison" means:

(a) A parolee.

(b) A person who is participating in:

(1) A judicial program pursuant to NRS 209.4886 or 213.625; or

(2) A correctional program pursuant to NRS 209.4888 or 213.632.

(c) A person who is supervised by the Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** through residential confinement pursuant to NRS 213.371 to 213.410, inclusive.

(d) A person who has been released from prison by expiration of his or her term of sentence.

Sec. 37. NRS 453.3363 is hereby amended to read as follows:

453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, guilty but mentally ill, nolo contendere or similar plea to a charge pursuant to subparagraph (1) of paragraph (a) of subsection 2 of NRS 453.3325, subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351, or is found guilty or guilty but mentally ill of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place the person on probation upon terms and conditions that must include attendance and successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.580.

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the Department of Corrections.

3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him or her. A nonpublic record of the dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of ~~[Public Safety]~~ ***Corrections*** solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.

4. Except as otherwise provided in subsection 5, discharge and dismissal under 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 person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The person 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, indictment, information or trial in response to an inquiry made of the person for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

Sec. 38. NRS 453.3365 is hereby amended to read as follows:

453.3365 1. Three years after a person is convicted and sentenced pursuant to subsection 3 of NRS 453.336, the court may order sealed all documents, papers and exhibits in that person'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:

(a) Person fulfills the terms and conditions imposed by the court and the parole and probation officer; and

(b) Court, after a hearing, is satisfied that the person is rehabilitated.

2. Except as limited by subsection 4, after an accused is discharged from probation pursuant to NRS 453.3363, the court shall order sealed all documents, papers and exhibits in that person'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 person fulfills the terms and conditions imposed by the court and the Division of Parole and Probation of the Department of ~~[Public Safety.]~~ ***Corrections.*** The court shall order those records sealed without a hearing unless the Division of Parole and Probation petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the court orders sealed the record of a person discharged pursuant to NRS 453.3363, it shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

4. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

Sec. 39. NRS 480.110 is hereby amended to read as follows:

480.110 Except as otherwise provided therein, the Department shall execute, administer and enforce, and perform the functions and duties provided in:

1. ~~[Chapters 176A and 213 of NRS relating to parole and probation;~~

~~2.]~~ Chapter 414 of NRS relating to emergency management;

~~[3.]~~ ***2.*** Chapter 414A of NRS;

~~[4.]~~ ***3.*** Chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;

~~[5.]~~ ***4.*** Chapter 459 of NRS relating to the transportation of hazardous materials;

~~[6.]~~ ***5.*** Chapter 477 of NRS relating to the State Fire Marshal; and

~~[7.]~~ ***6.*** NRS 486.363 to 486.377, inclusive, relating to the education and safety of motorcycle riders.

Sec. 40. 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.]~~ ***6.*** A Training Division; and

~~[8.]~~ ***7.*** A General Services Division.

Sec. 41. 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.]~~ ***6.*** The Training Division shall provide training to the employees of the Department.

~~[8.]~~ ***7.*** 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. 42. NRS 617.135 is hereby amended to read as follows:

617.135 "Police officer" includes:

1. A sheriff, deputy sheriff, officer of a metropolitan police department or city police officer;

2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;

3. A chief, investigator or agent of the Investigation Division of the Department of Public Safety;

4. A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;

5. A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;

6. A chief or investigator of the Department of Public Safety whose duties include, without limitation:

(a) The execution, administration or enforcement of the provisions of chapter 179A of NRS; and

(b) The provision of technology support services to the Director and the divisions of the Department of Public Safety;

7. An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;

8. An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;

9. A member of the police department of the Nevada System of Higher Education;

10. A:

(a) Uniformed employee of; or

(b) Forensic specialist employed by,

➥ the Department of Corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;

11. A parole and probation officer of the Division of Parole and Probation of the Department of ~~[Public Safety;]~~ ***Corrections;***

12. A forensic specialist or correctional officer employed by the Division of Public and Behavioral Health of the Department of Health and Human Services at facilities for mentally disordered offenders;

13. The State Fire Marshal and his or her assistant and deputies;

14. A game warden of the Department of Wildlife who has the powers of a peace officer pursuant to NRS 289.280;

15. A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260; and

16. A bailiff or a deputy marshal of the district court or justice court whose duties require him or her to carry a weapon and to make arrests.

Sec. 43. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

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

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

Sec. 44. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an

officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 45. NRS 209.4874 is hereby repealed.

Sec. 46. This act becomes effective on July 1, ~~[2017.]~~ **2019.**

TEXT OF REPEALED SECTION

209.4874 "Division" defined. "Division" means the Division of Parole and Probation of the Department of Public Safety.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 324.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 263.

AN ACT relating to document preparation services; revising the definition of a "document preparation service"; prohibiting a person providing a document preparation service from advertising or representing himself or herself as a paralegal or legal assistant; requiring certain fees to register or renew registration as a document preparation service; **revising the period of time in which an application for registration as a document preparation service must be completed;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes requirements for the registration and practice of a person who provides a document preparation service, which includes: (1) defining a "document preparation service"; (2) requiring persons who provide a document preparation service to register with the Secretary of State; (3) exempting certain persons from registering as a document preparation service; and (4) prohibiting a person who provides a document preparation service from committing certain acts. (Chapter 240A of NRS) **Section** ~~[1]~~ **1.5** of this bill expands the definition of "document preparation service" to include **: (1)** a person who, for compensation, assists a client in preparing all or substantially all of a federal or state tax return or a claim for a tax refund ~~[, excluding a certified public accountant who is licensed in this State or a financial planner who is subject to certain state requirements. Section 1 further provides that paralegals are included, under certain circumstances, in the definition of "document preparation service." Section 1 also removes the exemption from the registration requirements for]~~ **; (2) certain paralegals; and (3)** an enrolled agent who is authorized to practice before the Internal Revenue Service. **Section 1.5 further clarifies that a**

bankruptcy petition preparer is included in the definition of "document preparation service." Section 1.5 also excludes from the definition of "document preparation service": (1) certain attorneys who are licensed to practice in other states and the District of Columbia; and (2) a certified public accountant who is licensed in this State or a financial planner who is subject to certain state requirements.

Section 2 of this bill requires a person who registers as a document preparation service to pay ~~[an]~~ **a nonrefundable** application fee of $50. **Section 3** of this bill requires a person who wishes to renew his or her registration as a document preparation service to pay a renewal fee of $25 every year upon the expiration of the registration. **Section 1 of this bill requires these fees to be accounted for separately and used to pay for expenses relating to administering the document preparation services program.**

Section 2 provides that an application to register as a document preparation service must be completed within 120 days or the application must be denied.

Section 4 of this bill prohibits a person who provides document preparation services from advertising or representing himself or herself as a paralegal or legal assistant, which implies that the person is operating under the direction and supervision of an attorney.

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

Section 1. **Chapter 240A of NRS is hereby amended by adding thereto a new section to read as follows:**

The Secretary of State shall account for the fees received pursuant to NRS 240A.100 and 240A.110 separately, and use those fees, and any interest and income earned on those fees, solely to pay for expenses related to administering the document preparation services program pursuant to this chapter, including, without limitation, the cost of:

1. Materials and advertising to provide education and information about the program; and

2. Any technology necessary to process and maintain registration as a document preparation service.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 240A.030 is hereby amended to read as follows:

240A.030 1. "Document preparation service" means a person who:

(a) For compensation and at the direction of a client, provides assistance to the client in a legal matter, including, without limitation:

(1) Preparing or completing any pleading, application or other document for the client;

(2) Translating an answer to a question posed in such a document;

(3) Securing any supporting document, such as a birth certificate, required in connection with the legal matter; ~~[or]~~

(4) Submitting a completed document on behalf of the client to a court or administrative agency; or

(5) Preparing or assisting in the preparation of all or substantially all of a federal or state tax return or claim for a tax refund; or

(b) Holds himself or herself out as a person who provides such services.

2. ***The term includes, without limitation*** ~~***[, a]***~~ ***:***

(a) A paralegal who performs one or more of the actions described in subsection 1 unless the paralegal works under the direction and supervision of an attorney authorized to practice law in this State ~~***[.]***~~ ***;***

(b) A bankruptcy petition preparer as defined by section 110 of the United States Bankruptcy Code, 11 U.S.C. § 110; and

(c) An enrolled agent authorized to practice before the Internal Revenue Service.

3. The term does not include:

(a) A person who provides only secretarial or receptionist services.

(b) An attorney ~~[authorized]~~ ***:***

(1) Authorized to practice law in this State, or an employee of such an attorney who is paid directly by the attorney or law firm with whom the attorney is associated and who is acting in the course and scope of that employment.

(2) Authorized to practice law in any other state or the District of Columbia who provides services related to the legal matters described in subsection 2 of NRS 240A.040.

(c) A law student certified by the State Bar of Nevada for training in the practice of law.

(d) A governmental entity or an employee of such an entity who is acting in the course and scope of that employment.

(e) A nonprofit organization formed pursuant to title 7 of NRS which the Secretary of the Treasury has determined is a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and which provides legal services to persons free of charge, or an employee of such an organization who is acting in the course and scope of that employment.

(f) A legal aid office or lawyer referral service operated, sponsored or approved by a duly accredited law school, a governmental entity, the State Bar of Nevada or any other bar association which is representative of the general bar of the geographical area in which the bar association exists, or an employee of such an office or service who is acting in the course and scope of that employment.

(g) A military legal assistance office or a person assigned to such an office who is acting in the course and scope of that assignment.

(h) ~~[A]~~ ***Except as otherwise provided in paragraphs (b) and (c) of subsection 2, a*** person licensed by or registered with an agency or entity of the United States Government acting within the scope of his or her license or registration, including, without limitation, an accredited immigration representative ***.*** ~~***[,***~~ ~~and an enrolled agent authorized to practice before the~~

~~Internal Revenue Service, but not including a bankruptcy petition preparer as defined by section 110 of the United States Bankruptcy Code, 11 U.S.C. § 110.~~ ***~~., or an enrolled agent authorized to practice before the Internal Revenue Service.~~]***

(i) A corporation, limited-liability company or other entity representing or acting for itself through an officer, manager, member or employee of the entity, or any such officer, manager, member or employee who is acting in the course and scope of that employment.

(j) A commercial wedding chapel.

(k) A person who provides legal forms or computer programs that enable another person to create legal documents.

(l) A commercial registered agent.

(m) A person who holds a license, permit, certificate, registration or any other type of authorization required by chapter 645 or 692A of NRS, or any regulation adopted pursuant thereto, and is acting within the scope of that authorization.

(n) A collection agency that is licensed pursuant to chapter 649 of NRS.

(o) A certified public accountant that is licensed to practice in this State pursuant to the provisions of chapter 628 of NRS or a financial planner that is subject to the requirements of chapter 628A of NRS who is acting within the scope of the license or requirements, as applicable, to prepare or assist in preparing a federal or state tax return or claim for a tax refund for another person.

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

(a) "Commercial registered agent" has the meaning ascribed to it in NRS 77.040.

(b) "Commercial wedding chapel" means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.

Sec. 2. NRS 240A.100 is hereby amended to read as follows:

240A.100 1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States or hold a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security, and be at least 18 years of age.

2. The Secretary of State shall not register as a document preparation service any person:

(a) Who is suspended or has previously been disbarred from the practice of law in any jurisdiction;

(b) Whose registration as a document preparation service in this State or another state has previously been revoked for cause;

(c) Who has previously been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor pursuant to paragraph (b) of subsection 1 of NRS 240A.290; or

(d) Who has, within the 10 years immediately preceding the date of the application for registration as a document preparation service, been:

(1) Convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime involving theft, fraud or dishonesty;

(2) Convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or

(3) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by ~~[a]~~ ***:***

(a) ~~[An]~~ A nonrefundable application fee of $50; and

(b) A cash bond or surety bond meeting the requirements of NRS 240A.120.

4. An applicant for registration must submit to the Secretary of State a declaration under penalty of perjury stating that the applicant has not had a certificate or license as a document preparation service revoked or suspended in this State or any other state or territory of the United States.

5. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

6. An application for registration as a document preparation service that is not completed within ~~[6 months]~~ ***120 days*** after the date on which the application was submitted must be denied. ***If an application is denied pursuant to this subsection, the applicant may submit a new application.***

Sec. 3. NRS 240A.110 is hereby amended to read as follows:

240A.110 1. The registration of a document preparation service is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by ~~[a]~~ ***:***

(a) A renewal fee of $25; and

(b) A cash bond or surety bond meeting the requirements of NRS 240A.120, unless the bond previously filed by the registrant remains on file and in effect.

2. The registration of a registrant who holds a valid Employment Authorization Document issued by the United States Citizenship and

Immigration Services of the Department of Homeland Security must expire on the date on which that person's employment authorization expires.

3. The Secretary of State may:

(a) Conduct any investigation of a registrant that the Secretary of State deems appropriate.

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State 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.

4. After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or NRS 240A.270, the Secretary of State shall renew the registration if the registrant is qualified for registration and has complied with the requirements of this section.

Sec. 4. NRS 240A.240 is hereby amended to read as follows:

240A.240 A registrant shall not:

1. After the date of the last service performed for a client, retain any fees or costs for services not performed or costs not incurred.

2. Make, orally or in writing:

(a) A promise of the result to be obtained by the filing or submission of any document, unless the registrant has some basis in fact for making the promise;

(b) A statement that the registrant has some special influence with or is able to obtain special treatment from the court or agency with which a document is to be filed or submitted; or

(c) A false or misleading statement to a client if the registrant knows that the statement is false or misleading or knows that the registrant lacks a sufficient basis for making the statement.

3. In any advertisement or written description of the registrant or the services provided by the registrant, or on any letterhead or business card of the registrant, use the term "legal aid," "legal services," "law office," "notario," "notario publico," "notary public," "notary," ***"paralegal," "legal assistant,"*** "licensed," "licenciado," "attorney," "lawyer" or any similar term, in English, Spanish or any other language, which implies that the registrant:

(a) Offers services without charge if the registrant does not do so; ~~[or]~~

(b) Is an attorney authorized to practice law in this State ~~[.]~~ ***; or***

(c) Is acting under the direction and supervision of an attorney.

4. ***Represent himself or herself, orally or in writing, as a paralegal or legal assistant which implies that the registrant is acting under the direction and supervision of an attorney licensed to practice law in this State.***

5. Negotiate with another person concerning the rights or responsibilities of a client, communicate the position of a client to another person or convey the position of another person to a client.

~~[5.]~~ ***6.*** Appear on behalf of a client in a court proceeding or other formal adjudicative proceeding, unless the registrant is ordered to appear by the court or presiding officer.

~~[6.]~~ ***7.*** Provide any advice, explanation, opinion or recommendation to a client about possible legal rights, remedies, defenses, options or the selection of documents or strategies, except that a registrant may provide to a client published factual information, written or approved by an attorney, relating to legal procedures, rights or obligations.

~~[7.]~~ ***8.*** Seek or obtain from a client a waiver of any provision of this chapter. Any such waiver is contrary to public policy and void.

Sec. 5. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 327.

Bill read second time.

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

Amendment No. 345.

AN ACT relating to criminal procedure; authorizing a person who was dishonorably discharged from probation to apply to a court for the sealing of records of criminal history relating to the conviction; **establishing a rebuttable presumption that records of criminal history should be sealed in certain circumstances;** revising various provisions relating to the filing of petitions for the sealing of records of criminal history; ~~[requiring an agency of criminal justice to remove certain records from a record of criminal history before dissemination of the record in certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who is granted an honorable discharge from probation to apply to the court for the sealing of records relating to the conviction. (NRS 176A.850) Existing law also provides that a person who is given a dishonorable discharge from probation is not entitled to such a privilege. (NRS 176A.870) **Section 1** of this bill authorizes a person who is given a dishonorable discharge from probation to apply to the court for the sealing of records relating to the conviction if he or she is otherwise eligible to have the records sealed.

Existing law authorizes a person who was convicted of certain offenses or who was arrested for alleged criminal conduct but the charges against the person were dismissed, the prosecuting attorney declined prosecution of the charges or the person was acquitted of the charges to petition the court in which the person was convicted or in which the charges were dismissed or declined for prosecution or the acquittal was entered for the sealing of all

records relating to the conviction or the arrest and proceedings leading to the dismissal, declination or acquittal, as applicable. Existing law also: (1) generally requires a person to wait a specified number of years, depending on the offense, until he or she may petition the court for the sealing of such records; and (2) requires a petition to be accompanied by the person's current, verified records received from the Central Repository for Nevada Records of Criminal History and all agencies of criminal justice which maintain such records within the city or county in which the petitioner appeared in court. (NRS 179.245, 179.255) **Sections 7 and 8** of this bill: (1) reduce the length of certain periods that a person is required to wait before petitioning a court for the sealing of records; and (2) remove the requirement that a petition be accompanied by the petitioner's current, verified records received from local agencies of criminal justice. **Sections 7 and 8** also provide that if the prosecuting attorney stipulates to the sealing of the records and the court makes certain findings, the court is authorized to order the records sealed without a hearing.

Existing law also authorizes the sealing of the records of a person who completes a correctional or judicial program for reentry into the community 5 years after the completion of the program. (NRS 179.259) **Section 9** of this bill reduces such a period to 4 years.

Section 4 of this bill provides that upon the filing of a petition for the sealing of records **,** ~~[: (1)]~~ there is a **rebuttable** presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records**.** ~~[; and (2) if a hearing is conducted, the prosecuting attorney or the Division of Parole and Probation of the Department of Public Safety, as applicable, must prove by clear and convincing evidence that the records should not be sealed.]~~ **Section 4 also provides that such a presumption does not apply to a defendant who is given a dishonorable discharge from probation and applies to the court for the sealing of records relating to the conviction.**

Section 5 of this bill authorizes a person to file a petition for the sealing of records in district court if the person wishes to have more than one record sealed and would otherwise need to file a petition in more than one court. **Section 5** also authorizes the district court to order the sealing of any records in the justice or municipal courts in certain circumstances.

~~[Existing law provides for the dissemination of records of criminal history by agencies of criminal justice in certain circumstances. (NRS 179A.090, 179A.100) Section 11 of this bill requires that before an agency of criminal justice disseminates any record to a person or entity other than another agency of criminal justice, the agency of criminal justice must remove any record of a conviction of a category E felony, gross misdemeanor or misdemeanor if a certain amount of time has passed since the person was released from actual custody, discharged from parole or probation or was no longer under a suspended sentence, whichever occurred later.]~~

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

Section 1. NRS 176A.870 is hereby amended to read as follows:

176A.870 ***1.*** A defendant whose term of probation has expired and:

~~[1.]~~ ***(a)*** Whose whereabouts are unknown;

~~[2.]~~ ***(b)*** Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or

~~[3.]~~ ***(c)*** Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850,

➥ is not eligible for an honorable discharge and must be given a dishonorable discharge.

2. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution which is enforceable pursuant to NRS 176.275 **.** ~~[.]~~

3. A defendant who is given a dishonorable discharge pursuant to this section may, if he or she meets the requirements of NRS 179.245, apply to the court for the sealing of records relating to the conviction but ~~[does]~~ ***is otherwise*** not ~~[entitle the probationer]~~ ***entitled*** to any privilege conferred by NRS 176A.850.

Sec. 2. Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. ***The Legislature hereby declares that the public policy of this State is to favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.241 to 179.301, inclusive, and sections 3, 4 and 5 of this act.***

Sec. 4. ~~*[Upon]*~~

1. Except as otherwise provided in subsection 2, upon the filing of a petition for the sealing of records pursuant to NRS 179.245, 179.255 **,** ~~*[or]*~~ ***179.259*** ~~*[,*~~

~~*1. There]*~~ ***or section 5 of this act, there is a rebuttable presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records*** **.** ~~*[; and]*~~

2. ~~*[If a hearing on the petition is conducted, the prosecuting attorney with jurisdiction or the Division of Parole and Probation of the Department of Public Safety, as applicable, must prove by clear and convincing evidence that the records should not be sealed.]*~~ ***The presumption set forth in subsection 1 does not apply to a defendant who is given a dishonorable discharge from probation pursuant to NRS 176A.870 and applies to the court for the sealing of records relating to the conviction.***

Sec. 5. ***Notwithstanding the procedure established in NRS 179.245, 179.255 or 179.259 for the filing of a petition for the sealing of records:***

1. If a person wishes to have more than one record sealed and would otherwise need to file a petition in more than one court for the sealing of

the records, the person may, instead of filing a petition in each court, file a petition in district court for the sealing of all such records.

2. If a person files a petition for the sealing of records in district court pursuant to subsection 1 or NRS 179.245, 179.255 or 179.259, the district court may order the sealing of any other records in the justice or municipal courts in accordance with the provisions of NRS 179.241 to 179.301, inclusive, and sections 3, 4 and 5 of this act.

Sec. 6. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.241 to 179.301, inclusive, ***and sections 3, 4 and 5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 7. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection ~~[5]~~ ***6*** and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A ~~[or B]~~ felony ***, a crime of violence pursuant to NRS 200.408 or burglary pursuant to NRS 205.060*** after ~~[15 11]~~ ***10*** years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) ~~[A]~~ ***Except as otherwise provided in paragraph (a), a*** category ***B,*** C or D felony after ~~[12 9]~~ ***5*** years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after ~~[7 5]~~ ***2*** years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after ~~[5 4]~~ ***2*** years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, other than a felony, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 ~~[5]~~ years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; ~~[or]~~

(f) ~~[Any other]~~ ***Except as otherwise provided in paragraph (e), if the offense is punished as a*** misdemeanor ***, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection,*** after 2 years ~~[18 months]~~ from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later ~~[.]~~ ***; or***

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from ~~[~~:

~~(1) The]~~ ***the*** Central Repository for Nevada Records of Criminal History; ~~[and~~

~~(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;]~~

(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at ~~[the]~~ ***any*** hearing on the petition.

4. ***If the prosecuting attorney who prosecuted the petitioner for the crime stipulates to the sealing of the records after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.***

5. If ~~[, after the hearing,]~~ the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and

Information and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

~~[5.]~~ ***6.*** A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(d) A violation of NRS 484C.430;

(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(g) A violation of NRS 488.420 or 488.425.

~~[6.]~~ ***7.*** If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

~~[7.]~~ ***8.*** As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 8. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, the prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed;

(b) The court having jurisdiction in which the charges were declined for prosecution:

(1) Any time after the applicable statute of limitations has run;

(2) Any time ~~[10]~~ ***8*** years after the arrest; or

(3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➥ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal.

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by the petitioner's current, verified records received from ~~[:~~

~~(1) The]~~ ***the*** Central Repository for Nevada Records of Criminal History; ~~[and~~

~~(2) All agencies of criminal justice which maintain such records within the city or county in which the petitioner appeared in court;]~~

(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

(c) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal, declination or acquittal and to whom the order to seal records, if issued, will be directed; and

(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific charges that were dismissed or of which the petitioner was acquitted; and

(3) Date of arrest relating to the specific charges that were dismissed or of which the petitioner was acquitted.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at ~~[the]~~ ***any*** hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at ~~[the]~~ ***any*** hearing on the petition.

6. ***If the prosecuting attorney stipulates to the sealing of the records after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.***

7. If ~~[, after the hearing on a petition submitted pursuant to subsection 1,]~~ the court finds that there has been an acquittal, that the prosecution was declined or that the charges were dismissed and there is no evidence that

further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the acquittal, declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

~~[7.]~~ ***8.*** If ~~[, after the hearing on a petition submitted pursuant to subsection 2,]~~ the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

~~[8.]~~ ***9.*** If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection ~~[6,]~~ ***7,*** the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 9. NRS 179.259 is hereby amended to read as follows:

179.259 1. Except as otherwise provided in subsections 3, 4 and 5, ~~[5]~~ ***4*** years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible person'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. The court may order those records sealed without a hearing unless the Division of Parole and Probation of the Department of Public Safety petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of an eligible person, 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 court in writing of its compliance with the order.

3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

4. The Division of Insurance of the Department of Business and Industry is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Eligible person" means a person who has:

(1) Successfully completed a program for reentry, which the person participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and

(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.

(c) "Program for reentry" means:

(1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or

(2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4883.

(d) "Sexual offense" has the meaning ascribed to it in paragraph (b) of subsection ~~[7]~~ ***8*** of NRS 179.245.

Sec. 9.3. **NRS 179.275 is hereby amended to read as follows:**

179.275 Where the court orders the sealing of a record pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330, ***or section 5 of this act,*** a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 9.7. **NRS 179.285 is hereby amended to read as follows:**

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ~~[,]~~ ***or section 5 of this act:***

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 10. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 5 of this act*** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection ~~[8]~~ ***9*** of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 5 of this act*** in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 ***or section 5 of this act*** for a conviction of another offense.

Sec. 11. ~~[Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***Before an agency of criminal justice disseminates any record of criminal history to a person or entity other than another agency of criminal justice pursuant to the provisions of this chapter, the agency of criminal justice must remove any record of:***~~

~~***1. A conviction of a category E felony or gross misdemeanor for which the date of release from actual custody or discharge from parole or probation, whichever occurred later, was 10 or more years before the date of dissemination.***~~

~~***2. A conviction of a misdemeanor for which the date of release from actual custody or the date on which the person was no longer under a suspended sentence, whichever occurred later, was 5 or more years before the date of dissemination.]*** **(Deleted by amendment.)**

Sec. 12. NRS 179A.030 is hereby amended to read as follows:

179A.030 "Agency of criminal justice" means:

1. Any court; and

2. Any governmental agency or subunit of any governmental agency which performs a function in the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its budget to a function in the administration of criminal justice ~~[.]~~ ***, including, without limitation, a local law enforcement agency, the Nevada Highway Patrol, the Division of Parole and Probation of the Department of Public Safety and the Department of Corrections.***

Sec. 13. ~~[NRS 179A.100 is hereby amended to read as follows:~~

~~179A.100~~ ~~***Subject to the requirements set forth in section 11 of this act:***~~

~~1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:~~

~~(a) Any which reflect records of conviction only; and~~

~~(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.~~

~~2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:~~

~~(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.~~

~~(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.~~

~~(c) Reported to the Central Repository.~~

~~3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:~~

~~(a) Reflect convictions only; or~~

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

~~4. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:~~

~~(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;~~

~~(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and~~

~~(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.~~

~~5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.~~

~~6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.~~

~~7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:~~

~~(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.~~

~~— (b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.~~

~~— (c) The Nevada Gaming Control Board.~~

~~— (d) The State Board of Nursing.~~

~~— (e) The Private Investigator's Licensing Board to investigate an applicant for a license.~~

~~— (f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.~~

~~— (g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.~~

~~— (h) Any agency of criminal justice of the United States or of another state or the District of Columbia.~~

~~— (i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.~~

~~— (j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.~~

~~— (k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.~~

~~— (l) Any reporter for the electronic or printed media in a professional capacity for communication to the public.~~

~~— (m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.~~

~~— (n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.~~

~~— (o) An agency which provides child welfare services, as defined in NRS 432B.030.~~

~~— (p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.~~

~~— (q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.~~

~~— (r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.~~

~~— (s) The State Disaster Identification Team of the Division of Emergency Management of the Department.~~
~~— (t) The Commissioner of Insurance.~~
~~— (u) The Board of Medical Examiners.~~
~~— (v) The State Board of Osteopathic Medicine.~~
~~— (w) The Board of Massage Therapists and its Executive Director.~~
~~— (x) The Board of Examiners for Social Workers.~~
~~— (y) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.~~
~~— 8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.]~~ **(Deleted by amendment.)**

Sec. 14. The amendatory provisions of sections 7 and 8 of this act apply to a petition for the sealing of a record of criminal history that is filed on or after October 1, 2017. As used in this section, "record of criminal history" has the meaning ascribed to it in NRS 179A.070.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 340.

Bill read second time.

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

Amendment No. 276.

AN ACT relating to public welfare; requiring the Director of the Department of Health and Human Services to ~~[take certain actions]~~ **appoint a committee to research opportunities** to improve access to diapers and diapering supplies for recipients of public assistance ~~[,]~~ **and other low-income families; authorizing the Director to take any necessary action to take advantage of opportunities to increase the availability of diapers and diapering supplies to such persons;** requiring the Director to work with diaper banks and similar organizations for certain related purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires the Director of the Department of Health and Human Services to appoint a committee to research opportunities ~~[to use federal money]~~ to increase the availability of diapers and diapering supplies to certain recipients of public assistance ~~[,]~~ **and low-income families.** ~~[including, without limitation, researching whether diapers and diapering supplies may be provided as an incentive to complete certain programs. Such~~

~~programs may relate to smoking cessation, prenatal care visits or pediatric follow-up appointments with certain providers of health care.]~~ **Section 2** requires the committee ~~[to report to the Director at least two times each year and requires]~~ **to consist of representatives from the Department of Health and Human Services who have knowledge of certain programs offered by the Department, as well as representatives of organizations located in this State that provide services relating to diapers and diapering supplies to recipients of public assistance and other low-income families. Section 2 also requires the committee to report the results of its research to the Director of the Department on or before June 30 of each year and requires the Director, on or before September 30 of each even-numbered year, to submit a report of the results of such research and any recommendations for changes in state laws or regulations to the Legislature. Section 2 authorizes** the Director to take ~~[all]~~ **any** necessary action to increase the availability of diapers and diapering supplies to certain recipients of public assistance ~~[.]~~ **and other low-income families.**

Section 3 of this bill requires the Director **of the Department** to work collaboratively with any diaper banks in this State and any similar nonprofit organizations which provide diapers and diapering supplies to low-income persons at no cost or a reduced cost to ensure recipients of public assistance **and other low-income families** are made aware of the existence, location and services provided by such organizations. **Section 3** also requires the Director to make this information available on the Internet website of the Department and with any appropriate informational material which is made available to recipients of public assistance to the extent possible.

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

Section 1. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Director shall appoint a committee ~~[within the Division]~~ to research opportunities ~~[to use money received from the Federal Government]~~ to increase the availability of diapers and diapering supplies to recipients of public assistance ~~[, including, without limitation, researching whether diapers may be provided as an incentive to complete certain programs. Such programs may include, without limitation, programs relating to smoking cessation, prenatal care visits or pediatric follow-up appointments with providers of health care.]~~ and other low-income families in this State, including, without limitation, researching opportunities to:***

(a) Use money received from the Federal Government to carry out a program of public assistance or other program for which the Department is responsible; and

(b) Obtain donations of money, diapers, diapering supplies or any combination thereof, including, without limitation, in-kind donations and

donations from private foundations, manufacturers of diapers and diapering supplies and other sources.

2. The committee must consist of representatives of:

(a) The Department who have knowledge of programs offered by the Department, including, without limitation, programs relating to smoking cessation, prenatal care visits and follow-up appointments for infants and children with providers of health care; and

(b) Organizations located in this State which provide services relating to diapers and diapering supplies to recipients of public assistance and other low-income families, including, without limitation, organizations which advocate and provide referrals for such services.

3. The committee must report the results of its research to the Director ~~***[at least two times per year.***~~

~~***3.]***~~ ***on or before June 30 of each year. If the Director determines that any*** ~~***[such]***~~ ***opportunities exist*** ~~***[,]***~~ ***to increase the availability of diapers and diapering supplies to recipients of public assistance and other low-income families, the Director*** ~~***[shall]***~~ ***may take*** ~~***[all]***~~ ***any necessary action to*** ~~***[increase the availability of diapers and diapering supplies to recipients of public assistance]***~~ ***take advantage of such opportunities, including, without limitation, applying for any necessary waivers from the Federal Government relating to public assistance .*** ~~***[programs and making any necessary recommendations to the Legislature for changes in state law.]***~~

4. The Director shall submit a report of the results of the research, any action taken in response to the results and recommendations for legislation to the Legislature on or before September 30 of each even-numbered year.

Sec. 3. ***1. The Director shall work collaboratively with any diaper banks in this State and any similar nonprofit organizations which provide diapers and diapering supplies to low-income persons at no cost or a reduced cost to ensure recipients of public assistance and other low-income families are made aware of the existence, location and services provided by such organizations.***

2. The Director shall post the information described in subsection 1 on the Internet website of the Department and shall include such information with materials provided by the Department to recipients of public assistance and other low-income families to the extent possible.

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

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 393.

Bill read second time.

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

Amendment No. 323.

ASSEMBLYMEN OHRENSCHALL, CARLTON, CARRILLO**,** ~~[AND]~~ EDWARDS **; AND BILBRAY-AXELROD.**

JOINT SPONSOR: SENATOR MANENDO.

AN ACT relating to land use planning; setting forth legislative findings and declarations concerning certain changes in zoning and development standards; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill: (1) sets forth legislative findings relating to proposed changes in zoning and hillside development standards on the undeveloped lands adjacent to the Sunrise and Frenchman Mountains; and (2) declares that it is consistent with the Legislature's intent ~~[that]~~ **for** the Board of Commissioners of Clark County ~~[maintain]~~ **to strengthen, as necessary to promote responsible development and preserve important natural resources,** the existing zoning and hillside development standards on the undeveloped desert lands adjacent to the western faces of Sunrise and Frenchman Mountains.

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

Section 1. 1. The Legislature hereby finds that:

(a) Sunrise Mountain and Frenchman Mountain are undeveloped natural treasures adjacent to the Las Vegas Valley;

(b) The Bureau of Land Management has designated over 10,000 acres of land encompassing Sunrise and Frenchman Mountains as the Sunrise Mountain Instant Study Area;

(c) The Sunrise Mountain Instant Study Area is located approximately 8 miles east of downtown Las Vegas and provides a close and convenient natural mountain xeriscape for the residents of southern Nevada;

(d) The Sunrise Mountain Instant Study Area has the Nellis Air Force Base as its neighbor to the north and has easy access to visitors provided by State Route 147;

(e) With an elevation variance of nearly 2,000 feet, the Sunrise Mountain Instant Study Area is home to several colorful mountain ranges rising up from the desert lowlands of urban eastern Las Vegas and eastern unincorporated Clark County;

(f) In the northeastern corner of the Sunrise Mountain Instant Study Area, Gypsum Cave holds some of the earliest evidence of human inhabitance in the western United States;

(g) The Great Unconformity provides the opportunity for southern Nevada geologists and students to view and study an exposed surface of rock that

represents more than one quarter of the history (1.2 billion years) of the Earth's crust and tectonic plates;

(h) Low desert scrub covers the Sunrise Mountain Instant Study Area and several plant species live within the area that have received special status designation by the Bureau of Land Management;

(i) Many residents who live adjacent to Sunrise and Frenchman Mountains decided to live there because they like being somewhat close to urban Las Vegas, and yet also being able to enjoy the peace and quiet of living on the edge of the undeveloped desert in the foothills of Sunrise and Frenchman Mountains;

(j) Many residents of Nevada enjoy the natural desert landscape of and outdoor recreational opportunities provided by Sunrise and Frenchman Mountains, including, without limitation, hiking, climbing, camping, rockhounding and bird-watching;

(k) Developers are planning large-scale developments on previously undeveloped lands adjacent to the western faces of Sunrise and Frenchman Mountains;

(l) These developers are pursuing zoning changes and waivers of established hillside development standards to increase the density of potential developments on the undeveloped lands adjacent to Sunrise and Frenchman Mountains; and

(m) Neighbors have expressed grave concerns about the impact any potential zoning changes and waivers of hillside development standards will have on their quality of life, including, without limitation, impacts on traffic, parks, schools, police and fire services, demand for water and flood control and potential negative environmental impacts on this state treasure.

2. The Legislature hereby declares that it is consistent with the Legislature's intent ~~[that]~~ **for** the Board of Commissioners of Clark County ~~[maintain]~~ **to strengthen, as necessary to promote responsible development and preserve important natural resources,** the existing zoning and hillside development standards on the undeveloped desert lands adjacent to the western faces of Sunrise Mountain and Frenchman Mountain.

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

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. 417.

Bill read second time.

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

Amendment No. 324.

AN ACT relating to tourism; creating the Nevada Main Street Program within the Department of Tourism and Cultural Affairs; setting forth the

requirements for the operation of the Program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Tourism and Cultural Affairs, consisting of the Division of Tourism, the Division of Museums and History, the Board of Museums and History, the Nevada Arts Council, the Nevada Indian Commission, the Board of the Nevada Arts Council and the Commission on Tourism. (NRS 231.167) **Section 5** of this bill creates the Nevada Main Street Program within the Department. The Program is designed to provide state-level coordination with the National Main Street Center, Inc., which is a wholly owned subsidiary of the National Trust for Historic Preservation. The National Trust for Historic Preservation is a nonprofit organization working to preserve historic places through programs such as the National Main Street Center.

Section 6 of this bill requires the Director of the Department of Tourism and Cultural Affairs to ~~[: (1)]~~ adopt regulations setting forth the requirements to apply for and receive approval as a designated local Main Street program ~~[; and (2)]~~ **or to apply for grants. Section 6 also requires the Director or his or her designee to** coordinate the Program and approve or deny applications for **designation under the Program or for** grants to designated local Main Street programs. **Section 7** of this bill creates the Account for the Nevada Main Street Program in the State General Fund to accept donations, grants and other types of funding for the award of grants and operation of the Program. **Section 9** of this bill makes an appropriation of $500,000 from the State General Fund to the Interim Finance Committee for allocation to the Department of Tourism and Cultural Affairs for the operation of the Program and to provide grants to designated local Main Street programs.

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

Section 1. Chapter 231 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. ***"Account" means the Account for the Nevada Main Street Program created by section 7 of this act.***

Sec. 4. ***"Program" means the Nevada Main Street Program created by section 5 of this act.***

Sec. 5. ***The Nevada Main Street Program is hereby created within the Department. The Program must:***

1. Be administered in accordance with the standards developed by the National Main Street Center, Inc., a subsidiary of the National Trust for Historic Preservation;

2. Designate local Main Street programs in accordance with regulations adopted pursuant to section 6 of this act;

3. Coordinate those designated local Main Street programs;

4. Provide training and technical assistance to those designated local Main Street programs; and

5. Award grants from the Account to those designated local Main Street programs to further the community and economic revitalization and development of aging business districts and neighborhoods in this State.

Sec. 6. ***1. The Director shall [:***

~~***1. Adopt]***~~ ***adopt regulations setting forth:***

(a) The requirements to apply for and receive approval as a designated local Main Street program, including, without limitation, a requirement that each designated local Main Street program be administered by a county, city or nonprofit entity; and

(b) The requirements for applying for a grant from the Account.

2. [Coordinate] ***The Director or his or her designee shall coordinate the Program in accordance with the standards developed by the National Main Street Center, Inc., to further the requirements set forth in section 5 of this act and to approve or deny applications for designation as a local Main Street program or for grants from the Account which are submitted in accordance with the regulations adopted pursuant to subsection 1.***

Sec. 7. ***1. The Account for the Nevada Main Street Program is hereby created in the State General Fund.***

2. The Director or his or her designee shall administer the Account and may apply for and accept any donation, gift, grant, bequest or other source of money for deposit in the Account.

3. The money in the Account must be used to:

(a) Provide technical assistance and training to local Main Street programs;

(b) Award grants to designated local Main Street programs approved pursuant to the regulations adopted pursuant to section 6 of this act; and

(c) Pay any reasonable administrative expenses incurred by the Director or his or her designee to carry out the Program.

4. Any money appropriated from the State General Fund for the Program must be deposited in the Account.

5. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account.

6. Any claims against the Account must be paid as other claims against the State are paid.

7. Any money in the Account remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 8. NRS 231.161 is hereby amended to read as follows:

231.161 As used in NRS 231.161 to 231.360, inclusive, ***and sections 2 to 7, inclusive, of this act,*** unless the context otherwise requires, the words and

terms defined in NRS 231.163 and 231.165 have the meanings ascribed to them in those sections.

Sec. 9. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $500,000 for allocation to the Department of Tourism and Cultural Affairs for the operation of the Nevada Main Street Program created by section 5 of this act and the award of grants of money to designated local Main Street programs.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 10. The appropriation made by section 9 of this act is not intended to finance ongoing expenditures of state agencies, and the expenditures financed with that appropriation must not be included as base budget expenditures in the proposed budget for the Executive Department of the State Government for the 2019-2021 biennium.

Sec. 11. 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. 424.

Bill read second time.

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

Amendment No. 273.

AN ACT relating to the determination of death; revising provisions relating to the determination of brain death; revising provisions relating to the use of life-sustaining treatment on a person determined to be brain dead under certain circumstances; **requiring reasonable efforts to be made to inform the family or authorized representative of a person declared brain dead regarding the determination and the potential costs of continuing the administration of life-sustaining treatment on the person;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person is dead if it is determined that the person has either sustained irreversible cessation of: (1) circulatory and respiratory functions; or (2) all brain function, including the function of his or her brain stem. Existing law further provides that such a determination

must be made in accordance with accepted medical standards. (NRS 451.007) **Section 2** of this bill requires that a determination of brain death be made in accordance with **the applicable guidelines set forth in: (1)** "Evidence-based Guideline Update: Determining Brain Death in Adults: Report of the Quality Standards Subcommittee of the American Academy of Neurology," published by the American Academy of Neurology ~~[on June 8, 2010.]~~ **, or subsequent revisions approved by the Academy; or (2) "Guidelines for the Determination of Brain Death in Infants and Children: An Update of the 1987 Task Force Recommendations," published by the Pediatric Section of the Society of Critical Care Medicine or subsequent revisions approved by the Pediatric Section.** **Section 1** of this bill provides that consent from the person's authorized representative or authorized family member is not required to make a determination of brain death. **Section 1** ~~[also requires that, under certain circumstances, life-sustaining treatment be withdrawn from a person determined to be brain dead within 24 hours after such determination. However, section 1 provides an exception from]~~ **prohibits** the ~~[required]~~ withdrawal of life-sustaining treatment from a person determined to be brain dead if that person: (1) is pregnant and it is probable that the pregnancy will result in a live birth with continued use of life-sustaining treatment; or (2) is an organ donor. **Section 1 also requires that: (1) after a person is declared brain dead, reasonable efforts must be made to inform the person's family or authorized representative of such determination; and (2) the health care facility inform the person's family or authorized representative that the cost for continued administration of life-sustaining treatment for the person declared brain dead may become the responsibility of the person's estate or family.**

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

Section 1. Chapter 451 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A determination of the death of a person made pursuant to paragraph (b) of subsection 1 of NRS 451.007 is a clinical decision that does not require the consent of the person's authorized representative or the family member with the authority to consent or withhold consent. ~~***[Except as otherwise provided in subsection 2, if a person is receiving life-sustaining treatment at the time of the death of the person, such life-sustaining treatment must be withdrawn by the attending physician within 24 hours after such determination of death being made.]***~~

2. Life-sustaining treatment must not be withheld or withdrawn from a person determined to be dead pursuant to paragraph (b) of subsection 1 of NRS 451.007 who is known to the attending physician to be:

(a) Pregnant, so long as it is probable that the fetus will develop to the point of live birth with continued application of life-sustaining treatment; or

(b) A donor or potential donor of an anatomical gift, for the amount of time necessary to successfully recover the anatomical gift.

3. After a determination of the death of a person is made pursuant to paragraph (b) of subsection 1 of NRS 451.007, reasonable efforts must be made:

(a) By the person's provider of health care to notify a family member or other authorized representative of the person of the determination of death; and

(b) By the health care facility in which the determination was made to inform a family member or other authorized representative of the person that the potential costs of continuing to administer life-sustaining treatment may become the responsibility of the person's estate or family.

4. As used in this section:

(a) "Anatomical gift" has the meaning ascribed to it in NRS 451.513.

(b) "Life-sustaining treatment" has the meaning ascribed to it in NRS 449.570.

Sec. 2. NRS 451.007 is hereby amended to read as follows:

451.007 1. For legal and medical purposes, a person is dead if the person has sustained an irreversible cessation of:

(a) Circulatory and respiratory functions; or

(b) All functions of the person's entire brain, including his or her brain stem.

2. A determination of death made under ~~[this section]~~ ***:***

(a) Paragraph (a) of subsection 1 must be made in accordance with accepted medical standards.

~~[3. This section may be cited as the Uniform Determination of Death Act and]~~

(b) Paragraph (b) of subsection 1 must be ~~[applied and construed to carry out its general purpose which is to make uniform among the states which enact it the law regarding the determination of death.]~~ ***made in accordance with the applicable guidelines set forth in :***

(1) "Evidence-based Guideline Update: Determining Brain Death in Adults: Report of the Quality Standards Subcommittee of the American Academy of Neurology," published June 8, 2010, by the American Academy of Neurology

***[.]* , or any subsequent revisions approved by the American Academy of Neurology or its successor organization; or**

(2) "Guidelines for the Determination of Brain Death in Infants and Children: An Update of the 1987 Task Force Recommendations," published January 27, 2012, by the Pediatric Section of the Society of Critical Care Medicine, or any subsequent revisions approved by the

Pediatric Section of the Society of Critical Care Medicine or its successor organization.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 445.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 361.

AN ACT relating to transportation network companies; prohibiting an insurer from ~~[increasing the rates of or denying a claim for]~~ **refusing to provide coverage under a policy of** motor vehicle insurance because the insured is a driver for a transportation network company; **reducing the minimum amount of coverage required for certain transportation network company insurance;** requiring transportation network company insurance to provide medical payments coverage; ~~[requiring a driver for a transportation network company to obtain a state business registration;]~~ prohibiting a driver for a transportation network company from refusing to complete transportation services after accepting a passenger for transportation; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every owner of a motor vehicle which is registered in this State to continuously provide motor vehicle insurance. (NRS 485.185) Existing law additionally provides various other requirements on motor vehicle insurance, including prohibiting an insurer from increasing the rates for motor vehicle insurance because of a conviction of a violation of the speed limit ~~[, nor shall]~~ **and prohibiting** an insurer ~~[cancel]~~ **from cancelling** or ~~[refuse]~~ **refusing** to renew a policy of insurance for that reason. (NRS 690B.028) ~~[Section 1 of this bill prohibits an insurer from increasing the rates for motor vehicle insurance because the insured or group of insured is a driver for a transportation network company, nor shall an insurer refuse to enter into, cancel or refuse to renew a policy of insurance for that reason.]~~ **Section 1** ~~[additionally]~~ **of this bill** prohibits an insurer from denying a claim that arises under a policy of motor vehicle insurance **for any accident or motor vehicle crash that occurs during the personal use of the motor vehicle** because the insured, claimant or group of insured or claimants is a driver for a transportation network company.

Existing law requires a transportation network company or a driver for a transportation network company to provide transportation network company insurance, which may include coverage for medical payments. (NRS 690B.470) **Section 2** of this bill **: (1) reduces the minimum amount of**

coverage required for certain transportation network company insurance; and (2) requires transportation network company insurance to provide for the medical payments coverage of ~~[the driver and any passenger.]~~ **any occupant of the motor vehicle.**

~~[Existing law requires a transportation network company to be permitted before operating in this State. (NRS 706A.110-706A.140) Existing law does not require a driver for a transportation network company to obtain a state business registration or a permit. Sections 3, 4 and 7 of this bill require a driver for a transportation network company to obtain a state business registration from the Secretary of State within 1 year of applying to be a driver for a transportation network company. Existing law requires a transportation network company to obtain certain information regarding a person before it allows the person to be connected to potential passengers using the company's digital network or software application, including the driver's name, age, address, driver's license and driving history. (NRS 706A.160) Section 4 requires the transportation network company to provide such information to the Nevada Transportation Authority within 30 days of receiving the information. Section 3 requires the Authority to provide such information to the Secretary of State and for the Secretary of State to inform the Authority if the driver fails to obtain a state business registration within 1 year after the information was obtained. Section 3 allows the transportation network company or the driver an additional 30 days in which to obtain the state business registration after the 1 year time limit expires; and if the driver fails to obtain the registration, the transportation network company shall prohibit the driver from driving for the transportation network company. Section 7 provides that a person is not required to get a state business registration before they become a driver for a transportation network company.~~

~~Existing law authorizes the Authority to impose various penalties, including the revocation of a permit, prohibition of a person to be a driver and imposition of a fine, on a transportation network company or a driver of such a company if either has violated the provisions governing transportation network companies. (NRS 706A.300) Section 6 of this bill provides that a driver who violates the registration requirements in sections 3, 4 and 7 or a transportation network company that operates without a permit is guilty of a misdemeanor.]~~

Existing law prohibits a driver for a transportation network company from, at the time the driver picks up a passenger, refusing or neglecting to provide transportation services to any orderly passenger. (NRS 706A.280) **Section 5** of this bill prohibits a driver for a transportation network company from, after accepting a passenger for transportation through the digital network or software application of the transportation network company, refusing to complete the transportation services. **Section 5** additionally provides that if a driver for a transportation network company refuses to complete the

transportation services, the driver ~~[and the transportation network company are]~~ **is** liable for an administrative fine ~~[.]~~ **of not more than $1,000.**

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

Section 1. Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[An insurer shall not impose on an insured or group of insured an increase in rates for motor vehicle insurance because of the insured or group of insured being a driver for a transportation network company as defined in NRS 706A.050, nor shall an insurer refuse to enter into, cancel or refuse to renew a policy of insurance for that reason.~~

~~2.]~~ An insurer shall not ~~[deny a claim arising under,]~~ , for any accident or motor vehicle crash that occurs during the personal use of a motor vehicle, refuse to provide coverage under or refuse to fulfill the obligations of a policy of motor vehicle insurance that is held by an insured, claimant or group of insured or claimants because of the insured, claimant or group of insured or claimants being a driver for a transportation network company . ~~[as defined in NRS 706A.050.]~~

2. As used in this section:

(a) "Driver" has the meaning ascribed to it in NRS 706A.040.

(b) "Personal use of the motor vehicle" means any use of the motor vehicle which is insured by the driver that occurs while the driver is not:

(1) Providing transportation services; or

(2) Logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services.

(c) "Transportation network company" has the meaning ascribed to it in NRS 706A.050.

(d) "Transportation services" has the meaning ascribed to it in NRS 706A.060.

Sec. 2. NRS 690B.470 is hereby amended to read as follows:

690B.470 1. Every transportation network company or driver shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375:

(a) ***For the payment of tort liabilities arising from the maintenance or use of a motor vehicle:***

(1) In an amount of not less than ~~[$1,500,000]~~ ***$1,000,000*** for bodily injury to or death of one or more persons and injury to or destruction of property of others ***~~[and for the medical payments coverage of the driver and~~***

~~***any passenger]***~~ in any one accident or motor vehicle crash that occurs while the driver is providing transportation services;

~~[(b)]~~ ***(2)*** In an amount of not less than $50,000 for bodily injury to or death of one person in any one accident or motor vehicle crash that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services;

~~[(c)]~~ ***(3)*** Subject to the minimum amount for one person required by paragraph (b), in an amount of not less than $100,000 for bodily injury to or death of two or more persons in any one accident or motor vehicle crash that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services; and

~~[(d)]~~ ***(4)*** In an amount of not less than $25,000 for injury to or destruction of property of others in any one accident or motor vehicle crash that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services ~~[.]~~ ***; and***

~~***[(c)]***~~ ***(b) In an amount of not less than ~~[$100,000]~~ $10,000 for the medical payments coverage of ~~[the driver and any passenger]~~ any occupant of the motor vehicle in any one accident or motor vehicle crash that occurs while the driver is ~~[logged]~~ :***

(1) Providing transportation services; or

(2) Logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services . ~~[,~~

~~" for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.]~~

2. The transportation network company insurance required by subsection 1 may be provided through one or a combination of insurance policies provided by the transportation network company or the driver, or both.

3. Every transportation network company shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, which meets the requirements of subsection 1 as primary insurance if the insurance provided by the driver:

(a) Lapses; or

(b) Fails to meet the requirements of subsection 1.

4. Notwithstanding the provisions of NRS 485.185 and 485.186 which require the owner or operator of a motor vehicle to provide insurance, transportation network company insurance shall be deemed to satisfy the requirements of NRS 485.185 or 485.186, as appropriate, regardless of whether the insurance is provided by the transportation network company or the driver, or both, if the transportation network company insurance otherwise satisfies the requirements of NRS 485.185 or 485.186, as appropriate.

5. In addition to the coverage required pursuant to subsection 1, a policy of transportation network company insurance may include additional coverage, including, without limitation, coverage for ~~[~~medical payments, coverage for~~]~~ uninsured or underinsured motorists, comprehensive coverage and collision coverage.

6. An insurer who provides transportation network company insurance shall not require a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, to deny a claim before the transportation network company insurance provides coverage for a claim.

7. An insurer who provides transportation network company insurance has a duty to defend and indemnify the driver and the transportation network company.

8. An insurer who provides transportation network company insurance which includes comprehensive coverage or collision coverage for the operation of a motor vehicle against which a lienholder holds a lien shall issue any payment for a claim under such coverage:

(a) Directly to the person who performs repairs upon the vehicle; or

(b) Jointly to the owner of the vehicle and the lienholder.

9. A transportation network company that provides transportation network company insurance for a motor vehicle is not deemed to be the owner of the motor vehicle.

10. As used in this section, "medical payments coverage" means coverage for the payment of reasonable and necessary hospital and medical expenses resulting from an accident or motor vehicle crash.

Sec. 3. ~~[~~Chapter 706A of NRS is hereby amended by adding thereto a new section to read as follows:~~]~~

~~***1. The Authority shall, upon receiving the information required from a transportation network company pursuant to subsection 5 of NRS 706A.160, provide the information and date the Authority received the information to the Secretary of State for the purpose of complying with NRS 76.100.***~~

~~***2. The Secretary of State shall notify the Authority of any driver who has failed to obtain a state business registration pursuant to NRS 76.100 1***~~

~~*year after the date the Authority received the information required pursuant to subsection 5 of NRS 706A.160.*~~

~~*3. Upon receiving the notification pursuant to subsection 2, the Authority shall notify the transportation network company of the failure of the driver to comply with NRS 76.100.*~~

~~*4. The transportation network company or driver shall provide documentation that the driver has complied with NRS 76.100 within 30 calendar days immediately following the receipt of the notification provided pursuant to subsection 3.*~~

~~*5. If the transportation network company or driver fails to provide the documentation required pursuant to subsection 4, the transportation network company shall prohibit the driver from being a driver for the transportation network company until the driver obtains a state business registration pursuant to NRS 76.100.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 706A.160 is hereby amended to read as follows:~~

~~706A.160 1. A transportation network company may enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.~~

~~2. Before a transportation network company allows a person to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company, the company must:~~

~~(a) Require the person to submit an application to the company, which must include, without limitation:~~

~~(1) The name, age and address of the applicant.~~

~~(2) A copy of the driver's license of the applicant.~~

~~(3) A record of the driving history of the applicant.~~

~~(4) A description of the motor vehicle of the applicant and a copy of the motor vehicle registration.~~

~~(5) Proof that the applicant has complied with the requirements of NRS 485.185.~~

~~(b) At the time of application and not less than once every 3 years thereafter, conduct or contract with a third party to conduct an investigation of the criminal history of the applicant, which must include, without limitation:~~

~~(1) A review of a commercially available database containing criminal records from each state which are validated using a search of the primary source of each record.~~

~~(2) A search of a database containing the information available in the sex offender registry maintained by each state.~~

~~(c) At the time of application and not less than once every year thereafter, obtain and review a complete record of the driving history of the applicant.~~

~~3. A transportation network company may enter into an agreement with a driver if:~~

~~(a) The applicant is at least 19 years of age.~~

~~(b) The applicant possesses a valid driver's license issued by the Department of Motor Vehicles unless the applicant is exempt from the requirement to obtain a Nevada driver's license pursuant to NRS 483.240.~~

~~(c) The applicant provides proof that the motor vehicle operated by him or her is registered with the Department of Motor Vehicles unless the applicant is exempt from the requirement to register the motor vehicle in this State pursuant to NRS 482.385.~~

~~(d) The applicant provides proof that the motor vehicle operated by him or her is operated and maintained in compliance with all applicable federal, state and local laws.~~

~~(e) The applicant provides proof that he or she currently is in compliance with the provisions of NRS 485.185.~~

~~(f) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of three or more violations of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a misdemeanor.~~

~~(g) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a gross misdemeanor or felony.~~

~~(h) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of federal, state or local law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.~~

~~(i) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any crime involving an act of terrorism, an act of violence, a sexual offense, fraud, theft, damage to property of another or the use of a motor vehicle in the commission of a felony.~~

~~(j) The name of the applicant does not appear in the database searched pursuant to subparagraph (2) of paragraph (b) of subsection 2.~~

~~4. A transportation network company shall terminate an agreement with any driver who:~~

~~(a) Fails to submit to the transportation network company a change in his or her address, driver's license or motor vehicle registration within 30 days after the date of the change.~~

~~(b) Fails to immediately report to the transportation network company any change in his or her driving history or criminal history.~~

~~(c) Refuses to authorize the transportation network company to obtain and review an updated complete record of his or her driving history not less than once each year and an investigation of his or her criminal history not less than once every 3 years.~~

~~(d) Is determined by the transportation network company to be ineligible for an agreement pursuant to subsection 3 on the basis of any updated information received by the transportation network company.~~

~~*5. A transportation network company shall transmit to the Authority the information obtained pursuant to paragraph (a) of subsection 2 within 30 days of receiving the information.]*~~ **(Deleted by amendment.)**

Sec. 5. NRS 706A.280 is hereby amended to read as follows:

706A.280 1. A driver shall not solicit or accept a passenger or provide transportation services to any person unless the person has arranged for the transportation services through the digital network or software application service of the transportation network company.

2. With respect to a passenger's destination, a driver shall not:

(a) Deceive or attempt to deceive any passenger who rides or desires to ride in the driver's motor vehicle.

(b) Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

(c) Take a longer route to the passenger's destination than is necessary, unless specifically requested to do so by the passenger.

(d) Fail to comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

3. A driver shall not, at the time the driver picks up a passenger, refuse or neglect to provide transportation services to any orderly passenger unless the driver can demonstrate to the satisfaction of the Authority that:

(a) The driver has good reason to fear for the driver's personal safety; or

(b) The driver is prohibited by law or regulation from carrying the person requesting transportation services.

4. Except as otherwise provided in subsection 3, a driver shall not, after accepting a passenger for transportation through the digital network or software application service of the transportation network company, refuse to complete the transportation services for which the passenger is being charged a fare. If a driver refuses to complete the transportation services for which the passenger is being charged a fare, the driver ~~[and the transportation network company are]~~ is liable for an administrative fine of not more than $1,000 to be assessed and imposed by the Authority . ~~[pursuant to NRS 706A.300.]~~

Sec. 6. ~~[~~NRS 706A.300 is hereby amended to read as follows:

~~706A.300 1. If the Authority determines that a transportation network company or driver has violated the terms of a permit issued pursuant to this chapter or any provision of this chapter or any regulations adopted pursuant thereto, the Authority may, depending on whether the violation was committed by the company, the driver, or both:~~

~~(a) If the Authority determines that the violation is willful and endangers public safety, suspend or revoke the permit issued to the transportation network company;~~

~~(b) If the Authority determines that the violation is willful and endangers public safety, impose against the transportation network company an administrative fine in an amount not to exceed $100,000 per violation;~~

~~(c) Prohibit a person from operating as a driver; or~~

~~(d) Impose any combination of the penalties provided in paragraphs (a), (b) and (c).~~

~~2. To determine the amount of an administrative fine imposed pursuant to paragraph (b) or (d) of subsection 1, the Authority shall consider:~~

~~(a) The size of the transportation network company;~~

~~(b) The severity of the violation;~~

~~(c) Any good faith efforts by the transportation network company to remedy the violation;~~

~~(d) The history of previous violations by the transportation network company; and~~

~~(e) Any other factor that the Authority determines to be relevant.~~

~~3. Notwithstanding the provisions of NRS 193.170,~~ **[**a**]** ***any*** person who ~~**[**violates any provision of this chapter is not subject to any criminal penalty for such a violation.**]** **, in violation of section 3 of this act, operates as a driver without obtaining a state business registration or any transportation network company that, in violation of NRS 706A.110 to 706A.140, inclusive, operates without a permit as a transportation network company in this State is guilty of a misdemeanor and shall be punished:**~~

~~**(a) For the first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.**~~

~~**(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.]**~~ **(Deleted by amendment.)**

Sec. 7. ~~**[**NRS 76.100 is hereby amended to read as follows:~~

~~76.100 1.~~ **[**A**]** ***Except as otherwise provide in subsection 7, a*** ~~person shall not conduct a business in this State unless and until the person obtains a state business registration issued by the Secretary of State. If the person is:~~

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

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

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

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

~~(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the business identification number as assigned by the Secretary of State pursuant to NRS 225.082, and the location in this State of the place or places of business;~~

~~(c) Be accompanied by a fee in the amount of $200, except that if the applicant is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the application must be accompanied by a fee of $500; and~~

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

~~2. If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.~~

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

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

~~(b) A member or partner of an association or partnership.~~

~~(c) A general partner of a limited partnership.~~

~~(d) A managing partner of a limited-liability partnership.~~

~~(e) A manager or managing member of a limited-liability company.~~

~~(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.~~

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

~~5. A state business registration issued pursuant to this section must contain the business identification number assigned by the Secretary of State pursuant to NRS 225.082.~~

~~6. The state business registration required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.~~

~~7. *A person who performs the service of a driver for a transportation network company pursuant to chapter 706A of NRS is exempt from the provisions of this chapter pursuant to section 3 of this act.*~~

~~*8.* For the purposes of this chapter, a person:~~

~~(a) Shall be deemed to conduct a business in this State if a business for which the person is responsible:~~

~~(1) Is organized pursuant to this title, other than a business organized pursuant to:~~

~~(I) Chapter 82 or 84 of NRS; or~~

~~(II) Chapter 81 of NRS if the business is a nonprofit unit owners' association or a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c);~~

~~(2) Has an office or other base of operations in this State;~~

~~(3) Except as otherwise provided in NRS 76.103, has a registered agent in this State; or~~

~~(4) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.~~

~~(b) Shall be deemed not to conduct a business in this State if the business for which the person is responsible:~~

~~(1) Is not organized pursuant to this title;~~

~~(2) Does not have an office or base of operations in this State;~~

~~(3) Does not have a registered agent in this State;~~

~~(4) Does not pay wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid, other than wages or other remuneration paid to a natural person for performing duties in connection with an activity described in subparagraph (5); and~~

~~(5) Is conducting activity in this State solely to provide vehicles or equipment on a short-term basis in response to a wildland fire, a flood, an earthquake or another emergency.~~

~~**[**8.**]** **9.** As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.**]**~~ **(Deleted by amendment.)**

Sec. 8. ~~**[**NRS 76.103 is hereby amended to read as follows:~~

~~76.103 1. A manufacturer who maintains a registered agent in this State solely because of the requirements set forth in NRS 370.680 and who is not otherwise required to obtain a state business registration pursuant to NRS 76.100 is not deemed, pursuant to subparagraph (3) of paragraph (a) of subsection **[**7**]** ***8*** of NRS 76.100, to conduct a business in this State.~~

~~2. As used in this section, "manufacturer" has the meaning ascribed to it in NRS 370.0315.**]**~~ **(Deleted by amendment.)**

Sec. 9. This act becomes effective on July 1, ~~**[**2017.**]**~~ **2018.**

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 455.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 236.

AN ACT relating to insurance; authorizing the delivery by electronic means of notices or other documents relating to a policy of insurance in certain circumstances; authorizing the posting of certain standard policies of

insurance or endorsements on an Internet website in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a party to agree to conduct transactions by electronic means and generally grants legal recognition to electronic records and electronic signatures. (NRS 719.220, 719.240) Existing law also authorizes an insurer to provide evidence of insurance for the operation of a motor vehicle in an electronic format upon the request of the insured. (NRS 690B.023) **Section 6** of this bill: (1) allows a notice or other document required by law to be provided as part of an insurance transaction or which serves as evidence of insurance to be delivered by electronic means in certain circumstances; and (2) deems a delivery by electronic means to satisfy a requirement for delivery in physical form. **Section 7** of this bill establishes certain conditions which must be met for a notice or other document to be delivered by electronic means. **Section 7** also **: (1)** requires the delivery by electronic means of a notice or other document which requires verification or acknowledgment of receipt to be in an electronic form that allows for verification or acknowledgment of receipt **[.] ; and (2) requires such a notice or other document to be delivered by any other delivery method authorized by law if a verification or acknowledgment of receipt is not received within 3 days after electronic delivery.** **Section 8** of this bill requires an insurer to cease delivery by electronic means and resume delivery by another method authorized by law in certain circumstances. **Section 9** of this bill provides that a notice or other document delivered by electronic means before consent to delivery by electronic means is withdrawn is not affected by the withdrawal of consent and establishes when a withdrawal of consent is effective. **Section 10** of this bill allows an insurer who has an agreement with a party for delivery by electronic means of certain notices or documents before October 1, 2017, to continue such delivery if the insurer provides the party with certain statements. **Section 12** of this bill allows an insurer to post a standard policy of property or casualty insurance or a standard endorsement of such a policy on its Internet website rather than mailing or delivering the policy or endorsement if the policy or endorsement does not contain personally identifiable information and the insurer satisfies certain conditions.

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

Section 1. Chapter 680A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, 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. ***"Deliver by electronic means" means:***

1. To deliver to an electronic mail address at which a party has consented to receive notices or documents; or

2. To post a notice or document on an electronic network or website accessible via the Internet or a mobile application or using a computer, mobile device, tablet or any other electronic device and to deliver a separate notice of the posting of the notice or document to an electronic mail address at which a party has consented to receive notices or documents.

Sec. 4. *"Party" means any recipient of a notice or document required to be provided as part of an insurance transaction, including, without limitation, an applicant, insured, policyholder or holder of an annuity contract.*

Sec. 5. *The provisions of sections 2 to 12, inclusive, of this act:*

1. Do not apply to a notice or other document delivered by an insurer in an electronic form before October 1, 2017, to a party who consented before that date to receive the notice or other document in an electronic form which was authorized by law at the time of delivery; and

2. Shall not be construed to affect any other provision of law relating to the content or timing of delivery of any notice or other document.

Sec. 6. *1. A notice to a party or any other document which is required by law to be provided as part of an insurance transaction or which serves as evidence of insurance coverage may be delivered by electronic means if such delivery satisfies the requirements of chapter 719 of NRS and section 7 of this act.*

2. The delivery of a notice or other document pursuant to subsection 1 is deemed to satisfy any requirement of this Code to deliver a notice or other document in physical form, including, without limitation, by:

(a) Mail;

(b) Mail, postage prepaid;

(c) Certified mail;

(d) Certified mail, return receipt requested;

(e) First-class mail;

(f) Registered mail;

(g) Registered mail, return receipt requested; or

(h) Overnight delivery using a nationally recognized carrier.

Sec. 7. *1. Except as otherwise provided in subsection 2 and section 8 of this act, a notice or other document may be delivered by electronic means by an insurer to a party pursuant to subsection 1 of section 6 of this act if:*

(a) The party has affirmatively consented to delivery by electronic means and has not withdrawn such consent;

(b) Before giving consent to delivery by electronic means, the party is provided with a clear and conspicuous statement informing the party of:

(1) The right of the party to withdraw consent to delivery by electronic means at any time and any conditions or consequences which may be imposed in the event consent is withdrawn;

(2) The types of notices and other documents to which the consent of the party to delivery by electronic means would apply;

(3) The right of the party to have a notice or other document delivered in paper form; and

(4) The procedures the party must follow to withdraw consent to delivery by electronic means and to update the electronic mail address of the party;

(c) The party, after being provided with a statement of the hardware and software requirements for access to and retention of a notice or other document delivered by electronic means, consents or confirms consent electronically in a manner that reasonably demonstrates that the party can access information in the electronic form that will be used for delivery by electronic means of notices or other documents to which the party has given consent;

(d) The insurer takes measures reasonably calculated to ensure that delivery by electronic means results in the receipt of a notice or other document by the party; and

(e) Upon a change in the hardware or software requirements for access to and retention of a notice or other document delivered by electronic means which occurs after the party has consented to delivery by electronic means which creates a material risk that the party will not be able to access or retain a subsequent notice or other document, the insurer provides the party with:

(1) A statement that describes the revised hardware or software requirements for access to and retention of a notice or other documents delivered by electronic means and the right of the party to withdraw consent without the imposition of any condition or consequence not described in the statement initially provided to the party pursuant to paragraph (b); and

(2) A revised statement containing the information described in paragraph (b) which applies to the revised hardware or software requirements.

2. If a provision of this Code or any other law applicable to the delivery of a notice or other document , including, without limitation, a notice required pursuant to NRS 687B.320 to 687B.350, inclusive, requires verification or acknowledgment of receipt of the notice or other document, the notice or other document may be delivered by electronic means only if the electronic form used for delivery provides for verification or acknowledgment of receipt. If the insurer does not receive verification or acknowledgment of receipt within 3 days after delivery by electronic means of a notice or other document described by this subsection, the insurer shall deliver the notice or other document by any other delivery method authorized by law.

Sec. 8. *An insurer shall cease delivering by electronic means any notice or other document and shall deliver such notices and other documents by any other delivery method authorized by law if:*

1. The insurer attempts to deliver by electronic means a notice or other document and has a reasonable basis to believe that the notice or other document was not received by the party; or

2. The insurer becomes aware that the electronic mail address provided by the party is no longer valid.

Sec. 9. *1. The withdrawal of consent by a party to delivery by electronic means does not affect the legal effectiveness, validity or enforceability of a notice or other document delivered by electronic means to the party before the withdrawal of consent is effective.*

2. A withdrawal of consent by a party becomes effective within a reasonable period of time after receipt of the withdrawal of consent by the insurer.

3. The failure of an insurer to comply with the provisions of paragraph (e) of subsection 1 of section 7 of this act or section 10 of this act is deemed to constitute a withdrawal of consent to delivery by electronic means unless a party elects to continue to grant consent.

Sec. 10. *If a party consented to the delivery by electronic means of certain notices or documents by an insurer before October 1, 2017, the insurer may continue to deliver by electronic means such notices or documents if, before delivering by electronic means such notices or documents, the insurer provides the party with:*

1. A statement that describes:

(a) Any notices or documents to be delivered by electronic means pursuant to sections 2 to 12, inclusive, of this act which were not previously delivered by electronic means; and

(b) The right of the party to withdraw consent without the imposition of any condition or consequence that was not disclosed at the time the party gave consent; and

2. A statement that satisfies the requirements of paragraph (b) of subsection 1 of section 7 of this act.

Sec. 11. *1. The failure to obtain the electronic consent or confirmation of consent of a party pursuant to paragraph (c) of subsection 1 of section 7 of this act may not be the sole basis for determining that a contract or policy of insurance is not legally effective, valid or enforceable.*

2. ~~[An insurer]~~ A producer of insurance is not subject to civil liability for any harm or injury that occurs as a result of the election of a party for the delivery by electronic means of any notice or other document or for the failure of an insurer to deliver by electronic means a notice or other document.

3. Nothing in sections 2 to 12, inclusive, of this act shall be construed to modify, limit or supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq.

Sec. 12. ***If a standard policy of property or casualty insurance or a standard endorsement of such a policy does not contain personally identifiable information, the insurer offering such a policy or endorsement may satisfy a requirement to mail or deliver the policy or endorsement by posting the policy or endorsement on the Internet website of the insurer if:***

1. The policy or endorsement is accessible to the insured and to any producer of insurance who transacted insurance involving the policy or endorsement with the insured for as long as the policy or endorsement is in force;

2. The insurer retains an archive of expired policies and endorsements for not less than 5 years after the expiration of each policy or endorsement and makes expired policies and endorsements available upon request;

3. The policy or endorsement is posted in a manner that enables the insured and any producer of insurance who transacted insurance involving the policy or endorsement with the insured to print and save the policy or endorsement using any program or other application which is widely available on the Internet and free to use;

4. The insurer provides, in or with the declarations page provided at the time of issuance of the initial policy and each renewal of the policy:

(a) A description of the exact form of policy or endorsement purchased by the insured;

(b) A description of the right of the insured to receive, upon request and without charge, a paper copy of the policy or endorsement by mail; and

(c) The address of the Internet website where the policy or endorsement is posted;

5. Upon request of the insured and without charge, the insurer mails a paper copy of the policy or endorsement to the insured; and

6. The insurer provides notice in the manner preferred by the insured of any change to the policy or endorsement which includes a description of the right of the insured to obtain, upon request and without charge, a paper copy of the revised policy or endorsement and the address of the Internet website where the revised policy or endorsement is posted.

7. The insurer complies with all applicable provisions of chapter 719 of NRS.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 472.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 231.

AN ACT relating to juvenile justice; creating the Juvenile Justice Oversight Commission; prescribing the powers and duties of the

Commission; imposing requirements related to juvenile justice on the Division of Child and Family Services of the Department of Health and Human Services and local departments of juvenile services; providing for the establishment of an evidence-based program resource center; requiring the juvenile court **to make certain findings before committing a child to the custody of a state facility for the detention of children or a public or private institution or agency in another state; requiring departments of juvenile services** to conduct a risk assessment and a mental health screening before the disposition of a case involving a child who is adjudicated delinquent; **requiring the Division to consider the results of such an assessment and screening in making decisions concerning the placement of a child;** revising provisions relating to mental health screenings of children referred to the system of juvenile justice; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; requiring the Youth Parole Bureau to adopt policies and procedures relating to responses to a child's violation of his or her terms and conditions of parole; **requiring the juvenile court to consider the adherence of the Youth Parole Bureau to such policies and procedures in determining whether to suspend, modify or revoke a child's parole;** revising provisions relating to revocation of a child's parole; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides generally for a system of juvenile justice in this State. (Title 5 of NRS) Federal law requires a state seeking grant money for the administration of a system of juvenile justice to have a state advisory group that oversees such a system. (42 U.S.C. § 5633(a)(3)) **Section 4** of this bill creates the Juvenile Justice Oversight Commission and designates the Commission as the state advisory group for the purposes of federal law. **Section 5** of this bill requires the Commission to: (1) establish a uniform procedure for the Division of Child and Family Services of the Department of Health and Human Services, the Youth Parole Bureau and each department of juvenile services in this State to follow when developing performance measures related to the juvenile justice system; (2) establish standard procedures for measuring outcomes for children subject to the jurisdiction of the juvenile court; (3) select a validated risk assessment tool ~~[and a validated mental health screening tool for]~~ **to assist the juvenile court,** the Division and each department of juvenile services ~~[to use when evaluating]~~ **in determining the appropriate actions to take for** children subject to the jurisdiction of the juvenile court ~~[,]~~ **and a validated mental health screening tool to determine the appropriate actions to take for children in need of supervision;** and (4) contract with a qualified vendor or provider to provide technical assistance and training to employees of the juvenile justice system on the implementation and operation of such tools.

Section 6 of this bill requires the Commission to develop a 5-year strategic plan that establishes policies and procedures for the Division and each

department of juvenile services relating to the use of evidence-based practices when providing services to children subject to the jurisdiction of the juvenile court. **Section 7** of this bill requires the members of the Commission to conduct annual quality assurance reviews of each state ~~[and regional]~~ facility for the detention of children ~~[in this State.]~~ **and each regional facility for the treatment and rehabilitation of children, which section 13.2 of this bill defines as a regional facility which: (1) provides court-ordered treatment and rehabilitation for children; and (2) is administered by or for the benefit of more than one governmental entity.** **Section 7** requires such a quality assurance review to include a review of the facility's: (1) service delivery; (2) case management procedures; (3) policies on supervision and behavior management; and (4) procedures relating to the release of children from the facility. **Section 7 also requires a facility to: (1) develop a facility improvement plan, in coordination with the Division or a local department of juvenile services, if such a plan is required to address any issues raised in the review; and (2) submit such a plan to the Commission.** **Section 7** further requires the Commission to **compile all such facility improvement plans and** submit ~~[each review]~~ **the plans** to the Governor and ~~[to]~~ the ~~[Legislature.]~~ **Director of the Legislative Counsel Bureau with its annual review.**

Section 8 of this bill requires the Division and each department of juvenile services to, on or before July 1, 2018, implement the validated risk assessment tool and the validated mental health screening tool selected by the Commission for evaluation of children subject to the jurisdiction of the juvenile court. **Section 8** also establishes the cost allocation for the expenses of implementing such tools, such that the responsibility for those expenses will shift from the State to each department of juvenile services over the next 3 fiscal years. **Section 9** of this bill requires the Division and each department of juvenile services that receives money from the state, other than any money received from the State Plan for Medicaid, to use such money to develop, promote and coordinate evidence-based programs and services. **Section 9** also requires any contract between the Division or a department of juvenile services and a treatment provider for the provision of juvenile services to require the treatment provider to comply with the evidence-based standards developed by the Commission.

Section 10 of this bill requires the Division to issue a request for proposals to establish an evidence-based program resource center. **Section 10** requires the resource center to: (1) provide technical assistance to the Division, each department of juvenile services and treatment providers to support the implementation and operation of evidence-based programs and practices as set forth in the Commission's 5-year strategic plan; (2) provide various types of training to persons employed in the juvenile justice system; (3) act as a resource clearinghouse on evidence-based programs and practices; and (4) facilitate collaboration among state and local agencies and treatment providers who serve the juvenile justice system. **Section 12** of this bill

requires the Division and each department of juvenile services to develop and implement a family engagement plan to increase the participation of the family of a child who is subject to the jurisdiction of the juvenile court in the rehabilitation of the child.

Existing law establishes provisions governing the disposition by a juvenile court of cases of children subject to the court's jurisdiction. (Chapter 62E of NRS) **Section 15** of this bill requires the department of juvenile services, before the disposition of a child's case, to conduct a risk assessment and a mental health screening on the child **[.]** using the validated tools selected by the Commission **[.]** **and, in certain circumstances, a full mental health assessment,** and to prepare a report based on the results of the **risk** assessment **[and]** **, mental health** screening **and any full mental health assessment** as to the most appropriate disposition of the case. **Section 16** of this bill requires a department of juvenile services to develop an individualized case plan for each child placed under the supervision of the juvenile court, placed under the informal supervision of a probation officer or committed to a regional facility for the **[detention]** **treatment and rehabilitation** of children. **Section 16** sets forth the information required to be included in each case plan. **[Similarly, section]** **Section 17** of this bill requires the Division to **: (1) consider the results of a validated risk assessment, a validated mental health screening and any full mental health assessment to make decisions concerning the placement of a child; and (2)** develop **[such]** a case plan for each child committed to the Division for placement in a state facility for the detention of children. **[If]** **Section 14.5 of this bill requires** the juvenile court **[commits]** **to make certain findings before committing** a child to the custody of **[either]** a state facility for the detention of children **[or a facility in another state,]** **, and section 18** of this bill requires the juvenile court to make **[a record in the child's file that either less restrictive supervision or supervision within this State was not appropriate or available for the child.]** **certain findings before committing a child to a public or private institution or agency in another state. Sections 20 and 21** of this bill revise the process for how mental health screenings of children who are adjudicated delinquent and committed to a state **[or regional]** facility for the detention of children **or a regional facility for the treatment and rehabilitation of children** are to be conducted.

Existing law requires the Division to: (1) establish a standardized system for the reporting, collection, analysis, maintenance and retrieval of information concerning juvenile justice in this State; and (2) adopt regulations that require juvenile courts, local juvenile probation departments and the staff of the youth correctional services to submit certain information to the Division. (NRS 62H.200) **Section 25** of this bill revises the types of juvenile justice information required to be submitted to the Division. **Section 22** of this bill requires the Division to analyze such information and submit a report to the Governor and to the Legislature relating to the trends that exist in the juvenile justice system and the effectiveness of the system's programs

and services. **Section 33** of this bill repeals a similar provision that requires each local juvenile probation department to analyze such information and submit a report to the Division.

Section 24 of this bill authorizes the Division to withhold money from a juvenile court that does not comply with the regulations adopted by the Division relating to the submittal of certain juvenile justice information.

Existing law authorizes a director of juvenile services and the Youth Parole Bureau to release certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. (NRS 62H.025) **Section 23** of this bill revises the list of persons to whom a director of juvenile services and the Youth Parole Bureau may release information to include: (1) the Chief Parole and Probation Officer; (2) the Director of the Department of Corrections; (3) a law enforcement agency; **(4) the director of a regional facility for the treatment and rehabilitation of children;** or ~~[(4)]~~ **(5)** the director of an agency which provides mental health services.

Existing law provides for the suspension, modification or revocation of the parole of a child. (NRS 63.770) **Section 26** of this bill requires the Youth Parole Bureau to establish policies and procedures to be used when determining the most appropriate and least restrictive response to a violation of a child of the terms and conditions of his or her parole. **Section 26** requires, among other things, the Youth Parole Bureau to create a sliding scale of offenses based on the severity of the violation. **Section 28 of this bill requires the juvenile court to consider the policies and procedures adopted by the Youth Parole Bureau pursuant to section 26 and consider the adherence of the Youth Parole Bureau to such policies and procedures when determining whether to suspend, modify or revoke the parole of a child.** **Section 29** of this bill prohibits the Chief of the Youth Parole Bureau from recommending to the juvenile court that a child's parole be revoked unless: (1) the child poses a risk to public safety; or (2) the other responses set forth in the policies and procedures adopted by the Youth Parole Bureau pursuant to **section 26** would not be appropriate for the child.

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 12, inclusive, of this act.

Sec. 2. ***"Commission" means the Juvenile Justice Oversight Commission established by section 4 of this act.***

Sec. 3. ***"Department of juvenile services" means the entity designated pursuant to chapter 62G of NRS to administer the provision of services relating to the delinquency of children.***

Sec. 4. ***1. The Juvenile Justice Oversight Commission is hereby established. The Commission is hereby designated as the state advisory***

group on juvenile justice required to be established pursuant to 42 U.S.C. § 5633(a)(3).

2. The Commission consists of the Governor or his or her designee and ~~[24]~~ 25 members appointed by the Governor. The Governor shall appoint to the Commission:

(a) Two members who are members of the Senate, one of whom must be from the majority political party and one of whom must be from the minority political party.

(b) Two members who are members of the Assembly, one of whom must be from the majority political party and one of whom must be from the minority political party.

(c) Two members who are judges of a juvenile court.

(d) The Administrator of the Division of Child and Family Services or his or her designee.

(e) The Deputy Administrator of Juvenile Services of the Division of Child and Family Services or his or her designee.

(f) Three members who are directors of juvenile services, one each of whom must represent a county whose population:

(1) Is less than 100,000.

(2) Is 100,000 or more but less than 700,000.

(3) Is 700,000 or more.

(g) Two members who are district attorneys.

(h) Two members who are public defenders.

(i) One member who is a representative of a law enforcement agency.

(j) ~~[One member]~~ Two members who ~~[is a representative]~~ are representatives of a nonprofit organization which provides programs to prevent juvenile delinquency.

(k) One member who is a volunteer who works with children who have been adjudicated delinquent.

(l) Six members who are under the age of 24 years at the time of appointment.

3. At least three of the persons appointed to the Commission pursuant to subsection 2 must be persons who are currently or were formerly subject to the jurisdiction of the juvenile court.

4. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. 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. Nine of the initial members of the Commission who are appointed pursuant to subsection 2 must be appointed to an initial term of 1 year. Each member of the Commission continues in office until his or her successor is appointed.

5. The members of the Commission serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Commission.

7. A member of the Commission who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Commission to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Commission; or

(b) Take annual leave or compensatory time for the absence.

8. At the first meeting of the Commission and annually thereafter:

(a) The Governor shall appoint a Chair of the Commission;

(b) The Commission shall elect a Secretary from among its members; and

(c) The Commission shall adopt rules for its own management and government.

9. The Commission shall:

(a) Hold its first meeting within 60 days after all the initial appointments to the Commission are made pursuant to subsection 2; and

(b) Meet at least once every 4 months and may meet at such further times as deemed necessary by the Chair.

Sec. 5. *In addition to the duties set forth in sections 6 and 7 of this act, the Commission shall:*

1. On or before July 1, 2018, establish a uniform procedure for the Division of Child and Family Services, the Youth Parole Bureau and each department of juvenile services to use for developing performance measures to determine the effectiveness of the juvenile justice system, including, without limitation, performance measures for juvenile court referrals and dispositions, supervision of a child subject to the jurisdiction of the juvenile court, services provided by agencies which provide ~~[child welfare]~~ juvenile justice services and rates of recidivism.

2. On or before July 1, 2018, establish standard procedures for measuring outcomes for a child subject to the jurisdiction of the juvenile court, including, without limitation, standard procedures for measuring and reporting rates of recidivism in accordance with NRS 62H.200 ~~[.]~~ , and define any necessary terms.

3. On or before January 1, 2018, select:

(a) A validated risk assessment tool that uses a currently accepted standard of assessment to ~~[determine]~~ assist the juvenile court, the Division of Child and Family Services and departments of juvenile services in determining the appropriate actions to take for each child subject to the jurisdiction of the juvenile court; and

(b) A validated mental health screening tool that uses a currently accepted standard of assessment to determine the appropriate actions to take for each child in need of supervision pursuant to this title.

4. Contract with a qualified vendor or provider of technical assistance to assist the Division of Child and Family Services and each department of juvenile services with the implementation of the validated risk assessment tool. Such assistance must include, without limitation, employee training, policy development and the establishment of quality assurance protocols.

Sec. 6. *1. The Commission shall develop a 5-year strategic plan that establishes policies and procedures for the Division of Child and Family Services and each department of juvenile services relating to the use of evidence-based practices in providing services to children subject to the jurisdiction of the juvenile court. The plan must include, without limitation:*

(a) Uniform standards that an evidence-based practice or program must follow, including, without limitation, model programs, staffing requirements and quality assurance protocols;

(b) Strategies, including, without limitation, measurable goals, timelines and responsible parties, to enhance the capacity of the Division of Child and Family Services and each department of juvenile services to:

(1) Comply with the evidence-based standards developed by the Commission; and

(2) Partner with treatment providers that offer evidence-based programs for the treatment of children subject to the jurisdiction of the juvenile court;

(c) A requirement for the collection and reporting of data to the Commission by each department of juvenile services relating to the programs offered and services rendered by each department; and

(d) Protocols for improvement and corrective action for:

(1) A department of juvenile services that does not comply with the reporting requirements established pursuant to paragraph (c); and

(2) A treatment provider that does not comply with the evidence-based standards established by the Commission.

2. The Division of Child and Family Services shall adopt regulations to implement the provisions of the strategic plan developed pursuant to subsection 1.

3. On or before July 1, 2018, and every 5 years thereafter, the Commission shall submit the strategic plan developed pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 7. *1. The members of the Commission shall conduct an annual quality assurance review of each state facility for the detention of children and regional facility for the ~~[detention]~~ treatment and rehabilitation of children. Each review must use a validated service assessment tool, selected by the Commission, which includes, without limitation:*

(a) An analysis of the facility's service delivery;

(b) A review of the facility's case management procedures;

(c) A review of the facility's policies on supervision and behavior management of children placed in the facility; and

(d) An analysis of the facility's procedures relating to the release of children from the jurisdiction of the juvenile court.

2. Before conducting a review pursuant to subsection 1, a member of the Commission must receive training on the use of the validated service assessment tool selected by the Commission pursuant to subsection 1.

3. The ~~[member or]~~ members of the Commission who conduct a review pursuant to subsection 1 shall ~~[develop a facility]~~ share the results of the review and recommendations for improvement ~~[plan based on the results of the review. The Commission shall submit each facility improvement plan developed pursuant to this subsection to]~~ with the facility and the Division of Child and Family Services ~~[,]~~ or a local department of juvenile services.

4. A facility ~~[that receives]~~ shall develop a facility improvement plan ~~[pursuant to subsection 3 shall develop a corrective action plan]~~ , in coordination with the Division of Child and Family Services or a local department of juvenile services, if such a plan is required to address any ~~[issued]~~ issues raised in the ~~[improvement plan.]~~ review. Not more than 60 days after receiving ~~[a facility improvement plan]~~ the results of the review and recommendations for improvement pursuant to subsection 3, the facility shall submit the facility improvement plan ~~[and a corrective action plan]~~ to the Commission . ~~[,]~~ The Commission shall compile all such facility improvement plans and submit the plans to the Governor and to the Director of the Legislative Counsel Bureau ~~[for transmittal to the next regular session of the Legislature.]~~ with its annual review.

Sec. 8. *1. On or before July 1, 2018, the Division of Child and Family Services and each department of juvenile services shall:*

(a) Implement the validated risk assessment tool and the validated mental health screening tool selected by the Commission pursuant to subsection 3 of section 5 of this act; and

(b) Comply with the policies and quality assurance protocols set forth by the qualified vendor or other provider selected to provide technical assistance for the validated risk assessment tool pursuant to subsection 4 of section 5 of this act.

2. The costs of implementing and operating the validated risk assessment tool and the validated mental health screening tool pursuant to subsection 1 must be allocated in the following manner:

(a) In Fiscal Year 2017-2018 and 2018-2019, the Division of Child and Family Services pays 100 percent of the costs incurred by each department of juvenile services associated with the validated risk assessment tool and the validated mental health screening tool.

(b) In Fiscal Year 2019-2020, the Division of Child and Family Services pays 50 percent of the costs incurred by each department of juvenile

services associated with the validated risk assessment tool and the validated mental health screening tool.

(c) In Fiscal Year 2020-2021 and in every subsequent fiscal year, each department of juvenile services is responsible for 100 percent of the costs that the department incurs associated with the validated risk assessment tool and the validated mental health screening tool.

Sec. 9. *1. Except as otherwise provided in subsection 2 and subject to the provisions of subsection 4, the Division of Child and Family Services and each department of juvenile services that receives money from the State, except money received from the State Plan for Medicaid as a benefit for a child subject to the jurisdiction of a juvenile court, must use such money to develop, promote and coordinate evidence-based programs and practices.*

2. A department of juvenile services in a county whose population is less than 100,000 must be evaluated for compliance with the requirement set forth in subsection 1 based on the amount of money received from the State, other limitations on resources and the availability of treatment providers in the county.

3. A contract or provider agreement between the Division of Child and Family Services or a department of juvenile services and a treatment provider for the provision of any juvenile services that uses money from the State must require the treatment provider to comply with the evidence-based standards developed by the Commission pursuant to section 6 of this act.

4. The Division of Child and Family Services and each department of juvenile services shall use the following percentages of money received from the State as described in subsection 1 to develop, promote and coordinate evidence-based programs and practices:

(a) ~~*[In Fiscal Year 2018-2019, 25 percent.*~~

~~*(b)]*~~ *In Fiscal Year 2019-2020,* ~~*[50]*~~ *25 percent.*

~~*[(c)]*~~ *(b) In Fiscal Year 2020-2021,* ~~*[75]*~~ *50 percent.*

~~*[(d)]*~~ *(c) In Fiscal Year 2021-2022 , 75 percent.*

(d) In Fiscal Year 2022-2023 and each subsequent fiscal year, 100 percent.

Sec. 10. *1. On or before September 1, 2017, the Division of Child and Family Services shall issue a request for proposals to establish an evidence-based program resource center.*

2. The evidence-based program resource center shall:

(a) Provide technical assistance to the Division of Child and Family Services, each department of juvenile services and treatment providers to support the implementation and operation of evidence-based programs and practices as set forth in the strategic plan developed by the Commission pursuant to section 6 of this act;

(b) Provide on a statewide basis to persons employed in the juvenile justice system training relating to:

(1) The use of evidence-based programs and practices; and

(2) The analysis of quality assurance protocols to ensure such programs meet the evidence-based standards developed by the Commission pursuant to section 6 of this act;

(c) Act as a clearinghouse for information and statewide resources on evidence-based programs and practices for children subject to the jurisdiction of the juvenile court;

(d) Facilitate collaboration among state and local agencies and treatment providers to increase access to such providers; and

(e) Provide support for the assessment of the implementation of evidence-based standards by such state and local agencies.

Sec. 11. ***On or before July 1, 2019, and on or before July 1 of every year thereafter, the Division of Child and Family Services shall submit to the Governor, to the Commission and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature, a report detailing the Division's compliance with the evidence-based standards developed by the Commission pursuant to section 6 of this act and an analysis of the data collected based on the performance measures adopted by the Division pursuant to NRS 62H.200.***

Sec. 12. ***The Division of Child and Family Services and each department of juvenile services shall develop and implement a family engagement plan to enhance family engagement in the juvenile justice system. The plan must include strategies for:***

1. Increasing the family's contact with a child subject to the jurisdiction of the juvenile court;

2. Engaging family members in the case plan of a child and in planning meetings for the release of the child from the jurisdiction of the juvenile court;

3. Involving family members in the child's treatment; and

4. Soliciting the feedback of family members relating to improvements to the services rendered to children subject to the jurisdiction of the juvenile court.

Sec. 13. 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 sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 13.2. **NRS 62A.280 is hereby amended to read as follows:**

62A.280 1. "Regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children" means a regional facility ~~[for the detention or commitment of]~~ ***which provides court-ordered treatment and rehabilitation for*** children ***and*** which is administered by or for the benefit of more than one governmental entity.

2. The term includes, but is not limited to:

(a) The ~~[institution]~~ ***facility*** in Clark County known as Spring Mountain Youth Camp;

(b) The ~~[institution]~~ ***facility*** in Douglas County known as China Spring Youth Camp; and

(c) The ~~[institution]~~ ***facility*** in Lyon County known as Western Nevada Regional Youth Facility.

3. The term does not include:

(a) Any local facility for the detention of children; or

(b) The Nevada Youth Training Center, the Caliente Youth Center or any state facility for the detention of children.

Sec. 13.3. **NRS 62B.130 is hereby amended to read as follows:**

62B.130 1. If a child is detained other than pursuant to a court order in a local ~~[or regional]~~ facility for the detention of children, the county that has detained the child is entitled to reimbursement from the parent or guardian of the child for all money expended by the county for the support of the child during the period of the child's detention.

2. If the parent or guardian of the child fails or refuses to reimburse the county, the board of county commissioners may recover from the parent or guardian, by appropriate legal action, all money due plus interest thereon at the rate of 7 percent per annum.

Sec. 13.4. **NRS 62B.140 is hereby amended to read as follows:**

62B.140 1. Except as otherwise provided in this subsection, if a child is committed to the custody of a regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children, the juvenile court may order the county where the child has a legal residence to pay the expenses incurred for the support of the child in an amount equal to any money paid for that purpose by the Division of Child and Family Services. Such an order may not be entered if the county maintains the facility to which the child is committed.

2. The juvenile court may order the parent or guardian of the child to reimburse the county, in whole or in part, for any money expended by the county for the support of the child.

3. This section does not prohibit the juvenile court from providing for the support of the child in any other manner authorized by law.

Sec. 13.5. **NRS 62B.150 is hereby amended to read as follows:**

62B.150 1. Except as otherwise provided in subsection 6, each county shall pay an assessment for the operation of each regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children that is partially supported by the State of Nevada and is operated by a county whose population is less than 700,000.

2. The assessment owed by each county equals the total amount budgeted by the Legislature for the operation of the regional facility, minus any money appropriated by the Legislature for the support of the regional facility, divided by the total number of pupils in this State in the preceding school year, excluding pupils in counties whose population is 700,000 or more, and multiplied by the number of pupils in the assessed county. The

Administrator of the Division of Child and Family Services shall calculate the assessment owed by each county in June of each year for the ensuing fiscal year.

3. Each county must pay the assessed amount to the Division of Child and Family Services in quarterly installments that are due the first day of the first month of each calendar quarter.

4. The Administrator of the Division of Child and Family Services shall deposit the money received pursuant to subsection 3 in a separate account in the State General Fund. The money in the account may be withdrawn only by the Administrator for the operation of regional facilities for the ~~[detention]~~ ***treatment and rehabilitation*** of children.

5. Revenue raised by a county to pay the assessment required pursuant to subsection 1 is not subject to the limitations on revenue imposed pursuant to chapter 354 of NRS and must not be included in the calculation of those limitations.

6. The provisions of this section do not apply to a county whose population is 700,000 or more.

7. As used in this section, "regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children" or "regional facility" does not include the ~~[institution]~~ ***facility*** in Lyon County known as Western Nevada Regional Youth Center.

Sec. 13.6. **NRS 62B.160 is hereby amended to read as follows:**

62B.160 1. Except as otherwise provided in subsection 5, each county shall pay an assessment for the operation of a regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children that serves the county if the regional facility:

(a) Is operated by a county whose population is less than 700,000 or an administrative entity established pursuant to NRS 277.080 to 277.180, inclusive, by counties whose populations are less than 700,000 each;

(b) Is established by two or more counties pursuant to an interlocal agreement or by one county if the regional facility is operated pursuant to an interlocal agreement to benefit other counties; and

(c) Is not partially supported by the State of Nevada and does not receive money from the State of Nevada other than any fees paid to the regional facility for a child referred to the regional facility by the State of Nevada.

2. The administrator of a regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children shall calculate the assessment owed by each county pursuant to subsection 1 on or before March 1 of each year for the ensuing fiscal year. The assessment owed by each county equals:

(a) For the first 2 years of operation of the regional facility, the total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils in the preceding school year in all

counties served by the regional facility and multiplied by the number of pupils in the preceding school year in the assessed county.

(b) For each year subsequent to the second year of operation of the regional facility, unless the counties served by the regional facility enter into an interlocal agreement to the contrary, the total of:

(1) The total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils in the preceding school year in all counties served by the regional facility, multiplied by the number of pupils in the preceding school year in the assessed county and multiplied by one-fourth; and

(2) The total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils who were served by the regional facility in the preceding school year from all counties served by the regional facility, multiplied by the number of pupils who were served by the regional facility in the preceding school year from the assessed county and multiplied by three-fourths.

3. Each county shall pay the assessment required pursuant to subsection 1 to the treasurer of the county if the regional facility is operated by a county or to the administrative entity responsible for the operation of the regional facility in quarterly installments that are due on the first day of the first month of each calendar quarter. The money must be accounted for separately and may only be withdrawn by the administrator of the regional facility.

4. The board of county commissioners of each county may pay the assessment from revenue raised by a tax levied pursuant to NRS 354.59818, any other available money, or a combination thereof.

5. The provisions of this section do not apply to a county whose population is 700,000 or more.

6. As used in this section, "regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children" or "regional facility" does not include the ~~[institution]~~ ***facility*** in Douglas County known as China Spring Youth Camp.

Sec. 13.7. **NRS 62B.215 is hereby amended to read as follows:**

62B.215 1. A child who is detained in a local ~~[or regional]~~ facility for the detention of children ***or committed to a regional facility for the treatment and rehabilitation of children*** may be subjected to corrective room restriction only if all other less-restrictive options have been exhausted and only for the purpose of:

(a) Modifying the negative behavior of the child;

(b) Holding the child accountable for a violation of a rule of the facility; or

(c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.

2. Any action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.

3. A local ~~[or regional]~~ facility for the detention of children ***or regional facility for the treatment and rehabilitation of children*** shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.

4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.

5. A child who is subjected to corrective room restriction for more than 24 hours must be provided:

(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits;

(b) Access to the same meals and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility; and

(c) A review of the corrective room restriction status at least once every 24 hours. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

6. A local ~~[or regional]~~ facility for the detention of children ***or regional facility for the treatment and rehabilitation of children*** shall not subject a child to corrective room restriction for more than 72 consecutive hours.

7. ~~[A]~~ ***Each*** local ~~[or regional]~~ facility for the detention of children ***and regional facility for the treatment and rehabilitation of children*** shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for 72 consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

8. As used in this section, "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action and includes, without limitation:

(a) Administrative seclusion;

(b) Behavioral room confinement;

(c) Corrective room rest; and

(d) Room confinement.

Sec. 13.8. **NRS 62C.035 is hereby amended to read as follows:**

62C.035 1. Each child who is taken into custody by a peace officer or probation officer and detained in a local facility for the detention of children ~~[or a regional facility for the detention of children]~~ while awaiting a detention hearing pursuant to NRS 62C.040 or 62C.050 must be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or drugs.

2. The facility in which the child is detained shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been detained in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of NRS 62E.516.

Sec. 14. Chapter 62E of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[15, 16 and]~~ **14.5 to** 17 **, inclusive,** of this act.

Sec. 14.5. ***Before the juvenile court commits a delinquent child to the custody of a state facility for the detention of children, the court must find that:***

1. Appropriate alternatives that could satisfactorily meet the needs of the child do not exist in the community or were previously used to attempt to meet such needs and proved unsuccessful; and

2. The child poses a public safety risk based on the child's risk of reoffending, as determined by a risk assessment conducted pursuant to section 15 of this act, any history of delinquency and the seriousness of the offense committed by the child.

Sec. 15. ***1. Beginning on the date selected by the Commission for implementation of the requirement for use of the validated risk assessment tool and the validated mental health screening tool selected pursuant to section 5 of this act, before the disposition of a case involving a child who is adjudicated delinquent, the department of juvenile services shall conduct a validated risk assessment and validated mental health screening on the child, using the tools selected by the Commission. ~~[After conducting]~~ If the mental health screening ~~[, if the]~~ indicates that the child ~~[appears to be]~~ is in need of a full mental health ~~[services,]~~ assessment, the department of juvenile services shall, to the extent money is available, provide for a full mental health assessment of the child.***

2. The department of juvenile services shall prepare a report on the results of the risk assessment , ~~[and]~~ mental health screening and, if applicable, the full mental health assessment conducted pursuant to subsection 1. The report must be included in the child's file and provided to all parties to the case. The report must identify the child's risk to reoffend and provide a recommendation for the type of supervision and services that the child needs.

3. The juvenile court shall use the report created pursuant to subsection 2 to assist the juvenile court in determining the disposition of the child's case.

Sec. 16. *1. The department of juvenile services shall develop a written individualized case plan for each child placed under the supervision of the juvenile court pursuant to a supervision and consent decree, placed under the informal supervision of a probation officer pursuant to NRS 62C.200 or committed to a regional facility for the ~~[detention]~~ treatment and rehabilitation of children. In developing such a case plan, the department of juvenile services must use, without limitation:*

(a) The results of the risk assessment and mental health screening conducted pursuant to section 15 of this act;

(b) The trauma, if any, experienced by the child;

(c) The education level of the child;

(d) The seriousness of the offense committed by the child; and

(e) Any relevant information provided by the family of the child.

2. A case plan developed pursuant to subsection 1 must:

(a) Address the risks the child presents and the service needs of the child based on the results of the risk assessment and mental health screening conducted pursuant to section 15 of this act;

(b) Specify the level of supervision and intensity of services that the child needs;

(c) Provide referrals to treatment providers that may address the child's risks and needs;

(d) Be developed in consultation with the child's family or guardian, as appropriate;

(e) Specify the responsibilities of each person or agency involved with the child; and

(f) Provide for the full reentry of the child into the community.

3. In addition to the requirements of subsection 2, if a child is committed to a regional facility for the ~~[detention]~~ treatment and rehabilitation of children, the child's case plan must:

(a) Identify the projected length of stay and release criteria based on a risk assessment conducted pursuant to section 15 of this act, the seriousness of the offense committed by the child and treatment progress;

(b) Include a comprehensive plan for complete reentry of the child into the community; and

~~[(b)]~~ (c) Be reviewed at least once every 3 months by the department of juvenile services.

4. A reentry plan developed pursuant to subsection 3 must include, without limitation:

(a) A detailed description of the education, counseling and treatment provided to the child;

(b) A proposed plan for the continued education, counseling and treatment of the child upon his or her release;

(c) A proposed plan for the provision of any supervision or services necessary for the transition of the child; and

(d) A proposed plan for any engagement of the child's family or guardian.

5. The department of juvenile services must update a child's case plan at least once every 6 months, or when significant changes in the child's treatment occur, by conducting another risk assessment and mental health screening using the tools selected by the Commission pursuant to section 5 of this act.

6. A reentry planning meeting must be held at least 30 days before a child's scheduled release from a regional facility for the ~~[detention]~~ treatment and rehabilitation of children. As appropriate, based on the child's case plan, the meeting should be attended by:

(a) The child;

(b) A family member or the guardian of the child;

(c) The child's probation officer;

(d) Members of the staff of the regional facility for the ~~[detention]~~ treatment and rehabilitation of children; and

(e) Any treatment providers of the child.

Sec. 17. *1. The Division of Child and Family Services shall consider, without limitation, the results of a validated risk assessment, a validated mental health screening and, if applicable, a full mental health assessment conducted pursuant to section 15 of this act to make decisions concerning the placement of the child. The Division may consider the results of a risk and needs assessment of the child that was conducted by a local department of juvenile services if the assessment was conducted within the immediately preceding 6 months and no significant changes have occurred relating to the child's case.*

2. The Division of Child and Family Services shall develop a length of stay matrix and establish release criteria for a state facility for the detention of children that are based on a child's risk of reoffending, as determined by the risk assessment for the child, the seriousness of the act for which the child was adjudicated delinquent and the child's progress in meeting treatment goals. In making release and discharge decisions, the Division shall use the matrix and release criteria developed pursuant to this subsection.

~~[2.]~~ 3. The Division of Child and Family Services shall develop a written individualized case plan for each child committed to the custody of the Division pursuant to NRS 62E.520. In developing such a case plan, the Division must use, without limitation:

(a) The results of the risk assessment , ~~[and]~~ mental health screening and any full mental health assessment conducted pursuant to section 15 of this act;

(b) The trauma, if any, experienced by the child;

(c) The education level of the child;

(d) The seriousness of the offense committed by the child;

(e) The child's progress in meeting treatment goals; and

(f) Any relevant information provided by the family of the child.

~~[3.]~~ 4. A case plan developed pursuant to subsection ~~[2]~~ 3 must:

(a) Address the risks the child presents and the service needs of the child based on the results of the risk assessment , ~~[and]~~ mental health screening and any full mental health assessment conducted pursuant to section 15 of this act;

(b) Specify the level of supervision and services that the child needs;

(c) Provide referrals to treatment providers that may address the child's risks and needs;

(d) Be developed in consultation with the child's family or guardian, as appropriate;

(e) Specify the responsibilities of each person or agency involved with the child; and

(f) Provide for the full reentry of the child into the community.

~~[4.]~~ 5. In addition to the requirements of subsection ~~[3.]~~ 4, if a child is committed to a state facility for the detention of children, the child's case plan must:

(a) Include a comprehensive plan for complete reentry of the child into the community; and

(b) Be reviewed at least once every 3 months by the Division of Child and Family Services.

~~[5.]~~ 6. A reentry plan developed pursuant to subsection ~~[4]~~ 5 must include, without limitation:

(a) A detailed description of the education, counseling and treatment provided to the child;

(b) A proposed plan for the continued education, counseling and treatment of the child upon his or her release;

(c) A proposed plan for the provision of any supervision or services necessary for the transition of the child; and

(d) A proposed plan for any engagement of the child's family or guardian.

~~[6.]~~ 7. The Division of Child and Family Services must update a child's case plan at least once every 6 months, or when significant changes in the child's treatment occur, by conducting another risk assessment and mental health screening using the tools selected by the Commission pursuant to section 5 of this act.

~~[7.]~~ 8. A reentry planning meeting must be held at least 30 days before a child's scheduled release from a state facility for the detention of children. As appropriate, based on the child's case plan, the meeting should be attended by:

(a) The child;

(b) A family member or the guardian of the child;

(c) The child's ~~[probation officer;]~~ youth parole counselor;

(d) The superintendent of the state facility for the detention of children; and

(e) Any treatment providers of the child.

Sec. 18. NRS 62E.110 is hereby amended to read as follows:

62E.110 1. Except as otherwise provided in this chapter, the juvenile court may:

(a) Place a child in the custody of a suitable person for supervision in the child's own home or in another home; ~~[or]~~

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children ~~[.]~~ ***; or***

(c) Commit the child to the custody of the Division of Child and Family Services pursuant to NRS 62E.520.

2. If the juvenile court places the child under supervision in a home:

(a) The juvenile court may impose such conditions as the juvenile court deems proper; and

(b) The program of supervision in the home may include electronic surveillance of the child.

3. If the juvenile court commits the child to the custody of a public or private institution or agency ~~[,]~~ ***other than the Division of Child and Family Services,*** the juvenile court shall select one that is required to be licensed by:

(a) The Department of Health and Human Services to care for such children; or

(b) If the institution or agency is in another state, the analogous department of that state.

4. ~~[If the juvenile court commits the]~~ Before committing a child to ~~[the custody of either a state facility for the detention of children or]~~ a public or private institution or agency in another state, the juvenile court must ~~[make a record in the child's court file]~~ find that:

(a) No public or private institution or agency in this State met the needs of the child or that such an institution or agency had previously attempted to meet such needs and proved unsuccessful; and

(b) Reasonable efforts had been made to consult with public or private institutions and agencies in this State to place or commit the child in this State, and that those efforts had failed.

Sec. 19. NRS 62E.500 is hereby amended to read as follows:

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive ~~[.]~~ ***, and sections ~~[15, 16 and]~~ 14.5 to 17 , inclusive, of this act:***

(a) Apply to the disposition of a case involving a child who is adjudicated delinquent.

(b) Except as otherwise provided in NRS 62E.700 and 62E.705, do not apply to the disposition of a case involving a child who is found to have committed a minor traffic offense.

2. If a child is adjudicated delinquent:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.500 to 62E.730, inclusive, ***and sections ~~[15, 16 and]~~ 14.5 to 17 , inclusive, of this act*** that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

Sec. 20. NRS 62E.513 is hereby amended to read as follows:

62E.513 1. Each child who is adjudicated delinquent and committed by the juvenile court to a regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children or state facility for the detention of children or ordered by the juvenile court to be placed in a facility for the detention of children pursuant to NRS 62E.710 must be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or drugs ~~[.]~~ ***once every 6 months or when significant changes to the child's case plan developed pursuant to section 16 or 17 of this act, as applicable, are made.***

2. The facility to which the child is committed or in which the child is placed shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been committed to or placed in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of NRS 62E.516.

Sec. 21. NRS 62E.516 is hereby amended to read as follows:

62E.516 1. Each local facility for the detention of children ~~[and regional facility for the detention of children]~~ shall conduct the screening required pursuant to NRS 62C.035 ~~[and 62E.513]~~ using a method that has been approved by the Division of Child and Family Services. The Division shall approve a method upon determining that the method is:

(a) Based on research; and

(b) Reliable and valid for identifying a child who is in need of mental health services or who is an abuser of alcohol or other drugs.

2. Each local facility for the detention of children ~~[and regional facility for the detention of children]~~ shall submit its method for conducting the screening required pursuant to NRS 62C.035 ~~[and 62E.513]~~ to the Division of Child and Family Services for approval on or before July 1 of each fifth year after the date on which the method was initially approved by the Division. Before a local facility for the detention of children ~~[or regional facility for the detention of children]~~ may begin using a new method for conducting the screening required pursuant to NRS 62C.035 **,** ~~[and 62E.513,]~~ the facility must obtain approval of the method from the Division pursuant to subsection 1.

3. If the Division of Child and Family Services does not approve a method for conducting the screening required pursuant to NRS 62C.035 ~~[and 62E.513]~~ that is submitted by a local facility for the detention of children **,** ~~[or a regional facility for the detention of children,]~~ and the facility does not submit a new method for conducting the screening for approval within 90 days after the denial, the Division of Child and Family Services shall notify the appropriate board of county commissioners or other governing body which administers the facility and the chief judge of the appropriate judicial

district that the facility has not received approval of its method for conducting the screening as required by this section.

4. Upon receiving the notice required by subsection 3, the appropriate board of county commissioners or governing body and the chief judge shall take appropriate action to ensure that the facility complies with the requirements of this section and NRS 62C.035 **.** ~~[and 62E.513.]~~

5. ***Each regional facility for the*** ~~***[detention]***~~ ***treatment and rehabilitation of children shall conduct the screening required pursuant to NRS 62E.513 using the assessment tool that has been approved by the Commission pursuant to section 5 of this act.***

6. Each state facility for the detention of children shall use ~~[a method]~~ ***the assessment tool*** for conducting the screening required pursuant to NRS 62E.513 ~~[that satisfies]~~ ***selected by*** the ~~[requirements of paragraphs (a) and (b)]~~ ***Commission pursuant to section 5*** of ~~[subsection 1. The Division of Child and Family Services shall review the method used by each state facility for the detention of children at least once every 5 years to ensure the method used by the facility continues to satisfy the requirements of paragraphs (a) and (b) of subsection 1.~~

~~— 6.]~~ ***this act.***

7. The Division of Child and Family Services shall adopt such regulations as are necessary to carry out the provisions of this section and NRS 62C.035 and 62E.513, including, without limitation, regulations prescribing the requirements for:

(a) Transmitting information obtained from the screening conducted pursuant to NRS 62C.035 and 62E.513; and

(b) Protecting the confidentiality of information obtained from such screening.

Sec. 21.5. **NRS 62E.520 is hereby amended to read as follows:**

62E.520 1. The juvenile court may commit a delinquent child to the custody of the Division of Child and Family Services for ~~[suitable]~~ placement ***in a correctional or institutional facility*** if:

(a) The child is at least 8 years of age but less than 12 years of age, and the juvenile court finds that the child is in need of placement in a correctional or institutional facility; or

(b) The child is at least 12 years of age but less than 18 years of age, and the juvenile court finds that the child:

(1) Is in need of placement in a correctional or institutional facility; ~~[and]~~ ***or***

(2) Is in need of residential psychiatric services or other residential services for the mental health of the child.

2. Before the juvenile court commits a delinquent child to the custody of the Division of Child and Family Services, the juvenile court shall:

(a) Notify the Division at least 3 working days before the juvenile court holds a hearing to consider such a commitment; and

(b) At the request of the Division, provide the Division with not more than 10 working days within which to:

(1) Investigate the child and the circumstances of the child; and

(2) Recommend a suitable placement to the juvenile court.

Sec. 22. Chapter 62H of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division of Child and Family Services shall annually analyze the information submitted to the Division pursuant to NRS 62H.210 to determine:

(a) Juvenile justice system trends, including, without limitation, referrals to the juvenile justice system, diversion and disposition of cases, levels of supervision provided to children, placement of children and programs and services offered to children;

(b) Whether children of racial or ethnic minorities or children from economically disadvantaged backgrounds are receiving disparate treatment in the juvenile justice system;

(c) The effectiveness of the different levels of supervision in the juvenile justice system;

(d) The effectiveness of services provided by the juvenile justice system, including, without limitation, the effectiveness of the evidence-based standards developed by the Commission pursuant to section 6 of this act; and

(e) The rates of recidivism for children either supervised by local juvenile probation departments or committed to the Division.

2. On or before January 31 of each year, the Division shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report detailing the information compiled pursuant to subsection 1.

Sec. 23. NRS 62H.025 is hereby amended to read as follows:

62H.025 1. Juvenile justice information is confidential and may only be released in accordance with the provisions of this section or as expressly authorized by other federal or state law.

2. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child or the safety of the public, a juvenile justice agency may release juvenile justice information to:

(a) A director of juvenile services or his or her designee;

(b) The Chief of the Youth Parole Bureau or his or her designee;

(c) ***The Chief Parole and Probation Officer or his or her designee;***

(d) The Director of the Department of Corrections or his or her designee;

(e) A district attorney or his or her designee;

~~[(d)]~~ ***(f)*** An attorney representing the child;

~~[(e)]~~ ***(g) The director, chief or sheriff of a state or local law enforcement agency or his or her designee;***

(h) The director of a state ***or local*** agency which administers juvenile justice or his or her designee;

~~[(f)]~~ ***(i)*** A director of a state ~~[, regional]~~ or local facility for the detention of children ***or regional facility for the treatment and rehabilitation of children*** or his or her designee;

~~[(g)]~~ ***(j)*** The director of an agency which provides child welfare services or his or her designee;

~~[(h)]~~ ***(k) The director of an agency which provides mental health services or his or her designee;***

(l) A guardian ad litem or court appointed special advocate who represents the child;

~~[(i)]~~ ***(m)*** A parent or guardian of the child;

~~[(j)]~~ ***(n)*** The child to whom the juvenile justice information pertains if the child has reached the age of majority, or a person who presents a release that is signed by the child who has reached the age of majority and which specifies the juvenile justice information to be released and the purpose for the release;

~~[(k)]~~ ***(o)*** A school district, if the juvenile justice agency and the school district have entered into a written agreement to share juvenile justice information for a purpose consistent with the purposes of this section;

~~[(l)]~~ ***(p)*** A person or organization who has entered into a written agreement with the juvenile justice agency to provide assessments or juvenile justice services;

~~[(m)]~~ ***(q)*** A person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services if the juvenile justice information is provided in the aggregate and without any personal identifying information; or

~~[(n)]~~ ***(r)*** A person who is authorized by a court order to receive the juvenile justice information, if the juvenile justice agency was provided with notice and opportunity to be heard before the issuance of the order.

3. A juvenile justice agency may deny a request for juvenile justice information if:

(a) The request does not, in accordance with the purposes of this section, demonstrate good cause for the release of the information; or

(b) The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.

➥ A denial pursuant to this subsection must be made in writing to the person requesting the information not later than 5 business days after receipt of the request.

4. Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:

(a) Educational services;

(b) Social services;

(c) Mental health services;

(d) Medical services; or

(e) Legal services.

5. Except as otherwise provided in this subsection, any person who is provided with juvenile justice information pursuant to this section and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney who uses the information solely for the purpose of initiating legal proceedings; or

(b) A person or organization described in subsection 2 who provides a report concerning juvenile justice information to a court or other party pursuant to this title or chapter 432B of NRS.

6. As used in this section:

(a) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

(b) "Juvenile justice information" means any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

Sec. 24. NRS 62H.200 is hereby amended to read as follows:

62H.200 1. The Division of Child and Family Services shall:

(a) Establish a standardized system for the reporting, collection, analysis, maintenance and retrieval of information concerning juvenile justice in this State.

(b) Be responsible for the retrieval and analysis of the categories of information contained in the standardized system and the development of any reports from that information.

(c) Adopt such regulations as are necessary to carry out the provisions of this section, including requirements for the transmittal of information to the standardized system from the juvenile courts, local juvenile probation departments and the staff of the youth correctional services, as directed by the Department of Health and Human Services.

(d) Adopt such regulations as are necessary to implement the performance measures and evidence-based standards developed by the Commission pursuant to sections 5 and 6 of this act.

2. Each juvenile court and local juvenile probation department and the staff of the youth correctional services, as directed by the Department of Health and Human Services, shall comply with the regulations adopted pursuant to this section.

3. The Division of Child and Family Services may withhold state money from a juvenile court or department of juvenile services that does not comply with the regulations adopted pursuant to this section. ~~[If]~~ Before any money is withheld, the Division shall:

(a) Notify the department of juvenile services of the specific provisions of the regulations adopted pursuant to this section with which the department is not in compliance; ~~[and]~~

(b) Require the department of juvenile services to submit a corrective action plan to the Division within 60 days after receiving such a notice of noncompliance ~~***[.]***~~ ***; and***

(c) If the department of juvenile services does not submit or adhere to a corrective action plan, notify the department that money will be withheld and specify the amount thereof.

Sec. 25. NRS 62H.210 is hereby amended to read as follows:

62H.210 1. Except as otherwise provided in subsection 3, the standardized system established pursuant to NRS 62H.200 must collect, categorize and maintain the following information from the juvenile courts, local juvenile probation departments ***, the staff of regional facilities for the*** ~~***[detention]***~~ ***treatment and rehabilitation of children*** and the staff of the youth correctional services, as directed by the Department of Health and Human Services, regarding each child referred to the system of juvenile justice in this State:

(a) ~~[A unique number]~~ ***Any unique identifying information*** assigned to the child ***;*** ~~[for identification;]~~

(b) Basic demographic information regarding the child, including, but not limited to :

(1) The age, sex and race or other ethnic background of the child;

(2) The composition of the household in which the child resides; and

(3) The ~~***[, the]***~~ economic ***and educational*** background of the child;

(c) The charges for which the child is referred ~~[,]~~ ***, including, without limitation, any charges of violations of probation or parole;***

(d) The dates of any detention of the child;

(e) The nature of the disposition of each referral of the child;

(f) The dates any petitions are filed regarding the child, and the charges set forth in those petitions; ~~[and]~~

(g) The disposition of any petitions filed regarding the child, including any applicable findings ~~[.]~~ ***;***

(h) The assessed risks and needs of the child;

(i) The supervision of the child, including, without limitation, whether the child was placed in a residential facility; and

(j) Any programs and services provided to the child.

2. In addition to the information required pursuant to subsection 1 and except as otherwise provided in subsection 3, the Department of Health and Human Services shall require the staff of ***regional facilities for the*** ~~***[detention]***~~ ***treatment and rehabilitation of children and the staff of*** the youth correctional services to collect and transmit the following information to the standardized system regarding each child committed to or otherwise placed in the custody of the Division of Child and Family Services:

(a) A record of each placement of the child, including, but not limited to, the ***location and*** period of each placement and the ***programs and*** services provided to the child during each placement;

(b) ***Any disciplinary action taken against the child during the child's placement;***

(c) Any education or vocational training provided to the child during the child's placement and the educational and employment status of the child after release of the child on parole;

(d) The dates of each release of the child, including any release of the child on parole;

~~[(c)]~~ ***(e)*** If the child is released on parole, the period of each release and the services provided to the child during each release; and

~~[(d)]~~ ***(f)*** The nature of or reason for each discharge of the child from the custody of the ***regional facility for the ~~[detention]~~ treatment and rehabilitation of children or the*** Division of Child and Family Services.

3. The information maintained in the standardized system must not include the name or address of any person.

Sec. 26. Chapter 63 of NRS is hereby amended by adding thereto a new section to read as follows:

The Youth Parole Bureau shall establish policies and procedures to be used by parole officers and juvenile courts in determining the most appropriate response to a child's violation of the terms and conditions of his or her parole. The policies and procedures must:

1. Establish a sliding scale based on the severity of the violation to determine the appropriate response to the child;

2. Require that a response to a child's violation of the terms and conditions of his or her parole timely take into consideration:

(a) The risk of the child to reoffend, as determined by the results of a risk and needs assessment;

(b) The previous history of violations of the child;

(c) The severity of the current violation of the child;

(d) The child's case plan; and

(e) The previous responses by the child to past violations; and

3. Include incentives that encourage compliance with the terms and conditions of a child's parole.

Sec. 27. NRS 63.715 is hereby amended to read as follows:

63.715 1. A county that receives approval to carry out the provisions of NRS 63.700 to 63.780, inclusive, ***and section 26 of this act*** and an exemption from the assessment imposed pursuant to NRS 62B.165 shall:

(a) Carry out the provisions of NRS 63.700 to 63.780, inclusive ~~[.]~~ ***, and section 26 of this act;*** and

(b) Appoint a person to act in the place of the Chief of the Youth Parole Bureau in carrying out those provisions.

2. When a person is appointed by the county to act in the place of the Chief of the Youth Parole Bureau pursuant to subsection 1, the person so appointed shall be deemed to be the Chief of the Youth Parole Bureau for the purposes of NRS 63.700 to 63.780, inclusive ~~[.]~~ ***, and section 26 of this act.***

Sec. 28. NRS 63.770 is hereby amended to read as follows:

63.770 1. A petition may be filed with the juvenile court to request that the parole of a child be suspended, modified or revoked.

2. Pending a hearing, the juvenile court may order that the child be held in the local ~~[or regional]~~ facility for the detention of children ~~[.]~~ ***or committed to the regional facility for the treatment and rehabilitation of children.***

3. If the child is held in a local ~~[or regional]~~ facility for the detention of children ***or committed to a regional facility for the treatment and rehabilitation of children*** pending a hearing, the Youth Parole Bureau may pay all actual and reasonably necessary costs for the confinement of the child in the local ~~[or regional]~~ facility ***or the commitment of the child to the regional facility*** to the extent that money is available for that purpose.

4. If requested, the juvenile court shall allow the child reasonable time to prepare for the hearing.

5. The juvenile court shall render a decision within 10 days after the conclusion of the hearing.

6. The juvenile court shall ~~[adhere to]~~ consider the policies and procedures adopted by the Youth Parole Bureau pursuant to section 26 of this act ~~[when rendering a decision pursuant to this section.]~~ and, in determining whether to suspend, modify or revoke the parole of the child, consider the adherence of the Youth Parole Bureau to such policies and procedures.

Sec. 29. NRS 63.780 is hereby amended to read as follows:

63.780 ***1. The Chief of the Youth Parole Bureau may recommend to the juvenile court that a child's parole be revoked and that the child be committed to a facility only if the Chief or his or her designee has determined that:***

(a) The child poses a risk to public safety, and the policies and procedures adopted by the Youth Parole Bureau pursuant to section 26 of this act recommend such a revocation; or

(b) The other responses set forth in such policies and procedures would not be appropriate for the child.

2. The Chief of the Youth Parole Bureau may ***not*** recommend to the juvenile court that a child's parole be revoked and that the child be committed to a facility ~~[unless]~~ ***if*** the superintendent of the facility determines that:

~~[1.]~~ ***(a)*** There is not adequate room or resources in the facility to provide the necessary care;

~~[2.]~~ ***(b)*** There is not adequate money available for the support of the facility; or

~~[3.]~~ ***(c)*** The child is not suitable for admission to the facility.

Sec. 29.5. **NRS 354.557 is hereby amended to read as follows:**

354.557 "Regional facility" means a facility that is used by each county that levies a tax ad valorem for its operation pursuant to NRS 354.59818 and provides services related to public safety, health or criminal justice. The term

includes a regional facility for the ~~[detention]~~ ***treatment and rehabilitation*** of children for which an assessment is paid pursuant to NRS 62B.160.

Sec. 30. 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. 31. 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. 32. The Governor shall appoint the members of the Juvenile Justice Oversight Commission on or before September 1, 2017.

Sec. 33. NRS 62H.230 is hereby repealed.

Sec. 34. 1. This section and sections 1 to 32, inclusive, of this act become effective on July 1, 2017.

2. Section 33 of this act becomes effective on July 1, 2018.

TEXT OF REPEALED SECTION

62H.230 Probation departments to analyze information submitted to standardized system annually and compile reports concerning disparate treatment of children; Division of Child and Family Services to publish reports annually.

1. On or before January 31 of each year, each local juvenile probation department shall:

(a) Analyze the information it submitted to the standardized system during the previous year pursuant to NRS 62H.210 to determine whether children of racial or ethnic minorities and children from economically disadvantaged homes are receiving disparate treatment in the system of juvenile justice in comparison to the general population;

(b) As necessary, develop appropriate recommendations to address any disparate treatment; and

(c) Prepare and submit to the Division of Child and Family Services a report which includes:

(1) The results of the analysis it conducted pursuant to paragraph (a); and

(2) Any recommendations it developed pursuant to paragraph (b).

2. The Division of Child and Family Services shall annually:

(a) Compile the reports it receives pursuant to subsection 1; and

(b) Publish a document which includes a compilation of the reports.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 487.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 237.

AN ACT relating to vehicles; revising provisions relating to taxicabs in certain counties of this State; ~~[authorizing the Taxicab Authority and the Nevada Transportation Authority to enter into a memorandum of understanding regarding]~~ **conferring** concurrent enforcement jurisdiction **upon the Taxicab Authority and the Nevada Transportation Authority** over transportation network companies and affiliated drivers; authorizing the use of money obtained from the imposition of a technology fee for certain purposes; revising provisions governing the exterior appearance of certain taxicabs; revising the amount of time a vehicle used as a taxicab may remain in service as a taxicab; requiring the inspection of a taxicab ~~[at least]~~ **not more than** once each year; revising provisions governing the authority of certain certificate holders to lease a taxicab to an independent contractor; authorizing an independent contractor who leases a taxicab to use the taxicab in accordance with an agreement with a transportation network company; ~~[revising provisions relating to the collection of the excise tax imposed on the use of certain methods of connecting a passenger to a person who provides transportation services; imposing an excise tax on the connection between a contract motor carrier and a person or operator willing to transport a passenger;]~~ repealing provisions relating to vehicles equipped with a dynamic display; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Taxicab Authority exercises regulatory authority over taxicabs in any county whose population is 700,000 or more (currently Clark County). (NRS 706.881) The Taxicab Authority may adopt regulations for the administration and enforcement of the provisions of existing law that apply to such taxicabs. (NRS 706.8818) Existing law requires the Nevada Transportation Authority to adopt regulations governing the operation in this State of a transportation network company and each driver who enters into an agreement with a transportation network company to receive connections to potential passengers and provide transportation services. (NRS 706A.100) **Section 3** of this bill ~~[authorizes]~~ **confers concurrent enforcement jurisdiction upon** the Taxicab Authority ~~[to enter into a memorandum of understanding with]~~ **and** the Nevada Transportation Authority ~~[which confers upon the Taxicab Authority concurrent enforcement jurisdiction]~~ over a transportation network company and a person who is a driver for a transportation network company during any period in which the person provides transportation services in the county where the Taxicab Authority has jurisdiction. **Sections 1 and 14-16** of this bill make conforming changes.

Existing law requires payment to the Taxicab Authority of a technology fee in an amount set by the Taxicab Authority by each taxicab certificate holder for each compensable trip of each taxicab of the certificate holder. (NRS 706.8826) The money from the technology fee must be deposited in

the Taxicab Authority Fund, and existing law requires that the money be used to implement technological improvements in safety, reliability and efficiency, including the implementation of a computerized real-time data system to assist with the regulation of taxicabs. (NRS 706.8825) **Section 5** of this bill removes the requirement for the money from the technology fee to be spent on such a system, and authorizes its use for the implementation of technological improvements in safety. **Section 26** of this bill repeals the provision of existing law authorizing the use of a computerized real-time data system.

Existing law requires the Taxicab Authority to approve or disapprove the color scheme, insigne and design of the cruising lights of the taxicabs of a certificate holder, and to ensure that each certificate holder's taxicabs are readily distinguishable from those of another certificate holder. (NRS 706.8833) **Section 6** of this bill retains the requirement that taxicabs of each certificate holder be readily distinguishable from those of each other certificate holder, but removes the requirement for the Taxicab Authority to approve such color schemes, insigne and design of cruising lights. **Section 6** also revises provisions governing the placement of advertisements on the exterior of taxicabs by authorizing the use of the advertisements if the placement of the advertisements does not impair the ability of the driver to operate the vehicle safely.

Under existing law, a certificate holder may only use for a taxicab a new vehicle or a vehicle with 30,000 miles or less on the odometer. A new vehicle used as a taxicab must be removed from service as a taxicab after 67 months of such use, and a vehicle with less than 30,000 miles on it when put into use as a taxicab must be removed from service after 55 months. If the vehicle is a hybrid electric vehicle, the vehicle is allowed an additional 24 months of service. (NRS 706.8834) **Section 7** of this bill provides instead that any vehicle used as a taxicab may only be used as a taxicab for 120 months after the date on which the vehicle was manufactured.

Section 8 of this bill newly requires each taxicab to display a statement indicating whether the certificate holder accepts credit cards and debit cards and, if so, listing the maximum fee a customer will be charged for the convenience of using a credit card or debit card. Existing law provides that the maximum amount of such a fee may be prescribed in regulation by the Taxicab Authority. (NRS 706.88355)

Existing law authorizes the Taxicab Administrator of the Department of Business and Industry to inspect a taxicab at any reasonable time. (NRS 706.8839) **Section 9** of this bill requires **the Taxicab Administrator to conduct** such an inspection ~~[at least]~~ **not more than** once each year.

Existing law authorizes a certificate holder to lease a taxicab to an independent contractor, who may only use the taxicab in a manner authorized by the certificate holder's certificate of public convenience and necessity. (NRS 706.88396) **Section 10** of this bill expands existing law by authorizing the independent contractor to use the taxicab to provide transportation

services pursuant to an agreement with a transportation network company. **Section 10** also requires the certificate holder who leases a taxicab to an independent contractor to inspect the taxicab at least monthly. **Section 10 also limits the number of unexpired leases a certificate holder may have to not more than the number of taxicabs allocated to the certificate holder by the Taxicab Authority.** **Sections 14 and 15** of this bill make conforming changes.

Existing law requires an applicant for a driver's permit to drive a taxicab to prove that he or she has been a resident of this State for at least 30 days. (NRS 706.8841) **Section 11** of this bill requires the applicant to prove instead that he or she is a resident of this State or a state that adjoins the county in which the applicant has applied for the driver's permit. **Section 12** of this bill revises provisions regarding daily trip sheets to allow for the use of **certain** electronic ~~[trip sheets in place of time clocks.]~~ **operating systems.**

Under existing law, a driver of a taxicab is not allowed to take a longer route to a passenger's destination than is necessary, unless specifically requested to do so by the passenger. (NRS 706.8846) **Section 13** of this bill provides that a driver **must take the most direct route and** is not allowed to take a longer **or different** route **intentionally** unless: (1) ~~[specifically]~~ requested **or agreed** to ~~[do so]~~ by the passenger; ~~[(2) the passenger consents after discussing with the driver the distance, time and fare for a longer route compared to the shortest route;]~~ or ~~[(3)]~~ **(2)** the ~~[longer]~~ **different** route is approved by the Taxicab Authority. **Section 13** also provides that the Taxicab Authority may only conduct an investigation for a violation of this provision upon receipt of a complaint by a passenger.

~~[Existing law imposes an excise tax upon each connection by a transportation network company, common motor carrier of passengers or certificate holder of a passenger to a driver, person or operator or taxicab, respectively, to provide transportation to the passenger. (NRS 372B.140-372B.160) Sections 21-23 of this bill require each transportation network company, common motor carrier of passengers and certificate holder to collect the excise tax from a passenger or group of passengers at the time the passengers or group of passengers pay a fare. Section 22 also imposes a similar tax on contract motor carriers.]~~

Under existing law, a person may not operate on the highways of this State any motor vehicle equipped with a dynamic display unless the vehicle is also equipped with a display management system that is configured to prevent the image or content on the dynamic display from changing when the vehicle is moving, in a turnout or in a location where such a change may cause undue distraction to other drivers. Such a dynamic display is also prohibited from projecting moving images or other moving content. (NRS 484D.493) **Section 26** of this bill repeals this provision.

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

Section 1. NRS 706.759 is hereby amended to read as follows:

706.759 1. ~~[A]~~ ***Except as otherwise provided in subsection 3, a*** person who drives a taxicab as an employee of a person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business shall not act as a driver as defined in NRS 706A.040:

(a) Using the taxicab provided by his or her employer; or

(b) During any time for which the person receives wages from his or her employer for duties which include driving a taxicab.

2. A person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business may terminate the employment of a person who violates the provisions of subsection 1.

3. The provisions of this subsection 1 do not apply to an independent contractor who leases a taxicab pursuant to NRS 706.88396.

Sec. 2. NRS 706.8816 is hereby amended to read as follows:

706.8816 1. "Taxicab" means a motor vehicle or vehicles which is designed or constructed to accommodate and transport not more than six passengers, ***not*** including the driver, and:

(a) Uses a taximeter or some other device, method or system to indicate and determine the passenger fare charged;

(b) Is used in the transportation of passengers or light express or both for which a charge or fee is received; or

(c) Is operated in any service which is held out to the public as being available for the transportation of passengers from place to place in the State of Nevada.

2. "Taxicab" does not include a motor vehicle of:

(a) A common motor carrier.

(b) A contract motor carrier which operates along fixed routes.

(c) An employer who operates the vehicle for the transportation of the employees of that employer, whether or not the employees pay for the transportation.

Sec. 3. NRS 706.8818 is hereby amended to read as follows:

706.8818 1. The Taxicab Authority, consisting of five members appointed by the Governor, is hereby created. Except as otherwise provided in NRS 232A.020, the term of each member is 3 years and no member may serve for more than 6 years. No more than three members may be members of the same political party, and no elected officer of the State or any political subdivision is eligible for appointment.

2. Each member of the Taxicab Authority is entitled to receive a salary of not more than $80, as fixed by the Authority, for each day actually employed on work of the Authority.

3. While engaged in the business of the Taxicab Authority, each member and employee of the Authority is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. The Taxicab Authority shall maintain its principal office in the county or area of the State where it performs most of its regulatory activity.

5. The Taxicab Authority may adopt appropriate regulations for the administration and enforcement of NRS 706.881 to 706.885, inclusive, and, as it may deem necessary, for the conduct of the taxicab business and for the qualifications of and the issuance of permits to taxicab drivers, not inconsistent with the provisions of NRS 706.881 to 706.885, inclusive. The regulations may include different provisions to allow for differences among the counties to which NRS 706.881 to 706.885, inclusive, apply. Local law enforcement agencies and the Nevada Highway Patrol, upon request of the Authority, may assist in enforcing the provisions of NRS 706.881 to 706.885, inclusive, and regulations adopted pursuant thereto.

6. Except to the extent of any inconsistency with the provisions of NRS 706.881 to 706.885, inclusive, every regulation and order issued by the Nevada Transportation Authority remains effective in a county to which those sections apply until modified or rescinded by the Taxicab Authority, and must be enforced by the Taxicab Authority.

7. The Taxicab Authority ~~[may enter into a memorandum of understanding with]~~ and the Nevada Transportation Authority ~~[which confers upon the Taxicab Authority]~~ have concurrent enforcement jurisdiction over a transportation network company and a person who is a driver for the transportation network company during any period in which the person provides transportation services pursuant to chapter 706A of NRS in ~~[the]~~ a county where the Taxicab Authority has jurisdiction pursuant to NRS 706.881 ~~[. The memorandum of understanding must provide that:]~~ as follows:

(a) The enforcement jurisdiction of the Taxicab Authority over a person who is a driver for a transportation network company is limited to enforcement of the provisions of chapter 706A of NRS and the traffic laws of this State.

(b) A citation issued by the Taxicab Authority for a violation of any provision of chapter 706A of NRS to a transportation network company or a person who is a driver for a transportation network company must be adjudicated by the Nevada Transportation Authority pursuant to the provisions of chapter 706A of NRS.

Sec. 4. NRS 706.88183 is hereby amended to read as follows:

706.88183 1. The Taxicab Authority shall implement a system to verify ~~[~~through the computerized real-time data system implemented pursuant to subsection 4 of NRS 706.8825~~]~~ the validity of a temporary or permanent medallion issued by the Taxicab Authority.

2. As used in this section, "medallion" means the temporary or permanent authority to operate a taxicab within the jurisdiction of the

Taxicab Authority which is issued by the Taxicab Authority pursuant to NRS 706.8811 to 706.885, inclusive.

Sec. 5. NRS 706.8825 is hereby amended to read as follows:

706.8825 1. All fees collected pursuant to NRS 706.881 to 706.885, inclusive, must be deposited by the Administrator to the credit of the Taxicab Authority Fund, which is hereby created as a special revenue fund. The transactions for each county subject to those sections must be accounted for separately within the Fund.

2. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

3. The revenues received pursuant to subsection 1 of NRS 706.8826 are hereby appropriated to defray the cost of regulating taxicabs in the county or the city, respectively, making the deposit under that subsection.

4. The fees received pursuant to subsection 3 of NRS 706.8826, NRS 706.8827, 706.8841, 706.8848, 706.8849 and 706.885 are hereby appropriated to defray the cost of regulating taxicabs in the county in which the certificate holder operates a taxicab business. The technology fees received pursuant to paragraph (c) of subsection 3 of NRS 706.8826 ~~[must]~~ ***may*** be used to implement technological improvements in safety **.** ~~[,~~ ~~reliability and efficiency, including, without limitation, the implementation of a computerized real-time data system to assist with the regulation of the taxicabs in the county in which the certificate holder operates a taxicab business. A computerized real-time data system implemented pursuant to this subsection must, at a minimum, satisfy the following criteria:~~

~~(a) While a taxicab is in service within the jurisdiction of the Taxicab Authority, the system must be capable of collecting in real time from the onboard computer of the taxicab, by wireless access through the onboard diagnostic port or other means, the vehicle identification number and operating and telemetric data for the vehicle.~~

~~(b) While a taxicab is in service within the jurisdiction of the Taxicab Authority, the system must be capable of collecting in real time, from an onboard diagnostic device capable of using a global positioning system that is installed in the taxicab or any other onboard computer software system capable of using a global positioning system that is installed in the taxicab, the location of the taxicab by latitude and longitude, a record of the time at which the taxicab is at that location and operating and telemetric data for the vehicle.~~

~~(c) The system must be capable of allowing the driver of a taxicab, while the taxicab is in service within the jurisdiction of the Taxicab Authority, to register in the system, at the beginning and end of each shift, his or her identity and the number of his or her driver's permit.~~

~~(d) The system must be capable of allowing, in a manner prescribed by the Taxicab Authority, a certificate holder to digitally associate a taxicab with a temporary or permanent medallion for the purpose of verifying the validity of a temporary or permanent medallion pursuant to NRS 706.88183. As used in~~

~~this paragraph, "medallion" has the meaning ascribed to it in NRS 706.88183.~~

~~(e) The system must be capable of presenting, in real-time to the Taxicab Authority, searchable histories, in both a format that displays the information and data in tables and a digital map format that displays streets and highways, of:~~

~~(1) The information and data described in this subsection; and~~

~~(2) The information described in NRS 706.8844.~~

~~(f) The system must be capable of presenting to a passenger, through an application on a mobile device or on an interactive, digital display or other onboard system in the taxicab, sufficient information for the passenger to select and direct the driver to the passenger's desired destination by the passenger's desired route. The information must include, without limitation, sufficient information for the passenger to:~~

~~(1) Select the shortest route by time or distance to the passenger's desired destination;~~

~~(2) Select a multi-segment trip directed by the passenger;~~

~~(3) Select the least expensive route to the passenger's desired destination; and~~

~~(4) Make a digital record of the passenger's selection that is accessible during and after the trip by the passenger, the Taxicab Authority, the driver and the certificate holder.~~

~~(g) The system must be capable of presenting to the driver, through an application on a mobile device or an interactive, digital display or other onboard system in the taxicab, sufficient information for the driver to:~~

~~(1) Determine the shortest route by time or distance to the passenger's desired destination and the least expensive route to the passenger's desired destination;~~

~~(2) Follow a multi-segment, passenger-directed trip by the least expensive route to the passenger's desired destination; and~~

~~(3) Allow the passenger to make a digital record of a selection of a desired route to the passenger's destination that is accessible during and after the trip by the passenger, the Taxicab Authority, the driver and the certificate holder.~~

~~(h) The system must be capable of allowing passengers to register comments and complaints with the Taxicab Authority, the driver and the certificate holder, through an application on a mobile device or an interactive digital display screen or other onboard system in the taxicab.~~

~~(i) The system must be capable of assisting the Taxicab Authority in the development of additional preventive measures to detect, investigate and deter the practice of transporting a passenger to a selected destination by a route that is more expensive than necessary under the circumstances of the trip.~~

~~(j) The system must be capable of providing to the Taxicab Authority reliable real-time and historic information concerning service demands,~~

~~market data, vehicle usage, wait times and customer complaints and comments for use by the Taxicab Authority to make decisions concerning the allocation of medallions pursuant to NRS 706.88237, 706.8824 and 706.88245.~~

~~(k) The system must be capable of allowing certificate holders to use the system to provide cooperative dispatch and electronic hailing services to the public pursuant to NRS 706.88184.~~

~~5. The Taxicab Authority shall not use the information and data collected pursuant to paragraph (a) or (b) of subsection 4 for any purpose other than the purposes set forth in those paragraphs unless the Authority has adopted regulations governing the additional use.~~

~~6. The Taxicab Authority may operate the computerized real-time data system implemented pursuant to subsection 4 or enter into an agreement for the provision of such service. If the Taxicab Authority enters into such an agreement, the Taxicab Authority shall ensure that all the information and data collected by the computerized real-time data system is under the control of the Taxicab Authority.~~

~~7.~~**]** ***5.*** Any balance remaining in the Fund does not revert to the State General Fund. The Administrator may transfer to the Aging and Disability Services Division of the Department of Health and Human Services any balance over $200,000 and any interest earned on the Fund, within the limits of legislative authorization for each fiscal year, to subsidize transportation for elderly persons and persons with permanent disabilities in taxicabs. The money transferred to the Aging and Disability Services Division must be administered in accordance with regulations adopted by the Administrator of the Aging and Disability Services Division pursuant to NRS 427A.070.

[~~8.~~**]** ***6.*** The Administrator may establish an account for petty cash not to exceed $2,000 for the support of undercover investigation and if the account is created, the Administrator shall reimburse the account from the Taxicab Authority Fund in the same manner as other claims against the State are paid.

[~~9. As used in this section, "real time" means the transmission of information at a rate no longer than once every 6 seconds, unless the Taxicab Authority authorizes a longer rate while a taxicab is experiencing a low volume of trips.~~**]**

Sec. 6. NRS 706.8833 is hereby amended to read as follows:

706.8833 1. The color scheme **[**~~,~~**]** ***and*** insigne **[**~~and design of the cruising lights of each taxicab must conform to those approved for~~**]** ***of*** the ***taxicabs of each*** certificate holder **[**~~pursuant to regulations of the Taxicab Authority.~~

~~2. Except as otherwise provided in subsection 3, the Taxicab Authority shall approve or disapprove the color scheme, insigne and design of the cruising lights of the taxicabs of a certificate holder in any county, and shall ensure that the color scheme and insigne of one certificate holder are~~**]** ***must be*** readily distinguishable from the color schemes and insignia of other certificate holders operating in the same county.

~~[3.]~~ ***2.*** The Taxicab Authority shall allow a certificate holder in any county to place advertisements on the exterior of the vehicles used as taxicabs in the operations of the certificate holder, provided that the ~~[taxicabs of the certificate holder which bear such advertisements are readily distinguishable from the taxicabs of other certificate holders operating in the same county by meeting the requirements of subsection 2 of NRS 706.8835.]~~ ***placement of the advertisements does not impair the ability of the driver to operate the taxicab safely.***

Sec. 7. NRS 706.8834 is hereby amended to read as follows:

706.8834 1. ~~[Except as otherwise provided in subsection 4, if a]~~ ***A*** vehicle acquired for use as a taxicab by a certificate holder ~~[pursuant to paragraph (a) of subsection 3 has been]~~ ***may only be used*** in operation as a taxicab for ~~[67]~~ ***120*** months ~~[based on]~~ ***after*** the date ~~[it was originally placed into operation as a taxicab, the certificate holder:~~

~~(a) Shall remove the vehicle from operation as a taxicab; and~~

~~(b) Shall not permit the vehicle to be used as a taxicab in the operations of the certificate holder at any time thereafter.]~~ ***on which the vehicle was manufactured.***

2. ~~[Except as otherwise provided in subsection 4, if]~~ ***If*** a vehicle acquired for use as a taxicab by a certificate holder ~~[pursuant to paragraph (b) of subsection 3]~~ has been in operation as a taxicab for ~~[55]~~ ***120*** months ~~[based on]~~ ***after*** the date ~~[it was originally placed into operation as a taxicab,]~~ ***on which the vehicle was manufactured,*** the certificate holder:

(a) Shall remove the vehicle from operation as a taxicab; and

(b) Shall not permit the vehicle to be used as a taxicab in the operations of the certificate holder at any time thereafter.

~~[3. Any vehicle which a certificate holder acquires for use as a taxicab must:~~

~~(a) Be new; or~~

~~(b) Register not more than 30,000 miles on the odometer.~~

~~4. If a hybrid electric vehicle, as defined in 40 C.F.R. § 86.1702-99, is acquired for use as a taxicab by a certificate holder, the period of operation as a taxicab specified in subsections 1 and 2 shall be extended for an additional 24 months for that vehicle.]~~

Sec. 8. NRS 706.8835 is hereby amended to read as follows:

706.8835 1. A certificate holder shall display on each of the certificate holder's taxicabs ~~[the fare schedule under which it is being operated.]~~ ***a statement indicating whether the certificate holder accepts credit cards and debit cards and, if so, setting forth the maximum fee a customer will be charged for the convenience of using a credit card or debit card pursuant to NRS 706.88355.*** The ~~[schedule]~~ ***statement*** must be permanently affixed:

(a) On the outside of both front doors in bold block letters which are not less than three-fourths of an inch in height; and

(b) Inside the taxicab so as to be visible and easily readable by passengers.

2. A certificate holder shall have a unit number and the name of the certificate holder displayed on each taxicab in bold block letters not less than 4 inches in height and in a color which contrasts with the color of the taxicab.

Sec. 9. NRS 706.8839 is hereby amended to read as follows:

706.8839 1. The Administrator ~~[may]~~ ***shall*** inspect ~~[a]~~ ***each*** taxicab ~~[at any reasonable time. *but must inspect each taxicab at least]*~~ ***not more than once each year.***

2. If the Administrator finds that a taxicab is in a condition which violates NRS 706.8837, the Administrator shall remove the vehicle from service, shall place an out-of-service sticker on the windshield and shall notify the certificate holder of the defect. The vehicle shall remain out of service until the defect has been remedied and the Administrator upon reinspection has approved the vehicle and removed the out-of-service sticker.

3. If the Administrator finds that a taxicab is in a condition which violates NRS 706.8838, the Administrator shall notify the certificate holder of the improper condition and, after a reasonable time, shall reinspect the vehicle. If upon reinspection the violation has not been corrected, the vehicle shall be removed from service until it is reinspected and approved, as provided in subsection 2.

Sec. 10. NRS 706.88396 is hereby amended to read as follows:

706.88396 1. ~~[A]~~ ***Except as otherwise provided in subsection 8, a*** certificate holder may, upon approval from the Taxicab Authority, lease a taxicab to an independent contractor who is not a certificate holder. A certificate holder may lease only one taxicab to each independent contractor with whom the person enters into a lease agreement. The taxicab may be used ~~[only in]~~ ***, without limitation:***

(a) In a manner authorized by the certificate holder's certificate of public convenience and necessity ~~[.]~~ ***; or***

(b) By the independent contractor to provide transportation services in accordance with an agreement with a transportation network company entered into pursuant to chapter 706A of NRS.

2. A certificate holder who enters into a lease agreement with an independent contractor pursuant to this section shall submit a copy of the agreement to the Taxicab Authority for its approval. The agreement is not effective until approved by the Taxicab Authority.

3. ~~*[The]*~~ ***Except as otherwise provided in subsection 8, the Taxicab Authority may not limit the number of:***

(a) Lease agreements entered into by a certificate holder; or

(b) Days for which a lease agreement remains in effect.

4. A certificate holder who leases a taxicab to an independent contractor shall inspect the taxicab not less than once each month.

5. An independent contractor may not operate more than one taxicab pursuant to a lease agreement with a certificate holder during any one 24-hour period.

6. A certificate holder who leases a taxicab to an independent contractor is jointly and severally liable with the independent contractor for any violation of the provisions of this chapter or the regulations adopted pursuant ***thereto or, if applicable, chapter 706A of NRS or the regulations adopted pursuant*** thereto, and shall ensure that the independent contractor complies with such provisions and regulations.

~~[4.]~~ ***7.*** The Taxicab Authority or any of its employees may intervene in a civil action involving a lease agreement entered into pursuant to this section.

8. A certificate holder may not have a number of unexpired leases that exceeds the number of taxicabs allocated to the certificate holder pursuant to NRS 706.8824 and 706.88245.

Sec. 11. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver's permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver's permit, the Administrator shall:

(a) Require the applicant to submit a complete set of the applicant's fingerprints which the Administrator may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:

(1) ~~[Has been]~~ ***Is*** a resident of ~~[the]~~ ***this*** State ~~[for 30 days before the application for a permit;]~~ ***or a state that adjoins the county in which the applicant has applied for a driver's permit;***

(2) Can read and orally communicate in the English language; and

(3) Has a valid license issued under NRS 483.325 which authorizes the applicant to drive a taxicab in this State.

2. The Administrator may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony relating to the practice of taxicab drivers in this State or any other jurisdiction at any time before the date of the application;

(b) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application;

(c) A violation of NRS 484C.110, 484C.120 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application; or

(d) A violation of NRS 484C.130 or a law of any other jurisdiction that prohibits the same or similar conduct.

3. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab driver shall pay to the Administrator, in advance, $40 for an original driver's permit and $10 for a renewal.

Sec. 12. NRS 706.8844 is hereby amended to read as follows:

706.8844 1. A certificate holder shall require the certificate holder's drivers to keep a daily trip sheet in a form to be prescribed by the Taxicab Authority, including, without limitation, in electronic form.

2. At the beginning of each period of duty the driver shall record on the driver's trip sheet:

(a) The driver's name and the number of the taxicab;

(b) The time at which the driver began the period of duty by means of ~~***[an electronic trip sheet which includes an integrated time indicator prescribed by the Administrator pursuant to subsection 8 or]***~~ a time clock provided by the certificate holder;

(c) If the taxicab is equipped with a taximeter, the meter readings for total miles, paid miles, trips, units, extra passengers and extra charges; and

(d) The odometer reading of the taxicab.

3. During each period of duty the driver shall record on the driver's trip sheet:

(a) The time, place of origin and destination of each trip; and

(b) The number of passengers and amount of fare for each trip.

4. At the end of each period of duty the driver shall record on the driver's trip sheet:

(a) ~~**[**The**]**~~ ***Except as otherwise provided in subsection 5, the*** time at which the driver ended the period of duty by means of ~~***[an electronic trip sheet which includes an integrated time indicator prescribed by the Administrator pursuant to subsection 8 or]***~~ a time clock provided by the certificate holder;

(b) If the taxicab is equipped with a taximeter, the meter readings for total miles, paid miles, trips, units and extra passengers; and

(c) The odometer reading of the taxicab.

5. ***A driver is not required to record on the driver's trip sheet the time at which the driver ended the period of duty if:***

(a) The certificate holder uses an operating system which records the time the driver ends the period of duty electronically; and

(b) The time entries recorded by the operating system are available to the Taxicab Authority if requested pursuant to an audit.

6. A certificate holder shall furnish a trip sheet form for each taxicab operated by a driver during the driver's period of duty and shall require the drivers to return their completed trip sheets at the end of each period of duty.

~~**[**6.**]**~~ ***7.*** A certificate holder shall retain all trip sheets of all drivers in a safe place for a period of 3 years immediately succeeding December 31 of the year to which they respectively pertain and shall make such manifests available for inspection by the Administrator upon reasonable demand.

~~**[**7.**]**~~ ***8.*** Any driver who maintains a trip sheet in a form less complete than that required by subsection 1 is guilty of a misdemeanor.

~~**[**8.**]**~~ ***9.*** The Administrator shall prescribe the requirements for the use of an electronic version of a daily trip sheet. If a certificate holder requires its

drivers to keep a daily trip sheet in electronic form, the certificate holder may comply with the requirements of this section ~~[~~:

~~— (a) By~~ ~~]~~ ***by*** maintaining the information collected from the daily trip sheet in a secure database and providing the Administrator with access to the information in the database at regular intervals established by the Administrator and upon reasonable demand **.** ~~[~~; or

~~— (b) By reporting the information to the Administrator on the computerized real-time data system implemented pursuant to subsection 4 of NRS 706.8825.~~ ~~]~~

10. As used in this section, "time clock" means a mechanism which records the time at which a driver begins or ends, as applicable, a period of duty by means of:

(a) A manual time stamp on the driver's trip sheet; or

(b) An electronically issued time stamp provided by the operating system of the certificate holder.

Sec. 13. NRS 706.8846 is hereby amended to read as follows:

706.8846 ***1.*** With respect to a passenger's destination, ~~[a]~~ ***unless a different route is requested or agreed to by the passenger, or a different route has been approved by the Taxicab Authority, a driver shall take the most direct route when transporting a passenger to his or her destination. A*** driver shall not:

~~[1.]~~ ***(a)*** Deceive or attempt to deceive any passenger who rides or desires to ride in the driver's taxicab.

~~[2.]~~ ***(b)*** Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

~~[3.]~~ ***(c)*** ~~[Take]~~ ***Except as otherwise provided in this subsection, intentionally take*** a longer route to the passenger's destination than is necessary **.** ~~[~~, unless specifically ~~:~~

~~*(1) Specifically* requested so to do by the passenger.~~

~~4.~~ ~~;~~

~~*(2) The passenger consents to taking such a route after discussing with the driver the distance, time and fare for a longer route compared to the shortest route; or*~~

~~*(3) The longer route has been approved by the Taxicab Authority.]*~~

(d) Fail to comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

2. The Taxicab Authority may only conduct an investigation for a violation of this section upon receipt of a complaint by a passenger.

Sec. 14. NRS 706A.075 is hereby amended to read as follows:

706A.075 1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.

2. A transportation network company which holds a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an

agreement with such a company and a vehicle operated by such a driver are exempt from:

(a) The provisions of chapter 704 of NRS relating to public utilities; and

(b) ~~[The]~~ ***Except as otherwise provided in NRS 706.88396, the*** provisions of chapter 706 of NRS,

➥ to the extent that the services provided by the company or driver are within the scope of the permit.

Sec. 15. NRS 706A.110 is hereby amended to read as follows:

706A.110 1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.

2. A driver shall not provide transportation services unless the company with which the driver is affiliated holds a valid permit issued by the Authority pursuant to this chapter.

3. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all transportation network companies and drivers who operate or wish to operate within this State. ~~[The]~~ ***Except as otherwise provided in NRS 706.8818 and 706.88396, the*** Authority shall not apply any provision of chapter 706 of NRS to a transportation network company or a driver who operates within the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 16. NRS 706A.130 is hereby amended to read as follows:

706A.130 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Authority shall issue to the applicant within 30 days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) ~~[Does]~~ ***Except as otherwise provided in NRS 706.88396, does*** not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to NRS 706A.120 and meets the requirements for the issuance of a permit.

Sec. 17. ~~[NRS 360.001 is hereby amended to read as follows:~~

~~360.001 As used in this title, except as otherwise provided in chapters 360A, 365, 366, 371 and 373 of NRS and unless the context requires otherwise:~~

~~1. "Department" means the Department of Taxation.~~

~~2. *"Excise tax" means an indirect tax that a manufacturer, producer, retailer, seller, service provider or wholesaler:*~~

~~*(a) Pays to the State; and*~~

~~*(b) Except as prohibited in a specific statute, may recover from or shift to a consumer, customer or buyer.*~~

~~*3.* "Executive Director" means the Executive Director of the Department of Taxation.~~**]** **(Deleted by amendment.)**

Sec. 18. ~~[Chapter 372B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Contract motor carrier" has the meaning ascribed to it in NRS 706.051.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 372B.070 is hereby amended to read as follows:~~

~~372B.070 "Taxpayer" means a:~~

~~1. Common motor carrier of passengers;~~

~~2. *Contract motor carrier;*~~

~~*3.* Taxicab; or~~

~~[3.] *4.* Transportation network company.~~**]** **(Deleted by amendment.)**

Sec. 20. ~~[NRS 372B.010 is hereby amended to read as follows:~~

~~372B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 372B.020 to 372B.090, inclusive, *and section 19 of this act* have the meanings ascribed to them in those sections.~~**]** **(Deleted by amendment.)**

Sec. 21. ~~[NRS 372B.140 is hereby amended to read as follows:~~

~~372B.140 1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on *a transportation network company for* the use of a digital network or software application service of [a] *the* transportation network company to connect a passenger to a driver for the purpose of providing transportation services at the rate of 3 percent of the total fare charged for transportation services, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. [The Department shall charge and collect from each transportation network company] *Each transportation network company shall collect the excise tax from each passenger at the time the passenger pays a fare and remit* the excise tax imposed by this subsection [.] *to the Department in the manner required by the Department.*~~

~~2. The excise tax collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of NRS 372B.170.~~**]** **(Deleted by amendment.)**

Sec. 22. ~~[NRS 372B.150 is hereby amended to read as follows:~~

~~372B.150 1. Except as otherwise provided in subsection 2 and in addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on~~ ***a common motor carrier of passengers or contract motor carrier for*** ~~the connection, whether by dispatch or other means, made by a common motor carrier of a passenger [to]~~ ***or passengers or contract motor carrier and*** ~~a person or operator willing to transport [the]~~ ***a*** ~~passenger~~ ***or group of passengers*** ~~at the rate of 3 percent of the total fare charged for the transportation, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. [The Department shall charge and collect from each common motor carrier of passengers]~~ ***Each common motor carrier of passengers or contract motor carrier shall collect the excise tax from the passenger or group of passengers at the time the passenger or group of passengers pays a fare and remit*** ~~the excise tax imposed by this subsection [.]~~ ***to the Department in the manner required by the Department.***

~~2. The provisions of subsection 1 do not apply to an airport transfer service [.]~~ ***, charter service by bus or special service provided by a common motor carrier of passengers.***

~~3. The excise tax collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of NRS 372B.170.~~

~~4. As used in this section, "airport transfer service" means the transportation of passengers and their baggage in the same vehicle, except by taxicab, for a per capita charge between airports or between an airport and points and places in this State. The term does not include charter services by bus, charter services by limousine, scenic tours or special services.]~~ **(Deleted by amendment.)**

Sec. 23. ~~[NRS 372B.160 is hereby amended to read as follows:~~

~~372B.160 1. Except as otherwise provided in subsection 2 and in addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on~~ ***a certificate holder for*** ~~the connection, whether by dispatch or other means, made [by a]~~ ***between the*** ~~certificate holder [of a passenger to]~~ ***and*** ~~a taxicab willing to transport [the]~~ ***a*** ~~passenger~~ ***or group of passengers*** ~~at the rate of 3 percent of the total fare charged for the transportation, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. [The Department shall charge and collect from each certificate holder]~~ ***Each certificate holder shall collect the excise tax from the passenger or group of passengers at the time the passenger or group of passengers pays the fare and remit*** ~~the excise tax imposed by this subsection [.]~~ ***to the Department in the manner required by the Department.***

~~2. The excise tax collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of NRS 372B.170.~~] **(Deleted by amendment.)**

Sec. 24. NRS 427A.070 is hereby amended to read as follows:

427A.070 1. The Administrator shall:

(a) Subject to the approval of the Director, adopt rules and regulations:

(1) Necessary to carry out the purposes of this chapter and chapter 435 of NRS; and

(2) Establishing a program to subsidize the transportation by taxicab of elderly persons and persons with permanent disabilities from money received pursuant to subsection ~~[7]~~ ***5*** of NRS 706.8825;

(b) Establish appropriate administrative units within the Division;

(c) Appoint such personnel and prescribe their duties as the Administrator deems necessary for the proper and efficient performance of the functions of the Division;

(d) Prepare and submit to the Governor, through the Director before September 1 of each even-numbered year for the biennium ending June 30 of such year, reports of activities and expenditures and estimates of sums required to carry out the purposes of this chapter and chapter 435 of NRS;

(e) Make certification for disbursement of funds available for carrying out the purposes of this chapter and chapter 435 of NRS; and

(f) Take such other action as may be necessary or appropriate for cooperation with public and private agencies and otherwise to carry out the purposes of this chapter and chapter 435 of NRS.

2. The Administrator may delegate to any officer or employee of the Division such of the powers and duties of the Administrator as the Administrator finds necessary to carry out the purposes of this chapter and chapter 435 of NRS.

Sec. 25. Any regulations adopted by the Taxicab Authority that conflict with the amendatory provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after July 1, 2017.

Sec. 26. NRS 484D.493 and 706.88184 are hereby repealed.

Sec. 27. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTIONS

484D.493 Dynamic display: Management system required; exceptions.

1. Except as otherwise provided in subsection 2, a person shall not operate upon the highways of this State any motor vehicle that is equipped with a dynamic display unless:

(a) The motor vehicle is equipped with a display management system which is configured to prevent the image or content displayed on the dynamic display from changing when the motor vehicle is:

(1) Moving;

(2) In a turnout; or

(3) In any other location where changing the image or content displayed on the dynamic display may cause undue distraction to the operators of other vehicles; and

(b) The dynamic display does not project or otherwise show moving images, moving information or other moving content.

2. This section does not prohibit the use of a dynamic display that is operated without a display management system if the dynamic display is being used exclusively for purposes other than advertisement, including, without limitation:

(a) For purposes that are personal and noncommercial in nature;

(b) For purposes of traffic control;

(c) For purposes of law enforcement or emergency response;

(d) As a warning device for a utility or utility vehicle, as described in NRS 484D.465; or

(e) To display the name, route number or destination of a bus or other vehicle of mass transit.

3. As used in this section:

(a) "Display management system" means equipment or software that is designed to operate a dynamic display, including, without limitation, periodically changing the image, information or content being shown on the dynamic display.

(b) "Dynamic display" means equipment which is attached to a motor vehicle and which consists of at least one monitor, screen or viewer that, without limitation:

(1) Is designed to display various images, information or other content, including, without limitation, advertisements, which change periodically;

(2) Is intended to be visible to the drivers of other vehicles on the highway and to persons who are near the highway; and

(3) May be visible to the operator of the motor vehicle.

706.88184 Authority required to authorize use of certain technology by certificate holders and to impose reasonable charge.

1. Upon application by a certificate holder, the Taxicab Authority shall authorize the certificate holder to use the computerized real-time data system for the purposes of offering cooperative dispatch and electronic hailing services for taxicabs to the public.

2. If two or more certificate holders apply to the Taxicab Authority to use the computerized real-time data system for the purposes set forth in subsection 1, the Taxicab Authority must establish, by regulation or order, rules providing for the use of the computerized real-time data system by two or more certificate holders for the purposes set forth in subsection 1.

3. The Taxicab Authority shall:

(a) Authorize the certificate holders who are authorized to use the computerized real-time data system for the purposes set forth in subsection 1

to impose a reasonable charge for the use by a passenger of the computerized real-time data system. The charge:

(1) Must be separate from any other rate, fare or charge for taxicab service;

(2) Is not required to be uniform within a county; and

(3) May be assessed in accordance with a schedule of charges based upon factors approved by the Taxicab Authority.

(b) Establish, by regulation or order, requirements for the publication by certificate holders of the charge or the schedule of charges for the use by a passenger of the computerized real-time data system for the purposes set forth in subsection 1.

4. As used in this section, "computerized real-time data system" means the computerized real-time data system implemented by the Taxicab Authority pursuant to subsection 4 of NRS 706.8825.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 101.

Bill read second time.

The following amendment was proposed by Assemblyman Sprinkle:

Amendment No. 206.

AN ACT relating to wildlife; requiring the Board of Wildlife Commissioners to establish policies for the conservation of certain wildlife; revising the authorized uses of the fees for the processing of an application for a game tag; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of Wildlife Commissioners is required, after first considering the recommendations of the Department of Wildlife, the county advisory boards to manage wildlife and other persons, to establish policies for the management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians. (NRS 501.181) **Section 1** of this bill requires those policies to also include the conservation of those mammals, birds, fish, reptiles and amphibians.

Existing law requires a person applying for a game tag to pay an additional fee of $3 for processing the application. The money collected from those fees is required to be deposited in the Wildlife Account in the State General Fund and used by the Department of Wildlife for costs related to: (1) developing and implementing an annual program for the management and control of predatory wildlife; (2) wildlife management activities relating to the protection of nonpredatory game animals and sensitive wildlife species; and (3) conducting research necessary to determine successful techniques for managing and controlling predatory wildlife. (NRS 502.253) **Section 3** of this

bill ~~[changes]~~ **expands** the purposes for which the proceeds from those fees are required to be used ~~[to only: (1) developing and carrying out]~~ **by adding** programs for the management and enhancement of ~~[big]~~ game mammals ~~[; and (2)]~~ **, adding wildlife management activities related to wildlife habitat and authorizing** obtaining matching money from the Federal Government which is available for use for those programs ~~[.]~~ **and activities. Section 3 also requires the Department of Wildlife to submit a report, on or before August 31 of each even-numbered year, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature setting forth the expenditures for the programs and activities carried out using the proceeds from those fees.** **Section 4** of this bill specifies that the proceeds from those fees which are deposited for credit to the Wildlife Account on or after July 1, 2017, are only authorized to be used for the new purposes.

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

Section 1. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The ***conservation and*** management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The management and control of predatory wildlife.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. If, in establishing any regulations pursuant to this subsection, the Commission rejects the recommendations of a county advisory board to manage wildlife with regard to the length of seasons for fishing, hunting and trapping or the bag or possession limits applicable within the respective county, the Commission shall provide to the county advisory board to manage wildlife at the meeting an explanation of the Commission's decision to reject the recommendations and, as soon as practicable after the meeting, a written explanation of the Commission's decision to reject the recommendations. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

9. Adopt regulations prescribing the circumstances under which a person, regardless of whether the person has obtained a valid tag issued by the Department, may assist in the killing and retrieval of a wounded big game mammal by another person who:

(a) Is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and

(b) Has obtained a valid tag issued by the Department for hunting that animal.

10. In establishing any policy or adopting any regulations pursuant to this section, first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Sec. 2. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,

➥ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250, ***502.253,*** 502.410 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the protection, propagation and management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 3. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund and used by the Department for costs related ***solely*** to:

(a) Developing and implementing an annual program ~~***[programs]***~~ for the management and control of predatory wildlife ~~**[**;**]**~~ ***and the management and enhancement of*** ~~***[big]***~~ ***game mammals;*** ~~***[and]***~~

(b) Wildlife management activities relating to the protection of nonpredatory game animals ***,*** ~~**[**and**]**~~ sensitive wildlife species ~~**[**;**]**~~ and ***related wildlife habitat;***

(c) Conducting research necessary to determine successful techniques for managing and controlling predatory wildlife ~~**[**.**]**~~ ***; and***

(d) Obtaining matching money from the Federal Government which is available for use in developing and carrying out the programs and activities described in paragraphs (a) and (b).

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of the Commission in accordance with the ~~**[**provisions of subsection 4 and the**]**~~ policies adopted by the Commission pursuant to NRS 501.181.

4. ~~***[Obtaining matching money from the Federal Government which is available for use in developing and carrying out those programs.***~~

~~***— 2.]***~~ The Department ~~**[**:~~

~~(a) In**]**~~ ***, in*** adopting any program ~~**[**for the management and control of predatory wildlife**]**~~ developed pursuant to this section, shall first consider the recommendations of the Commission ***.*** ~~**[**and the State Predatory Animal and Rodent Committee created by NRS 567.020.~~

~~(b) Shall not adopt any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the most recent fiscal year for which the Department has complete information for the purposes of lethal management and control of predatory wildlife.**]**~~

5. ~~***[3.]***~~ The money in the Wildlife Account credited pursuant to this section remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

6. On or before August 31 of each even-numbered year, the Department shall submit a report setting forth the expenditures from the proceeds of the fee collected pursuant to this section and credited to the

Wildlife Account pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

7. The report submitted pursuant to subsection 6 must, for each program or activity implemented pursuant to paragraphs (a) and (b) of subsection 1, specify:

(a) The expenditures made for the program or activity;

(b) The number and species of any wildlife killed as a result of the program or activity;

(c) Any benefit from the program or activity which is statistically significant;

(d) The performance and outcome indicators used to evaluate and measure the effectiveness of the program or activity, including, without limitation, the methods used to track the performance and outcome indicators; and

(e) A summary of the effectiveness of the program or activity in achieving the goals of the program or activity.

Sec. 4. Any money deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund pursuant to NRS 502.253 before July 1, 2017, may only be used on or after that date for a purpose specified in NRS 502.253, as amended by section 3 of this act.

Sec. 4.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 5. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 242.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 156, 224, 291, 302, 327, 417, 472, and 487 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 297.

Bill read third time.

The following amendment was proposed by Assemblywoman Jauregui:

Amendment No. 561.

AN ACT relating to local government; requiring, with certain exceptions, each governing body of a county, city or town to designate at least one

sheriff's office or police station, as applicable, as a site for the completion of the sale of personal property initiated on the Internet; providing immunity from liability to counties, cities, towns, sheriffs, police departments and officers and employees thereof for certain incidents that occur at such sites; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the designation of certain sheriff's offices and police stations, or part thereof, as sites at which two or more persons may meet to complete the sale of personal property that was initiated on the Internet.

Section 1 of this bill requires each board of county commissioners to designate at least one sheriff's office, or part thereof, as such a site.

Section 2 of this bill requires the governing body of an incorporated city to designate at least one police station, or part thereof, as such a site. If: (1) an incorporated city is within the jurisdiction of a metropolitan police department; or (2) police protection for the city is provided by the sheriff of the county, **section 2** requires instead the board of county commissioners to designate at least one sheriff's office, or part thereof, located in or in close proximity to the city as such a site.

Section 3 of this bill requires each town board or the board of county commissioners of the county where the town is located to designate at least one police station, or part thereof, as such a site. If: (1) the town is within the jurisdiction of a metropolitan police department; or (2) police protection for the town is provided by the sheriff of the county, **section 3** requires instead the board of county commissioners to designate at least one sheriff's office, or part thereof, located in or in close proximity to the town as such a site.

Sections 1-3 also provide that no action may be brought against a county, incorporated city, town, sheriff, police department or officer or employee thereof based on an incident that occurs when two or more persons meet at such a location.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each board of county commissioners shall designate at least one sheriff's office, or part thereof, as a site at which two or more persons may meet to complete the sale of an item of personal property that was initiated on the Internet.

2. No action may be brought against the county, sheriff or an officer or employee thereof based on an incident that occurs when two or more persons meet at a location designated pursuant to subsection 1.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, the governing body of an incorporated city shall designate at least one police station, or part

thereof, as a site at which two or more persons may meet to complete the sale of an item of personal property that was initiated on the Internet.

2. If the incorporated city is within the jurisdiction of a metropolitan police department formed pursuant to chapter 280 of NRS or if police protection for the incorporated city is provided by the sheriff of the county, the board of county commissioners shall designate at least one sheriff's office, or part thereof, located in or in close proximity to the incorporated city as a site at which two or more persons may meet to complete the sale of an item of personal property that was initiated on the Internet.

3. No action may be brought against the county, sheriff, incorporated city, police department or an officer or employee thereof based on an incident that occurs when two or more persons meet at a location designated pursuant to subsection 1 or 2.

Sec. 3. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, each town board or the board of county commissioners shall designate at least one police station, or part thereof, as a site at which two or more persons may meet to complete the sale of an item of personal property that was initiated on the Internet.

2. If the town is within the jurisdiction of a metropolitan police department formed pursuant to chapter 280 of NRS or if police protection for the town is provided by the sheriff of the county, the board of county commissioners shall designate at least one sheriff's office, or part thereof, located in or in close proximity to the town as a site at which two or more persons may meet to complete the sale of an item of personal property that was initiated on the Internet.

3. No action may be brought against the county, sheriff, town, police department or an officer or employee thereof based on an incident that occurs when two or more persons meet at a location designated pursuant to subsection 1 or 2.

Sec. 4. ~~[This act becomes effective on July 1, 2017.]~~ **(Deleted by amendment.)**

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 98.

Bill read third time.

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

Amendment No. 317.

AN ACT relating to financial administration; revising provisions governing the employees of the Office of Grant Procurement, Coordination

and Management of the Department of Administration; eliminating the requirement that priority be given by the Office to certain grants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Office of Grant Procurement, Coordination and Management of the Department of Administration is required to provide assistance to state agencies with respect to grants, including, without limitation, researching, identifying and writing grants for state agencies and making state agencies aware of grant opportunities. (NRS 232.222-232.227) Existing law requires the Administrator of the Office of Grant Procurement, Coordination and Management to employ two persons to serve in the unclassified service of the State. (NRS 232.223) **Section 1** of this bill removes the limit on the number of employees that the Administrator is required to employ and instead requires that the Administrator, within the limits of money appropriated or authorized to be expended for the purpose, employ such persons in the **classified or** unclassified service as he or she deems necessary.

Existing law requires the Administrator, when researching the availability of grants and writing grant proposals and applications for a state agency, to give priority to grants: (1) for the Department of Health and Human Services; (2) for the Office of Energy; and (3) which may facilitate economic development in this State. **Section 2** of this bill eliminates this prioritization requirement.

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

Section 1. NRS 232.223 is hereby amended to read as follows:

232.223 1. The Administrator of the Office of Grant Procurement, Coordination and Management shall ***, within the limits of money appropriated or authorized to be expended for this purpose,*** employ ~~[two]~~ ***such*** persons ***as he or she deems necessary*** to serve in the ***classified or*** unclassified service of the State for the purposes set forth in this section.

2. A person employed pursuant to this section shall, under the direction of the Administrator of the Office of Grant Procurement, Coordination and Management, assist the Administrator in carrying out the provisions of NRS 232.222 to 232.227, inclusive.

Sec. 2. NRS 232.224 is hereby amended to read as follows:

232.224 1. The Administrator of the Office of Grant Procurement, Coordination and Management shall:

(a) Research and identify federal grants which may be available to state agencies.

(b) Write grants for federal funds for state agencies.

(c) Coordinate with the members of Congress representing this State to combine efforts relating to identifying and managing available federal grants and related programs.

(d) If requested by a state agency, research the availability of grants and write grant proposals and applications for the state agency **.** **[**~~, giving priority to grants:~~

~~(1) For the Department of Health and Human Services;~~

~~(2) For the Office of Energy; and~~

~~(3) Which may facilitate economic development in this State.~~**]**

(e) To the greatest extent practicable, ensure that state agencies are aware of any grant opportunities for which they are or may be eligible.

(f) If requested by the director of a state agency, advise the director and the state agency concerning the requirements for receiving and managing grants.

(g) To the greatest extent practicable, coordinate with state and local agencies that have received grants for similar projects to ensure that the efforts and services of those state and local agencies are not duplicated.

(h) Serve as a clearinghouse for disseminating information relating to unexpended grant money of state agencies by compiling and updating periodically a list of the grants and unexpended amounts thereof for which the Office received notification from state agencies pursuant to subsection 3 of NRS 232.225 and making the list available on the Internet website maintained by the Department.

(i) On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding all activity relating to the application for, receipt of and use of grants in this State.

2. The Administrator may adopt regulations to carry out the provisions of this section and NRS 232.225 and 232.226.

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. 286.

Bill read third time.

The following amendment was proposed by Assemblyman Elliot Anderson:

Amendment No. 563.

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; or (2) was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions. **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 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 **not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant,** 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) Was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions.

2. A defendant described in paragraph (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, not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant, 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,]~~ ***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 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 Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assemblywoman Benitez-Thompson moved that the Assembly recess until 5 p.m.

Motion carried.

Assembly in recess at 1:19 p.m.

ASSEMBLY IN SESSION

At 5:46 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 120, 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 Government Affairs, to which was referred Assembly Bill No. 321, 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. 299, 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 408, 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. 341, 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 Taxation, to which was referred Assembly Bill No. 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 20, 2017

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint

Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Assembly Bills Nos. 155 and 202.

RICHARD S. COMBS
Director

April 20, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 440.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 458.

MARK KRMPOTIC
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by Senator Ford.
For: Senate Bill No. 246.
To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Thursday, April 20, 2017.

SENATOR AARON D. FORD
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 89, 110, 125, 207, 218, 231, 253, 255, 281, 298, 317, 346, 350, 351, 356, 376, 410, 412, 473, and 485 just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 89.

Bill read second time.

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

Amendment No. 423.

AN ACT relating to surgical centers for ambulatory patients; requiring the **Division of Public and Behavioral Health of the** Department of Health and Human Services to ~~[impose a civil penalty against a]~~ **submit a quarterly report to the Legislature relating to** surgical ~~[center]~~ **centers** for ambulatory patients **;** ~~[for certain violations; limiting the authority of]~~ **prohibiting** the Department **from exercising its authority** to suspend the collection or dissemination of certain information; ~~[prohibiting a surgical center for ambulatory patients from performing certain types of surgery;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to establish and maintain a program to increase public awareness of health care information concerning hospitals and surgical centers for ambulatory patients. (NRS 439A.200-439A.290) Pursuant to the program, the Department is required to collect, maintain and provide certain information concerning the charges imposed and quality of care provided by surgical centers for ambulatory patients. (NRS 439A.240, 439A.250) Additionally, existing law: (1) requires the Department to notify a surgical center for ambulatory patients each time the center fails to provide required information or provides incomplete or inaccurate information; and (2) authorizes the Department to impose a civil penalty of not more than $20,000 for each such violation. (NRS 439A.250, 439A.310) ~~[Section 1 of this bill requires the Department to impose such a civil penalty against any surgical center for ambulatory patients that has received two or more notices for failing to provide required information or providing incomplete or inaccurate information and commits another such violation.]~~

Existing law requires the Department to suspend certain of its programs or duties if it determines that sufficient money is not available to carry them out. (NRS 439A.280) In such circumstances, **section 2** of this bill ~~[requires]~~ **prohibits** the Department ~~[to give priority to the continuation of those]~~ **from suspending** programs and duties relating to the collection and dissemination of information relating to surgical centers for ambulatory patients.

~~[Existing law]~~ **Section 3.6 of this bill** requires the Division of Public and Behavioral Health of the Department to ~~[license and regulate surgical centers for ambulatory patients. (NRS 449.0151, 449.030-449.2428, 449.445-449.448) Section 3 of this bill prohibits a center from performing any type of surgery that routinely results in the patient being admitted to another medical facility within 24 hours after being discharged from the center. Section 3 also requires the State Board of Health to adopt regulations prescribing the prohibited types of surgery. Section 6 of this bill authorizes the Division to impose administrative sanctions against any center that performs a prohibited surgery.]~~ **submit a quarterly report to the Legislature concerning information submitted to the Division by a surgical center for ambulatory patients relating to the discharge location of its patients.**

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

Section 1. ~~[NRS 439A.250 is hereby amended to read as follows:~~

~~439A.250 1. The Department shall, by regulation:~~

~~(a) Prescribe the information that each surgical center for ambulatory patients in this State must submit to the Department for the program as set forth in NRS 439A.240 and the form for submission of such information.~~

~~(b) Prescribe the measures of quality for surgical centers for ambulatory patients that are required pursuant to paragraph (b) of subsection 2 of NRS 439A.240. In adopting the regulations, the Department shall:~~

~~(1) Use measures of quality which are substantially similar to those required pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 439A.230;~~

~~(2) Prescribe a reasonable number of measures of quality which must not be unduly burdensome on the surgical centers for ambulatory patients; and~~

~~(3) Take into consideration the financial burden placed on the surgical centers for ambulatory patients to comply with the regulations.~~

~~The measures prescribed pursuant to this paragraph must report health outcomes of surgical centers for ambulatory patients, which do not necessarily correlate with the outpatient treatments posted on the Internet website pursuant to NRS 439A.270.~~

~~(c) Require each surgical center for ambulatory patients to provide the information prescribed in paragraphs (a) and (b) in the format required by the Department.~~

~~(d) Prescribe which surgical centers for ambulatory patients in this State must participate in the program established pursuant to NRS 439A.240.~~

~~2. The information required pursuant to this section and NRS 439A.240 must be submitted to the Department not later than 45 days after the last day of each calendar month.~~

~~3. If a surgical center for ambulatory patients fails to submit the information required pursuant to this section or NRS 439A.240 or submits information that is incomplete or inaccurate, the Department shall send a notice of such failure to the surgical center for ambulatory patients and to the Division of Public and Behavioral Health of the Department. *If a surgical center for ambulatory patients that has received two or more such notices fails to submit such information or submits information that is incomplete or inaccurate, the Department shall impose a civil penalty against the surgical center for ambulatory patients pursuant to NRS 439A.310.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 439A.280 is hereby amended to read as follows:

439A.280 1. On or before July 1 of each odd-numbered year, the Department shall make a determination of whether sufficient money is available and authorized for expenditure to fund one or more components of the programs and other duties of the Department relating to NRS 439A.200 to 439A.290, inclusive.

2. The ~~*[Subject to the limitations of this subsection, the]*~~ Department shall temporarily suspend any components of the program ~~*[programs]*~~ or duties of the Department ***, other than those set forth in NRS 439A.240 and 439A.250,*** for which it determines pursuant to subsection 1 that sufficient money is not available. ~~*[The Department shall give priority to the continuation of the programs and duties prescribed by NRS 439A.240 and 439A.250, so that any suspension of those programs or duties is effected only after the suspension of the other programs and duties described in subsection 1.]*~~

3. The Department may accept any gift, donation, bequest, grant or other source of money for the purpose of carrying out the provisions of NRS 439A.200 to 439A.290, inclusive.

Sec. 3. Chapter 449 of NRS is hereby amended by adding thereto ~~[a new section to read]~~ **the provisions set forth** as ~~[follows:]~~ **sections 3.3 and 3.6 of this act.**

Sec. 3.3. The Legislature finds and declares that:

1. ~~[A surgical center]~~ This State has a compelling interest in assuring that residents of this State have access to health care;

2. Surgical centers for ambulatory patients ~~[shall not perform any type of surgery that routinely results in the patient being admitted to another medical facility within 24 hours after being discharged from the surgical center for ambulatory patients.~~

~~2. The Board shall prescribe by regulation the types of surgeries that a surgical center for]~~ play an important role in providing essential health care services and have become a critical element in the delivery of health care in this State; and

3. A license issued by this State to operate a surgical center for ambulatory patients ~~[is prohibited]~~ pursuant to this chapter should be accompanied by ~~[subsection 1 from performing.]~~ oversight by the agency issuing the license.

Sec. 3.6. The Division shall:

1. Compile the information collected from and submitted by surgical centers for ambulatory patients to the Department pursuant to NRS 439A.240, 439A.250 and 439A.260 and any regulations adopted pursuant thereto, and prepare a quarterly report that:

(a) Identifies the discharge location of each patient of a surgical center for ambulatory patients; and

(b) Compares the discharge location of patients of surgical centers for ambulatory patients in different geographical regions of this State; and

2. Submit the quarterly report prepared pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

Sec. 4. NRS 449.435 is hereby amended to read as follows:

449.435 As used in NRS 449.435 to 449.448, inclusive, ***and ~~[section 3]~~ sections 3.3 and 3.6 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 449.436 to 449.439, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 449.441 is hereby amended to read as follows:

449.441 The provisions of NRS 449.435 to 449.448, inclusive, ***and ~~[section 3]~~ sections 3.3 and 3.6 of this act*** do not apply to an office of a physician or a facility that provides health care, other than a medical facility, if the office of a physician or the facility only administers a medication to a patient to relieve the patient's anxiety or pain and if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of

depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

Sec. 6. NRS 449.447 is hereby amended to read as follows:

449.447 1. If an office of a physician or a facility that provides health care, other than a medical facility, violates the provisions of NRS 449.435 to 449.448, inclusive, ***and ~~[section 3]~~ sections 3.3 and 3.6 of this act,*** or the regulations adopted pursuant thereto, or fails to correct a deficiency indicated in a report pursuant to NRS 449.446, the Division, in accordance with the regulations adopted pursuant to NRS 449.448, may take any of the following actions:

(a) Decline to issue or renew a permit;

(b) Suspend or revoke a permit; or

(c) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum.

2. The Division may review a report submitted pursuant to NRS 630.30665 or 633.524 to determine whether an office of a physician or a facility is in violation of the provisions of NRS 449.435 to 449.448, inclusive, ***and ~~[section 3]~~ sections 3.3 and 3.6 of this act,*** or the regulations adopted pursuant thereto. If the Division determines that such a violation has occurred, the Division shall immediately notify the appropriate professional licensing board of the physician.

3. If a surgical center for ambulatory patients violates the provisions of NRS 449.435 to 449.448, inclusive, ***and ~~[section 3]~~ sections 3.3 and 3.6 of this act,*** or the regulations adopted pursuant thereto, or fails to correct a deficiency indicated in a report pursuant to NRS 449.446, the Division may impose administrative sanctions pursuant to NRS 449.163.

Sec. 7. NRS 449.448 is hereby amended to read as follows:

449.448 1. The Board shall adopt regulations to carry out the provisions of NRS 449.435 to 449.448, inclusive, ***and ~~[section 3]~~ sections 3.3 and 3.6 of this act,*** including, without limitation, regulations which:

(a) Prescribe the amount of the fee required for applications for the issuance and renewal of a permit pursuant to NRS 449.443 and 449.444.

(b) Prescribe the procedures and standards for the issuance and renewal of a permit.

(c) Identify the nationally recognized organizations approved by the Board for the purposes of the accreditation required for the issuance of a:

(1) License to operate a surgical center for ambulatory patients.

(2) Permit for an office of a physician or a facility that provides health care, other than a medical facility, to offer to a patient a service of general anesthesia, conscious sedation or deep sedation.

(d) Prescribe the procedures and scope of the inspections conducted by the Division pursuant to NRS 449.446.

(e) Prescribe the procedures and time frame for correcting each deficiency indicated in a report pursuant to NRS 449.446.

(f) Prescribe the criteria for the imposition of each sanction prescribed by NRS 449.447, including, without limitation:

(1) Setting forth the circumstances and manner in which a sanction applies;

(2) Minimizing the time between the identification of a violation and the imposition of a sanction; and

(3) Providing for the imposition of incrementally more severe sanctions for repeated or uncorrected violations.

2. The regulations adopted pursuant to this section must require that the practices and policies of each holder of a permit to offer to a patient a service of general anesthesia, conscious sedation or deep sedation and each holder of a license to operate a surgical center for ambulatory patients provide adequately for the protection of the health, safety and well-being of patients.

Sec. 7.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 8. 1. This ~~[section becomes effective upon passage and approval.~~

~~2. Sections 1 and 2 of this]~~ act ~~[become]~~ ***becomes*** effective on July 1, 2017.

~~[3. Sections 3 to 7, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of those sections, and on January 1, 2018, for all other purposes.]~~

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 110.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 221.

AN ACT relating to education; **requiring the Department of Education to establish a pilot program to provide competency-based education; requiring the State Board of Education to adopt regulations relating to the pilot program; establishing the Competency-Based Education Network;** revising provisions governing the requirements for a pupil to receive credit for a course of study without attending the classes for the course; ~~[creating the Competency-Based Education Task Force;]~~ requiring the Department of Education to conduct a public awareness campaign regarding competency-based education; authorizing the Department to distribute certain money through a competitive grants program to carry out ~~[one or more programs of]~~ **the pilot program to provide** competency-based education; **requiring the Competency-Based Education Network to**

prepare a comprehensive report relating to competency-based education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.2 of this bill requires the Department of Education to establish a pilot program to provide competency-based education and requires the State Board of Education to adopt regulations that prescribe the process for submission of an application by a school district or charter school to participate in the pilot program and the qualifications and conditions for participation by a school in the pilot program. Section 1.1 of this bill defines "competency-based education" to mean a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a concept or skill, regardless of the time, place or pace at which the pupil progresses.

Section 1.4 of this bill requires the Department to establish a Competency-Based Education Network and prescribes the membership and duties of the Network, including a requirement that the Network submit a report to the Governor and the Legislature on the implementation of competency-based education once each biennium.

Section 1.6 of this bill requires the Department of Education to: (1) conduct a public campaign to raise awareness about competency-based education; and (2) conduct at least one meeting with the superintendents of the school districts relating to competency-based education. Section 1.6 also authorizes the Department to use money appropriated by the 2017 Legislature to the Account for Programs for Innovation and the Prevention of Remediation to carry out the pilot program to provide competency-based education.

Existing law provides that a pupil may be granted credit for certain courses in lieu of course attendance if the pupil: (1) demonstrates proficiency on certain examinations; and (2) applies to the board of trustees of the school district in which the pupil attends school to be granted credit. (NRS 389.171) **Section ~~[1]~~ 1.8** of this bill provides that a pupil may also be granted credit in lieu of course attendance if the pupil demonstrates proficiency to meet the objectives of a course or of a particular area or areas of a course: (1) through a portfolio of the pupil's work; (2) through the pupil's performance of a task that is designed to measure the proficiency of the pupil; or (3) as measured by criteria prescribed by the State Board of Education. **Section ~~[1]~~ 1.8** also requires the State Board to adopt regulations that: (1) provide that a pupil may apply to the governing body of the charter school in which the pupil is enrolled to be granted credit in lieu of course attendance; and (2) prescribe other criteria that may be used to determine whether a pupil has achieved proficiency in a course.

~~[Section 2 of this bill creates the Competency-Based Education Task Force to study certain issues relating to personalized learning and competency-based education. The Task Force is required]~~ **Section 4 of this bill requires the Competency-Based Education Network** to prepare a ~~[final]~~

comprehensive report with its findings and recommendations **on or before April 1, 2022,** which must be posted on the Internet website of the Department of Education and submitted to the Governor, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

~~[Section 3 of this bill requires the Department of Education to: (1) conduct a public campaign to raise awareness about competency-based education; and (2) conduct at least one meeting with the superintendents of the school districts relating to competency-based education. Section 3 also authorizes the Department to use money appropriated by the 2017 Legislature to the Account for Programs for Innovation and the Prevention of Remediation to carry out one or more programs of competency-based education through a competitive grants program.]~~

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

Section 1. **Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to 1.6, inclusive, of this act.**

Sec. 1.1. ***As used in sections 1.1 to 1.6, inclusive, of this act, "competency-based education" means a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a concept or skill, regardless of the time, place or pace at which the pupil progresses.***

Sec. 1.2. ***1. The Department shall establish a pilot program to provide competency-based education.***

2. The State Board shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district or the governing body of a charter school to participate in the pilot program; and

(b) The qualifications and conditions for participation by a school in the pilot program, including, without limitation:

(1) A commitment by the school district or charter school to implement competency-based education for not less than 5 years;

(2) Evidence of support for the implementation of competency-based education by the community served by the school district or charter school; and

(3) A commitment to participate in the Competency-Based Education Network established by section 1.4 of this act.

3. A school selected to participate in the pilot program to provide competency-based education shall:

(a) Implement a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a concept or skill;

(b) Establish concrete skills on which a pupil will be evaluated that include explicit, measurable and transferable learning objectives;

(c) Ensure that assessment is a meaningful and positive learning experience for pupils;

(d) Ensure that pupils receive timely and differentiated support based upon their individual learning needs; and

(e) Ensure that pupils are able to apply knowledge learned, create new knowledge and develop important skills and dispositions relating to such knowledge.

Sec. 1.4. 1. The Department shall establish a Competency-Based Education Network.

2. The Competency-Based Education Network must consist of the following members:

(a) The principal of each school selected to participate in the pilot program established pursuant to section 1.2 of this act.

(b) At least one teacher who teaches in each school selected to participate in the pilot program established pursuant to section 1.2 of this act, selected by the principal of the school.

(c) The Chancellor of the Nevada System of Higher Education or his or her designee.

(d) The Chancellor of Western Governors University Nevada or his or her designee.

(e) One teacher who does not teach in a school selected to participate in the pilot program established pursuant to section 1.2 of this act, selected by the Nevada State Education Association to represent the Association.

(f) One parent or guardian of a pupil who is enrolled in a school selected to participate in the pilot program established pursuant to section 1.2 of this act, selected by the Nevada Parent Teacher Association to represent the Association.

(g) One parent or guardian of a pupil who is not enrolled in a school selected to participate in the pilot program established pursuant to section 1.2 of this act, selected by the Nevada Parent Teacher Association to represent the Association.

3. The Competency-Based Education Network shall:

(a) Study approaches to converting requirements regarding the amount of time a pupil is required to spend in a classroom into competency measures;

(b) Study tools for use in personalized learning and competency-based education;

(c) Study approaches to ensure appropriate examinations are prescribed by the State Board pursuant to NRS 389.171;

(d) Study strategies for improving competency-based education through the use of technology;

(e) Study professional development relating to competency-based education and other support to assist educators in transitioning to a system of competency-based education;

(f) Provide support and share data and best practices among schools participating in the pilot program established pursuant to section 1.2 of this act;

(g) Identify barriers and possible solutions to implementing a statewide system of competency-based education;

(h) Develop evidence-based recommendations for the continued implementation of a system of competency-based education; and

(i) On or before January 31 of every even-numbered year, submit a report to the Governor and the Legislature on the implementation of a system of competency-based education in this State.

4. The Competency-Based Education Network shall initially meet at the call of the Superintendent of Public Instruction. After the first meeting, the Network shall meet at the call of the Chair.

5. At the first meeting of the Competency-Based Education Network, the members of the Network shall elect a Chair by majority vote.

6. A majority of the members of the Competency-Based Education Network constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Network.

7. The Department of Education shall provide the Competency-Based Education Network with such staff as is necessary to carry out the duties of the Network.

8. Members of the Competency-Based Education Network serve without compensation, and travel and per diem expenses may not be reimbursed.

Sec. 1.6. 1. The Department of Education shall:

(a) Conduct a public campaign to raise awareness about competency-based education.

(b) Conduct one or more meetings with the superintendents of the school districts for the purpose of increasing:

(1) Understanding of competency-based education; and

(2) Interest in implementing a system of competency-based education.

2. To the extent that money is available for that purpose, the Department of Education may, through a competitive grants program, distribute any money appropriated by the 2017 Legislature to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 to carry out the pilot program to provide competency-based education established pursuant to section 1.2 of this act. Grants must be awarded by the Department to schools selected to participate in the program based upon money available.

~~[Section 1.]~~ ***Sec. 1.8.*** NRS 389.171 is hereby amended to read as follows:

389.171 1. A pupil may be granted credit for a specific course of study without having attended the regularly scheduled classes in the course if the pupil demonstrates his or her proficiency to meet the:

(a) Objectives of the course through the pupil's performance on an examination prescribed by the State Board;

(b) Objectives of a particular area or areas of the course in which the pupil is deficient through the pupil's performance on an examination developed by the principal and the pupil's teacher who provides instruction in the course that is designed to measure the proficiency of the pupil in that particular area or areas; ~~[or]~~

(c) Objectives of the course through the pupil's performance on an examination that the principal determines is as rigorous or more rigorous than the examination prescribed by the State Board pursuant to paragraph (a), including, without limitation, an advanced placement examination in the subject area of the course ~~[.]~~ ***;***

(d) Objectives of the course through a portfolio of the pupil's work;

(e) Objectives of a particular area or areas of the course through the pupil's performance of a task that is designed to measure the proficiency of the pupil in that particular area or areas; or

(f) Objectives of the course as measured against the criteria prescribed by the State Board pursuant to paragraph (d) of subsection 2.

2. The State Board shall adopt regulations that prescribe the:

(a) Form on which a pupil may apply to the board of trustees of a school district in which the pupil attends school ***or the governing body of the charter school in which the pupil is enrolled*** to be granted credit pursuant to subsection 1;

(b) Courses of study for which pupils may be granted credit pursuant to subsection 1; ~~[and]~~

(c) Minimum score on the examination prescribed pursuant to paragraph (a) of subsection 1 that is required to demonstrate proficiency in a course ~~[.]~~ ***; and***

(d) Criteria, other than the criteria described in paragraphs (a) to (e), inclusive, of subsection 1, that may be used to determine whether a pupil has achieved proficiency in a course.

Sec. 2. ~~[1. The Competency-Based Education Task Force is hereby created.~~

~~2. The Task Force must consist of at least 4 but not more than 13 members appointed by the Governor. The Task Force:~~

~~(a) Must consist of:~~

~~(1) At least one member who is a representative of the Department of Education;~~

~~(2) At least one member who is a representative of a school district;~~

~~(3) At least one member who is a representative of a community college in the Nevada System of Higher Education; and~~

~~(4) At least one member who is a representative of Western Governors University; and~~

~~(b) May include not more than nine additional members appointed by the Governor, each of whom must be a representative of an entity described in subparagraphs (1) to (4), inclusive, of paragraph (a).~~

~~3. The Governor shall appoint the members of the Task Force as soon as practicable after the effective date of this act but not later than July 31, 2017.~~

~~4. The Task Force shall study:~~

~~(a) Approaches to converting requirements regarding the amount of time a pupil is required to spend in a classroom into competency measures;~~

~~(b) Tools for use in personalized learning and competency-based education;~~

~~(c) Approaches to ensure appropriate examinations are prescribed by the State Board pursuant to NRS 389.171;~~

~~(d) Strategies for improving competency-based education through the use of technology; and~~

~~(e) Professional development relating to competency-based education and other support to assist educators in transitioning to a system of competency-based education.~~

~~5. The Task Force shall meet at the call of the Governor or, after the first meeting of the Task Force, at the call of the Chair.~~

~~6. At the first meeting of the Task Force, the members of the Task Force shall elect a Chair by majority vote.~~

~~7. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Task Force.~~

~~8. The Department of Education shall provide the Task Force with such staff as is necessary to carry out the duties of the Task Force.~~

~~9. Members of the Task Force serve without compensation, and necessary travel and per diem expenses may not be reimbursed.~~

~~10. The Task Force shall, on or before April 30, 2018:~~

~~(a) Complete a final report with its findings and any recommendations, including, without limitation, recommendations regarding approaches to converting requirements regarding the amount of time a pupil is required to spend in a classroom into competency measures and recommendations regarding professional development relating to competency-based education;~~

~~(b) Post a copy of the final report on the Internet website maintained by the Department of Education; and~~

~~(c) Submit a copy of the final report to the Governor, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.~~

~~11. As used in this section, "competency-based education" means a system of instruction in which a pupil is granted credit for a course of study when the pupil demonstrates proficiency to meet the objectives of the course or the objectives of a particular area or areas of the course in the manner described in NRS 389.171.~~] **(Deleted by amendment.)**

Sec. 3. ~~[1. The Department of Education shall:~~

~~(a) Conduct a public campaign to raise awareness about competency-based education.~~

~~(b) Conduct one or more meetings with the superintendents of the school districts for the purpose of increasing:~~

~~(1) Understanding of competency-based education; and~~

~~(2) Interest in implementing competency-based education.~~

~~(c) Establish and coordinate a network of teachers who practice competency-based education in public schools for the purpose of providing support and sharing effective practices.~~

~~2. The Department of Education may, through a competitive grants program, distribute any money appropriated by the 2017 Legislature to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 to carry out one or more programs of competency-based education. Grants must be awarded by the Department based upon money available and proposals submitted by school districts and charter schools that have been approved by the State Public Charter School Authority. Grants must be used for programs of competency-based education which may include, without limitation, programs for:~~

~~(a) Investigating, developing and implementing competency-based educational pathways for pupils;~~

~~(b) Developing performance measures through which a pupil may demonstrate his or her proficiency to meet the objectives of a course or the objectives of a particular area or areas of a course and receive credit for the course without having attended regularly scheduled classes;~~

~~(c) Developing or acquiring examinations or assessments through which a pupil may demonstrate his or her proficiency pursuant to paragraph (a) of subsection 1 of NRS 389.171;~~

~~(d) Establishing school sites at which competency-based education can be observed;~~

~~(e) Supporting the transition of schools to competency-based education;~~

~~(f) Identifying and purchasing technical assistance and professional development materials; and~~

~~(g) Documenting and sharing results, challenges and lessons learned relating to the implementation of programs of competency-based education.~~

~~3. As used in this section, "competency-based education" means a system of instruction in which a pupil is granted credit for a course of study when the pupil demonstrates proficiency to meet the objectives of the course or the objectives of a particular area or areas of the course in the manner described in NRS 389.171.~~**] (Deleted by amendment.)**

Sec. 4. **In addition to the report required by section 1.4 of this act, the Competency-Based Education Network shall, on or before April 1, 2022:**

1. Complete a comprehensive report with its findings and any recommendations relating to competency-based education;

2. Post a copy of the report on the Internet website maintained by the Department of Education; and

3. Submit a copy of the report to the Governor, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

~~[Sec. 4.]~~ ***Sec. 6.*** ~~[1.]~~ This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2017, for all other purposes.

~~[2. Sections 2 and 3 of this act expire by limitation on June 30, 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. 125.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 389.

AN ACT relating to interpreters; **requiring the adoption of regulations providing for the registration of court interpreters and governing the circumstances under which a court or juvenile court must proceed if a certified or registered court interpreter is not available;** replacing the term "person with a language barrier" with "person with limited English proficiency"; removing provisions relating to alternate court interpreters; making various other changes to provisions relating to court interpreters; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires and authorizes the Court Administrator, in consultation with the committee established to advise the Court Administrator regarding adoption of regulations, to adopt various regulations relating to the: (1) certification of court interpreters; and (2) criteria and procedures for the appointment of alternate court interpreters for persons with language barriers who are witnesses, defendants and litigants. (NRS 1.510, 1.520) **Section 1 of this bill requires the adoption of regulations: (1) providing for the registration of court interpreters; and (2) governing the circumstances under which a court or juvenile court must proceed if a certified or registered court interpreter is not available. Sections 1-6 and 8-10** of this bill ~~[clarify]~~ **provide** that a court interpreter is required to obtain a ~~[professional]~~ certificate ~~[.]~~ **or registration. Sections 1, 2 and 8-10** also remove the provisions relating to the appointment of alternate court

interpreters. **Sections 1 and 7-10** of this bill replace the term "person with a language barrier" with "person with limited English proficiency."

~~[Existing law provides that an interpreter must be provided at public expense for a person with a language barrier who is a defendant or witness in a criminal proceeding. (NRS 50.0545) Section 9 provides that an interpreter must be provided at public expense if the person with limited English proficiency is a defendant, party or witness in a civil or criminal proceeding.]~~

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

Section 1. NRS 1.510 is hereby amended to read as follows:

1.510 1. The Court Administrator shall, ~~[in consultation]~~ with ***the advice of*** the committee established pursuant to NRS 1.530, adopt regulations which, subject to the availability of funding, establish ~~[:~~

~~(a) A]~~ ***a*** program for the ~~***[professional]***~~ certification ***or registration*** of court interpreters for persons with ~~[language barriers]~~ ***limited English proficiency*** who are witnesses, defendants and litigants **.** ~~[; and~~

~~(b) Criteria and procedures for the appointment of alternate court interpreters for persons with language barriers who are witnesses, defendants and litigants.]~~

2. The regulations established pursuant to ~~[~~paragraph (a) of~~]~~ subsection 1 must set forth:

(a) The specific languages for which court interpreters may obtain ~~***[professional]***~~ certification ~~[,]~~ ***or registration,*** based upon the need for interpreters of those languages.

(b) Any examination and the qualifications which are required for:

(1) Certification ~~[; ***Professional certification;]***~~ ***or registration;*** and

(2) Renewal of the ~~***[professional]***~~ certification ~~[.]~~ ***or registration.***

(c) The circumstances under which the Court Administrator will deny, suspend or refuse to renew a ~~***[professional]***~~ certificate ~~[.]~~ ***or registration.***

(d) The circumstances under which the Court Administrator will take disciplinary action against a ~~***[professionally]***~~ certified ***or registered*** court interpreter **.** ~~[or an alternate court interpreter.]~~

(e) The circumstances under which a court ~~[may appoint an alternate court interpreter.~~

~~(f)]~~ ***or juvenile court must proceed if a certified or registered interpreter is not available.***

(f) Except as otherwise provided in NRS 50.050, the rate and source of the compensation to be paid for services provided by a ~~***[professionally]***~~ certified ***or registered*** court interpreter **.** ~~[or an alternate court interpreter.]~~

3. An application for a ~~***[professional]***~~ certificate ***or registration*** as a court interpreter pursuant to ~~[~~paragraph (a) of~~]~~ subsection 1 must include the social security number of the applicant.

4. Except as otherwise provided by a specific regulation of the Court Administrator, it is grounds for disciplinary action for a ~~***[professionally]***~~

certified ***or registered*** court interpreter ~~[or an alternate court interpreter]~~ to act as interpreter in any action in which:

(a) The spouse of the court interpreter is a party;

(b) A party or witness is otherwise related to the court interpreter;

(c) The court interpreter is biased for or against one of the parties; or

(d) The court interpreter otherwise has an interest in the outcome of the proceeding.

5. ~~[The criteria and procedures established pursuant to paragraph (b) of subsection 1 must set forth an order of preference, subject to the direction of a court for the appointment of a certified court interpreter before an alternate court interpreter.~~

~~6.]~~ As used in this section, "person with ~~[a language barrier"]~~ ***limited English proficiency"*** means a person who speaks a language other than English and who cannot readily understand or communicate in the English language.

Sec. 2. NRS 1.520 is hereby amended to read as follows:

1.520 The Court Administrator may:

1. ~~[In consultation with]~~ ***With the advice of*** the committee established pursuant to NRS 1.530, adopt any regulations necessary to ~~[:~~

~~(a) Carry]~~ ***carry*** out a program for the ~~***[professional]***~~ certification ***and registration*** of court interpreters.

~~[(b) Establish criteria and procedures for the appointment of alternate court interpreters.]~~

2. Impose on a ~~***[professionally]***~~ certified ***or registered*** court interpreter:

(a) Any fees necessary to reimburse the Court Administrator for the cost of administering the program; and

(b) A fine for any violation of a regulation of the Court Administrator adopted pursuant to this section or NRS 1.510.

Sec. 3. NRS 1.540 is hereby amended to read as follows:

1.540 1. It is unlawful for a person to act as a ~~***[professionally]***~~ certified ***or registered*** court interpreter or advertise or put out any sign or card or other device which might indicate to the public that the person is entitled to practice as a ~~***[professionally]***~~ certified ***or registered*** court interpreter without a ~~***[professional]***~~ certificate ***or registration*** as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

2. No civil action may be instituted, nor recovery therein be had, for a violation of the provisions of this section or NRS 1.510 or 1.520 or a violation of a regulation adopted by the Court Administrator pursuant to NRS 1.510 or 1.520.

Sec. 4. NRS 1.550 is hereby amended to read as follows:

1.550 1. An applicant for the issuance or renewal of a ~~***[professional]***~~ certificate ***or registration*** as a court interpreter shall submit to the Court Administrator 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 Court Administrator shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the ~~[professional]~~ certificate ~~[,]~~ ***or registration;*** or

(b) A separate form prescribed by the Court Administrator.

3. A ~~[professional]~~ certificate ***or registration*** as a court interpreter may not be issued or renewed by the Court Administrator if the applicant:

(a) Fails to complete or 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 Court Administrator 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. 5. NRS 1.560 is hereby amended to read as follows:

1.560 1. If the Court Administrator receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a ~~[professional]~~ certificate ***or registration*** as a court interpreter, the Court Administrator shall deem the ~~[professional]~~ certificate ***or registration*** issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Court Administrator receives a letter issued to the holder of the ~~[professional]~~ certificate ***or registration*** by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the ~~[professional]~~ certificate ***or registration*** has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Court Administrator shall reinstate a ~~[professional]~~ certificate ***or registration*** as a court interpreter that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Court Administrator receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose ~~[professional]~~ certificate ***or registration*** was suspended stating that the person whose ~~[professional]~~ certificate ***or registration*** was suspended has

complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose ***[professional]*** certificate ***or registration*** was suspended pays any fees imposed by the Court Administrator pursuant to NRS 1.520 for the reinstatement of a suspended ***[professional]*** certificate [.] ***or registration.***

Sec. 6. NRS 1.570 is hereby amended to read as follows:

1.570 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a ***[professional]*** certificate ***or registration*** as a court interpreter must indicate in the application submitted to the Court Administrator whether the applicant has a state business registration. If the applicant has a state business registration, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. Certification ***[Professional certification]*** ***or registration*** of a court interpreter may not be renewed if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Court Administrator pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 7. NRS 47.020 is hereby amended to read as follows:

47.020 1. This title governs proceedings in the courts of this State and before magistrates, except:

(a) To the extent to which its provisions are relaxed by a statute or procedural rule applicable to the specific situation; and

(b) As otherwise provided in subsection 3.

2. Except as otherwise provided in subsection 1, the provisions of chapter 49 of NRS with respect to privileges apply at all stages of all proceedings.

3. The other provisions of this title, except with respect to provisions concerning a person with ~~[a language barrier,]~~ ***limited English proficiency,*** do not apply to:

(a) Issuance of warrants for arrest, criminal summonses and search warrants.

(b) Proceedings with respect to release on bail.

(c) Sentencing, granting or revoking probation.

(d) Proceedings for extradition.

4. As used in this section, "person with ~~[a language barrier"]~~ ***limited English proficiency"*** has the meaning ascribed to it in NRS 1.510.

Sec. 8. NRS 50.054 is hereby amended to read as follows:

50.054 1. Except as otherwise provided by a regulation of the Court Administrator adopted pursuant to NRS 1.510 and 1.520, a person shall not act as an interpreter in a proceeding if the interpreter is:

(a) The spouse of a witness;

(b) Otherwise related to a witness;

(c) Biased for or against one of the parties; or

(d) Otherwise interested in the outcome of the proceeding.

2. Before undertaking his or her duties, the interpreter shall swear or affirm that he or she will:

(a) To the best of his or her ability, ~~[translate]~~ ***interpret*** accurately to the person with ~~[a language barrier]~~ ***limited English proficiency*** in the language of the person, questions and statements addressed to the person;

(b) Make a true interpretation of the statements of the person with ~~[a language barrier]~~ ***limited English proficiency*** in an understandable manner; and

(c) Repeat the statements of the person with ~~[a language barrier in the English language]~~ ***limited English proficiency*** to the best of his or her ability.

3. While in the proper performance of his or her duties, an interpreter has the same rights and privileges as the person with ~~[a language barrier,]~~ ***limited English proficiency*** including the right to examine all relevant material, but is not entitled to waive or exercise any of those rights or privileges on behalf of the person with ~~[a language barrier.]~~ ***limited English proficiency.***

4. If an interpreter appointed for a person with ~~[a language barrier]~~ ***limited English proficiency*** is not effectively or accurately communicating with or on behalf of the person, and that fact becomes known to the person who appointed the interpreter, another interpreter must be appointed.

5. Claims against a county, municipality, this State or any agency thereof for the compensation of an interpreter in a criminal proceeding or other proceeding for which an interpreter must be provided at public expense must be paid in the same manner as other claims against the respective entities are paid. Payment may be made only upon the certificate of the judge, magistrate or other person presiding over the proceedings that the interpreter has performed the services required and incurred the expense claimed.

6. As used in this section:

(a) "Interpreter" means a person who ~~[:~~

~~(1) Has]~~ ***has*** a ~~***[professional]***~~ certificate ***or registration*** as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520 **.** ~~**[**; or~~

~~(2) Is appointed as an alternate court interpreter in accordance with the criteria and procedures established pursuant to NRS 1.510 or 1.520.]~~

(b) "Person with ~~[a language barrier"]~~ ***limited English proficiency"*** has the meaning ascribed to it in NRS 1.510.

Sec. 9. NRS 50.0545 is hereby amended to read as follows:

50.0545 1. An interpreter must be appointed at public expense for a person with ~~[a language barrier]~~ ***limited English proficiency*** who is a defendant ~~***[, a party]***~~ or a witness in a ~~***[civil or]***~~ criminal proceeding.

2. ***If a certified or registered court interpreter is not available, a court shall appoint an interpreter in accordance with the regulations adopted pursuant to paragraph (e) of subsection 2 of NRS 1.510.***

3. As used in this section:

(a) "Interpreter" means a person who ~~[:~~

~~(1) Has]~~ ***has*** a ~~***[professional]***~~ certificate ***or registration*** as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520 **.** ~~[; or~~

~~(2) Is appointed as an alternate court interpreter in accordance with the criteria and procedures established pursuant to NRS 1.510 or 1.520.]~~

(b) "Person with ~~[a language barrier"]~~ ***limited English proficiency"*** has the meaning ascribed to it in NRS 1.510.

Sec. 10. NRS 62D.405 is hereby amended to read as follows:

62D.405 1. The juvenile court shall appoint at public expense an interpreter for a person with ~~[a language barrier]~~ ***limited English proficiency*** in all proceedings conducted pursuant to the provisions of this title if the person with ~~[a language barrier]~~ ***limited English proficiency*** is:

(a) The child who is alleged to be or has been adjudicated delinquent or in need of supervision;

(b) A parent or guardian of the child that is alleged to be or has been adjudicated delinquent or in need of supervision; or

(c) A person who appears as a witness.

2. ***If a certified or registered court interpreter is not available, the juvenile court shall appoint an interpreter in accordance with the regulations adopted pursuant to paragraph (e) of subsection 2 of NRS 1.510.***

3. As used in this section:

(a) "Interpreter" means a person who ~~[:~~

~~(1) Has]~~ ***has*** a ~~***[professional]***~~ certificate ***or registration*** as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520 **.** ~~[; or~~

~~(2) Is appointed as an alternate court interpreter in accordance with the criteria and procedures established pursuant to NRS 1.510 or 1.520.]~~

(b) "Person with ~~[a language barrier"]~~ ***limited English proficiency"*** has the meaning ascribed to it in NRS 1.510.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 207.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 394.

~~[~~ASSEMBLYMAN~~]~~ ASSEMBLYMEN FUMO **, MILLER, OHRENSCHALL, THOMPSON; MCCURDY II, MONROE-MORENO AND YEAGER**

AN ACT relating to juries; revising the provisions governing the selection of jurors; requiring the jury commissioner to report certain information about trial jurors to the **~~[~~Office of the Attorney General;~~]~~ Court Administrator; prohibiting certain conduct relating to the use of certain employment information; providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a district court is authorized to assign a jury commissioner to select trial jurors. Existing law provides that the jury commissioner assigned to select trial jurors is required to select jurors from qualified electors of the county not exempt from jury duty, whether registered as voters or not. (NRS 6.045) Existing law further requires the Department of Motor Vehicles to provide a list of registered owners of motor vehicles and a list of licensed drivers for use in selecting jurors. (NRS 482.171, 483.225) Certain public utilities are also required to provide a list of customers for use in the selection of jurors. (NRS 704.206) **Section ~~[~~4~~]~~ 4.5** of this bill requires the **Administrator of the** Employment Security Division of the Department of Employment, Training and Rehabilitation to provide a list of persons who receive benefits for use in jury selection.

Section 1 of this bill revises the process for selecting trial jurors by requiring the jury commissioner to compile and maintain a list of qualified electors from information provided by: (1) a list of persons who are registered to vote in the county; (2) the Department of Motor Vehicles; (3) the Employment Security Division of the Department of Employment, Training and Rehabilitation; and (4) certain public utilities. **Section 1** also requires the jury commissioner to **: (1)** keep a record of the **name, occupation, address and** race of each trial juror **who is** selected **and of each trial juror who appears for jury service;** and **(2)** report this information ~~[~~twice~~]~~ **once** a year to the ~~[~~Office of the Attorney General.~~]~~ **Court Administrator.**

Existing law makes confidential the employment information collected by the Employment Security Division of the Department of Employment, Training and Rehabilitation and prohibits the release of such information except for limited purposes. (NRS 612.265) Section 4.5 provides that if, in addition to those acts prohibited by existing law, certain persons use information collected by the Division for purposes other than those authorized by the Administrator or by law, or fail to protect and prevent the unauthorized use or dissemination of such information, the person is guilty of a gross misdemeanor.

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

Section 1. NRS 6.045 is hereby amended to read as follows:

6.045 1. The district court may by rule of court designate the clerk of the court, one of the clerk's deputies or another person as a jury commissioner, and may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as the court finds desirable for efficient administration.

2. If a jury commissioner is so selected, the jury commissioner shall from time to time estimate the number of trial jurors which will be required for attendance on the district court and shall select that number from the qualified electors of the county not exempt by law from jury duty, whether registered as voters or not. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists are established by the jury commissioner. ~~[The jury commissioner shall keep a record of the name, occupation and address of each person selected.]~~

3. ***The jury commissioner shall, for the purpose of selecting trial jurors, compile and maintain a list of qualified electors from information provided by:***

(a) A list of persons who are registered to vote in the county;

(b) The Department of Motor Vehicles pursuant to NRS 482.171 and 483.225;

(c) The Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to ~~[section 4 of this act,]~~ NRS 612.265; and

(d) A public utility pursuant to NRS 704.206.

4. In compiling and maintaining the list of qualified electors, the jury commissioner shall avoid duplication of names.

5. The jury commissioner shall:

(a) Keep a record of the name, occupation, address and race of each trial juror selected ~~[; and]~~ pursuant to subsection 2;

(b) Keep a record of the name, occupation, address and race of each trial juror who appears for jury service; and

(c) Prepare and submit a report to the ~~[Office of the Attorney General]~~ Court Administrator which must:

(1) Include statistics from the records required to be maintained by the jury commissioner pursuant to this subsection, including, without limitation, the name, occupation, address and race of each trial juror who is selected ~~[,]~~ and of each trial juror who appears for jury service;

(2) Be submitted at least ~~[twice]~~ once a year ~~[.]~~ ; and

(3) Be submitted in the time and manner prescribed by the Court Administrator.

6. The jury commissioner shall not select the name of any person whose name was selected the previous year, and who actually served on the jury by

attending in court in response to the venire from day to day until excused from further attendance by order of the court, unless there are not enough other suitable jurors in the county to do the required jury duty.

Sec. 2. NRS 482.171 is hereby amended to read as follows:

482.171 1. The Department shall provide a list of registered owners of motor vehicles in any county upon the request of a district judge ***or jury commissioner*** of the judicial district in which the county lies for use by the district judge ***or jury commissioner*** for purposes of jury selection.

2. The court ~~[which]~~ ***or jury commissioner who*** requests the list shall reimburse the Department for the reasonable cost of the list.

Sec. 3. NRS 483.225 is hereby amended to read as follows:

483.225 1. The Department shall provide a list of licensed drivers in any county upon the request of a district judge ***or jury commissioner*** of the judicial district in which the county lies for use in selecting jurors.

2. The court ~~[which]~~ ***or jury commissioner who*** requests the list shall reimburse the Department for the reasonable cost of the list.

Sec. 4. ~~[Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Division shall provide a list of persons who receive benefits in any county upon the request of any district judge or jury commissioner of the judicial district in which the county lies for use in the selection of jurors.*~~

~~*2. The court or jury commissioner who requests the list of such persons shall reimburse the Division for the reasonable cost of compiling the list.]*~~ **(Deleted by amendment.)**

Sec. 4.5. **NRS 612.265 is hereby amended to read as follows:**

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

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

3. The Administrator may, in accordance with a cooperative agreement among all participants in the statewide longitudinal data system developed pursuant to NRS 400.040, make the information obtained by the Division available to:

(a) The Board of Regents of the University of Nevada for the purpose of complying with the provisions of subsection 4 of NRS 396.531; and

(b) The Director of the Department of Employment, Training and Rehabilitation for the purpose of complying with the provisions of paragraph (d) of subsection 1 of NRS 232.920.

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

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

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation;

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS; and

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

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

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

6. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to

obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

7. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

8. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. In addition to the provisions of subsection 6, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A, 363B and 363C of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

10. ***Upon the request of any district judge or jury commissioner of the judicial district in which the county is located, the Administrator shall, in accordance with other agreements entered into with other district courts and in compliance with 20 C.F.R. Part 603, and any other applicable federal laws and regulations governing the Division, furnish the name, address and date of birth of persons who receive benefits in any county, for use in the selection of trial jurors pursuant to NRS 6.045. The court or jury commissioner who requests the list of such persons shall reimburse the Division for the reasonable cost of providing the requested information.***

11. The Division of Industrial Relations of the Department of Business and Industry shall periodically submit to the Administrator, from information

in the index of claims established pursuant to NRS 616B.018, a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS. Upon receipt of that information, the Administrator shall compare the information so provided with the records of the Employment Security Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the Division of Industrial Relations must be in a form determined by the Administrator and must contain the social security number of each such person. If it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency.

~~[11.]~~ ***12.*** The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

~~[12. If any employee or member of the Board of Review, the]~~

13. The Administrator ***,*** ~~[or]~~ any employee ***or other person acting on behalf*** of the Administrator, ~~[in violation of the provisions of this section, discloses]~~ ***or any employee or other person acting on behalf of an agency or entity allowed to access*** information obtained from any employing unit or person in the administration of this chapter, or ~~[if]~~ any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter ~~[uses]~~ ***, is guilty of a gross misdemeanor if he or she:***

(a) Uses or permits the use of the list for any political purpose ~~[, he or she is guilty of a gross misdemeanor.~~

~~13.]~~ ***:***

(b) Uses or permits the use of the list for any purpose other than one authorized by the Administrator or by law; or

(c) Fails to protect and prevent the unauthorized use or dissemination of information derived from the list.

14. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 5. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 218.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 395.

AN ACT relating to criminal procedure; authorizing a court in certain circumstances to ~~[depart from]~~ **reduce** any mandatory ~~[sentencing enhancements to be imposed upon]~~ **minimum period of incarceration which is required to be served by** a person who is convicted as an adult for an offense committed when he or she was less than 18 years of age **;** ~~[and reduce any mandatory minimum period of incarceration that such a person is required to serve; establishing provisions relating to the eligibility for parole of such a person who is convicted of certain subsequent offenses committed when he or she was 18 years of age or older but less than 24 years of age;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a person is convicted as an adult for an offense that the person committed when he or she was less than 18 years of age, the court is required to consider, before imposing a sentence upon the person, the differences between juvenile and adult offenders, including, without limitation, the diminished culpability of juveniles as compared to that of adults and the typical characteristics of youth. (NRS 176.017) **Section 1** of this bill authorizes the court, after considering all required factors, to ~~[depart from any mandatory sentencing enhancements and]~~ reduce any mandatory minimum period of incarceration that the person is required to serve by not more than 35 percent if the court determines that such a departure or reduction is warranted given the age of the person and his or her prospects for rehabilitation.

~~[Existing law establishes provisions regarding the eligibility for parole of a prisoner who was sentenced as an adult for an offense that was committed when he or she was less than 18 years of age. If the prisoner was convicted of an offense or offenses that did not result in the death of a victim, the prisoner is eligible for parole after he or she has served 15 calendar years of incarceration, and if the prisoner was convicted of an offense or offenses that resulted in the death of only one victim, the prisoner is eligible for parole after he or she has served 20 calendar years of incarceration. (NRS 213.12135) Section 2 of this bill provides that any such prisoner who is convicted of a subsequent offense or offenses not involving violence that the prisoner committed when he or she was 18 years of age or older but less than 24 years of age is eligible for parole after serving the required 15 or 20~~

~~calendar years of incarceration, as applicable, regardless of any additional sentence imposed for the subsequent offense or offenses.]~~

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

Section 1. NRS 176.017 is hereby amended to read as follows:

176.017 ***1.*** If a person is convicted as an adult for an offense that the person committed when he or she was less than 18 years of age, in addition to any other factor that the court is required to consider before imposing a sentence upon such a person, the court shall consider the differences between juvenile and adult offenders, including, without limitation, the diminished culpability of juveniles as compared to that of adults and the typical characteristics of youth.

2. Notwithstanding any other provision of law, after considering the factors set forth in subsection 1, the court may, in its discretion ~~[~~**:**

~~*(a) Depart from any mandatory sentencing enhancements if the court determines that such a departure is warranted given the age of the person and his or her prospects for rehabilitation.*~~

~~*(b) Reduce]*~~ ***, reduce*** ***any mandatory minimum period of incarceration that the person is required to serve by not more than 35 percent if the court determines that such a reduction is warranted given the age of the person and his or her prospects for rehabilitation.***

Sec. 2. ~~[~~NRS 213.12135 is hereby amended to read as follows:~~:~~

~~213.12135 1. Notwithstanding any other provision of law, except as otherwise provided in subsection 2 or unless a prisoner is subject to earlier eligibility for parole pursuant to any other provision of law~~ **[**~~, a~~**]** ~~:~~

~~*(a) A* prisoner who was sentenced as an adult for an offense that was committed when he or she was less than 18 years of age is eligible for parole as follows:~~

~~**[**(a)**]** *(1)* For a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that did not result in the death of a victim, after the prisoner has served 15 calendar years of incarceration, including any time served in a county jail.~~

~~**[**(b)**]** *(2)* For a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that resulted in the death of only one victim, after the prisoner has served 20 calendar years of incarceration, including any time served in a county jail.~~

~~*(b) A prisoner who was sentenced as an adult for an offense that was committed when he or she was less than 18 years of age and is convicted of a subsequent offense or offenses not involving violence that the prisoner committed when he or she was 18 years of age or older but less than 24 years of age is eligible for parole after serving the applicable period of incarceration set forth in subparagraph (1) or (2) of paragraph (a) regardless of any additional sentence imposed for the subsequent offense or offenses.*~~

~~— 2. The provisions of this section do not apply to a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that resulted in the death of two or more victims.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[1.]~~ The amendatory provisions of section 1 of this act apply to:

~~[(a)]~~ **1.** An offense committed on or after October 1, 2017; and

~~[(b)]~~ **2.** An offense committed before October 1, 2017, if the person is convicted on or after October 1, 2017.

~~[2. The amendatory provisions of section 2 of this act apply to an offense committed before, on or after October 1, 2017.]~~

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 231.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 437.

AN ACT relating to economic development; ~~[revising the requirements for the State Plan for Economic Development; revising provisions governing the establishment by the Executive Director of the Office of Economic Development of nonprofit corporations for certain economic development purposes; revising provisions governing the confidentiality of certain records, documents and communications;]~~ revising the deadline for the submission of certain reports concerning local emerging small businesses by the Office ~~[;]~~ **of Economic Development;** repealing provisions requiring the Office to take certain actions concerning the development of inland ports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the Executive Director of the Office of Economic Development to submit a State Plan for Economic Development addressing this State's relative competitive strengths and weaknesses. (NRS 231.053) Section 1 of this bill removes the requirement to report this State's weaknesses in the State Plan for Economic Development.~~

~~— Existing law authorizes the Executive Director of the Office to cause the formation of a nonprofit corporation for certain economic development purposes upon approval by the Board of Economic Development and imposes certain requirements on such a nonprofit corporation. (NRS 231.0545) Section 2 of this bill revises this provision so that: (1) those requirements apply only to a nonprofit corporation formed for the purpose of making investments in businesses in this State; and (2) the Office is specifically authorized to provide administrative support to the nonprofit corporation. Section 1 further authorizes: (1) the Executive Director to form additional nonprofit corporations after considering the advice and~~

~~recommendations of the Board of Economic Development; and (2) the Office to provide administrative support to such nonprofit corporations.~~

~~Existing law requires the Office to keep confidential certain records and documents. (NRS 231.069) Section 3 of this bill extends this confidentiality to any communication between an employee or representative of the Office and a client of the Office or representative of such a client that is determined to contain proprietary or confidential information or information related to the business plans or opportunities of the client, proposed contracts or agreements of the client or the special knowledge, skills or expertise of the client. Under section 3, such communications are confidential only until the client: (1) publicly discloses that the client is considering locating the client's business in this State or has decided to locate its business in this State; or (2) submits an application to the Office for an incentive for economic development.]~~

Existing law requires the Office **of Economic Development** to submit a report once each year to the Governor and the Legislature or the Interim Finance Committee, as applicable, concerning whether the goals for participation of the local emerging small businesses certified by the Office in certain purchasing and public works contracts are being met. Under existing law this report must include, without limitation, a summary of the information contained in certain biannual reports submitted to the Office by local governments and the Purchasing Division and State Public Works Division of the Department of Administration. (NRS 231.14075) While the Office's deadline for the submission of its annual report is September 15, the deadline for the submission of the biannual report required to be submitted by local governments after the end of the fiscal year is September 28. (NRS 231.14075, 332.201) **Section 4** of this bill revises the deadline for the submission of the Office's annual report concerning local emerging small businesses so that the report must be submitted to the Governor and the Legislature or the Interim Finance Committee, as applicable, on or before December 1 of that year.

Existing law requires the Office to take certain actions concerning the development of inland ports. (NRS 231.075) **Section 7** of this bill repeals this requirement.

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

Section 1. ~~[NRS 231.053 is hereby amended to read as follows:~~

~~231.053 After considering any advice and recommendations of the Board, the Executive Director:~~

~~1. Shall direct and supervise the administrative and technical activities of the Office.~~

~~2. Shall develop and may periodically revise a State Plan for Economic Development, which:~~

~~(a) Must include a statement of:~~

~~(1) New industries which have the potential to be developed in this State;~~

~~(2) The strengths [and weaknesses] of this State for business incubation;~~

~~(3) The competitive advantages [and weaknesses] of this State;~~

~~(4) The manner in which this State can leverage its competitive advantages ; [and address its competitive weaknesses;]~~

~~(5) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and~~

~~(6) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities; and~~

~~(b) Must not include provisions for the granting of any abatement, partial abatement or exemption from taxes or any other incentive for economic development to a person who will locate or expand a business in this State that is subject to the tax imposed pursuant to NRS 362.130 or the gaming license fees imposed by the provisions of NRS 463.370.~~

~~3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.~~

~~4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section and declare void any contract between the Office and that regional development authority.~~

~~5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.~~

~~6.~~ ***May cause the formation of a nonprofit corporation that is exempt from federal income taxation, the purpose of which is to promote, aid and encourage economic development in this State or a locality or region of this State. The Office may provide administrative support to a nonprofit corporation created pursuant to this subsection.***

~~7.~~ ~~May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.~~

~~[7.]~~ ***8.*** ~~May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.~~

~~[8.]~~ ***9.*** ~~In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan~~

~~for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.~~] **(Deleted by amendment.)**

Sec. 2. ~~[NRS 231.0545 is hereby amended to read as follows:~~

~~231.0545 1. After considering any advice and recommendations of the Board, the Executive Director may:~~

~~(a) Propose to the Board the formation of a nonprofit corporation that is exempt from federal income taxation, the purpose of which is to promote, aid and encourage economic development in this State or a locality or region of this State~~ [,] ***by making investments in businesses in this State;*** ~~and~~

~~(b) Upon approval of a proposal by the Board, cause such a corporation to be formed.~~

~~2. The Board shall:~~

~~(a) Review each proposal by the Executive Director pursuant to subsection 1; and~~

~~(b) As the Board determines to be in the best interests of this State, approve, disapprove or modify the proposal made by the Executive Director.~~

~~3. A nonprofit corporation formed pursuant to this section must have a board of directors consisting of:~~

~~(a) The Executive Director.~~

~~(b) Four members from the private sector who have at least 10 years of experience in the field of investment, finance, accounting, technology, commercialization or banking, appointed by the Executive Director, with the approval of the Board.~~

~~(c) One member appointed by the Speaker of the Assembly.~~

~~(d) One member appointed by the Senate Majority Leader.~~

~~4. The Executive Director shall serve as chair of the board of directors of the nonprofit corporation formed pursuant to this section.~~

~~5. Except as otherwise provided in this subsection, each member appointed to the board of directors of the nonprofit corporation formed pursuant to this section serves a term of 4 years. Two of the initial members of the board of directors who are appointed pursuant to paragraph (b) of subsection 3 must be appointed to an initial term of 2 years.~~

~~6. Each member of the board of directors of the nonprofit corporation formed pursuant to this section continues in office until a successor is appointed. Members of the board of directors may be reappointed for additional terms of 4 years in the same manner as the original appointments.~~

~~7. Vacancies in the appointed positions on the board of directors of the nonprofit corporation formed pursuant to this section must be filled by the appointing authority for the unexpired term.~~

~~8. The members of the board of directors of the corporation formed pursuant to this section must serve without compensation but are entitled to be reimbursed for actual and necessary expenses incurred in the performance of their duties, including, without limitation, travel expenses.~~

~~— 9. A member of the board of directors of the corporation formed pursuant to this section must not have an equity interest in any:~~

~~— (a) External asset manager or venture capital or private equity investment firm contracting with the nonprofit corporation; or~~

~~— (b) Business which receives private equity funding from the nonprofit corporation.~~

~~— 10. *The Office may provide administrative support to the nonprofit corporation formed pursuant to this section.*~~

~~— *11.* The nonprofit corporation *formed pursuant to this section* shall keep confidential any record~~ **, [**~~or other~~**]** ~~document *or communication* of a client which is in its possession to the same extent that the record~~ **, [**~~or other~~**]** ~~document *or communication* would be required to be kept confidential pursuant to NRS 231.069.~~

~~— [11.]~~ ***12.*** ~~The board of directors of the nonprofit corporation formed pursuant to this section shall, on or before December 1 of each year, provide an annual report to the Governor and the Director of the Legislative Counsel Bureau for transmission to the next session of the Legislature, if the report is submitted in an even-numbered year or to the Legislative Commission, if the report is submitted in an odd-numbered year. The report must include, without limitation:~~

~~— (a) An accounting of all money received and expended by the nonprofit corporation, including, without limitation, any matching grant funds, gifts or donations; and~~

~~— (b) The name and a brief description of all businesses receiving an investment of money from the nonprofit corporation formed pursuant to this section.~~

~~— [12.]~~ ***13.*** ~~Under the direction of the Executive Director, the Office shall adopt regulations prescribing:~~

~~— (a) The means by which the Office will verify that a nonprofit corporation formed pursuant to this section furthers the public interest in economic development and ensure that the nonprofit corporation carries out such a purpose; and~~

~~— (b) The procedures the Office will follow to ensure that the records~~ **, [**~~and~~**]** ~~documents *and communications* that are confidential pursuant to NRS 231.069 will be kept confidential when the records~~ **, [**~~or other~~**]** ~~documents *or communications* are used by a nonprofit corporation created pursuant to this section.~~**]** **(Deleted by amendment.)**

Sec. 3. **[**~~NRS 231.069 is hereby amended to read as follows:~~

~~— 231.069 1. Except as otherwise provided in~~ **[**~~subsection~~**]** ***subsections*** ~~3~~ ***and 4*** ~~and NRS 239.0115, 360.890 and 360.950, the Office shall keep confidential any record or other document of a client *or representative of a client* which is in its possession *, and the Office and any employee or representative of the Office shall keep confidential any communication between an employee or representative of the Office and a client or*~~

representative of a client, whether by written, oral or other means of communication, if the client **[**:**]** ***or representative of the client:***

(a) Submits a request in writing that the record **, [**or other**]** document ***or communication*** be kept confidential by the Office; and

(b) Demonstrates to the satisfaction of the Office that **[**the**] :**

(1) If the request concerns a record or other document ***, the record or other document*** contains proprietary or confidential information **[**.**] ; or**

(2) If the request concerns a communication between an employee or representative of the Office and the client or a representative of the client, the communication contains proprietary or confidential information or information concerning the business plans or opportunities of the client, the proposed terms of a contract or agreement or the special knowledge, skills or expertise of the client.

2. If the Office determines that a record or other document of a client contains proprietary or confidential information, the Executive Director shall attach to the file containing the record or document:

(a) A certificate signed by him or her stating that a request for confidentiality was made by the client and the date of the request;

(b) A copy of the written request submitted by the client;

(c) The documentation to support the request which was submitted by the client; and

(d) A copy of the decision of the Office determining that the record or other document contains proprietary or confidential information.

3. The Office may share **[**the records and other documents**]** ***a record, document or communication*** that **[**are**]** ***is*** confidential pursuant to this section with **[**the**]** ***a*** nonprofit corporation formed by the Executive Director pursuant to NRS ***231.053 or*** 231.0545, as deemed necessary by the Office to accomplish the purposes for which the nonprofit corporation was formed.

4. ***Any communication between an employee or representative of the Office and a client or representative of a client, whether by written, oral or other means of communication, that is confidential pursuant to this section is confidential only until the client or a representative of the client:***

(a) Publishes for public distribution or otherwise makes available to the public generally or in the public domain information indicating that the client is considering locating the client's business in this State or has decided to locate the client's business in this State; or

(b) Submits an application to the Office for an incentive for economic development.

5. Records **, [**and**]** documents ***and communications*** that are confidential pursuant to this section:

(a) Are proprietary or confidential information of the business;

(b) Are not a public record; and

(c) **[**Must**]** ***Except as otherwise provided in subsection 3, must*** not be disclosed to any person who is not an officer or employee of the Office unless the business consents to the disclosure.

~~[5.] 6. As used in this section, "proprietary or confidential information" has the meaning ascribed to it in NRS 360.247.]~~ **(Deleted by amendment.)**

Sec. 4. NRS 231.14075 is hereby amended to read as follows:

231.14075 On or before ~~[September 15]~~ ***December 1*** of each year, the Office shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation, for the fiscal year immediately preceding the submission of the report:

1. A summary of the information submitted to the Office pursuant to NRS 332.201, 333.177 and 338.1427 and, if applicable, paragraph (c) of subsection 2 of NRS 231.1407, including, without limitation, efforts undertaken to achieve any goals established by the Office which were not achieved in the current fiscal year and proposed action plans for achieving those goals in the subsequent fiscal year; and

2. The number of local emerging small businesses which are designated as tier 1 firms and tier 2 firms pursuant to NRS 231.1405. The numbers must be reported separately for businesses involved in providing construction services and for businesses involved in the sale of goods or in providing services other than construction services.

Sec. 5. NRS 277B.360 is hereby amended to read as follows:

277B.360 At the request of the Office, an authority shall report to the Office on all issues and activities necessary for the administration of the authority **.** ~~[as well as issues and activities pertaining to compliance with any rules or regulations set forth by the Office for the creation, operation or maintenance of inland ports pursuant to NRS 231.075.]~~

Sec. 6. 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. 7. NRS 231.075 is hereby repealed.

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

TEXT OF REPEALED SECTION

231.075 Office of Economic Development: Assistance in development of inland ports.

1. The Office of Economic Development shall:

(a) Promote, encourage and aid in the development of inland ports in this State.

(b) Identify sources of financing to assist local governments in developing or expanding inland ports.

(c) Encourage and assist local governments in planning and preparing projects for inland ports.

(d) Promote close cooperation between local governments, other public agencies and private persons that have an interest in creating, operating or maintaining inland ports in the State.

2. As used in this section, "inland port" has the meaning ascribed to it in NRS 277B.050.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 253.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 397.

AN ACT relating to mental health; **requiring the court to conduct a hearing as soon as practicable on an application for a writ of habeas corpus relating to a person with mental illness or who is alleged to be a person with mental illness; expanding the definition of "person with mental illness";** revising provisions governing the examination and evaluation by a physician or licensed psychologist of a person alleged to be a person with mental illness; requiring a court to transmit an order for involuntary admission to a law enforcement agency under certain circumstances; establishing a procedure for certain hospitals and mental health facilities to request a copy of a court order for involuntary admission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the court to conduct a hearing as soon as practicable on an application for a writ of habeas corpus by, or on behalf of, a person who is alleged to be a person with mental illness or who has been found to be a person with mental illness.

Existing law defines a person with mental illness to include a person whose capacity is diminished as a result of mental illness to the extent that the person presents a clear and present danger of harm to himself or herself. A person presents a clear and present danger of harm to himself or herself if there exists a reasonable probability that the person will harm himself or herself unless the person is admitted to a mental health facility. (NRS 433A.115) Section 1.3 of this bill revises this definition to provide that the person presents a clear and present danger of harm to himself or herself if there exists a reasonable probability that the person will harm himself or herself unless the person is required to participate in a program of community-based or outpatient services.

Existing law requires that, after the filing of a petition to involuntarily admit a person alleged to be a person with mental illness to a mental health facility or certain other services, the court shall cause two or more physicians or licensed psychologists, one of whom must always be a physician, to

examine the person. A physician or psychologist who examines the person must submit to the court a written summary of his or her findings and evaluation not later than 24 or 48 hours before the hearing on the petition, depending on the circumstances of the admission. (NRS 433A.240) **Section ~~[1]~~ 1.7** of this bill revises these provisions to require the physician or psychologist to submit the written summary of findings and evaluation not later than ~~[the time of]~~ **24 hours before** the hearing on the petition.

Existing law requires that if the court issues an order involuntarily admitting a person with mental illness to a mental health facility or certain other programs of services, the court is required to transmit a record of the order to the Central Repository for Nevada Records of Criminal History. (NRS 433A.310) **Section 2** of this bill requires the court to transmit a record of the order to each law enforcement agency of this State with which the court has entered into an agreement for such transmission for inclusion in certain databases.

Existing law requires a court to seal all court records relating to the admission and mental health treatment of certain persons and establishes procedures by which certain entities may be granted an opportunity to inspect the records. (NRS 433A.715) **Section 3** of this bill establishes a procedure by which a public or private hospital or a mental health facility may request and obtain a copy of a court order of involuntary admission which relates to a person alleged to be a person with mental illness who has been admitted to the hospital or facility.

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

Section 1. **Chapter 433A of NRS is hereby amended by adding thereto a new section to read as follows:**

Upon the filing of an application for a writ of habeas corpus by, or on behalf of, a person with mental illness or who is alleged to be a person with mental illness, the court shall conduct a hearing on the application as soon as practicable.

Sec. 1.3. **NRS 433A.115 is hereby amended to read as follows:**

433A.115 1. As used in NRS 433A.115 to 433A.330, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, "person with mental illness" means any person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of a mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others, but does not include any person in whom that capacity is diminished by epilepsy, intellectual disability, dementia, delirium, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person.

2. A person presents a clear and present danger of harm to himself or herself if, within the immediately preceding 30 days, the person has, as a result of a mental illness:

(a) Acted in a manner from which it may reasonably be inferred that, without the care, supervision or continued assistance of others, the person will be unable to satisfy his or her need for nourishment, personal or medical care, shelter, self-protection or safety, and if there exists a reasonable probability that the person's death, serious bodily injury or physical debilitation will occur within the next following 30 days unless he or she is admitted to a mental health facility ***or required to participate in a program of community-based or outpatient services*** pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1 of this act,*** and adequate treatment is provided to the person;

(b) Attempted or threatened to commit suicide or committed acts in furtherance of a threat to commit suicide, and if there exists a reasonable probability that the
person will commit suicide unless he or she is admitted to a mental health facility ***or required to participate in a program of community-based or outpatient services*** pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1 of this act,*** and adequate treatment is provided to the person; or

(c) Mutilated himself or herself, attempted or threatened to mutilate himself or herself or committed acts in furtherance of a threat to mutilate himself or herself, and if there exists a reasonable probability that he or she will mutilate himself or herself unless the person is admitted to a mental health facility ***or required to participate in a program of community-based or outpatient services*** pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1 of this act,*** and adequate treatment is provided to the person.

3. A person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted to a mental health facility ***or required to participate in a program of community-based or outpatient services*** pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, ***and section 1 of this act,*** and adequate treatment is provided to him or her.

~~[Section 1.]~~ ***Sec. 1.7.*** NRS 433A.240 is hereby amended to read as follows:

433A.240 1. After the filing of a petition to commence proceedings for the involuntary court-ordered admission of a person pursuant to NRS 433A.200 or 433A.210, the court shall promptly cause two or more physicians or licensed psychologists, one of whom must always be a

physician, to examine the person alleged to be a person with mental illness, or request an evaluation by an evaluation team from the Division of the person alleged to be a person with mental illness.

2. To conduct the examination of a person who is not being detained at a mental health facility or hospital under emergency admission pursuant to an application made pursuant to NRS 433A.160, the court may order a peace officer to take the person into protective custody and transport the person to a mental health facility or hospital where the person may be detained until a hearing is had upon the petition.

3. If the person is not being detained under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the person may be allowed to remain in his or her home or other place of residence pending an ordered examination or examinations and to return to his or her home or other place of residence upon completion of the examination or examinations. The person may be accompanied by one or more of his or her relations or friends to the place of examination.

4. Each physician and licensed psychologist who examines a person pursuant to subsection 1 shall, in conducting such an examination, consider the least restrictive treatment appropriate for the person.

5. ~~[~~Except as otherwise provided in this subsection, each~~]~~ ***Each*** physician and licensed psychologist who examines a person pursuant to subsection 1 shall, not later than ~~[~~48~~]~~ ***24*** hours before ~~***[the time of]***~~ the hearing set pursuant to NRS 433A.220, submit to the court in writing a summary of his or her findings and evaluation regarding the person alleged to be a person with mental illness. ~~[If the person alleged to be a person with mental illness is admitted under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the written findings and evaluation must be submitted to the court not later than 24 hours before the hearing set pursuant to subsection 1 of NRS 433A.220.]~~

Sec. 2. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility or to a program of community-based or outpatient services.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or

outpatient services, the court may order the involuntary admission of the person for the most appropriate course of treatment, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. A court shall not admit a person to a program of community-based or outpatient services unless:

(a) A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;

(b) The person is 18 years of age or older;

(c) The person has a history of noncompliance with treatment for mental illness;

(d) The person is capable of surviving safely in the community in which he or she resides with available supervision;

(e) The court determines that, based on the person's history of treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent further disability or deterioration of the person which is likely to result in harm to himself or herself or others;

(f) The current mental status of the person or the nature of the person's illness limits or negates his or her ability to make an informed decision to seek treatment for mental illness voluntarily or to comply with recommended treatment for mental illness;

(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to NRS 433A.315.

3. Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of NRS 433A.390 or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of NRS 433A.390. Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division, any mental health facility that is not operated by the Division or a program of community-based or outpatient services may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 that was required for the initial period of admission of the person to a public or private mental health facility or to a program of community-based or outpatient services.

4. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including involuntary admission to a program of community-based or outpatient services, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

5. If the court issues an order involuntarily admitting a person to a public or private mental health facility or to a program of community-based or outpatient services pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, within 5 business days after the order becomes final pursuant to this section, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to ~~[the]~~ ***:***

(a) The Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System ~~[.]~~ ***; and***

(b) Each law enforcement agency of this State with which the court has entered into an agreement for such transmission, along with a statement indicating that the record is being transmitted for inclusion in each of this State's appropriate databases of information relating to crimes.

6. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 3. NRS 433A.715 is hereby amended to read as follows:

433A.715 1. A court shall seal all court records relating to the admission and treatment of any person who was admitted, voluntarily or as the result of a noncriminal proceeding, to a public or private hospital, a mental health facility or a program of community-based or outpatient services in this State for the purpose of obtaining mental health treatment.

2. Except as otherwise provided in subsections 4 ~~[and 5,]~~ ***, 5 and 6,*** a person or governmental entity that wishes to inspect records that are sealed pursuant to this section must file a petition with the court that sealed the records. Upon the filing of a petition, the court shall fix a time for a hearing on the matter. The petitioner must provide notice of the hearing and a copy of the petition to the person who is the subject of the records. If the person who is the subject of the records wishes to oppose the petition, the person must appear before the court at the hearing. If the person appears before the court at the hearing, the court must provide the person an opportunity to be heard on the matter.

3. After the hearing described in subsection 2, the court may order the inspection of records that are sealed pursuant to this section if:

(a) A law enforcement agency must obtain or maintain information concerning persons who have been admitted to a public or private hospital, a mental health facility or a program of community-based or outpatient services in this State pursuant to state or federal law;

(b) A prosecuting attorney or an attorney who is representing the person who is the subject of the records in a criminal action requests to inspect the records; or

(c) The person who is the subject of the records petitions the court to permit the inspection of the records by a person named in the petition.

4. A governmental entity is entitled to inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if:

(a) The governmental entity has made a conditional offer of employment to the person who is the subject of the records;

(b) The position of employment conditionally offered to the person concerns public safety, including, without limitation, employment as a firefighter or peace officer;

(c) The governmental entity is required by law, rule, regulation or policy to obtain the mental health records of each individual conditionally offered the position of employment; and

(d) An authorized representative of the governmental entity presents to the court a written authorization signed by the person who is the subject of the records and notarized by a notary public or judicial officer in which the person who is the subject of the records consents to the inspection of the records.

5. ***Upon the request of a public or private hospital or a mental health facility to which a person has been admitted in this State, the court shall:***

(a) Authorize the release of a copy of any order which was entered by the court pursuant to paragraph (b) of subsection 1 of NRS 433A.310 if:

(1) The request is in writing and includes the name and date of birth of the person who is the subject of the requested order; and

(2) The hospital or facility certifies that:

(I) The person who is the subject of the requested order is, at the time of the request, admitted to the hospital or facility and is being treated for an alleged mental illness; and

(II) The requested order is necessary to improve the care which is being provided to the person who is the subject of the order.

(b) Place the request in the record under seal.

6. Upon its own order, any court of this State may inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if the records are necessary and relevant for the disposition of a matter pending before the court. The court may allow a party in the matter to inspect the records without following the procedure described in subsection 2 if the court deems such inspection necessary and appropriate.

~~[6.]~~ ***7.*** Following the sealing of records pursuant to this section, the admission of the person who is the subject of the records to the public or private hospital, mental health facility or program of community-based or outpatient services, is deemed never to have occurred, and the person may

answer accordingly any question related to its occurrence, except in connection with:

(a) An application for a permit to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive;

(b) A transfer of a firearm; or

(c) An application for a position of employment described in subsection 4.

~~[7.]~~ ***8.*** As used in this section:

(a) "Firefighter" means a person who is a salaried employee of a fire-fighting agency and whose principal duties are to control, extinguish, prevent and suppress fires. As used in this paragraph, "fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) "Peace officer" has the meaning ascribed to it in NRS 289.010.

(c) "Seal" means placing records in a separate file or other repository not accessible to the general public.

Sec. 4. This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 255.

Bill read second time.

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

Amendment No. 550.

SUMMARY—Provides that provisions governing certain short-term loans **and installment loans do not** apply ~~[only to consumer loans.]~~ **to certain extensions of credit.** (BDR 52-921)

AN ACT relating to financial services; providing that provisions governing the licensing and regulation of certain short-term loans **and installment loans do not** apply ~~[only]~~ to ~~[loans made primarily for personal, family or household purposes;]~~ **the extension of credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes standards and procedures for the licensing and regulations of certain short-term loans, commonly referred to as "payday loans," high-interest loans and title loans. (Chapter 604A of NRS)

Existing law sets forth the standards and procedures for the licensing and regulations of loans repayable in installments, which include loans that may or may not be made on substantial security and loans for indefinite terms. (Chapter 675 of NRS) This bill provides that these

provisions **do not** apply ~~[only]~~ to ~~[consumer loans, which are defined as loans made primarily for personal, family or household purposes.]~~ **a person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.**

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

Section 1. ~~[NRS 604A.050 is hereby amended to read as follows:~~

~~604A.050 "Deferred deposit loan" means a transaction ***entered into primarily for personal, family or household purposes*** in which, pursuant to a loan agreement:~~

~~1. A customer tenders to another person:~~

~~(a) A personal check drawn upon the account of the customer; or~~

~~(b) Written authorization for an electronic transfer of money for a specified amount from the account of the customer; and~~

~~2. The other person:~~

~~(a) Provides to the customer an amount of money that is equal to the face value of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction; and~~

~~(b) Agrees, for a specified period, not to cash the check or execute an electronic transfer of money for the amount specified in the written authorization.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 604A.0703 is hereby amended to read as follows:~~

~~604A.0703 1. "High-interest loan" means a loan made to a customer ***primarily for personal, family or household purposes*** pursuant to a loan agreement which, under its original terms, charges an annual percentage rate of more than 40 percent.~~

~~2. The term includes, without limitation, any single payment loan, installment loan or open-ended loan ***entered into primarily for personal, family or household purposes*** which, under its original terms, charges an annual percentage rate of more than 40 percent.~~

~~3. The term does not include:~~

~~(a) A deferred deposit loan;~~

~~(b) A refund anticipation loan; or~~

~~(c) A title loan.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 604A.105 is hereby amended to read as follows:~~

~~604A.105 1. "Title loan" means a loan made to a customer ***primarily for personal, family or household purposes*** pursuant to a loan agreement which, under its original terms:~~

~~(a) Charges an annual percentage rate of more than 35 percent; and~~

~~(b) Requires the customer to secure the loan by either:~~

~~(1) Giving possession of the title to a vehicle legally owned by the customer to the licensee or any agent, affiliate or subsidiary of the licensee; or~~

~~(2) Perfecting a security interest in the vehicle by having the name of the licensee or any agent, affiliate or subsidiary of the licensee noted on the title as a lienholder.~~

~~2. The term does not include a loan which creates a purchase-money security interest in a vehicle or the refinancing of any such loan.~~**] (Deleted by amendment.)**

Sec. 3.3. **NRS 604A.250 is hereby amended to read as follows:**

604A.250 The provisions of this chapter do not apply to:

1. Except as otherwise provided in NRS 604A.200, a person doing business pursuant to the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage brokers, mortgage bankers, thrift companies or insurance companies, including, without limitation, any affiliate or subsidiary of such a person regardless of whether the affiliate or subsidiary is a bank.

2. A person who is primarily engaged in the retail sale of goods or services who:

(a) As an incident to or independently of a retail sale or service, from time to time cashes checks for a fee or other consideration of not more than $2; and

(b) Does not hold himself or herself out as a check-cashing service.

3. A person while performing any act authorized by a license issued pursuant to chapter 671 of NRS.

4. A person who holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS while performing any act in the course of that licensed operation.

5. A person who is exclusively engaged in a check-cashing service relating to out-of-state checks.

6. A corporation organized pursuant to the laws of this State that has been continuously and exclusively engaged in a check-cashing service in this State since July 1, 1973.

7. A pawnbroker, unless the pawnbroker operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service.

8. A real estate investment trust, as defined in 26 U.S.C. § 856.

9. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

10. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

11. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

12. Any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

13. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

14. A seller of real property who offers credit secured by a mortgage of the property sold.

15. A person who makes a refund anticipation loan, unless the person operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service.

16. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.

Sec. 3.7. **NRS 675.040 is hereby amended to read as follows:**

675.040 This chapter does not apply to:

1. Except as otherwise provided in NRS 675.035, a person doing business under the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage brokers, mortgage bankers, thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.

10. A person licensed to do business pursuant to chapter 604A of NRS with regard to those services regulated pursuant to chapter 604A of NRS.

11. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.

Sec. 4. 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. 281.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 293.

AN ACT relating to taxation; removing the requirement for certain business entities to file a commerce tax return with the Department of Taxation; ~~[requiring a person to include with an application for the renewal of a state business registration certain information concerning the applicability of]~~ **authorizing the Department to require a business entity to file a declaration under penalty of perjury that** the commerce tax ~~[imposed on the Nevada gross revenue of certain]~~ **does not apply to the** business ~~[entities;]~~ **entity;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an annual commerce tax on each business entity engaged in business in this State whose Nevada gross revenue in a fiscal year exceeds $4,000,000 at a rate that is based on the industry in which the business entity is primarily engaged. (NRS 363C.200) Under existing law and regulations, a business entity whose Nevada gross revenue for a fiscal year is $4,000,000 or less must file an informational return with the Department of Taxation that includes an identification of the industry in which the business entity is primarily engaged and an affirmation under penalty of perjury that the Nevada gross revenue of the business entity for the fiscal year was less than $4,000,000. (NRS 363C.200; section 17 of Adopted Reg. of Nevada Tax Comm'n, LCB File. No. R123-15) ~~[Section 1 of this]~~ **This** bill provides that a business entity whose Nevada gross revenue for a fiscal year is $4,000,000 or less is not required to file a commerce tax return with the Department. Instead of filing such a return, ~~[section 2 of]~~ this bill ~~[requires]~~ **authorizes the Department to require such** a business **entity** to ~~[include with the application for the renewal of its state business registration filed with the Secretary of State a declaration under penalty of perjury as to whether the applicant was exempt from the tax for the preceding taxable year and, if the applicant is not exempt,]~~ **file** a declaration under penalty of perjury ~~[as to whether]~~ **that** the Nevada gross revenue of the ~~[applicant]~~ **business entity** for the preceding taxable year ~~[exceeded]~~ **did not exceed** $4,000,000.

Under this bill, such a declaration must be filed: (1) at the time that the business entity renews its state business license; or (2) on or before the 45th day immediately following the end of the taxable year.

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

Section 1. NRS 363C.200 is hereby amended to read as follows:

363C.200 1. For the privilege of engaging in a business in this State, a commerce tax is hereby imposed upon each business entity whose Nevada gross revenue in a taxable year exceeds $4,000,000 in an amount determined pursuant to NRS 363C.300 to 363C.560, inclusive. The commerce tax is due and payable as provided in this section.

2. Each business entity ~~[engaging in a business in this State during]~~ ***whose Nevada gross revenue in*** a taxable year ***exceeds $4,000,000*** shall, on or before the 45th day immediately following the end of that taxable year, file with the Department a ~~[report]~~ ***return*** on a form prescribed by the Department. ***The Department shall not require a business entity whose Nevada gross revenue for a taxable year is $4,000,000 or less to file a return for that taxable year.*** The ~~[report]~~ ***return*** required by this subsection must include such information as is required by the Department.

3. ***The Department may require a business entity whose Nevada gross revenue for a taxable year is $4,000,000 or less to file a declaration under penalty of perjury by the natural person signing the declaration that the Nevada gross revenue of the business entity for the taxable year did not exceed $4,000,000. If the Department requires the filing of such a declaration, the business entity must file the declaration either:***

(a) At the time that the business entity renews its state business license pursuant to NRS 76.130; or

(b) On or before the 45th day immediately following the end of the taxable year for which the declaration is made.

4. For the purposes of determining the amount of the commerce tax due pursuant to this chapter, the initial ~~[report]~~ ***return*** filed by a business entity with the Department pursuant to subsection 2 must designate the business category in which the business entity is primarily engaged. A business entity may not change the business category designated for that business entity unless the person applies to the Department to change such designation and the Department determines that the business is no longer primarily engaged in the designated business category.

~~[4.]~~ ***5.*** A business entity shall remit with the return the amount of commerce tax due pursuant to subsection 1. Upon written application made before the date on which payment of the commerce tax due pursuant to this chapter must be made, the Department may for good cause extend by not more than 30 days the time within which a business entity is required to pay the commerce tax. If the commerce tax is paid during the period of extension, no penalty or late charge may be imposed for failure to pay the commerce tax

at the time required, but the business entity shall pay interest at the rate of 0.75 percent per month from the date on which the amount would have been due without the extension until the date of payment, unless otherwise provided in NRS 360.232 or 360.320.

Sec. 2. ~~[NRS 76.130 is hereby amended to read as follows:~~

~~76.130 1. Except as otherwise provided in subsection 2, a person who applies for renewal of a state business registration shall submit a fee in the amount of $200 to the Secretary of State:~~

~~(a) If the person is an entity required to file an annual list with the Secretary of State pursuant to this title, at the time the person submits the annual list to the Secretary of State, unless the person submits a certificate or other form evidencing the dissolution of the entity; or~~

~~(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title, on the last day of the month in which the anniversary date of issuance of the state business registration occurs in each year, unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the person will not be conducting a business in this State after that date.~~

~~2. If the person applying for the renewal of a state business registration pursuant to subsection 1 is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the fee for the renewal of a state business registration is $500.~~

~~3. *A person applying for the renewal of a state business registration shall include on the application for the renewal of the state business registration a declaration under penalty of perjury by the natural person signing the application as to:*~~

~~*(a) Whether the applicant was exempt from the commerce tax for the taxable year immediately preceding the taxable year in which the application is filed; and*~~

~~*(b) If the applicant was not exempt from the commerce tax, whether the Nevada gross revenue of the applicant for the taxable year immediately preceding the taxable year in which the application is filed exceeded $4,000,000.*~~

~~*➥ Nothing in this subsection limits or otherwise affects any requirement imposed pursuant to NRS 363C.200.*~~

~~*4.* The Secretary of State shall, 90 days before the last day for filing an application for renewal of the state business registration of a person who holds a state business registration, provide to the person a notice of the state business registration fee due pursuant to this section and a reminder to file the application for renewal required pursuant to this section. Failure of any person to receive a notice does not excuse the person from the penalty imposed by law.~~

~~**[**4.**]** *5.* If a person fails to submit the annual state business registration fee required pursuant to this section in a timely manner and the person is:~~

~~(a) An entity required to file an annual list with the Secretary of State pursuant to this title, the person:~~

~~(1) Shall pay a penalty of $100 in addition to the annual state business registration fee;~~

~~(2) Shall be deemed to have not complied with the requirement to file an annual list with the Secretary of State; and~~

~~(3) Is subject to all applicable provisions relating to the failure to file an annual list, including, without limitation, the provisions governing default and revocation of its charter or right to transact business in this State, except that the person is required to pay the penalty set forth in subparagraph (1).~~

~~(b) Not an entity required to file an annual list with the Secretary of State, the person shall pay a penalty in the amount of $100 in addition to the annual state business registration fee. The Secretary of State shall provide to the person a written notice that:~~

~~(1) Must include a statement indicating the amount of the fees and penalties required pursuant to this section and the costs remaining unpaid.~~

~~(2) May be provided electronically, if the person has requested to receive communications by electronic transmission, by electronic mail or other electronic communication.~~

~~[5.] *6.* A person who continues to do business in this State without renewing the person's state business registration before its renewal date is subject to the fees and penalties provided for in this section unless the person files a certificate of cancellation of the person's state business registration with the Secretary of State.~~

~~[6.] *7.* The Secretary of State shall waive the annual state business registration fee and any related penalty imposed on a natural person or partnership if the natural person or partnership provides evidence satisfactory to the Secretary of State that the natural person or partnership conducted no business in this State during the period for which the fees and penalties would be waived.~~

~~*8. As used in this section:*~~

~~*(a) "Commerce tax" means the commerce tax imposed pursuant to chapter 363C of NRS.*~~

~~*(b) "Nevada gross revenue" has the meaning ascribed to it in NRS 363C.055.*~~

~~*(c) "Taxable year" has the meaning ascribed to it in NRS 363C.080.]~~ **(Deleted by amendment.)**

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

Assemblywoman Neal moved the adoption of the amendment.
Remarks by Assemblywoman Neal.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 298.
Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 359.

AN ACT relating to water; defining "perennial yield"; **defining "environmental soundness" and "environmentally sound";** authorizing, under certain circumstances, the State Engineer to consider the approval of a monitoring, management and mitigation plan; setting forth certain requirements for a monitoring, management and mitigation plan; requiring the State Engineer to provide notice of a proposed monitoring, management and mitigation plan; authorizing the State Engineer to approve an amendment to a monitoring, management and mitigation plan; defining ~~["environmentally sound" and]~~ "unappropriated water" for certain purposes; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer is required to reject an application for a permit to appropriate water to beneficial use if there is no unappropriated water at the source of supply or if the proposed use of the water or change conflicts with existing rights or protectable interests in existing domestic wells or threatens to prove detrimental to the public interest. (NRS 533.370) **Section 3** of this bill provides that ~~[before rejecting]~~ **when reviewing** an application **,** ~~[because the proposed use conflicts with existing rights or protectable interests,]~~ the State Engineer may consider whether a monitoring, management and mitigation plan will eliminate the conflicts **.** ~~[,]~~ **with existing rights, protectable interests, the public interest or the environmental soundness of an interbasin transfer of groundwater.** **Section 3** also sets forth the requirements for such a plan. **Section 4** of this bill requires the State Engineer to provide notice to certain persons about the proposed plan **.** ~~[and determine whether there is substantial evidence that the plan will eliminate the conflicts.]~~ **Section 5** of this bill sets forth certain requirements if, as part of a monitoring, management or mitigation plan, a person is required to furnish ~~[replacement]~~ **mitigation** water to a holder of existing rights or owner of ~~[a]~~ **an existing** domestic well. **Section 6** of this bill authorizes the State Engineer to ~~[approve]~~ **consider** an amendment to a monitoring, management or mitigation plan. **Section 6 also authorizes the State Engineer, under certain circumstances, to require certain changes to the monitoring provisions of a monitoring, management and mitigation plan without complying with the requirements for a proposed amendment. Section 7.5 of this bill provides that it is the policy of this State to address issues and conflicts related to certain applications for water and to encourage the use of monitoring, management and mitigation plans under certain circumstances. Sections 8-19** of this bill make conforming changes.

Existing law: (1) requires the State Engineer to reject an application for a permit to appropriate water if the State Engineer determines that there is no water available from the proposed source of supply without exceeding the

perennial yield of that source; (2) authorizes the State Engineer to designate as a critical management area any basin which withdrawals of groundwater consistently exceed the perennial yield of the basin; and (3) requires the State Engineer to designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin upon receipt of certain petitions (NRS 533.371, 534.110) **Sections 2 and 19** of this bill define the term "perennial yield" for these purposes.

When considering whether to approve an application for an interbasin transfer of groundwater, existing law requires the State Engineer to consider whether the proposed interbasin transfer is environmentally sound. (NRS 533.370) **Section ~~[10]~~ 2.5 of this bill** defines the term "environmentally sound" for this purpose.

Existing law requires the State Engineer to reject an application for a permit if there is no unappropriated water in the proposed source of supply. (NRS 533.370) **Section 10** defines "unappropriated water" for this purpose.

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

Section 1. Chapter 533 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***"Perennial yield" means the ~~[quantity of water that recharges annually]~~ maximum amount of groundwater in a groundwater source of supply ~~[when calculated over a period representative of the average long-term conditions of]~~ that may be withdrawn each year over the long term without unreasonably or continuously decreasing that groundwater source of supply.***

Sec. 2.5. "Environmental soundness" or "environmentally sound" means that the use of groundwater for an interbasin transfer of water will not cause:

1. An unreasonable harmful impact on wildlife and noninvasive plant communities which depend on groundwater in the basin from which the water is transferred; or

2. The inability to support wildlife and noninvasive plant communities resulting from changed groundwater conditions in the basin from which the water is transferred.

Sec. 3. ***1. ~~[Before rejecting]~~ In reviewing an application ~~[because the proposed use or change conflicts]~~ to appropriate water or to change the point of diversion, manner of use or place of use pursuant to NRS 533.370 or holding a hearing on such an application, the State Engineer may require an applicant to submit a monitoring, management and mitigation plan to address any conflict with existing rights , ~~[or]~~ protectable interests in domestic wells as set forth in NRS 533.024, the ~~[State Engineer may consider whether a]~~ public interest or the environmental soundness of an interbasin transfer of groundwater. If the State Engineer determines during a hearing on an application that a monitoring, management and***

mitigation plan is required, he or she may postpone the hearing pending his or her review of the monitoring, management and mitigation plan.

2. A monitoring, management and mitigation plan [will eliminate the conflict. The plan] must be [in the form prescribed by the State Engineer and be accompanied] :

(a) Accompanied by substantial evidence that demonstrates the feasibility and effectiveness of the plan in eliminating the conflict [. 2.] or conflicts; and

(b) Reviewed and approved or denied by the State Engineer at the same time the State Engineer is reviewing the application.

3. A monitoring, management and mitigation plan must include, without limitation:

(a) A list of the [holders] locations of existing rights and [owners of] domestic wells , and any important environmental resources with [whom] which the application [conflicts;] may conflict;

(b) An explanation of how all conflicts with existing rights , [and] protectable interests in existing domestic wells , the public interest and the environmental soundness of an interbasin transfer of groundwater, as applicable, will be eliminated through the measures set forth in the plan;

(c) A [proposal for how the applicant will] plan to monitor the impact on [holders of] existing rights [and owners of] , existing domestic wells and important environmental resources if the State Engineer approves the application; [and]

(d) Triggers [,] and thresholds [, standards and procedures for implementing the plan. 3.] to avoid, manage and mitigate any conflicts;

(e) Measures to mitigate any potential or actual conflict to such a level that the conflict is eliminated; and

(f) Provisions to amend the plan if necessary to eliminate any conflicts.

4. A monitoring, management and mitigation plan may [require an applicant to take] include, without limitation, one or more of the following actions to eliminate [the conflict:] any conflicts:

(a) Furnishing [replacement] mitigation water of a sufficient quantity , [and] quality [.] and reliability for the approved beneficial use of an existing right or existing domestic well. If a monitoring, management and mitigation plan requires the applicant to furnish [replacement] mitigation water, the applicant must demonstrate by substantial evidence that the applicant has the ability to furnish the [replacement] mitigation water of sufficient quality , [and] quantity and reliability to eliminate the conflict.

(b) Improving the works of diversion and distribution to the holder of [a] an existing water right.

(c) Providing a new well to the holder of an existing right or the owner of an existing domestic well.

(d) Reducing or relocating the quantity of water diverted by the applicant or a holder of a water right with a later priority.

~~[(d) Financial assurances to ensure performance by the applicant.~~

~~(e) Financial compensation of holders of existing rights and owners of domestic wells.~~

~~(f)]~~ (e) Any other measure or action that may be necessary to eliminate the conflict.

5. The State Engineer shall deny a monitoring, management and mitigation plan if he or she determines that the plan does not eliminate the conflicts.

Sec. 4. *1. ~~[The State Engineer must review a monitoring, management and mitigation plan and determine whether there is substantial evidence that implementation of the plan will eliminate the conflicts with existing rights and protectable interests in domestic wells.~~*

~~2.]~~ Before approving a monitoring, management and mitigation plan, the State Engineer shall:

(a) Make available on the Internet website of the State Engineer all evidence that the State Engineer is considering to determine whether to approve the plan.

(b) Send notice of the availability of such evidence by certified mail to:

(1) The applicant;

(2) The holders of existing rights and owners of existing domestic wells with whom the application ~~[conflicts;~~

~~(2) All holders of existing rights whose point of diversion is located within 2,500 feet of the point of diversion of the applicant;]~~ may conflict; and

(3) All persons who filed a protest against the granting of the application pursuant to NRS 533.365. ~~[; and~~

~~(4) Any person who has requested that the State Engineer provide such notice.]~~

(c) Allow for a period during which any person described in paragraph (b) may submit any comment, analysis or other information in response to the application and proposed monitoring, management ~~[or]~~ and mitigation plan.

(d) Comply with the provisions of NRS 533.353 ~~[.]~~, if applicable.

2. The State Engineer may consider any comment on the application or the monitoring, management and mitigation plan submitted:

(a) By any person to whom the State Engineer provided notice pursuant to paragraph (b) of subsection 1; or

(b) Jointly by the applicant and any person to whom the State Engineer provided notice pursuant to paragraph (b) of subsection 1.

3. If the State Engineer approves a monitoring, management and mitigation plan, the State Engineer shall:

(a) Send notice of the approval by certified mail to each person to whom the State Engineer provided notice pursuant to paragraph (b) of subsection ~~[2;]~~ 1;

(b) Post notice of the approval on the Internet website of the State Engineer; and

(c) Enforce the provisions of the monitoring, management or mitigation plan.

4. The applicant must pay the cost of the notices required pursuant to this section.

5. Judicial review pursuant to NRS 533.450 of a monitoring, management and mitigation plan approved by the State Engineer must occur at the same time the approval or rejection of the application by the State Engineer is subject to judicial review.

Sec. 5. *If a monitoring, management or mitigation plan that is approved by the State Engineer requires the applicant to furnish [replacement] mitigation water to a holder of existing rights or owner of [a] an existing domestic well:*

1. Before [replacement] mitigation water is furnished, the person who will be furnishing the [replacement] mitigation water must file a notice with the State Engineer setting forth:

(a) The quantity of water that will be furnished;

(b) The duration of time that the water will be furnished; [and]

(c) The place of use of the water that will be furnished [.] ; and

(d) The number associated with the permit, certificate or vested right of the existing right, the number associated with the well log or the locations of the existing domestic wells that will receive the water, as applicable.

2. The person furnishing [replacement] mitigation water is not required to submit an application pursuant to NRS 533.345 for a permit to change the point of diversion, manner of use or place of use of the [replacement] mitigation water [.] provided that the State Engineer considered the furnishing of mitigation water as part of the original monitoring, management and mitigation plan.

3. The time periods for cancellation, forfeiture and abandonment of a water right pursuant to NRS 533.060 , 533.410 and 534.090 and for filing proof of beneficial use under the terms of a permit to appropriate water are tolled for as long as [replacement] mitigation water must be furnished.

4. The holder of an existing right or owner of an existing domestic well is not entitled to a specific source of water.

Sec. 6. *1. The State Engineer may [approve] consider an amendment to [a] an approved monitoring, management and mitigation plan [.] proposed by:*

(a) The applicant who submitted the monitoring, management and mitigation plan;

(b) A holder of an existing right or the owner of an existing domestic well with whom the applicant may conflict; or

(c) Any person who filed a protest to an application pursuant to NRS 533.365.

2. A proposed amendment must be accompanied by substantial evidence that demonstrates the feasibility and effectiveness of the amendment in eliminating the conflict or conflicts.

3. Before approving an amendment to a monitoring, management and mitigation plan, the State Engineer shall:

(a) Make available on the Internet website of the State Engineer all evidence that the State Engineer is considering to determine whether to approve the amendment.

(b) Send notice of the availability of such evidence by certified mail to all persons to whom the State Engineer sent notice of the original monitoring, management and mitigation plan.

(c) Allow for a period during which any person to whom the State Engineer sent notice of the original monitoring, management and mitigation plan may submit any comment, analysis or other information in response to the proposed amendment to the monitoring, management and mitigation plan [.] for the consideration of the State Engineer.

(d) Comply with the provisions of NRS 533.353 [. 3.] , if applicable.

4. If the State Engineer approves an amendment to a monitoring, management and mitigation plan, the State Engineer shall:

(a) Send notice of the approval by certified mail to each person to whom the State Engineer provided notice pursuant to paragraph (b) of subsection [2;] 3;

(b) Post notice of the approval on the Internet website of the State Engineer; and

(c) Enforce the provisions of the amendment to the monitoring, management and mitigation plan.

5. The applicant or person requesting the amendment must pay the cost of the notices required pursuant to this section.

6. The State Engineer may require a person who has submitted a monitoring, management and mitigation plan to conduct additional monitoring or change the location of the monitoring. Such a request by the State Engineer is not subject to the provisions of this section if the State Engineer determines that the existing rights, protectable interests in existing domestic wells and important environmental resources will continue to be protected under the modified monitoring provisions.

Sec. 7. NRS 533.005 is hereby amended to read as follows:

533.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 533.007 to 533.023, inclusive, ***and [section] sections 2 and 2.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 7.5. **NRS 533.024 is hereby amended to read as follows:**

533.024 The Legislature declares that:

1. It is the policy of this State:

(a) To encourage and promote the use of effluent, where that use is not contrary to the public health, safety or welfare, and where that use does not interfere with federal obligations to deliver water of the Colorado River.

(b) To recognize the importance of domestic wells as appurtenances to private homes, to create a protectable interest in such wells and to protect their supply of water from unreasonable adverse effects which are caused by municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated.

(c) To encourage the State Engineer to consider the best available science in rendering decisions concerning the available surface and underground sources of water in Nevada.

(d) To encourage and promote the use of water to prevent or reduce the spread of wildfire or to rehabilitate areas burned by wildfire, including, without limitation, through the establishment of vegetative cover that is resistant to fire.

(e) To encourage any person applying for a permit to appropriate water or to change the point of diversion, place of use or manner of use of water to work with holders of existing rights and owners of existing wells to address issues or conflicts with the application before any hearing that may be held by the State Engineer on the application.

(f) To encourage the use of monitoring, management and mitigation plans to:

(1) Identify potential issues with future water development;

(2) Seek to avoid conflicts with existing rights, protectable interests in existing domestic wells and the public interest;

(3) Ensure any proposed interbasin transfer of groundwater is environmentally sound;

(4) Manage groundwater basins consistent with the doctrine of prior appropriation; and

(5) When necessary, mitigate the impact of an application for the purpose of eliminating any conflict with existing rights, protectable interests in domestic wells and important environmental resources.

2. The procedures in this chapter for changing the place of diversion, manner of use or place of use of water, and for confirming a report of conveyance, are not intended to have the effect of quieting title to or changing ownership of a water right and that only a court of competent jurisdiction has the power to determine conflicting claims to ownership of a water right.

3. The procedures in this chapter regarding the review or approval of a monitoring, management and mitigation plan are not intended to abrogate the authority of the State Engineer to protect existing rights and protectable interests in existing domestic wells.

Sec. 8. NRS 533.325 is hereby amended to read as follows:

533.325 Any person who wishes to appropriate any of the public waters, or ***, except as otherwise provided in section 5 of this act,*** to change the place

of diversion, manner of use or place of use of water already appropriated, shall, before performing any work in connection with such appropriation, change in place of diversion or change in manner or place of use, apply to the State Engineer for a permit to do so.

Sec. 9. NRS 533.353 is hereby amended to read as follows:

533.353 1. For each new application to appropriate water for a beneficial use filed on or after January 1, 2012, if the State Engineer requires a monitoring, management and mitigation plan as a condition of appropriating water for a beneficial use, the State Engineer shall, within 30 days after requiring the plan and if requested by the county where the State Engineer has approved the point of diversion, allow the county to participate in an advisory capacity in the development and implementation of the plan.

2. Before approving any plan ~~[developed pursuant to subsection 1]~~ ***or amendment to a plan,*** and during the period in which the plan, if approved, is carried out, the State Engineer shall consider any comment, analysis or other information submitted by the participating county. The State Engineer is not required to include any comment, analysis or other information submitted by a participating county in a monitoring, management and mitigation plan required pursuant to this section.

3. A decision by the State Engineer whether or not to include in the plan or to follow any comment, analysis or other information submitted by a participating county pursuant to this section is not subject to judicial review pursuant to NRS 533.450.

Sec. 10. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10 ~~[,]~~ ***and section 3 of this act,*** where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer

shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2 ~~[,]~~ ***and section 3 of this act,*** in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

(a) Upon written authorization to do so by the applicant.

(b) If an application is protested.

(c) If the purpose for which the application was made is municipal use.

(d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.

(e) Where court actions or adjudications are pending, which may affect the outcome of the application.

(f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.

(g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.

(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.

(i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water

already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication, a protest may be filed in accordance with NRS 533.365.

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section ~~[, "domestic]~~ ***:***

(a) "Domestic well" has the meaning ascribed to it in NRS 534.350.

(b) ~~["Environmentally sound" means that the use of groundwater for an interbasin transfer of water will not cause:~~

~~(1) An unreasonable effect on natural resources which depend on groundwater in the basin from which the water is transferred; or~~

~~(2) The inability to sustain, over a 75-year planning period, current or successor plant and wildlife communities in the basin from which the water is transferred.~~

~~(c)]~~ "Unappropriated water" means the quantity of groundwater that is:

(1) Available for appropriation based on the perennial yield of the source of supply ~~[,]~~ which does not require the actual capture of the recharge or discharge from the source of supply; and

(2) Not committed to existing permitted, certificated, federally reserved, decreed or vested water rights.

Sec. 11. NRS 533.371 is hereby amended to read as follows:

533.371 The State Engineer shall reject the application and refuse to issue a permit to appropriate water for a specified period if the State Engineer determines that:

1. The application is incomplete;
2. The prescribed fees have not been paid;
3. The proposed use is not temporary;
4. There is no water available from the proposed source of supply without exceeding the perennial yield ~~[or safe yield]~~ of that source;
5. The ~~***[Except as otherwise provided in NRS 533.353 and sections 3 to 6, inclusive, of this act, the]***~~ proposed use conflicts with existing rights ~~[,]~~ ***and the conflict cannot be eliminated through the use of a monitoring, management and mitigation plan;*** or
6. The proposed use threatens to prove detrimental to the public interest.

Sec. 12. NRS 533.410 is hereby amended to read as follows:

533.410 ~~[If]~~ ***Except as otherwise provided in section 5 of this act, if*** any holder of a permit from the State Engineer fails, before the date set for filing in the permit or the date set by any extension granted by the State Engineer, to file with the State Engineer proof of application of water to beneficial use, and the accompanying map, if a map is required, the State Engineer shall advise the holder of the permit, by registered or certified mail, that the permit is held for cancellation. If the holder, within 30 days after the mailing of this notice, fails to file with the State Engineer the required affidavit and map, if a map is required, or an application for an extension of time to file the instruments, the State Engineer shall cancel the permit. For good cause shown, upon application made before the expiration of the 30-day period, the State Engineer may grant an extension of time in which to file the instruments.

Sec. 13. NRS 533.450 is hereby amended to read as follows:

533.450 1. Except as otherwise provided in NRS 533.353, any person feeling aggrieved by any order or decision of the State Engineer, acting in

person or through the assistants of the State Engineer or the water commissioner, affecting the person's interests, when the order or decision relates to the administration of determined rights or is made pursuant to NRS 533.270 to 533.445, inclusive, ***and sections 3 to 6, inclusive, of this act,*** or NRS 533.481, 534.193, 535.200 or 536.200, may have the same reviewed by a proceeding for that purpose, insofar as may be in the nature of an appeal, which must be initiated in the proper court of the county in which the matters affected or a portion thereof are situated, but on stream systems where a decree of court has been entered, the action must be initiated in the court that entered the decree. The order or decision of the State Engineer remains in full force and effect unless proceedings to review the same are commenced in the proper court within 30 days after the rendition of the order or decision in question and notice thereof is given to the State Engineer as provided in subsection 3.

2. The proceedings in every case must be heard by the court, and must be informal and summary, but full opportunity to be heard must be had before judgment is pronounced.

3. No such proceedings may be entertained unless notice thereof, containing a statement of the substance of the order or decision complained of, and of the manner in which the same injuriously affects the petitioner's interests, has been served upon the State Engineer, personally or by registered or certified mail, at the Office of the State Engineer at the State Capital within 30 days following the rendition of the order or decision in question. A similar notice must also be served personally or by registered or certified mail upon the person who may have been affected by the order or decision.

4. Where evidence has been filed with, or testimony taken before, the State Engineer, a transcribed copy thereof, or of any specific part of the same, duly certified as a true and correct transcript in the manner provided by law, must be received in evidence with the same effect as if the reporter were present and testified to the facts so certified. A copy of the transcript must be furnished on demand, at actual cost, to any person affected by the order or decision, and to all other persons on payment of a reasonable amount therefor, to be fixed by the State Engineer.

5. An order or decision of the State Engineer must not be stayed unless the petitioner files a written motion for a stay with the court and serves the motion personally or by registered or certified mail upon the State Engineer, the applicant or other real party in interest and each party of record within 10 days after the petitioner files the petition for judicial review. Any party may oppose the motion and the petitioner may reply to any such opposition. In determining whether to grant or deny the motion for a stay, the court shall consider:

(a) Whether any nonmoving party to the proceeding may incur any harm or hardship if the stay is granted;

(b) Whether the petitioner may incur any irreparable harm if the stay is denied;

(c) The likelihood of success of the petitioner on the merits; and

(d) Any potential harm to the members of the public if the stay is granted.

6. Except as otherwise provided in this subsection, the petitioner must file a bond in an amount determined by the court, with sureties satisfactory to the court and conditioned in the manner specified by the court. The bond must be filed within 5 days after the court determines the amount of the bond pursuant to this subsection. If the petitioner fails to file the bond within that period, the stay is automatically denied. A bond must not be required for a public agency of this State or a political subdivision of this State.

7. Costs must be paid as in civil cases brought in the district court, except by the State Engineer or the State.

8. The practice in civil cases applies to the informal and summary character of such proceedings, as provided in this section.

9. Appeals may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution from the judgment of the district court in the same manner as in other civil cases.

10. The decision of the State Engineer is prima facie correct, and the burden of proof is upon the party attacking the same.

11. Whenever it appears to the State Engineer that any litigation, whether now pending or hereafter brought, may adversely affect the rights of the public in water, the State Engineer shall request the Attorney General to appear and protect the interests of the State.

Sec. 14. NRS 533.475 is hereby amended to read as follows:

533.475 The State Engineer and the assistants of the State Engineer shall have power to arrest any person violating any of the provisions of NRS 533.005 to 533.470, inclusive, ***and sections 3 to 6, inclusive, of this act*** and to turn that person over to the sheriff or other competent police officer within the county. Immediately on delivering any such person so arrested into the custody of the sheriff, the State Engineer or assistant making such arrest shall immediately, in writing, and upon oath, make a complaint before the justice of the peace against the person so arrested.

Sec. 15. NRS 533.480 is hereby amended to read as follows:

533.480 Any person violating any of the provisions of NRS 533.005 to 533.475, inclusive, ***and sections 3 to 6, inclusive, of this act*** shall be guilty of a misdemeanor.

Sec. 16. NRS 533.515 is hereby amended to read as follows:

533.515 1. No permit for the appropriation of water or application to change the point of diversion under an existing water right may be denied because of the fact that the point of diversion described in the application for the permit, or any portion of the works in the application described and to be constructed for the purpose of storing, conserving, diverting or distributing the water are situated in any other state; but in all such cases where the place

of intended use, or the lands, or part of the lands to be irrigated by means of the water, are situated within this state, the permit must be issued as in other cases, pursuant to the provisions of NRS 533.324 to 533.450, inclusive, ***and sections 3 to 6, inclusive, of this act,*** and chapter 534 of NRS.

2. The permit must not purport to authorize the doing or refraining from any act or thing, in connection with the system of appropriation, not properly within the scope of the jurisdiction of this state and the State Engineer to grant.

Sec. 17. NRS 533.520 is hereby amended to read as follows:

533.520 1. Any person who files an application for a permit to appropriate water from above or beneath the surface of the ground for use outside this State, or to change the point of diversion under an existing water right which has a place of use outside of this State, or to change the place of use of water from a location in this State to a location outside this State under an existing right, must file an application with the State Engineer for a permit to do so pursuant to provisions of NRS 533.324 to 533.450, inclusive, ***and sections 3 to 6, inclusive, of this act,*** and chapter 534 of NRS.

2. The State Engineer may approve such an application if the State Engineer determines that the applicant's use of the water outside this State complies with the requirements of NRS 533.324 to 533.450, inclusive, ***and sections 3 to 6, inclusive, of this act,*** and those provisions of chapter 534 of NRS pertaining to the appropriation of water. In making the determination, the State Engineer shall consider:

(a) The supply of water available in this State;

(b) The current and reasonably anticipated demands for water in this State;

(c) The current or reasonably anticipated shortages of water in this State;

(d) Whether the water that is the subject of the application could feasibly be used to alleviate current or reasonably anticipated shortages of water in this State;

(e) The supply and sources of water available to the applicant in the state in which the applicant intends to use the water;

(f) The demands placed on the applicant's supply of water in the state in which he or she intends to use the water; and

(g) Whether the request in the application is reasonable, taking into consideration the factors set forth in paragraphs (a) to (f), inclusive.

3. The State Engineer may, as a condition to the approval of such an application, require the applicant to file a certificate from the appropriate official in the state in which the water is to be used, indicating to the satisfaction of the State Engineer that the intended use of the water would be beneficial and that the appropriation is feasible.

4. A person who is granted a permit pursuant to this section shall comply with the laws and regulations of this State governing the appropriation and use of water, as amended from time to time, and any change in the point of diversion, manner of use or place of use of water under a permit issued pursuant to this section is subject to the requirements of this section.

5. The State Engineer may, as a condition of the approval of any permit granted pursuant to this section, require that the use of water in another state be subject to the same regulations and restrictions that may be imposed upon the use of water in this State.

6. Upon submittal of an application under this section, the applicant and, if the applicant is a natural person, the personal representative of the person, are subject to the jurisdiction of the courts of this State and to service of process as provided in NRS 14.065.

Sec. 18. NRS 534.090 is hereby amended to read as follows:

534.090 1. Except as otherwise provided in this section ~~[,]~~ ***and section 5 of this act,*** failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right or a right for which a certificate has been issued pursuant to NRS 533.425, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse. If the records of the State Engineer or any other documents specified by the State Engineer indicate at least 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part of a water right which is governed by this chapter, the State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail that the owner has 1 year after the date of the notice in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 2 to avoid forfeiting the water right. If, after 1 year after the date of the notice, proof of resumption of beneficial use is not filed in the Office of the State Engineer, the State Engineer shall, unless the State Engineer has granted a request to extend the time necessary to work a forfeiture of the water right, declare the right forfeited within 30 days. Upon the forfeiture of a right to the use of groundwater, the water reverts to the public and is available for further appropriation, subject to existing rights. If, upon notice by registered or certified mail to the owner of record whose right has been declared forfeited, the owner of record fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. The failure to receive a notice pursuant to this subsection does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.

2. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under that subsection if the request is made before the expiration of the time necessary to work a forfeiture. The State Engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension must not exceed 1 year. In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:

(a) Whether the holder has shown good cause for the holder's failure to use all or any part of the water beneficially for the purpose for which the holder's right is acquired or claimed;

(b) The unavailability of water to put to a beneficial use which is beyond the control of the holder;

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;

(d) Any prolonged period in which precipitation in the basin where the water right is located is below the average for that basin or in which indexes that measure soil moisture show that a deficit in soil moisture has occurred in that basin;

(e) Whether a groundwater management plan has been approved for the basin pursuant to NRS 534.037; and

(f) Whether the holder has demonstrated efficient ways of using the water for agricultural purposes, such as center-pivot irrigation.

➥ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's request for an extension pursuant to this subsection. If the State Engineer grants an extension pursuant to this subsection and, before the expiration of that extension, proof of resumption of beneficial use or another request for an extension is not filed in the Office of the State Engineer, the State Engineer shall declare the water right forfeited within 30 days after the expiration of the extension granted pursuant to this subsection.

3. If the failure to use the water pursuant to subsection 1 is because of the use of center-pivot irrigation before July 1, 1983, and such use could result in a forfeiture of a portion of a right, the State Engineer shall, by registered or certified mail, send to the owner of record a notice of intent to declare a forfeiture. The notice must provide that the owner has at least 1 year after the date of the notice to use the water beneficially or apply for additional relief pursuant to subsection 2 before forfeiture of the owner's right is declared by the State Engineer.

4. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his or her examination that an abandonment has taken place, the State Engineer shall so state in the ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

Sec. 19. NRS 534.110 is hereby amended to read as follows:

534.110 1. The State Engineer shall administer this chapter and shall prescribe all necessary regulations within the terms of this chapter for its administration.

2. The State Engineer may:

(a) Require periodical statements of water elevations, water used, and acreage on which water was used from all holders of permits and claimants of vested rights.

(b) Upon his or her own initiation, conduct pumping tests to determine if overpumping is indicated, to determine the specific yield of the aquifers and to determine permeability characteristics.

3. The State Engineer shall determine whether there is unappropriated water in the area affected and may issue permits only if the determination is affirmative. The State Engineer may require each applicant to whom a permit is issued for a well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ to report periodically to the State Engineer concerning the effect of that well on other previously existing wells that are located within 2,500 feet of the well.

4. It is a condition of each appropriation of groundwater acquired under this chapter that the right of the appropriator relates to a specific quantity of water and that the right must allow for a reasonable lowering of the static water level at the appropriator's point of diversion. In determining a reasonable lowering of the static water level in a particular area, the State Engineer shall consider the economics of pumping water for the general type of crops growing and may also consider the effect of using water on the economy of the area in general.

5. This section does not prevent the granting of permits to applicants later in time on the ground that the diversions under the proposed later appropriations may cause the water level to be lowered at the point of diversion of a prior appropriator, so long as any protectable interests in existing domestic wells as set forth in NRS 533.024 and the rights of holders of existing appropriations can be satisfied under ~~[such express conditions:~~ ***,]*** ***the terms of the permit or a monitoring, management and mitigation plan.*** At the time a permit is granted for a well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ the State Engineer shall include as a condition of the permit that pumping water pursuant to the permit may be limited or prohibited to prevent any unreasonable adverse effects on an existing domestic well located within 2,500 feet of the well, unless the holder of the permit and the owner of the

domestic well have agreed to alternative measures that mitigate those adverse effects.

6. Except as otherwise provided in subsection 7, the State Engineer shall conduct investigations in any basin or portion thereof where it appears that the average annual replenishment to the groundwater supply may not be adequate for the needs of all permittees and all vested-right claimants, and if the findings of the State Engineer so indicate, the State Engineer may order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted to conform to priority rights.

7. The State Engineer:

(a) May designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin.

(b) Shall designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin upon receipt of a petition for such a designation which is signed by a majority of the holders of certificates or permits to appropriate water in the basin that are on file in the Office of the State Engineer.

➥ The designation of a basin as a critical management area pursuant to this subsection may be appealed pursuant to NRS 533.450. If a basin has been designated as a critical management area for at least 10 consecutive years, the State Engineer shall order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted in that basin to conform to priority rights, unless a groundwater management plan has been approved for the basin pursuant to NRS 534.037.

8. In any basin or portion thereof in the State designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells. Any order or decision of the State Engineer so restricting drilling of such wells may be reviewed by the district court of the county pursuant to NRS 533.450.

9. As used in this section, "perennial yield" has the meaning ascribed to it in section 2 of this act.

Sec. 20. The Legislature hereby declares that:

1. It has examined the past and present practice of the State Engineer with respect to ~~[existing water rights and protectable interests in existing domestic wells and]~~ the approval of an application to appropriate water or to change the point of diversion, manner of use or place of use subject to the development and implementation of a monitoring, management and mitigation plan and finds that the State Engineer has applied the provisions of Nevada law relating to such actions in a manner consistent with the provisions of this act.

2. The provisions of this act are intended to clarify rather than change the existing application of chapters 533 and 534 of NRS relating to ~~[existing water rights and protectable interests in existing domestic wells and]~~ the

approval of an application to appropriate water or to change the point of diversion, manner of use or place of use subject to the development and implementation of a monitoring, management and mitigation plan, and to promote thereby stability and consistency in the administration of chapters 533 and 534 of NRS.

Sec. 21. This act becomes effective upon passage and approval and, to the extent that it applies to applications for a permit to appropriate water or to change the point of diversion, manner of use or place of use submitted to the State Engineer on or before the effective date of this act or to existing water rights or protectable interests in an existing domestic well with a priority date on or before the effective date of this act, shall apply to such applications, water rights and protectable interests retroactively and prospectively.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 317.

Bill read second time.

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

Amendment No. 385.

AN ACT relating to business practices; prohibiting a person from adopting certain fictitious names; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each person doing business in this State under an assumed or fictitious name that is in any way different from the legal name of each person who owns an interest in the business to file a certificate with the county clerk stating the assumed or fictitious name under which the business is being conducted or is intended to be conducted. (NRS 602.010, 602.020) Existing law also provides limitations on the adoption of, and prohibits a county clerk from accepting the filing of a certificate for, certain fictitious names. (NRS 602.017) This bill prohibits a person from adopting a fictitious name which imitates **or causes another person to reasonably believe the fictitious name is** the name of ~~[a]~~ **, or a name associated with, a government,** governmental agency **, political subdivision of a government, federally recognized Indian tribe or nation** or **any other governmental** entity ~~[of]~~ **found within** this State, another state or the United States.

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

Section 1. NRS 602.017 is hereby amended to read as follows:

602.017 1. No person may adopt any fictitious name which includes "Corporation," "Corp.," "Incorporated" or "Inc." in its title, unless that person is a corporation organized or qualified to do business pursuant to the laws of this State.

2. No person may adopt any fictitious name which includes "Limited-Liability Company," "Limited Liability Company," "Limited Company" or the abbreviation "L.L.C.," "L.C.," "LLC" or "LC" in its title, unless that person is a limited-liability company organized or registered to do business pursuant to the laws of this State.

3. No person may adopt any fictitious name which includes "Business Trust" or the abbreviation "B.T." or "BT" in its title, unless that person is a business trust organized or registered to do business pursuant to the laws of this State.

4. No person may adopt any fictitious name which includes "Professional Corporation" or the abbreviation "Prof. Corp.," "P.C." or "PC" or the word "Chartered" or the abbreviation "Chtd." in its title, unless that person is a professional corporation organized to do business pursuant to the laws of this State.

5. No person may adopt any fictitious name which includes "Professional Association," "Professional Organization" or the abbreviation "Prof. Ass'n" or "Prof. Org." in its title, unless that person is a professional association organized to do business pursuant to the laws of this State.

6. No person may adopt any fictitious name which includes "Limited" or the abbreviation "Ltd." in its title, unless that person is a corporation, limited-liability company, registered limited-liability partnership, limited partnership or professional corporation organized, qualified or registered to do business pursuant to the laws of this State.

7. ***No person may adopt any fictitious name which imitates or reasonably causes another person to believe the fictitious name is the name of , or a name associated with, a government, governmental agency , ~~[or entity of]~~ political subdivision of a government, federally recognized Indian tribe or nation or any other governmental entity found within this State, another state or the United States.***

8. No natural person may adopt any fictitious name which appears to be the name of a natural person unless the name includes an additional word or words which indicate that the fictitious name is not the name of a natural person.

~~[8.]~~ ***9.*** No county clerk may accept for filing a certificate which violates any provision of this chapter.

Sec. 1.5. **The amendatory provisions of this act:**

1. Apply to any person who files a certificate pursuant to NRS 602.010 on or after July 1, 2017.

2. Apply to any person who has previously filed a certificate pursuant to NRS 602.010 and is required to renew such a certificate on or after July 1, 2017.

Sec. 2. 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. 346.

Bill read second time.

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

Amendment No. 219.

AN ACT relating to child care; **requiring the operator of a small child care establishment to register with the Division of Welfare and Supportive Services of the Department of Health and Human Services;** requiring certain persons who are employed at or otherwise present at a small child care establishment to undergo a criminal background check; **authorizing the Division of Public and Behavioral Health of the Department to collect from a child care facility or small child care establishment the costs relating to an investigation of a violation;** requiring the licensee of a child care facility to ensure that each child at the child care facility wears a helmet while using certain devices; providing for the inspection of such an establishment; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "child care facility" to mean an establishment that provides child care to five or more children for compensation and certain other child care establishments. (NRS 432A.024) **Section 2** of this bill defines the term "small child care establishment" to mean an establishment that furnishes child care to not more than four children unrelated to the operator for compensation, outside the home and the presence of the parent or guardian of any of the children and on a regular basis for at least 3 weeks. **Section 3** of this bill requires a person or governmental entity that wishes to operate a small child care establishment to register with the Division of ~~[Public and Behavioral Health]~~ **Welfare and Supportive Services** of the Department of Health and Human Services and submit certain information to the Division concerning employees and certain residents of the establishment. **Section 9** of this bill authorizes the Division **of Public and Behavioral Health of the Department** to seek an injunction against any person or governmental entity that operates a small child care establishment without registering with the Division ~~[.]~~ **of Welfare and Supportive Services.** **Section 10** of this bill makes it a misdemeanor to

operate a small child care establishment without registering with the Division ~~[.]~~ **of Welfare and Supportive Services.**

Existing law requires every applicant for and holder of a license to operate a child care facility, employee of such an applicant or licensee and certain adult residents of a child care facility to undergo a criminal background check conducted by the Division at least once every 5 years. (NRS 432A.170, 432A.175) If a criminal background check reveals that such a person has been convicted of certain crimes, the person must be terminated or otherwise prevented from having direct contact with children at the facility. (NRS 432A.1775) **Sections 7.2-7.6 of this bill make these requirements applicable to operators, employees and certain adult residents of small child care establishments. Section 7.8 of this bill also requires an operator of a small child care establishment to maintain certain records relating to those background checks. Section 3** prohibits a person who has been convicted of ~~[those]~~ **certain** crimes from operating a small child care establishment.

~~[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) Section 11 of this bill additionally authorizes this service to be used to conduct a name-based search of the records of criminal history of a resident of a small child care establishment. Section 4 of this bill requires the operator of a small child care establishment to use the service to conduct a name-based search of the records of criminal history of employees and certain residents of the establishment at least once every 5 years. Section 4 also requires the operator of a small child care facility to maintain certain records related to those background checks.]~~ **Section 7** of this bill authorizes the State Board of Health to adopt regulations to enforce the requirements for registration and background checks and to ensure the safe operation of small child care establishments. The Division of Public and Behavioral Health is authorized to impose a fine against any small child care establishment that violates the requirements or regulations. (NRS 432A.190)

Section 5 of this bill requires the licensee of a child care facility or the operator of a small child care establishment to ensure that each child at the facility or establishment wears a helmet while riding a bicycle, tricycle, skateboard, scooter, roller skates or any other similar device or toy that renders the child mobile.

Existing law authorizes any authorized member or employee of the Division to enter and inspect any building or premises of a child care facility or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of applicable law. **Section 8** of this bill extends those inspection provisions to include small child care establishments. **If a complaint against a child care facility or small child care establishment is substantiated, section 4.5 of this bill authorizes the**

Division to collect from the facility or establishment the costs of the Division relating to the violation, including the costs of any necessary inspection or investigation.

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Small child care establishment" means an establishment that furnishes care to not more than four children under 18 years of age who are not related to the operator of the establishment within the fourth degree of consanguinity or affinity:***

1. For monetary compensation;

2. Outside the home and the presence of the parents or guardians of any of the children; and

3. For at least 6 hours each day, at least 4 days each week and more than 3 consecutive weeks.

Sec. 3. ***1. A person, state or local government unit or agency thereof that wishes to operate a small child care establishment must, before furnishing care to any children, register the small child care establishment with the Division of Welfare and Supportive Services of the Department by submitting to the Division [,] of Welfare and Supportive Services on the Internet website of the Division [,] of Welfare and Supportive Services the following information:***

(a) The name, address and contact information of the prospective operator of the small child care establishment;

(b) The name and address of the small child care establishment;

(c) [The information required by paragraph (b) of subsection 1 of section 4 of this act relating to employees and residents of the small child care establishment;

— (d)] An affirmation that the operator of the small child care establishment is in compliance with subsection 2; and

[(e)] (d) Such additional information as the Division of Welfare and Supportive Services deems necessary.

2. A person shall not serve as the operator of a small child care establishment if the person has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her.

Sec. 4. ***[1. The operator of a small child care establishment shall participate in the service to conduct a name-based search of records of criminal history established within the Central Repository for Nevada Records of Criminal History by NRS 179A.103. Not later than 3 days after hiring an employee or accepting a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court***

~~*pursuant to NRS 432B.594, and at least once every 5 years thereafter, the operator of a small child care establishment shall:*~~

~~*(a) Submit an inquiry to the service concerning the employee or resident, as applicable; and*~~

~~*(b) Submit to the Division, on the Internet website of the Division:*~~

~~*(1) The name, address and contact information of the employee or resident; and*~~

~~*(2) An affirmation that the operator of the small child care establishment is in compliance with subsection 2.*~~

~~*2. Upon receiving information from the Central Repository pursuant to subsection 1 or evidence from any other source that an employee of the small child care establishment or a resident of the small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the operator of the small child care establishment shall terminate the employment of the employee or remove the resident from the establishment after allowing the employee or resident time to correct the information as required by subsection 3.*~~

~~*3. If an employee or resident of a small child care establishment believes that the information provided to the operator of the establishment pursuant to subsection 2 is incorrect, the employee or resident must inform the operator immediately. The operator of the establishment shall give any such employee or resident 30 days to correct the information.*~~

~~*4. During any period in which an employee or resident of a small child care establishment seeks to correct information pursuant to subsection 3, it is within the discretion of the operator of the establishment whether to allow the employee or resident to continue to work for or reside at the small child care establishment, except that the employee or resident shall not have contact with a child without supervision during such a period.*~~

~~*5. Each operator of a small child care establishment shall:*~~

~~*(a) Maintain records of information received from the Central Repository pursuant to subsection 2 concerning employees and residents of the establishment for the period of the employer's employment with or the resident's presence at the small child care establishment; and*~~

~~*(b) Make those records available for inspection by the Division at any reasonable time and furnish copies thereof to the Division upon request.]*~~

(Deleted by amendment.)

Sec. 4.5. ***1. If a complaint against a child care facility, a small child care establishment, a person who operates a child care facility without a license or a person who operates a small child care establishment without registering in accordance with section 3 of this act is substantiated, the Division may charge and collect from the facility, establishment or person the actual cost incurred by the Division relating to the violation, including***

the actual cost of conducting an inspection or investigation of the facility, establishment or person.

2. Any money collected pursuant to subsection 1 may be used by the Division to administer and carry out the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 5. ***The licensee of a child care facility or the operator of a small child care establishment shall ensure that each child at the facility or establishment, as applicable, wears a helmet while using a bicycle, tricycle, skateboard, scooter, roller skates or any other similar device or toy that renders the child mobile.***

Sec. 6. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.029, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 432A.077 is hereby amended to read as follows:

432A.077 1. The Board shall adopt:

(a) Licensing standards for child care facilities.

(b) In consultation with the State Fire Marshal, plans and requirements to ensure that each child care facility and its staff is prepared to respond to emergencies, including, without limitation:

(1) The conducting of fire drills on a monthly basis;

(2) The adoption of plans to respond to natural disasters and emergencies other than those involving fire; and

(3) The adoption of plans to provide for evacuation of child care facilities in an emergency.

(c) ***Any regulations necessary to carry out the provisions of ~~[sections]~~ section 3 [~~and 4~~] of this act or to ensure the safe operation of small child care establishments.***

(d) Such other regulations as it deems necessary or convenient to carry out the provisions of this chapter.

2. The Board shall require that the practices and policies of each child care facility provide adequately for the protection of the health and safety and the physical, moral and mental well-being of each child accommodated in the facility.

3. If the Board finds that the practices and policies of a child care facility are substantially equivalent to those required by the Board in its regulations, it may waive compliance with a particular standard or other regulation by that facility.

Sec. 7.2. **NRS 432A.170 is hereby amended to read as follows:**

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. The Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee ~~[or]~~ ***, operator of a small child care establishment,*** employee of an applicant ***,*** ~~[or]~~ licensee ~~[,]~~ or ~~[every]~~ ***small child care establishment,*** resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. The Division shall request information concerning every applicant, licensee ~~[or]~~ ***, operator of a small child care establishment,*** employee of an applicant ***,*** ~~[or]~~ licensee ~~[,]~~ or ~~[every]~~ ***small child care establishment,*** resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant**, ** ~~[or]~~ licensee ~~[,]~~ ***or small child care establishment,*** resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program, and then at least once every 5 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

(c) Operator of a small child care establishment before the operator begins operating the establishment, and then at least once every 5 years after the establishment begins operating.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.

Sec. 7.4. **NRS 432A.175 is hereby amended to read as follows:**

432A.175 1. Every applicant for a license to operate a child care facility, licensee ~~[and]~~ ***, operator of a small child care establishment,*** employee of ~~[such]~~ an applicant**, ** ~~[or]~~ licensee ~~[, and every]~~ ***or small child care establishment,*** resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, shall submit to the Division, or to the person or agency designated by the Division, to enable the Division to conduct an investigation pursuant to NRS 432A.170, a:

(a) Complete set of fingerprints and a written authorization for the Division or its designee 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;

(b) Written statement detailing any prior criminal convictions; and

(c) Written authorization for the Division to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. If an employee of an applicant for a license to operate a child care facility**, ** ~~[or]~~ licensee ~~[,]~~ or ***small child care establishment,*** a resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, has been convicted of any crime listed in

subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect filed against him or her, the Division shall immediately notify the applicant **,** ~~[or]~~ licensee ~~[,]~~ ***or small child care establishment*** who shall then comply with the provisions of NRS 432A.1755.

3. An applicant for a license to operate a child care facility **,** ~~[or]~~ licensee ***or operator of a small child care establishment*** shall notify the Division as soon as practicable but not later than 24 hours after hiring an employee, beginning the residency of a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or beginning the participation of a participant in an outdoor youth program who is 18 years of age or older.

4. An applicant for a license to operate a child care facility **,** ~~[or]~~ licensee ***or operator of a small child care establishment*** shall notify the Division within 2 days after receiving notice that:

(a) The applicant, licensee or ***operator,*** an employee of the applicant **,** ~~[or]~~ licensee ~~[,]~~ or ***small child care establishment,*** a resident of the child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, or a facility ***, establishment*** or program operated by the applicant **,** ~~[or]~~ licensee ~~[,]~~ ***or operator*** is the subject of a lawsuit or any disciplinary proceeding; or

(b) The applicant **,** ~~[or]~~ licensee ~~[,]~~ ***or operator or*** an employee, a resident or ***a*** participant has been charged with a crime listed in subsection 2 of NRS 432A.170 or is being investigated for child abuse or neglect.

Sec. 7.6. **NRS 432A.1755 is hereby amended to read as follows:**

432A.1755 1. Upon receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or evidence from any other source that an employee of an applicant for a license to operate a child care facility **,** ~~[or]~~ a licensee ~~[,]~~ or ***a small child care establishment,*** a resident of a child care facility ***or small child care establishment*** who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the applicant **,** ~~[or]~~ licensee ***or operator of the small child care establishment*** shall terminate the employment of the employee or remove the resident from the facility ***or establishment*** or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to subsection 2.

2. If an employee, resident or participant believes that the information provided to the applicant **,** ~~[or]~~ licensee ***or operator*** pursuant to subsection 1

is incorrect, the employee, resident or participant must inform the applicant**,** ~~[or]~~ licensee ***or operator*** immediately. The applicant**,** ~~[or]~~ licensee ***or operator*** shall give any such employee, resident or participant 30 days to correct the information.

3. During any period in which an employee, resident or participant seeks to correct information pursuant to subsection 2, it is within the discretion of the applicant**,** ~~[or]~~ licensee ***or operator*** whether to allow the employee, resident or participant to continue to work for or reside at the child care facility ***or small child care establishment*** or participate in the outdoor youth program, as applicable, except that the employee, resident or participant shall not have contact with a child without supervision during such a period.

Sec. 7.8. **NRS 432A.1785 is hereby amended to read as follows:**

432A.1785 1. Each applicant for a license to operate a child care facility**,** ~~[and]~~ licensee ***and operator of a small child care establishment*** shall maintain records of the information concerning ~~[its]~~ employees ***of the child care facility or small child care establishment*** and any residents of the child care facility ***or small child care establishment*** who are 18 years of age or older, other than residents who remain under the jurisdiction of a court pursuant to NRS 432B.594, or participants in any outdoor youth program who are 18 years of age or older that is collected pursuant to NRS 432A.170 and 432A.175, including, without limitation:

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History;

(b) Proof that the applicant**,** ~~[or]~~ licensee ***or operator*** submitted fingerprints to the Central Repository for Nevada Records of Criminal History; and

(c) The written authorization to obtain information from the Central Repository and the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period of the employee's employment with or the resident's presence at the child care facility ***or small child care establishment*** or the participant's presence in the outdoor youth program; and

(b) Made available for inspection by the Division at any reasonable time and copies thereof must be furnished to the Division upon request.

Sec. 8. NRS 432A.180 is hereby amended to read as follows:

432A.180 1. Any authorized member or employee of the Division may enter and inspect any building or premises of a child care facility ***or small child care establishment*** or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of any provision of this chapter.

2. The State Fire Marshal or a designee of the State Fire Marshal shall, at least annually:

(a) Enter and inspect every building or premises of a child care facility, on behalf of the Division; and

(b) Observe and make recommendations regarding the drills conducted pursuant to NRS 432A.077,

➥ to secure compliance with standards for safety from fire and other emergencies.

3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually, every building or premises of a child care facility and area of operation of an outdoor youth program, on behalf of the Division, to secure compliance with standards for health and sanitation.

4. The annual inspection of any child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the child care facility. The Chief Medical Officer shall publish reports of the inspections and make them available for public inspection upon request.

Sec. 9. NRS 432A.210 is hereby amended to read as follows:

432A.210 1. Except as ***otherwise*** provided in subsection 1 of NRS 432A.131, the Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any ~~[child]~~ ***:***

(a) Child care facility ~~[.~~

~~(a) Without]~~ ***without*** first obtaining a license therefor ~~[; or~~

~~(b) After]~~ ***or after*** his or her license has been revoked or suspended by the Division.

(b) Small child care establishment without registering with the Division of Welfare and Supportive Services of the Department pursuant to section 3 of this act.

2. It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the facility ***or establishment*** without a license ~~[.]~~ ***or the proper registration, as applicable.***

Sec. 10. NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, ***and sections 3, ~~[4]~~ 4.5 and 5 of this act or a small child care establishment without registering pursuant to section 3 of this act*** is guilty of a misdemeanor.

Sec. 11. ~~[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 [.] , resident or prospective resident.~~

~~2. An eligible person that wishes or is required 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 participant of the service may inquire about the records of criminal history of an employee, prospective employee, volunteer **, [**or**]** prospective volunteer ***, resident or prospective resident*** to determine the suitability of the employee or prospective employee for employment **, [**or**]** the suitability of the volunteer or prospective volunteer for volunteering **[.] *, or the suitability of the resident or prospective resident for residency.***~~

~~5. The Central Repository shall disseminate to a 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 ***, resident or prospective resident*** is currently within the system of criminal justice, including parole or probation.~~

~~6. An employee, prospective employee, volunteer **, [**or**]** prospective volunteer ***, resident or prospective resident*** 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 participant. The written consent form may be:~~

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

~~(b) If the 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.~~

~~8. The Central Repository may audit a participant, at such times as the Central Repository deems necessary, to ensure that records of criminal history are securely maintained.~~

~~9. The Central Repository may terminate participation in the service if a 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. As used in this section:~~

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

~~(b) "Eligible person" includes:~~

~~(1) An employer.~~

~~(2) A volunteer organization.~~

~~(3) An employment screening service.~~

~~***(4) The operator of a small child care establishment.***~~

~~(c) "Employer" means a person in this State that:~~

~~(1) Employs an employee; or~~

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

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

~~(e) "Employment screening service" means a person or entity designated by an employer or volunteer organization to provide employment or volunteer screening services to the employer or volunteer organization.~~

~~*(f) "Resident" means a person who resides or wishes to reside at a small child care establishment.*~~

~~*(g) "Small child care establishment" has the meaning ascribed to it in section 2 of this act.]*~~ **(Deleted by amendment.)**

Sec. 12. This act becomes effective on July 1, 2017.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 350.

Bill read second time.

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

Amendment No. 368.

SUMMARY—Revises provisions ~~[~~governing relations between local government employers and employees.~~]~~ **relating to state employment.** (BDR 23-932)

AN ACT relating to ~~[~~local governments;~~]~~ **state employment;** requiring ~~[~~a local government employer~~]~~ **certain state agencies** to provide an employee orientation to new employees, to allow certain employee organizations to participate in such an orientation or meet with a new employee under certain circumstances and to provide such an employee organization with certain information concerning new employees; requiring ~~[~~a local government employer~~]~~ **certain state agencies** to allow certain employee organizations to meet with ~~[~~local government~~]~~ employees at certain locations **;** ~~[~~on the employer's premises;~~]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements concerning ~~[~~relations between local governments and their employees.~~]~~ **employment with a department, commission, board, bureau, office or other agency of the Executive Department of the State Government, with certain exceptions.** (Chapter ~~[~~288~~]~~ **284** of NRS ~~[~~.~~]~~ **; chapter 284 of NAC) Section 2** of this bill requires ~~[~~a local government employer~~]~~ **such an employing state agency** to provide an in-person orientation to a ~~[~~local government~~]~~ **new** employee ~~[~~at the employee's work location and~~]~~ during the employee's regular work hours within 30 days after the employee's date of hire **~~[~~.~~]~~ or within a reasonable time thereafter.** Additionally, **section 2** requires ~~[~~a local government

~~employer]~~ **an employing state agency** to allow an employee organization ~~[by which the local government employee is eligible to be represented and]~~ which has at least ~~[1,000]~~ **100** members **who make payments to the employee organization pursuant to payroll withholdings** to give a presentation of at least 30 minutes during the orientation. The employee organization is authorized to designate a representative to attend the orientation during paid time. ~~[Section 5 of this bill provides that the content of a presentation by an authorized employee organization during an orientation for a newly hired employee is a subject matter that is not within the scope of mandatory bargaining.]~~ **Sections 2 and 3** of this bill require ~~[a local government employer]~~ **an employing state agency** to provide **such** an employee organization ~~[which has at least 1,000 members]~~ with certain information concerning a newly hired ~~[local government]~~ employee and to allow such an employee organization to meet with ~~[a local government]~~ **an** employee who is unable to attend the ~~[required]~~ employee orientation within ~~[30 days after being hired.]~~ **the required time.**

Section 4 of this bill requires ~~[a local government employer]~~ **an employing state agency** to allow **such** an employee organization ~~[which has at least 1,000 members]~~ to meet with ~~[a local government]~~ **an** employee outside regular work hours or during breaks in designated areas on the premises of the ~~[local government employer.]~~ **employee's work location.**

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

Section 1. Chapter ~~[288]~~ **284** of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2, 3 and]~~ **1.2 to** 4 **, inclusive,** of this act.

Sec. 1.2. As used in sections 1.2 to 4, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.4, 1.6 and 1.8 of this act have the meanings ascribed to them in those sections.

Sec. 1.4. "Employee organization" means an organization of any kind consisting of one or more units or groups that:

1. Has the improvement of the terms and conditions of employment of state employees as one of its purposes; and

2. Has at least 100 members who have amounts withheld from their salaries or wages for payment to the organization pursuant to NRS 281.129.

Sec. 1.6. "Employing state agency" means a department, commission, board, bureau, office or other agency of the Executive Department of the State Government to which this chapter applies.

Sec. 1.8. "State employee" means a person employed by an employing state agency.

Sec. 2. ***1. Within 30 days after the date on which a ~~[local government]~~ state employee is hired ~~[,]~~ or within a reasonable time thereafter, the ~~[local government employer]~~ employing state agency shall***

provide to the ~~[local government]~~ state employee an orientation containing information related to employment with the ~~[local government employer,]~~ employing state agency, including, without limitation:

(a) The personnel policies of the ~~[local government employer;]~~ employing state agency;

(b) Any rules concerning ethics, conflicts of interest and civil service to which the ~~[local government]~~ state employee is subject; and

(c) Any benefits programs for which the ~~[local government]~~ state employee is eligible.

2. The orientation required by subsection 1 must be conducted in person and ~~[at the work location and]~~ during the regular work hours of the ~~[local government]~~ state employee.

3. ~~[If a local government employee is eligible to be represented by an employee organization which has at least 1,000 members, the local government employer]~~ The employing state agency shall allow ~~[the]~~ an employee organization to make a presentation of at least 30 minutes during the orientation required by subsection 1. ~~[A local government employer]~~ An employing state agency shall give the employee organization notice of the date and time of the orientation not later than 10 days before the orientation . ~~[, unless earlier notice is required pursuant to an agreement with the employee organization.]~~

4. An employee organization ~~[which is authorized to give a presentation pursuant to subsection 3]~~ may designate ~~[an]~~ a state employee who is a member of the employee organization as a representative to attend the orientation

required by subsection 1 on paid time. ~~[A local government employer]~~ An employing state agency may not deny the representative the opportunity to attend the orientation required by subsection 1 unless the absence of the representative from work would significantly inhibit or disrupt the functioning of the ~~[local government employer.]~~ employing state agency. If ~~[a local government employer]~~ an employing state agency denies the representative's attendance, the employee organization may designate another state employee who is a member of the employee organization as the representative.

5. Within 7 days after the date on which a ~~[local government]~~ state employee is hired, the ~~[local government employer]~~ employing state agency shall provide an employee organization ~~[which is authorized to give a presentation pursuant to subsection 3]~~ with the name, job title, department, work location, telephone number and home address of the ~~[local government]~~ state employee. The ~~[local government employer]~~ employing state agency shall comply with this subsection regardless of whether the ~~[local government]~~ state employee who is hired was previously employed by ~~[the local government employer.~~

~~6. The provisions of this section do not prohibit a local government employer and a bargaining agent from negotiating an agreement regarding~~

~~*an orientation for employees who are newly hired that is more expansive than the requirements of this section.]*~~ *an employing state agency.*

Sec. 3. ~~*[A local government employer]*~~ *An employing state agency shall provide an employee organization* ~~*[which is authorized to give a presentation pursuant to section 2 of this act]*~~ *with the name and work location of any* ~~*[local government]*~~ *state employee who was unable to attend the orientation required by section 2 of this act* ~~*[within 30 days after the employee was hired by the local government employer.]*~~ *within the period set forth in that section. The* ~~*[local government employer]*~~ *employing state agency shall allow the employee organization to meet with any such employee for at least 30 minutes during the regular work hours of the* ~~*[local government]*~~ *state employee* ~~*[and on the premises of the local government employer]*~~ *to introduce the employee organization and explain* ~~*[the contractual rights of the local government employee.]*~~ *its role and functions.*

Sec. 4. ~~*[A local government employer]*~~ *An employing state agency shall allow an employee organization* ~~*[which has at least 1,000 members]*~~ *to meet with a* ~~*[local government]*~~ *state employee outside of or during breaks in regular work hours in areas at the state employee's work location designated by the* ~~*[local government employer.]*~~ *employing state agency.*

Sec. 5. ~~**[**NRS 288.150 is hereby amended to read as follows:~~

~~288.150 1. Except as otherwise provided in subsection **[**4**]** *5* and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.~~

~~2. The scope of mandatory bargaining is limited to:~~

~~(a) Salary or wage rates or other forms of direct monetary compensation.~~

~~(b) Sick leave.~~

~~(c) Vacation leave.~~

~~(d) Holidays.~~

~~(e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.~~

~~(f) Insurance benefits.~~

~~(g) Total hours of work required of an employee on each workday or workweek.~~

~~(h) Total number of days' work required of an employee in a work year.~~

~~(i) Except as otherwise provided in subsection **[**6,**]** *7,* discharge and disciplinary procedures.~~

~~(j) Recognition clause.~~

~~(k) The method used to classify employees in the bargaining unit.~~

~~(l) Deduction of dues for the recognized employee organization.~~

~~(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.~~

~~(n) No-strike provisions consistent with the provisions of this chapter.~~

~~(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.~~

~~(p) General savings clauses.~~

~~(q) Duration of collective bargaining agreements.~~

~~(r) Safety of the employee.~~

~~(s) Teacher preparation time.~~

~~(t) Materials and supplies for classrooms.~~

~~(u) Except as otherwise provided in subsections **[**7**]** *8* and **[**9,**]** *10,* the policies for the transfer and reassignment of teachers.~~

~~(v) Procedures for reduction in workforce consistent with the provisions of this chapter.~~

~~(w) Procedures consistent with the provisions of subsection **[**4**]** *5* for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.~~

~~3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:~~

~~(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.~~

~~(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.~~

~~(c) The right to determine:~~

~~(1) Appropriate staffing levels and work performance standards, except for safety considerations;~~

~~(2) The content of the workday, including without limitation workload factors, except for safety considerations;~~

~~(3) The quality and quantity of services to be offered to the public; and~~

~~(4) The means and methods of offering those services.~~

~~(d) Safety of the public.~~

~~4. ***The content of a presentation made pursuant to subsection 3 of section 2 of this act is a subject matter which is not within the scope of mandatory bargaining.***~~

~~***5.*** Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:~~

~~(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee~~

~~organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:~~

~~(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or~~

~~(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.~~

~~(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.~~

~~*~~ ~~Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.~~

~~[5.]~~ ***6.*** ~~The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.~~

~~[6.]~~ ***7.*** ~~If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.~~

~~[7.]~~ ***8.*** ~~The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:~~

~~(a) Reassigning any member of the staff of such a school; or~~

~~(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.~~

~~[8.]~~ ***9.*** ~~Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection~~ ~~[7]~~ ***8*** ~~or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection~~ ~~[7]~~ ***8*** ~~is unenforceable and void.~~

~~**[**9.**]** ***10.*** The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.~~

~~**[**10.**]** ***11.*** This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.~~

~~**[**11.**]** ***12.*** Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.~~

~~**[**12.**]** ***13.*** As used in this section, "achievement charter school" has the meaning ascribed to it in NRS 385.007.**]**~~ **(Deleted by amendment.)**

Sec. 6. NRS 289.025 is hereby amended to read as follows:

289.025 1. Except as otherwise provided in subsections 2 and 3 and NRS 239.0115, ***and section 2 of this act,*** the home address and any photograph of a peace officer in the possession of a law enforcement agency are not public information and are confidential.

2. The photograph of a peace officer may be released:

(a) If the peace officer authorizes the release; or

(b) If the peace officer has been arrested.

3. The home address of a peace officer may be released if a peace officer has been arrested and the home address is included in any of the following:

(a) A report of a 911 telephone call.

(b) A police report, investigative report or complaint which a person filed with a law enforcement agency.

(c) A statement made by a witness.

(d) A report prepared pursuant to NRS 432B.540 by an agency which provides child welfare services, which report details a plan for the placement of a child.

Sec. 7. 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. 351.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 304.

AN ACT relating to teachers; requiring the Department of Education to designate the counties, kinds of licenses and fields of endorsement for which a shortage of teachers exists in this State; **requiring the Department to**

designate certain areas of instruction as areas of critical need in this State; requiring the Superintendent of Public Instruction to award grants to certain teachers who teach in such counties**,** ~~[or]~~ possess such licenses or endorsements ~~[,]~~ **, or teach in an area of critical need;** authorizing the Superintendent to take certain actions if an application for such a grant contains false or misleading information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to prepare an annual report of the state of public education in this State. (NRS 385.230) **Section 1** of this bill requires that report to contain a designation of the counties, kinds of licenses and fields of endorsement for which a shortage of teachers exists in this State. **In addition, the report must designate areas of instruction identified as areas of critical need in this State.**

Sections 3-11 of this bill establish the Teacher Shortage Loan Repayment Grants Program to provide grants of money to teachers who teach in the counties or possess a kind of license or endorsement designated as having a shortage of teachers in this State. **Teachers who have taught in certain public schools for 2 years or more in special education, English as a second language or any other area of instruction designated as an area of critical need are also eligible for grants.** **Section 7** establishes the Teacher Shortage Loan Repayment Account in the State General Fund for the deposit of money to pay for Teacher Shortage Loan Repayment Grants. **Section 8** prescribes the criteria that a teacher must meet to be eligible to receive a Teacher Shortage Loan Repayment Grant and the types of loans that may be repaid using the Grant.

Section 9 establishes the required contents of an application for a Teacher Shortage Loan Repayment Grant. **Section 9** also requires the Superintendent of Public Instruction to review applications annually and to award grants of money to approved teachers. Additionally, **section 9** requires the recipient of a Teacher Shortage Loan Repayment Grant to submit proof that the Grant was used to make payments on authorized educational loans.

If the Superintendent determines that an application for a Teacher Shortage Loan Repayment Grant contains false or misleading information, **section 9** authorizes the Superintendent to recover any money awarded to such a teacher for the school year in which the application was submitted.

Section 10 requires the Superintendent to submit a biennial report to the Legislature that contains certain information about Teacher Shortage Loan Repayment Grants.

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

Section 1. NRS 385.230 is hereby amended to read as follows:

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

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385A.400;

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

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

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.111;

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

(f) Any new data elements, including, without limitation, data about individual pupils and aggregated data about pupils within a defined group, proposed for inclusion in the automated system of accountability information for Nevada established pursuant to NRS 385A.800;

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

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

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

(j) An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 385A.800 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

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

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

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

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

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

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

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

(n) A designation of the counties, kinds of licenses prescribed in NRS 391.031 and fields of endorsement for which a shortage of teachers exists in this State ~~***[.]***~~ ***; and***

(o) A designation of any area of instruction identified for the purposes of section 8 of this act as an area of critical need in this State, in addition to those specified in paragraph (d) of subsection 2 of that section.

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

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

Sec. 2. Chapter 391A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 11, inclusive, of this act.

Sec. 3. ***As used in sections 3 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Account" means the Teacher Shortage Loan Repayment Account created by section 7 of this act.***

Sec. 5. ***"Other provider of an alternative licensure program" has the meaning ascribed to it in NRS 391A.560.***

Sec. 6. ***"Teacher Shortage Loan Repayment Grant" means a grant of money awarded by the Superintendent of Public Instruction pursuant to section 9 of this act.***

Sec. 7. ***1. The Teacher Shortage Loan Repayment Account is hereby created in the State General Fund. The Account must be administered by the Superintendent of Public Instruction.***

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Account from the State General Fund,

↪ must be credited to the Account.

3. Any money remaining in the Account at the end of a fiscal year, including any unexpended appropriations made to the Account from the

State General Fund, does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The Superintendent of Public Instruction may accept gifts, grants and donations of money from any source for deposit in the Account.

5. The money in the Account may only be used to award Teacher Shortage Loan Repayment Grants to teachers whose applications are approved pursuant to section 9 of this act.

Sec. 8. *1. After preparing the report required by NRS 385.230, the Department shall publish on its Internet website a list of the ~~[counties,]~~ :*

(a) Counties, kinds of licenses prescribed in NRS 391.031 and fields of endorsement designated in that report as having a shortage of teachers in this State ~~[.]~~ ; and

(b) Areas of instruction specified in paragraph (d) of subsection 2 or designated in that report as areas of critical need in this State for the purposes of this section.

2. Except as otherwise provided in subsection 4, a teacher is eligible to receive a Teacher Shortage Loan Repayment Grant if he or she has outstanding educational loans that meet the requirements of subsection 3 and:

(a) Teaches at a public school that is located in a county in this State that has been designated in the most recent report prepared pursuant to NRS 385.230 as having a shortage of teachers;

(b) Possesses a kind of license that has been designated in the most recent report prepared pursuant to NRS 385.230 as having a shortage of teachers and teaches or performs educational functions as designated by that license at a public school in this State; ~~[or]~~

(c) Possesses an endorsement in a field that has been designated in the most recent report prepared pursuant to NRS 385.230 as having a shortage of teachers and teaches in the field of specialization authorized by that endorsement at a public school in this State ~~[.]~~ ; or

(d) Has taught for 2 years or more in special education, English as a second language or other area of instruction that has previously been designated in the report prepared pursuant to NRS 385.230 as an area of critical need in this State, in a:

(1) Title I school; or

(2) Public school that has received one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools.

3. A teacher may use a Teacher Shortage Loan Repayment Grant only to make payments on:

(a) An educational loan incurred for the purpose of completing a program:

(1) That is offered by a university, college or other provider of an alternative licensure program and approved by the Superintendent of Public Instruction; and

(2) As required for the teacher to obtain a license to teach or perform the educational function that the teacher currently teaches or performs or the endorsement described in paragraph (c) of subsection 2; or

(b) The interest on an educational loan described in paragraph (a).

4. A teacher may not receive a Teacher Shortage Loan Repayment Grant if the teacher has received such a Grant in:

(a) Five or more previous school years; or

(b) A previous school year and failed to provide the proof required by subsection 3 of section 9 of this act.

Sec. 9. *1. A teacher who wishes to receive a Teacher Shortage Loan Repayment Grant must apply to the Superintendent of Public Instruction in the form prescribed by the State Board. The application must contain an affidavit verifying that the applicant meets the requirements of section 8 of this act and any other information required by the Superintendent of Public Instruction or any regulation adopted by the State Board pursuant to section 11 of this act.*

2. Each school year, the Superintendent of Public Instruction shall:

(a) Review each application submitted pursuant to subsection 1 and approve each such application submitted by an applicant who meets the requirements of section 8 of this act; and

(b) Except as otherwise provided in this paragraph and subsection 4, award a Teacher Shortage Loan Repayment Grant from the Account to each approved teacher in the amount of $1,000 or the amount that the teacher owes on outstanding loans and interest described in subsection 3 of section 8 of this act, whichever is less. If there is insufficient money in the Account to award a Teacher Shortage Loan Repayment Grant to each qualified applicant, the amount of money available must be distributed pro rata.

3. Not later than 60 days after the date on which Teacher Shortage Loan Repayment Grants are awarded pursuant to subsection 2, a recipient of a Teacher Shortage Loan Repayment Grant shall provide proof that the money was used to make payments as described in subsection 3 of section 8 of this act.

4. If the Superintendent of Public Instruction determines that an application submitted pursuant to subsection 1 contains false or misleading information or that information associated with such an application is false or misleading, the Superintendent shall not award a Teacher Shortage Loan Repayment Grant to the applicant and may:

(a) Recover any money awarded to the applicant for the school year for which the false application was filed and deposit the money in the Account; and

(b) Maintain an action in a court of competent jurisdiction to recover such money.

Sec. 10. *On or before February 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit to the Director of the*

Legislative Counsel Bureau for transmittal to the Legislature a report which must include, for each school year of the immediately preceding biennium:

1. The number of teachers who received a Teacher Shortage Loan Repayment Grant;

2. The counties in which those teachers taught;

3. The types of licenses and endorsements possessed by those teachers;

4. The average amount of a Teacher Shortage Loan Repayment Grant awarded to those teachers; and

5. Any other data that the Superintendent of Public Instruction determines is useful to evaluate whether Teacher Shortage Loan Repayment Grants have encouraged teachers to teach in the ~~[counties]~~ :

(a) Counties and obtain the types of licenses and endorsements that have been designated as having a shortage of teachers in this State pursuant to NRS 385.230 ~~[.]~~ ; or

(b) Schools described in paragraph (d) of subsection 2 of section 8 of this act in the areas of instruction specified in that paragraph or designated as areas of critical need in this State pursuant to NRS 385.230.

Sec. 11. ***The State Board shall adopt any regulations necessary or convenient to carry out the provisions of sections 3 to 11, inclusive, of this act, including, without limitation, regulations prescribing the requirements that a program offered by a university, college or other provider of an alternative licensure program must meet for the Superintendent of Public Instruction to approve the program pursuant to subsection 3 of section 8 of this act.***

Sec. 12. 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. 13. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

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. 356.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 407.

AN ACT relating to criminal procedure; ~~[requiring a prosecuting attorney, defense attorney and lead investigating law enforcement officer to meet and exchange discoverable materials before trial in a criminal case; revising provisions governing a request for the disclosure of certain information in a~~

~~criminal proceeding; revising provisions governing the disclosure of evidence by a prosecuting attorney; revising provisions governing sanctions for the destruction, loss or failure to collect evidence or violating certain provisions governing the discovery of evidence in a criminal proceeding;~~ **authorizing a prosecuting attorney or an attorney for a defendant to issue subpoenas for witnesses in this State to appear at an evidentiary hearing; revising the procedure for giving instructions to the jury;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[In Brady v. Maryland, 373 U.S. 83, 87 (1963), the United States Supreme Court held that the due process clause of the Fourteenth Amendment of the United States Constitution requires a prosecuting attorney to disclose evidence material either to guilt or to punishment. Existing law requires a prosecuting attorney disclose certain information on request, including evidence that he or she intends to introduce during the case in chief of the State. (NRS 174.235) Section 3 of this bill: (1) requires the prosecuting attorney to disclose such information only if the information is in the actual or constructive possession of the State; (2) provides that the prosecuting attorney is deemed to be in actual or constructive possession of any materials generated, collected or created by any law enforcement agency; and (3) adds to the list of information required to be disclosed by requiring the disclosure of any material that tends to exculpate the defendant, adversely impact a government witness's credibility or evidence's credibility, mitigate the defendant's culpability or mitigate the defendant's potential punishment. In addition, section 3 specifies that the prosecuting attorney has an affirmative obligation to seek out and disclose exculpatory materials to the defendant, regardless of whether the defendant has requested such material. Finally, section 3 requires the court to hold a hearing on a request for such information if the defendant files a motion with the court concerning the request.~~

~~Section 1 of this bill requires the prosecuting attorney, defendant's attorney and lead investigating law enforcement officer to meet and exchange all discoverable materials not less than 30 days before trial. Section 1 also requires the prosecuting attorney and defendant to certify compliance with such requirement.~~

~~Existing law authorizes a court, upon sufficient showing, to order that discovery or inspection of material be denied, restricted or deferred, or make other appropriate orders. (NRS 174.275) Section 4 of this bill specifies that the court is authorized to make such an order upon a sufficient showing that the material subject to discovery or inspection is privileged. Section 4 further requires the court to include in an order declaring material privileged a statement of the reasons for the determination that the material is privileged.~~

~~Under existing law, a party may request the disclosure of information only within 30 days after arraignment or at such reasonable later time as the court permits. A party is authorized to make a subsequent request only upon a~~

~~showing of cause why the request would be in the interest of justice. (NRS 174.285) Section 5 of this bill authorizes a party to make a subsequent request if the party learns additional material may exist, which was not known when the party made his or her initial request. Additionally, section 5 requires a request for permission to comply with a request later than 30 days before trial to be made by motion to the court.~~

~~If a party fails to comply with the provisions of existing law governing discovery in criminal cases, existing law authorizes the court to order the party to permit the discovery or inspection of materials not previously disclosed, grant a continuance or prohibit the party from introducing in evidence the material not disclosed. (NRS 174.295) Section 6 of this bill requires the court to prohibit the party from introducing in evidence the material not disclosed unless the party proves that the material was unknown to the party even though the party diligently complied with the provisions of existing law governing discovery in criminal cases. Section 6 also: (1) requires the court to dismiss the case if it finds that the State has, in bad faith, destroyed, lost or failed to collect evidence subject to the provisions of existing law governing discovery in criminal cases; and (2) requires the court to instruct the jury to infer that destroyed, lost or uncollected evidence would have been favorable to the defendant if the court finds that the destruction, loss or failure to collect evidence was not in bad faith. Finally, section 6 defines "bad faith" for the purposes of determining whether the State has, in bad faith, destroyed, lost or failed to collect evidence.~~**]**

Existing law authorizes the prosecuting attorney or the attorney for the defendant in a criminal proceeding to issue subpoenas for witnesses within this State to appear before the court at which a preliminary hearing is to be held or an indictment, information or criminal complaint is to be tried. (NRS 174.315) Section 7 of this bill additionally authorizes a prosecuting attorney or an attorney for the defendant to issue subpoenas for such witnesses to appear before the court at which an evidentiary hearing is to be held.

Existing law provides for the issuance of a subpoena to produce books, papers, documents or other objects. (NRS 174.335) Section 8 of this bill allows such a subpoena to request such production in addition or as an alternative to appearing before the court.

Existing law requires the court to be given a written charge presented by either party if the court thinks it is correct and pertinent. (NRS 175.161) Section 9 of this bill additionally requires the court to believe that the charge is an accurate statement of the law.

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

Section 1. **[**~~Chapter 174 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Not less than 30 days before trial, the prosecuting attorney, defendant's attorney and lead investigating law enforcement officer shall meet and exchange all discoverable materials pursuant to this section and NRS 174.234 to 174.295, inclusive.*~~

~~*2. Upon the conclusion of the discovery conference, both the prosecuting attorney and defendant's attorney shall sign and file with the court an affidavit attesting to their compliance with this section.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 174.234 is hereby amended to read as follows:~~

~~174.234 1. Except as otherwise provided in this section, not less than 5 judicial days before trial or at such other time as the court directs:~~

~~(a) If the defendant will be tried for one or more offenses that are punishable as a gross misdemeanor or felony:~~

~~(1) The defendant shall file and serve upon the prosecuting attorney a written notice containing the names and last known addresses of all witnesses the defendant intends to call during the case in chief of the defendant; and~~

~~(2) The prosecuting attorney shall file and serve upon the defendant a written notice containing the names and last known addresses of all witnesses the prosecuting attorney intends to call during the case in chief of the State.~~

~~(b) If the defendant will not be tried for any offenses that are punishable as a gross misdemeanor or felony:~~

~~(1) The defendant shall file and serve upon the prosecuting attorney a written notice containing the name and last known address of any witness the defendant intends to call during the case in chief of the defendant whose name and last known address have not otherwise been provided to the prosecuting attorney pursuant to NRS 174.245; and~~

~~(2) The prosecuting attorney shall file and serve upon the defendant a written notice containing the name and last known address or place of employment of any witness the prosecuting attorney intends to call during the case in chief of the State whose name and last known address or place of employment have not otherwise been provided to the defendant pursuant to NRS 171.1965 or 174.235.~~

~~2. If the defendant will be tried for one or more offenses that are punishable as a gross misdemeanor or felony and a witness that a party intends to call during the case in chief of the State or during the case in chief of the defendant is expected to offer testimony as an expert witness, the party who intends to call that witness shall file and serve upon the opposing party, not less than 21 days before trial or at such other time as the court directs, a written notice containing:~~

~~(a) A brief statement regarding the subject matter on which the expert witness is expected to testify and the substance of the testimony;~~

~~(b) A copy of the curriculum vitae of the expert witness; and~~

~~(c) A copy of all reports made by or at the direction of the expert witness.~~

~~3. After complying with the provisions of subsections 1 and 2, each party has a continuing duty to file and serve upon the opposing party:~~

~~(a) Written notice of the names and last known addresses of any additional witnesses that the party intends to call during the case in chief of the State or during the case in chief of the defendant. A party shall file and serve written notice pursuant to this paragraph as soon as practicable after the party determines that the party intends to call an additional witness during the case in chief of the State or during the case in chief of the defendant. The court shall prohibit an additional witness from testifying if the court determines that the party acted in bad faith by not including the witness on the written notice required pursuant to subsection 1.~~

~~(b) Any information relating to an expert witness that is required to be disclosed pursuant to subsection 2. A party shall provide information pursuant to this paragraph as soon as practicable after the party obtains that information. The court shall prohibit the party from introducing that information in evidence or shall prohibit the expert witness from testifying if the court determines that the party acted in bad faith by not timely disclosing that information pursuant to subsection 2.~~

~~4. Each party has a continuing duty to file and serve upon the opposing party any change in the last known address, or, if applicable, last known place of employment, of any witness that the party intends to call during the case in chief of the State or during the case in chief of the defendant as soon as practicable after the party obtains that information.~~

~~5. Upon a motion by either party or the witness, the court shall prohibit disclosure to the other party of the address of the witness if the court determines that disclosure of the address would create a substantial threat to the witness of bodily harm, intimidation, coercion or harassment. If the court prohibits disclosure of an address pursuant to this subsection, the court shall, upon the request of a party, provide the party or the party's attorney or agent with an opportunity to interview the witness in an environment that provides for protection of the witness.~~

~~6. In addition to the sanctions and protective orders otherwise provided in subsections 3 and 5, the court may upon the request of a party:~~

~~(a) Order that disclosure pursuant to this section be denied, restricted or deferred pursuant to the provisions of NRS 174.275; or~~

~~(b) Impose sanctions pursuant to subsection 2 *or 3* of NRS 174.295 for the failure to comply with the provisions of this section.~~

~~7. A party is not entitled, pursuant to the provisions of this section, to the disclosure of the name or address of a witness or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the Constitution or laws of this state or the Constitution of the United States.~~] **(Deleted by amendment.)**

Sec. 3. ~~[NRS 174.235 is hereby amended to read as follows:~~

~~174.235 1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, *and section 1 of this act,* at the *oral or written* request of a defendant~~ **[,]** ***pursuant to NRS 174.285,*** ~~the prosecuting attorney shall~~

~~[~~permit~~]~~ ***provide to the defendant, subject to reimbursement of costs by the defendant, or permit*** ~~the defendant to inspect and to copy or photograph any:~~

~~(a) Written or recorded statements or confessions made by the defendant, or any written or recorded statements made by a witness [the prosecuting attorney intends to call during the case in chief]~~ ***within the actual or constructive possession, custody or control*** ~~of the State, or copies thereof, within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney;~~

~~(b) Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case, or copies thereof, within the~~ ***actual or constructive*** ~~possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney; [and]~~

~~(c) Books, papers, documents, tangible objects, or copies thereof, which [the prosecuting attorney intends to introduce during the case in chief of the State]~~ ***involve the defendant's prosecution*** ~~and which are within the~~ ***actual or constructive*** ~~possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney [.]~~ ***; and***

(d) Any and all material that tends to exculpate the defendant, adversely impact a government witness's credibility or evidence's credibility, or mitigates the defendant's culpability or mitigates the defendant's potential punishment within the actual or constructive possession, custody or control of the State.

~~2. The defendant is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:~~

~~(a) An internal report, document or memorandum that is prepared by or on behalf of the prosecuting attorney in connection with the investigation or prosecution of the case [.]~~ ***unless the aforementioned satisfies the criteria set forth in paragraph (d) of subsection 1.***

~~(b) A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the Constitution or laws of this state or the Constitution of the United States.~~

~~3. The provisions of this section are not intended to affect any obligation placed upon the prosecuting attorney by the Constitution of this state or the Constitution of the United States to disclose exculpatory evidence to the defendant.~~ ***The prosecuting attorney has an affirmative obligation to seek out and disclose exculpatory materials described in paragraph (d) of subsection 1 to the defendant, regardless of whether the defendant has made a request pursuant to that subsection.***

4. For the purposes of NRS 174.234 to 174.295, inclusive, and section 1 of this act, the prosecuting attorney is deemed to be in constructive

~~***possession of all materials generated, collected or created by any and all law enforcement agencies.***~~

~~***5. Upon a motion made by the defendant, the district court shall:***~~

~~***(a) Schedule a hearing on the defendant's motion;***~~

~~***(b) Rule on the defendant's specific requests made pursuant to this section; and***~~

~~***(c) Enter an order consistent with the court's ruling on the motion.]***~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 174.275 is hereby amended to read as follows:~~

~~174.275 Upon a sufficient showing~~ **[**~~,~~**]** ~~***that certain material subject to discovery or inspection pursuant to NRS 174.234 to 174.295, inclusive, and section 1 of this act is privileged,*** the court may at any time order that discovery or inspection pursuant to NRS 174.234 to 174.295, inclusive, ***and section 1 of this act*** be denied, restricted or deferred, or make such other order as is appropriate. Upon motion by the defendant or prosecuting attorney, the court may permit the defendant or prosecuting attorney to make such showing, in whole or in part, in the form of a written statement to be inspected by the court in chambers. ***If the court deems the material to be privileged, the court shall indicate by order the reasons for such determination.*** If the court enters an order granting relief following a showing in chambers, the entire text of the written statement must be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal.~~**]** **(Deleted by amendment.)**

Sec. 5. ~~[NRS 174.285 is hereby amended to read as follows:~~

~~174.285 1. A request made pursuant to NRS 174.235 or 174.245 may be made only within 30 days after arraignment or at such reasonable later time as the court may permit. A subsequent request may be made~~ **[**~~only upon a showing of cause why the request would be in the interest of justice.~~**]** ~~***if a party learns additional material may exist, which was not known when the party made his or her initial request.***~~

~~2. A party shall comply with a request made pursuant to NRS 174.235 or 174.245 not less than 30 days before trial~~ **.** **[**~~or at such reasonable later time as the court may permit.~~**]** ~~***A request to comply made later than 30 days before trial must be upon motion to the court.]***~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 174.295 is hereby amended to read as follows:~~

~~174.295 1. If, after complying with the provisions of NRS 174.235 to 174.295, inclusive, ***and section 1 of this act,*** and before or during trial, a party discovers additional material previously requested which is subject to discovery or inspection under those sections, the party shall promptly notify the other party or the other party's attorney or the court of the existence of the additional material.~~

~~2. If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with the provisions of NRS 174.234 to 174.295, inclusive, ***and section 1 of this act, the court shall prohibit the party from introducing into evidence the material not disclosed***~~

~~*unless the party proves, by a preponderance of the evidence, that the material was unknown to the party even though the party diligently complied with the provisions of NRS 174.234 to 174.295, inclusive, and section 1 of this act. If the court believes the material was unknown to the party, after the party diligently complied with the provisions of NRS 174.234 to 174.295, inclusive, and section 1 of this act,* the court may order the party to permit the discovery or inspection of materials not previously disclosed, grant a continuance, or prohibit the party from introducing in evidence the material not disclosed, or it may enter such other order as it deems just under the circumstances **[.]** *, and shall explain the basis for its decision on the record.*~~

~~*3. If at any time during the course of the proceedings it is brought to the attention of the court that the State has, in bad faith, destroyed, lost or failed to collect materials subject to the provisions of NRS 174.234 to 174.295, inclusive, and section 1 of this act, the court must dismiss the case against the defendant. If the court finds the destruction, loss or failure to collect was not in bad faith, the court shall instruct the jury that it must infer the destroyed, lost or uncollected evidence would have been favorable to the defendant.*~~

~~*4. For purposes of this section, "bad faith" means implying or involving actual or constructive fraud or a design to mislead or deceive another, or a neglect or refusal to fulfill some duty or some contractual obligation, not prompted by an honest mistake as to one's rights or duties, but by some interested or sinister motive.]*~~ **(Deleted by amendment.)**

Sec. 7. **NRS 174.315 is hereby amended to read as follows:**

174.315 1. A prosecuting attorney may issue subpoenas subscribed by the prosecuting attorney for witnesses within the State, in support of the prosecution or whom a grand jury may direct to appear before it, upon any investigation pending before the grand jury.

2. A prosecuting attorney or an attorney for a defendant may issue subpoenas subscribed by the issuer for:

(a) Witnesses within the State to appear before the court at which a preliminary hearing is to be held **,** ~~[or]~~ an indictment, information or criminal complaint is to be tried ~~[.]~~ ***or an evidentiary hearing is to be held.***

(b) Witnesses already subpoenaed who are required to reappear in any Justice Court at any time the court is to reconvene in the same case within 60 days, and the time may be extended beyond 60 days upon good cause being shown for its extension.

3. Witnesses, whether within or outside of the State, may accept delivery of a subpoena in lieu of service, by a written or oral promise to appear given by the witness. Any person who accepts an oral promise to appear shall:

(a) Identify himself or herself to the witness by name and occupation;

(b) Make a written notation of the date when the oral promise to appear was given and the information given by the person making the oral promise to appear identifying the person as the witness subpoenaed; and

(c) Execute a certificate of service containing the information set forth in paragraphs (a) and (b).

4. A peace officer may accept delivery of a subpoena in lieu of service, via electronic means, by providing a written promise to appear that is transmitted electronically by any appropriate means, including, without limitation, by electronic mail transmitted through the official electronic mail system of the law enforcement agency which employs the peace officer.

5. A prosecuting attorney shall orally inform any witness subpoenaed as provided in subsection 1 of the general nature of the grand jury's inquiry before the witness testifies. Such a statement must be included in the transcript of the proceedings.

6. Any subpoena issued by an attorney for a defendant for a witness to appear before the court at which a preliminary hearing is to be held must be calendared by filing a motion that includes a notice of hearing setting the matter for hearing not less than 2 full judicial days after the date on which the motion is filed. A prosecuting attorney may oppose the motion orally in open court. A subpoena that is properly calendared pursuant to this subsection may be served on the witness unless the court quashes the subpoena.

Sec. 8. **NRS 174.335 is hereby amended to read as follows:**

174.335 1. Except as otherwise provided in NRS 172.139, a subpoena may also command the person to whom it is directed to produce the books, papers, documents or other objects designated therein **[.]** ***in addition or as an alternative to appearing before the court.***

2. The court on motion made promptly may quash or modify the subpoena if compliance would be unreasonable or oppressive.

3. The court may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time before the trial or before the time when they are to be offered in evidence and may, upon their production, permit the books, papers, documents or objects or portions thereof to be inspected by the parties and their attorneys.

Sec. 9. **NRS 175.161 is hereby amended to read as follows:**

175.161 1. Upon the close of the argument, the judge shall charge the jury. The judge may state the testimony and declare the law, but may not charge the jury in respect to matters of fact. The charge must be reduced to writing before it is given, and no charge or instructions may be given to the jury otherwise than in writing, unless by the mutual consent of the parties. If either party requests it, the court must settle and give the instructions to the jury before the argument begins, but this does not prevent the giving of further instructions which may become necessary by reason of the argument.

2. In charging the jury, the judge shall state to them all such matters of law the judge thinks necessary for their information in giving their verdict.

3. Either party may present to the court any written charge, and request that it be given. If the court **[thinks it correct and]** ***believes that the charge is*** pertinent **[,]** ***and an accurate statement of the law, whether or not the charge has been adopted as a model jury instruction,*** it must be given **.** **[; if**

~~not,~~ ***If the court believes that the charge is not pertinent or not an accurate statement of law, then*** it must be refused.

4. An original and one copy of each instruction requested by any party must be tendered to the court. The copies must be numbered and indicate who tendered them. Copies of instructions given on the court's own motion or modified by the court must be so identified. When requested instructions are refused, the judge shall write on the margin of the original the word "refused" and initial or sign the notation. The instructions given to the jury must be firmly bound together and the judge shall write the word "given" at the conclusion thereof and sign the last of the instructions to signify that all have been given. After the instructions are given, the judge may not clarify, modify or in any manner explain them to the jury except in writing unless the parties agree to oral instructions.

5. After the jury has reached a verdict and been discharged, the originals of all instructions, whether given, modified or refused, must be preserved by the clerk as part of the proceedings.

6. Conferences with counsel to settle instructions must be held out of the presence of the jury and may be held in chambers at the option of the court.

7. When the offense charged carries a possible penalty of life without possibility of parole a charge to the jury that such penalty does not exclude executive clemency is a correct and pertinent charge, and must be given upon the request of either party.

~~[Sec. 7.]~~ ***Sec. 10.*** This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 376.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 410.

AN ACT relating to criminal procedure; revising provisions governing the filing of a complaint after an arrest without a warrant; ~~[revising provisions governing the conduct of discovery in criminal actions; requiring the prosecuting attorney, the attorney for the defendant and the lead investigating law enforcement officer to participate in a pretrial discovery conference; revising provisions governing evidentiary sanctions for failure to comply with discovery requirements; authorizing the issuance of subpoenas for witnesses in Nevada to appear for certain hearings and proceedings; requiring the court to give requested jury instructions under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a complaint to be filed forthwith when a person arrested without a warrant is brought before a magistrate. (NRS 171.178)

Section 1 of this bill requires the complaint to be filed within ~~[48]~~ **72** hours after the person is ~~[brought before the magistrate.]~~ **arrested, unless the magistrate extends the time by an additional 48 hours for good cause shown. Thereafter, the magistrate may order additional extensions of 48 hours for good cause shown.**

~~[Section 3 of this bill provides that, for the procedural purposes of discovery and inspection of discoverable materials in a criminal action, the prosecuting attorney is deemed to be in constructive possession of all materials that are created, generated or collected by any and all law enforcement agencies.~~

~~Section 4 of this bill requires the prosecuting attorney, defendant's attorney and lead investigating law enforcement officer to meet and exchange discoverable materials not less than 30 days before trial.~~

~~Existing law requires, with certain exceptions, the prosecuting attorney to permit the defendant, upon request by the defendant, to inspect and copy or photograph certain materials within the possession, custody or control of the State. (NRS 174.235) Section 5 of this bill adds to this requirement material which tends to exculpate the culpability of the defendant, adversely impact the credibility of the State's prospective witnesses or evidence or mitigate the potential punishment of the defendant. Section 5 also imposes on the prosecuting attorney an affirmative duty to seek out and disclose material which tends to exculpate or mitigate the culpability of the defendant, whether or not the defendant has made a request for such material. Finally, section 5 requires the court to perform certain actions upon a written motion of the defendant for the discovery and inspection of certain items.~~

~~Existing law provides that the court may, upon a sufficient showing, order that discovery or inspection of discoverable materials be denied, restricted or deferred or make such other order as is appropriate. (NRS 174.275) Section 7 of this bill provides that the court may make the order upon a sufficient showing that the material otherwise subject to discovery or inspection is privileged. Section 7 also requires the court to state in its order granting relief the reason for its decision.~~

~~Existing law establishes certain periods and limitations for making initial and subsequent discovery requests and for complying with such requests. (NRS 174.285) Section 8 of this bill allows a subsequent discovery request to be made only if the party making the request learns of additional, previously unknown material. Section 8 also allows a party to comply with certain discovery requests less than 30 days before trial only upon written motion to the court.~~

~~Existing law imposes upon the parties a continuing duty to disclose discoverable materials and provides the court with the authority to effect certain remedies for failures to comply with discovery requirements. (NRS 174.295) Section 9 of this bill requires the court to prohibit a party that fails to comply with discovery requirements from introducing into evidence material which was not disclosed unless the court believes the existence of~~

~~the undisclosed material was unknown to the party. Section 9 also requires the court to: (1) dismiss the action against the defendant if the State has, in bad faith, destroyed, lost or failed to collect materials which were subject to disclosure; or (2) instruct the jury that it must draw an inference that is favorable to the defendant if the destruction, loss or failure to collect was not in bad faith.~~

~~Existing law authorizes a prosecuting attorney or an attorney for a defendant to issue subpoenas for witnesses within this State to appear for a preliminary hearing or the trial of an indictment, information or criminal complaint. (NRS 174.315) Section 10 of this bill also authorizes the issuance of a subpoena for such witnesses to appear for any other hearing or proceeding.~~

~~Section 11 of this bill eliminates provisions authorizing the court to direct the production and inspection of certain materials and objects designated in a subpoena.~~

~~Existing law authorizes parties to present to the court, and request the giving to the jury of, written charges. (NRS 175.161) Section 12 of this bill requires the court to give the jury any written charge submitted by a party if the court thinks it is pertinent and an accurate statement of law, whether or not the charge has been issued or adopted by the Nevada Supreme Court or the State Bar of Nevada.~~]

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

Section 1. NRS 171.178 is hereby amended to read as follows:

171.178 1. Except as otherwise provided in subsections 5 and 6, a peace officer making an arrest under a warrant issued upon a complaint or without a warrant shall take the arrested person without unnecessary delay before the magistrate who issued the warrant or the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada.

2. A private person making an arrest without a warrant shall deliver the arrested person without unnecessary delay to a peace officer. Except as otherwise provided in subsections 5 and 6 and NRS 171.1772, the peace officer shall take the arrested person without unnecessary delay before the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada.

3. If an arrested person is not brought before a magistrate within 72 hours after arrest, excluding nonjudicial days, the magistrate:

(a) Shall give the prosecuting attorney an opportunity to explain the circumstances leading to the delay; and

(b) May release the arrested person if the magistrate determines that the person was not brought before a magistrate without unnecessary delay.

4. When a person arrested without a warrant is brought before a magistrate, a complaint must be filed ~~[~~forthwith.~~]~~ ***within*** ~~*[48]*~~ ***72 hours after***

the person is ~~[brought before the magistrate.]~~ arrested, unless the magistrate extends the time by an additional 48 hours for good cause shown. Thereafter, the magistrate may order additional extensions of 48 hours for good cause shown.

5. Except as otherwise provided in NRS 178.484 and 178.487, where the defendant can be admitted to bail without appearing personally before a magistrate, the defendant must be so admitted with the least possible delay, and required to appear before a magistrate at the earliest convenient time thereafter.

6. A peace officer may immediately release from custody without any further proceedings any person the peace officer arrests without a warrant if the peace officer is satisfied that there are insufficient grounds for issuing a criminal complaint against the person arrested. Any record of the arrest of a person released pursuant to this subsection must also include a record of the release. A person so released shall be deemed not to have been arrested but only detained.

Sec. 2. ~~[Chapter 174 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*For the purposes of this section, NRS 174.234 to 174.295, inclusive, and section 4 of this act, the prosecuting attorney is deemed to be in constructive possession of all materials that are created, generated or collected by any and all law enforcement agencies.*]~~ **(Deleted by amendment.)**

Sec. 4. ~~[*1. Not less than 30 days before trial, the prosecuting attorney, the defendant's attorney and the law enforcement officer who is in charge of the investigation of the case shall meet and exchange all materials which are discoverable pursuant to this section and NRS 174.234 to 174.295, inclusive, and section 3 of this act.*~~

~~*2. Upon the conclusion of the meeting described in subsection 1, the prosecuting attorney and the defendant's attorney shall sign and file with the court an affidavit attesting to their compliance with this section.*]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 174.235 is hereby amended to read as follows:~~

~~174.235 1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, *and sections 3 and 4 of this act,* at the request of a defendant, the prosecuting attorney shall permit the defendant to inspect and to copy or photograph any:~~

~~(a) Written or recorded statements or confessions made by the defendant, or any written or recorded statements made by a witness the prosecuting attorney intends to call during the case in chief of the State, or copies thereof, within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney;~~

~~(b) Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case, or copies thereof, within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney; [and]~~

~~(c) Books, papers, documents, tangible objects, or copies thereof, which the prosecuting attorney intends to introduce during the case in chief of the State and which are within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney [.] ; and~~

~~*(d) Material which tends to exculpate the defendant, mitigate the culpability of the defendant, adversely impact the credibility the State's prospective witnesses or evidence or mitigate the potential punishment of the defendant.*~~

~~2. The defendant is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:~~

~~(a) An internal report, document or memorandum that is prepared by or on behalf of the prosecuting attorney in connection with the investigation or prosecution of the case.~~

~~(b) A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the Constitution or laws of this state or the Constitution of the United States.~~

~~3. The *prosecuting attorney has an affirmative obligation to seek out and disclose to the defendant any and all material which tends to exculpate or mitigate the culpability of the defendant, whether or not the defendant has made a request for such material pursuant to subsection 1.*~~

~~*4. Upon a written motion of the defendant for the discovery and inspection of any item described in paragraphs (a) to (d), inclusive, of subsection 1, the court shall:*~~

~~*(a) Schedule a hearing on the motion;*~~

~~*(b) Rule on each specific request made by the defendant in the motion; and*~~

~~*(c) Enter an order consistent with the court's ruling on each request.*~~

~~*5. Except as otherwise provided in this section, the* provisions of this section are not intended to affect any obligation placed upon the prosecuting attorney by the Constitution of this state or the Constitution of the United States to disclose exculpatory evidence to the defendant.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 174.245 is hereby amended to read as follows:~~

~~174.245 1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, *and sections 3 and 4 of this act,* at the request of the prosecuting attorney, the defendant shall permit the prosecuting attorney to inspect and to copy or photograph any:~~

~~(a) Written or recorded statements made by a witness the defendant intends to call during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant;~~

~~(b) Results or reports of physical or mental examinations, scientific tests or scientific experiments that the defendant intends to introduce in evidence during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant; and~~

~~(c) Books, papers, documents or tangible objects that the defendant intends to introduce in evidence during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant.~~

~~2. The prosecuting attorney is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:~~

~~(a) An internal report, document or memorandum that is prepared by or on behalf of the defendant or the defendant's attorney in connection with the investigation or defense of the case.~~

~~(b) A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the Constitution or laws of this state or the Constitution of the United States.~~**]** **(Deleted by amendment.)**

Sec. 7. ~~**[**NRS 174.275 is hereby amended to read as follows:~~

~~174.275~~ ***1.*** Upon a sufficient showing ~~**[**,**]**~~ ***that material otherwise subject to discovery or inspection pursuant to NRS 174.234 to 174.295, inclusive, and sections 3 and 4 of this act is privileged,*** the court may at any time order that ***such*** discovery or inspection ~~**[**~~pursuant to NRS 174.234 to 174.295, inclusive,~~**]**~~ be denied, restricted or deferred, or make such other order as is appropriate.

~~***2.*** Upon motion by the defendant or prosecuting attorney, the court may permit the defendant or prosecuting attorney to make such showing, in whole or in part, in the form of a written statement to be inspected by the court in chambers.~~

~~***3.*** If the court enters an order granting relief following a showing in chambers~~ ~~**[**~~, the~~**]**~~ ~~**:**~~

~~***(a) The court must state in its order the reasons for its decision; and***~~

~~***(b) The*** entire text of the written statement ***described in subsection 2*** must be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal.~~**]** **(Deleted by amendment.)**

Sec. 8. ~~**[**NRS 174.285 is hereby amended to read as follows:~~

~~174.285 1. A request made pursuant to NRS 174.235 or 174.245 may be made only within 30 days after arraignment or at such reasonable later~~

~~time as the court may permit. A subsequent request may be made only [upon a showing of cause why the request would be in the interest of justice.]~~ ***[] if the party making the subsequent request has learned of additional material, the existence of which the party was not aware when the party made its initial request pursuant to NRS 174.235 or 174.245.***

~~2. A party shall comply with a request made pursuant to NRS 174.235 or 174.245 not less than 30 days before trial or~~ ***, as provided in this subsection,*** ~~at such [reasonable] later time as the court may permit.~~ ***A party may request leave of court to comply with a request made pursuant to NRS 174.235 or 174.245 less than 30 days before trial only upon written motion to the court.]*** **(Deleted by amendment.)**

Sec. 9. ~~[NRS 174.295 is hereby amended to read as follows:~~

~~174.295 1. If, after complying with the provisions of NRS 174.235 to 174.295, inclusive,~~ ***and sections 3 and 4 of this act*** ~~and before or during trial, a party discovers additional material previously requested which is subject to discovery or inspection under those sections, the party shall promptly notify the other party or the other party's attorney or the court of the existence of the additional material.~~

~~2. If at any time during the course of the proceedings it is brought to the attention of the court that [a] :~~

~~***(a) A*** party has failed to comply with the provisions of NRS 174.234 to 174.295, inclusive,~~ ***and sections 3 and 4 of this act,*** ~~the court~~ ***shall prohibit the party from introducing into evidence the material which was not disclosed unless the party proves, by a preponderance of the evidence, that the party was not aware of the existence of the material even though the party diligently complied with the provisions of NRS 174.234 to 174.295, inclusive, and sections 3 and 4 of this act. If the court believes that the party was not aware of the existence of the material after the party diligently complied with NRS 174.234 to 174.295, inclusive, and sections 3 and 4 of this act, the court*** ~~may order the party to permit the discovery or inspection of materials not previously disclosed, grant a continuance [, or prohibit the party from introducing in evidence the material not disclosed, or it may] or enter such other order as it deems just under the circumstances.~~ ***The court shall explain the basis for its decision on the record.***

~~***(b) The State has, in bad faith, destroyed, lost or failed to collect materials which are subject to the provisions of NRS 174.234 to 174.295, inclusive, and sections 3 and 4 of this act, the court must dismiss the case against the defendant. If the court finds the destruction, loss or failure to collect such materials was not in bad faith, the court shall instruct the jury that it must infer the destroyed, lost or uncollected material would have been favorable to the defendant. As used in this paragraph, "bad faith" means implying or involving actual or constructive fraud, a design to mislead or deceive another, or a neglect or refusal to fulfill some duty or some contractual obligation, not prompted by an honest mistake as to one's***

~~*rights or duties, but by some interested or sinister motive.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 174.315 is hereby amended to read as follows:~~

~~174.315 1. A prosecuting attorney may issue subpoenas subscribed by the prosecuting attorney for witnesses within the State, in support of the prosecution or whom a grand jury may direct to appear before it, upon any investigation pending before the grand jury.~~

~~2. A prosecuting attorney or an attorney for a defendant may issue subpoenas subscribed by the issuer for:~~

~~(a) Witnesses within the State to appear before the court at which a preliminary hearing is to be held~~ **,** ~~[or]~~ an indictment, information or criminal complaint is to be tried ~~**[.]** ***or any other hearing or proceeding is to be held.***~~

~~(b) Witnesses already subpoenaed who are required to reappear in any Justice Court at any time the court is to reconvene in the same case within 60 days, and the time may be extended beyond 60 days upon good cause being shown for its extension.~~

~~3. Witnesses, whether within or outside of the State, may accept delivery of a subpoena in lieu of service, by a written or oral promise to appear given by the witness. Any person who accepts an oral promise to appear shall:~~

~~(a) Identify himself or herself to the witness by name and occupation;~~

~~(b) Make a written notation of the date when the oral promise to appear was given and the information given by the person making the oral promise to appear identifying the person as the witness subpoenaed; and~~

~~(c) Execute a certificate of service containing the information set forth in paragraphs (a) and (b).~~

~~4. A peace officer may accept delivery of a subpoena in lieu of service, via electronic means, by providing a written promise to appear that is transmitted electronically by any appropriate means, including, without limitation, by electronic mail transmitted through the official electronic mail system of the law enforcement agency which employs the peace officer.~~

~~5. A prosecuting attorney shall orally inform any witness subpoenaed as provided in subsection 1 of the general nature of the grand jury's inquiry before the witness testifies. Such a statement must be included in the transcript of the proceedings.~~

~~6. Any subpoena issued by an attorney for a defendant for a witness to appear before the court at which a preliminary hearing is to be held must be calendared by filing a motion that includes a notice of hearing setting the matter for hearing not less than 2 full judicial days after the date on which the motion is filed. A prosecuting attorney may oppose the motion orally in open court. A subpoena that is properly calendared pursuant to this subsection may be served on the witness unless the court quashes the subpoena.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 174.335 is hereby amended to read as follows:~~

~~174.335 1. Except as otherwise provided in NRS 172.139, a subpoena may also command the person to whom it is directed to produce the books, papers, documents or other objects designated therein.~~

~~2. The court on motion made promptly may quash or modify the subpoena if compliance would be unreasonable or oppressive.~~

~~[3. The court may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time before the trial or before the time when they are to be offered in evidence and may, upon their production, permit the books, papers, documents or objects or portions thereof to be inspected by the parties and their attorneys.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 175.161 is hereby amended to read as follows:~~

~~175.161 1. Upon the close of the argument, the judge shall charge the jury. The judge may state the testimony and declare the law, but may not charge the jury in respect to matters of fact. The charge must be reduced to writing before it is given, and no charge or instructions may be given to the jury otherwise than in writing, unless by the mutual consent of the parties. If either party requests it, the court must settle and give the instructions to the jury before the argument begins, but this does not prevent the giving of further instructions which may become necessary by reason of the argument.~~

~~2. In charging the jury, the judge shall state to them all such matters of law the judge thinks necessary for their information in giving their verdict.~~

~~3. Either party may present to the court any written charge, and request that it be given. If the court thinks [it correct and]~~ ***that the charge is*** pertinent ~~[,]~~ ***and an accurate statement of law, whether or not the charge has been issued or adopted as a jury instruction by the Supreme Court or the State Bar of Nevada,*** ~~it must be given . [; if not,]~~ ***If the court thinks that the charge is not pertinent or not an accurate statement of law, then*** ~~it must be refused.~~

~~4. An original and one copy of each instruction requested by any party must be tendered to the court. The copies must be numbered and indicate who tendered them. Copies of instructions given on the court's own motion or modified by the court must be so identified. When requested instructions are refused, the judge shall write on the margin of the original the word "refused" and initial or sign the notation. The instructions given to the jury must be firmly bound together and the judge shall write the word "given" at the conclusion thereof and sign the last of the instructions to signify that all have been given. After the instructions are given, the judge may not clarify, modify or in any manner explain them to the jury except in writing unless the parties agree to oral instructions.~~

~~5. After the jury has reached a verdict and been discharged, the originals of all instructions, whether given, modified or refused, must be preserved by the clerk as part of the proceedings.~~

~~— 6. Conferences with counsel to settle instructions must be held out of the presence of the jury and may be held in chambers at the option of the court.~~

~~— 7. When the offense charged carries a possible penalty of life without possibility of parole a charge to the jury that such penalty does not exclude executive clemency is a correct and pertinent charge, and must be given upon the request of either party.~~**]** **(Deleted by amendment.)**

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 410.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 360.

AN ACT relating to new vehicle dealers; authorizing a new vehicle dealer to file, under certain circumstances, a claim for compensation with a manufacturer of motor vehicles relating to a used vehicle held by the new vehicle dealer which is subject to a stop-sale **order** or do-not-drive ~~[notification;]~~ **order;** requiring a manufacturer of motor vehicles to provide compensation to a new vehicle dealer for the used vehicle under certain circumstances; establishing a rate for that compensation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain acts or practices by a manufacturer of motor vehicles toward a new vehicle dealer are considered unfair acts or practices. (NRS 482.36371-482.36395) For example, it is an unfair act or practice for a manufacturer to fail to compensate a dealer fairly for labor, parts and other expenses incurred by the dealer under the manufacturer's warranty agreements. (NRS 482.36385) Under federal law, if a new motor vehicle is subject to a recall for a defect related to safety or noncompliance with certain safety standards after the manufacturer has sold the vehicle to a new vehicle dealer, the manufacturer must repurchase the vehicle from the dealer, and pay the dealer reasonable reimbursement of at least 1 percent of the purchase price for each month, or portion thereof, the dealer possessed the car after the recall notice was issued. (49 U.S.C. § 30116)

Section 1 of this bill authorizes a new vehicle dealer **that is franchised to sell new vehicles of the manufacturer** to apply to ~~[a]~~ **the** manufacturer for compensation for each month **[**~~, or portion thereof,~~**]** that the dealer possesses a used vehicle, manufactured by the manufacturer, that is subject to a stop-sale ~~[notification]~~ **order** or do-not-drive ~~[notification.]~~ **order. Section 1** requires the new vehicle dealer to file a claim for compensation with the manufacturer **. [**~~, and requires the manufacturer to approve the claim if the claim meets certain requirements.~~**]** Compensation for a claim filed pursuant

to the provisions of this bill must be calculated at a rate of ~~[2.43]~~ **not less than 1** percent of the value of the used vehicle for each month ~~[, or portion thereof.]~~ **that the used vehicle is in the inventory of the dealer, beginning 30 days after the stop-sale order or do-not-drive order is provided to the dealer.** Finally, **section 1** prohibits a manufacturer from taking certain actions to ~~[: (1)]~~ offset or reduce the amount of compensation owed to the dealer ~~[; or (2) retaliate against the dealer]~~ for filing the claim. **Section 3.5 of this bill adds recall service and repair to the list of items for which a manufacturer must fairly compensate a dealer. (NRS 482.36385) Section 4** of this bill adds a violation of **section 1** to provisions in existing law that authorize a person who is aggrieved by certain violations to seek injunctive relief, and that authorize a person who is injured in his or her business by such a violation to bring an action to recover certain monetary damages. (NRS 482.36423) **Section 5** of this bill adds a willful violation of **section 1** to the list of violations in existing law for which a civil penalty may apply, and for which the Attorney General may seek injunctive relief. (NRS 482.36425) ~~[Sections]~~ **Section 2** ~~[and 3]~~ of this bill ~~[make]~~ **makes** conforming changes.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A new vehicle dealer which has in its inventory a used vehicle which is subject to a stop sale notification or a do not drive notification may file a claim for compensation with the]~~ If a manufacturer ~~[of the vehicle as provided in this section. The]~~ issues a recall and either a stop-sale order or a do-not-drive order on a used vehicle and parts or a remedy are not available to perform a recall service or repair on the vehicle within 30 days after issuing the recall, a new vehicle dealer that is franchised to sell and service new vehicles of the manufacturer is entitled to compensation from the manufacturer ~~[for each month, or portion thereof, that the used vehicle:~~

~~(a) Remains]~~ and may file a claim with the manufacturer for each used vehicle subject to the recall which the dealer:

(a) Has in ~~[the]~~ its used vehicle inventory ~~[of the new vehicle dealer; and]~~ on the date on which the stop-sale order or do-not-drive order is issued; or

(b) ~~[Is subject to a stop sale notification or a do not drive notification.]~~ Takes into its used car inventory as a consumer trade-in related to the sale of a new vehicle after the date on which the stop-sale order or do-not-drive order is issued.

2. A ~~[new vehicle dealer must file a]~~ claim for compensation that is filed by a new vehicle dealer pursuant to this section ~~[on]~~ :

(a) Must be in a form prescribed ~~[and made available]~~ by the manufacturer. The manufacturer may prescribe the manner in which a dealer must demonstrate eligibility for such compensation, including, without limitation, the documentation required to show the inventory status of a used vehicle, provided that the demonstration of eligibility or the providing of documentation is not unduly burdensome.

(b) Except as otherwise provided in subsection 5, is subject to the provisions of NRS 482.36385.

3. ~~[Upon receipt of a claim for compensation filed pursuant to subsection 2 a manufacturer must:~~

~~(a) Approve or deny the claim within 30 days after receipt of the claim. A claim that is not denied by the manufacturer within 30 days after receipt of the claim shall be deemed approved.~~

~~(b) Approve a claim that meets the requirements of this section.~~

~~(c) Provide the claimant a reason and basis for the denial of any claim by the manufacturer.~~

~~4. Compensation from a manufacturer to a new vehicle dealer]~~ Except as otherwise provided in subsections 4 and 5, compensation for a used vehicle pursuant to this section must be calculated at a rate of ~~[2.43]~~ not less than 1 percent of the value of the used vehicle ~~[which is subject to a stop-sale notification or a do-not-drive notification for each]~~ per month, ~~[or portion thereof, pursuant to subsection 1. The value of the vehicle must be established using the pricing information and tools created by National Appraisal Guides, Inc., or its successor, that is current at the time for which compensation pursuant to this section is sought.~~

~~5.]~~ beginning 30 days after the date on which the stop-sale order or do-not-drive order is provided to the dealer and continuing until the earlier of the date:

(a) The parts or a remedy for the recall service or repair are made available to the dealer; or

(b) The dealer sells, trades or otherwise disposes of the used vehicle.

4. Compensation due to a new vehicle dealer pursuant to subsection 1 is limited to an amount equal to the value of the used vehicle for which the compensation is paid.

5. A manufacturer, in lieu of compensating a new vehicle dealer pursuant to subsection 3, may:

(a) Compensate the dealer pursuant to a national recall compensation program, if the amount of compensation owed to the dealer under the program is not less than the amount of compensation owed to the dealer pursuant to subsection 3; or

(b) Enter into an agreement with the dealer for an alternative form or amount of compensation.

6. A manufacturer may not take any action to ~~[:~~

~~(a) Offset]~~ offset or reduce the amount of compensation owed to a new vehicle dealer pursuant to this section, including, without limitation,

through a chargeback program , ~~[or]~~ any reduction in an amount owed to the new vehicle dealer under an incentive program ~~[,]~~ or

~~[(b) Retaliate against a new vehicle dealer for filing a claim for compensation pursuant to this section by taking any action that adversely affects the new vehicle dealer, including, without limitation,]~~ the removal of the new vehicle dealer from an incentive program, if such action is taken, in whole or in part, because the new vehicle dealer filed a claim for compensation pursuant to this section.

~~[6. The provisions of this section do not apply to the extent preempted by federal law.]~~ This subsection:

(a) Does not apply to any action taken by a manufacturer that is applied uniformly to all new vehicle dealers of the same line and make of vehicles in this State; and

(b) Is subject to the audit provisions of subsections 7 and 8 of NRS 482.36385.

7. Except as otherwise provided in subsection 5 and NRS 482.36385, any compensation provided to a new vehicle dealer pursuant to this section is exclusive and may not be combined with any other state or federal recall compensation remedy.

8. As used in this section:

(a) "Do-not-drive ~~[notification"]~~ order" means a notification ~~[from]~~ issued by a manufacturer ~~[pursuant to 49 C.F.R. § 577.5]~~ to its dealers or to the registered owner of a used vehicle or by the National Highway Traffic Safety Administration ~~[pursuant to 49 C.F.R. § 577.6 which has the effect of forbidding the operation of a specific model of vehicle until the defect or noncompliance which is the subject of the notification is remedied.]~~ to the registered owner of a used vehicle stating that the vehicle is subject to a federal safety recall for a defect or noncompliance.

(b) "Recall" means a safety recall of a vehicle in accordance with federal law and any regulations adopted thereunder.

(c) "Stop-sale ~~[notification"]~~ order" means a notification ~~[from]~~ issued by a manufacturer ~~[pursuant to 49 C.F.R. § 577.5 or the National Highway Traffic Safety Administration pursuant to 49 C.F.R. § 577.6 which has the effect of prohibiting the sale of a specific model of vehicle by a new vehicle dealer until the]~~ to its dealers stating that a used vehicle in inventory must not be sold or leased, either retail or wholesale, because of a federal safety recall for a defect or noncompliance ~~[which is the subject of the notification is remedied.]~~ or because of a federal emissions recall.

(d) "Value of the used vehicle" means the average trade-in value of the year, make and model of the subject used vehicle as indicated in an independent third-party guide.

Sec. 2. NRS 482.36311 is hereby amended to read as follows:

482.36311 As used in NRS 482.36311 to 482.36425, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and

terms defined in NRS 482.36318 to 482.36348, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. ~~[NRS 482.36349 is hereby amended to read as follows:~~

~~482.36349 A manufacturer is not subject to the provisions of NRS 482.36311 to 482.36425, inclusive, *and section 1 of this act* if the manufacturer:~~

~~1. Only manufactures passenger cars powered solely by one or more electric motors;~~

~~2. Only sells at retail new or new and used passenger cars that it manufactures; and~~

~~3. Was selling such passenger cars at retail in this State on or before January 1, 2016.]~~ **(Deleted by amendment.)**

Sec. 3.5. **NRS 482.36385 is hereby amended to read as follows:**

482.36385 It is an unfair act or practice for any manufacturer, distributor or factory branch, directly or through any representative, to:

1. Compete with a dealer. A manufacturer or distributor shall not be deemed to be competing when operating a previously existing dealership temporarily for a reasonable period, or in a bona fide retail operation which is for sale to any qualified person at a fair and reasonable price, or in a bona fide relationship in which a person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions.

2. Discriminate unfairly among its dealers, or fail without good cause to comply with franchise agreements, with respect to warranty reimbursement or authority granted to its dealers to make warranty adjustments with retail customers.

3. Fail to compensate a dealer fairly for the work and services which the dealer is required to perform in connection with the delivery and preparation obligations under any franchise, or fail to compensate a dealer fairly for labor, parts and other expenses incurred by the dealer under the manufacturer's warranty agreements ~~[.]~~ ***or any recall service or repairs.*** The manufacturer shall set forth in writing the respective obligations of a dealer and the manufacturer in the preparation of a vehicle for delivery, and as between them a dealer's liability for a defective product is limited to the obligation so set forth. Fair compensation includes diagnosis and reasonable administrative and clerical costs. The dealer's compensation for parts and labor to satisfy a warranty ***or a recall service or repair*** must not be less than the amount of money charged to its various retail customers for parts and labor that are not covered by a warranty. If parts are supplied by the manufacturer, including exchanged parts and assembled components, the dealer is entitled with respect to each part to an amount not less than the dealer's normal retail markup for the part. This subsection does not apply to compensation for any part, system, fixture, appliance, furnishing, accessory or feature of a motor home or recreational vehicle that is designed, used and maintained primarily for nonvehicular, residential purposes.

4. Fail to:

(a) Pay all claims made by dealers for compensation for delivery and preparation work, transportation claims, special campaigns and work to satisfy warranties ***and recall service or repairs*** within 30 days after approval, or fail to approve or disapprove such claims within 30 days after receipt;

(b) Disapprove any claim without notice to the dealer in writing of the grounds for disapproval; or

(c) Accept an amended claim for labor and parts if the amended claim is submitted not later than 60 days after the date on which the manufacturer or distributor notifies the dealer that the claim has been disapproved and the disapproval was based on the dealer's failure to comply with a specific requirement for processing the claim, including, without limitation, a clerical error or other administrative technicality that does not relate to the legitimacy of the claim.

➥ Failure to approve or disapprove or to pay within the specified time limits in an individual case does not constitute a violation of this section if the failure is because of reasons beyond the control of the manufacturer, distributor or factory branch.

5. Sell a new vehicle to a person who is not licensed as a new vehicle dealer under the provisions of this chapter.

6. Use false, deceptive or misleading advertising or engage in deceptive acts in connection with the manufacturer's or distributor's business.

7. Perform an audit to confirm a ***claim for compensation pursuant to section 1 of this act,*** warranty repair, sales incentive or rebate more than 9 months after the date on which the claim was made. An audit of a dealer's records pursuant to this subsection may be conducted by the manufacturer or distributor on a reasonable basis, and a dealer's claim for warranty or sales incentive compensation ***or compensation pursuant to section 1 of this act*** must not be denied except for good cause, including, without limitation, performance of nonwarranty repairs, lack of material documentation, fraud or misrepresentation. A dealer's failure to comply with the specific requirements of the manufacturer or distributor for processing the claim does not constitute grounds for the denial of the claim or the reduction of the amount of compensation to the dealer if reasonable documentation or other evidence has been presented to substantiate the claim. The manufacturer or distributor shall not deny a claim or reduce the amount of compensation to the dealer for warranty repairs to resolve a condition discovered by the dealer during the course of a separate repair.

8. Prohibit or prevent a dealer from appealing the results of an audit to confirm a warranty repair, sales incentive ***, claim for compensation made pursuant to section 1 of this act*** or rebate, or to require that such an appeal be conducted at a location other than the dealer's place of business.

Sec. 4. NRS 482.36423 is hereby amended to read as follows:

482.36423 1. Whenever it appears that a person has violated, is violating or is threatening to violate any provision of NRS 482.36311 to

482.36425, inclusive, ***and section 1 of this act,*** any person aggrieved thereby may apply to the district court in the county where the defendant resides, or in the county where the violation or threat of violation occurs, for injunctive relief to restrain the person from continuing the violation or threat of violation.

2. In addition to any other judicial relief, any dealer or person who assumes the operation of a franchise pursuant to NRS 482.36396 to 482.36414, inclusive, who is injured in his or her business or property by reason of a violation of NRS 482.36311 to 482.36425, inclusive, ***and section 1 of this act*** may bring an action in the district court in which the dealership is located, and may recover three times the pecuniary loss sustained by the dealer or person, and the cost of suit, including a reasonable attorney's fee. The amount of pecuniary loss sustained by a dealer, pursuant to subsection 7 of NRS 482.3638, is the fair market value of the franchised dealership at the time of notification of termination, refusal to continue or unilateral modification of a franchise.

3. Any artificial person created and existing under the laws of any other state, territory, foreign government or the government of the United States, or any person residing outside the State, who grants a franchise to any dealer in this State may be served with any legal process in any action for injunctive relief or civil damages in the following manner:

(a) By delivering a copy of the process to the Director; and

(b) By mailing to the last known address of the manufacturer or distributor, by certified mail, return receipt requested, a copy of the summons and a copy of the complaint, together with copies of any petition or order for injunctive relief.

4. The defendant has 30 days, exclusive of the day of service, within which to answer or plead.

5. The method of service provided in this section is cumulative and may be utilized with, after or independently of all other methods of service.

Sec. 5. NRS 482.36425 is hereby amended to read as follows:

482.36425 1. Any manufacturer or distributor who willfully violates any provision of NRS 482.36311 to 482.36425, inclusive, ***and section 1 of this act*** is subject to a civil penalty of not less than $50 nor more than $1,000 for each day of violation and for each act of violation. All civil penalties recovered must be paid to the State of Nevada.

2. Whenever it appears that a manufacturer or distributor has violated, is violating or is threatening to violate any provision of NRS 482.36311 to 482.36425, inclusive, ***and section 1 of this act,*** the Attorney General may institute a civil suit in any district court of this State for injunctive relief to restrain the violation or threat of violation or, if the violation or threat is willful, for the assessment and recovery of the civil penalty, or both.

Sec. 6. This act becomes effective upon passage and approval.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 412.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 414.

AN ACT relating to procedure in criminal cases; requiring the joinder of certain misdemeanors with certain felonies or gross misdemeanors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that municipal courts have jurisdiction over all misdemeanors committed in violation of the ordinances of their respective cities. (NRS 5.050) Existing law also provides that an indictment or information which is filed with a district court may include charges of two or more related felonies and gross misdemeanors. (NRS 173.115; *State v. Kopp*, 118 Nev. 199 (2002)) This bill requires that certain misdemeanors which would otherwise be under the jurisdiction of municipal courts must be joined with related felonies and gross misdemeanors in the district courts. This bill also provides that a charge for any such misdemeanor which is erroneously included in a **criminal** complaint that is filed in a municipal court shall be deemed to be void ab initio and must be stricken.

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

Section 1. NRS 173.115 is hereby amended to read as follows:

173.115 ***1.*** Two ***[1. Except as otherwise provided in subsection 2, two]*** or more offenses may be charged in the same indictment or information in a separate count for each offense if the offenses charged, whether felonies or ***gross*** misdemeanors or both, are:

[1.] ***(a)*** Based on the same act or transaction; or

[2.] ***(b)*** Based on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

2. [A] Except as otherwise provided in subsection 3, a misdemeanor which was committed within the boundaries of a city and which would otherwise be within the jurisdiction of the municipal court must be charged in the same [indictment or information] criminal complaint as a felony or gross misdemeanor or both if the misdemeanor is [:

(a) Based] based on the same act or transaction as the felony or gross misdemeanor . [; or

~~*(b) Based on two or more acts or transactions connected together or constituting parts of a common scheme or plan with the felony or gross misdemeanor.*~~

~~]~~ ***A charge of a misdemeanor which meets the requirements of this subsection and which is erroneously included in a criminal complaint that is filed in the municipal court shall be deemed to be void ab initio and must be stricken.***

3. The provisions of subsection 2 do not apply:

(a) To a misdemeanor based solely upon an alleged violation of a municipal ordinance.

(b) If an indictment is brought or an information is filed in the district court for a felony or gross misdemeanor or both after the convening of a grand jury.

Sec. 2. 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]~~ ***Except as otherwise provided in subsection 2 of NRS 173.115, 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 176A.280.

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. 3. The amendatory provisions of this act apply to a charge that is filed on or after October 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 473.

Bill read second time.

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

Amendment No. 424.

SUMMARY— ~~[Provides]~~ **Temporarily provides** for the continued inclusion of certain drugs on the list of preferred prescription drugs to be used for the Medicaid program. (BDR 38-977)

AN ACT relating to health care; ~~[removing]~~ **delaying** the prospective expiration of certain provisions governing the list of preferred prescription drugs to be used for the Medicaid program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Department of Health and Human Services is required to develop by regulation a list of preferred prescription drugs to be used for the Medicaid program. The Department is also required to establish a list of prescription drugs that must be excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs. Existing law further requires the Department to include certain specified drugs on the list of drugs excluded from the restrictions. (NRS 422.4025) Before July 1, 2010, the Department was required to exclude certain antipsychotic medications, anticonvulsant medications and antidiabetic medications from the restrictions that are imposed on drugs which are on the list of preferred prescription drugs, but the Legislature suspended this requirement for the period from July 1, 2010, to June 30, 2017. (Chapter 4, Statutes of Nevada 2010, 26th Special Session, p. 35, as last amended by chapter 382, Statutes of Nevada 2015, 78th Session, p. 2158) This bill ~~[removes]~~ **delays** the prospective expiration of such provisions ~~[.]~~ **to June 30, 2019.**

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

Section 1. Section 4 of chapter 4, Statutes of Nevada 2010, 26th Special Session, as last amended by section 1 of chapter 382, Statutes of Nevada 2015, at page 2158, is hereby amended to read as follows:

Sec. 4. This act becomes effective on July 1, 2010 ~~[.]~~ , and expires by limitation on June 30, ~~[~~2017.~~]~~ ***2019.***

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

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 362.

AN ACT relating to school buses; revising the definition of a school bus for certain purposes; revising provisions relating to the inspection of school buses; requiring new school buses purchased on or after a certain date be equipped with safety belts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a definition of a school bus for the purposes of certain laws regarding traffic laws and rules of the road. (NRS 484A.230) **Section 1** of this bill revises the definition of school bus to specify that such a vehicle must be "designed or used to carry more than 10 passengers in addition to the driver." This definition more closely comports with the definition of a school bus in the Federal Motor Carrier Safety Regulations. (49 C.F.R. § 390.5)

Existing law provides various restrictions on and requirements for a school bus, including required evacuation drills, adoption of a safety program, driver qualifications and training, and standards for how a school bus used to transport pupils must be equipped. (NRS 386.790-386.845) **Section 2** of this bill provides that the revised definition of school bus in **section 1** applies to all such existing laws. The revised definition of school bus in **section 1** also applies to various other uses of the term throughout title 34 of NRS, regarding such topics as the use of transportation funds by a school district to purchase school buses, the extension of the safe and respectful learning environment to include school buses, the prohibition on bullying and cyber-bullying on school buses, the authorization procedures for a pupil to self-administer certain medications on a school bus and the provision for suspension or expulsion of a pupil for certain behaviors committed on a school bus. (NRS 386.795, 388.132, 388.135, 392.425, 392.466)

Sections 3 and 4 of this bill require that any new school bus which is purchased by a school district on or after July 1, ~~[~~2017,~~]~~ **2019,** must be

equipped with a shoulder-harness-type safety belt assembly for each permanent seating position for passengers. The safety belts must meet certain federal standards and specifications. **Section 6** of this bill imposes those same requirements on a private school which purchases a new school bus to transport pupils.

Under existing law, agents and employees of the Department of Motor Vehicles are required to inspect school buses to determine if the school buses comply with various equipment and identification requirements, and must report any violations to the superintendent of schools of the school district wherein the school buses are operating. (NRS 386.840) **Section 5** of this bill transfers those requirements to the Department of Public Safety.

Existing law provides that certain laws relating to the condition, equipment and identification of vehicles used for the transportation of pupils, including school buses, apply to private schools. (NRS 394.190) All such vehicles are subject to inspection at all times by the Department of Motor Vehicles, which is required to report any violation to the executive head of the private school. **Section 6** of this bill transfers those requirements to the Department of Public Safety.

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

Section 1. NRS 484A.230 is hereby amended to read as follows:

484A.230 1. "School bus" means every motor vehicle ~~[owned]~~ ***which is designed or used to carry more than 10 passengers in addition to the driver and which is:***

(a) Owned by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a school activity ***;*** or ~~[privately]~~

(b) Privately owned and regularly operated for compensation for the transportation of children to or from school or a school activity.

2. "School bus" does not include ~~[a]~~ ***:***

(a) A passenger car operated under a contract to transport children to and from school ~~[, a]~~ ***;***

(b) A common carrier or commercial vehicle under the jurisdiction of the Surface Transportation Board or the Nevada Transportation Authority when such vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada ~~[.]~~ ***; or***

(c) A multifunction school activity bus whose purposes do not include transporting students to and from home or school bus stops.

Sec. 2. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Achievement charter school" means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other

person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.

2. "Department" means the Department of Education.

3. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.

4. "Limited English proficient" has the meaning ascribed to ~~[it]~~ ***"English learner"*** in 20 U.S.C. § ~~[7801(25).]~~ ***7801(20).***

5. "Opt-in child" means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.

6. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

7. ***"School bus" has the meaning ascribed to it in NRS 484A.230.***

8. "State Board" means the State Board of Education.

~~[8.]~~ ***9.*** "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 3. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On and after July 1, ~~[2017,]~~ 2019, with respect to any new school bus which is purchased by a school district to transport pupils, the school bus must be equipped with a shoulder-harness-type safety belt assembly for use in each permanent seating position for passengers on the school bus.

2. Each shoulder-harness-type safety belt assembly required by subsection 1 must meet the applicable minimum standards and specifications which are set forth in the Federal Motor Vehicle Safety Standards of the National Highway Traffic Safety Administration of the United States Department of Transportation and which are in effect on the date the school district purchases the school bus.

Sec. 4. NRS 386.830 is hereby amended to read as follows:

386.830 1. All vehicles used in the transportation of pupils must be:

(a) In good condition and state of repair.

(b) Well equipped, and must contain sufficient room and seats so that the driver and each pupil being transported have a seat inside the vehicle. Each pupil shall remain seated when the vehicle is in motion.

~~[(c) Inspected]~~

2. Each school bus must be inspected semiannually by the Department of Public Safety to ensure that the vehicles are mechanically safe and meet the minimum specifications established by the State Board. The Department of Public Safety shall make written recommendations to the superintendent

of schools of the school district wherein any such vehicle is operating for the correction of any defects discovered thereby.

~~[2.]~~ ***3.*** If the superintendent of schools fails or refuses to take appropriate action to have the defects corrected within 10 days after receiving notice of them from the Department of Public Safety, the superintendent is guilty of a misdemeanor, and upon conviction thereof may be removed from office.

~~[3.]~~ ***4.*** Except as otherwise provided in subsection ~~[4,]~~ ***5,*** all vehicles used for transporting pupils must meet the specifications established by regulation of the State Board.

~~[4.]~~ ***5.*** Except as otherwise provided in subsection ~~[5,]~~ ***6,*** any bus which is purchased and used by a school district to transport pupils to and from extracurricular activities is exempt from the specifications adopted by the State Board if the bus meets the federal safety standards for motor vehicles which were applicable at the time the bus was manufactured and delivered for introduction in interstate commerce.

~~[5.]~~ ***6.*** Any new school bus which is purchased by a school district to transport pupils must meet the standards set forth in:

(a) Subsection 1 of NRS 386.835 if the school bus is purchased on or after January 1, 2016; ~~[and]~~

(b) Subsection 2 or 3 of NRS 386.835 if the school bus is purchased on or after July 1, 2016 ~~[.]~~ ***; and***

(c) Section 3 of this act if the school bus is purchased on or after July 1, ~~[2017.]~~ 2019.

~~[6.]~~ ***7.*** Any person violating any of the requirements of this section is guilty of a misdemeanor.

Sec. 5. NRS 386.840 is hereby amended to read as follows:

386.840 1. Except as otherwise provided in this subsection, every school bus operated for the transportation of pupils to or from school must be equipped with:

(a) A system of flashing red lights of a type approved by the State Board and installed at the expense of the school district or operator. Except as otherwise provided in subsection 2, the driver shall operate this signal:

(1) When the bus is stopped to unload pupils.

(2) When the bus is stopped to load pupils.

(3) In times of emergency, accident or motor vehicle crash, when appropriate.

(b) A mechanical device, attached to the front of the bus which, when extended, causes persons to walk around the device. The device must be approved by the State Board and installed at the expense of the school district or operator. The driver shall operate the device when the bus is stopped to load or unload pupils. The installation of such a mechanical device is not required for a school bus which is used solely to transport pupils with special needs who are individually loaded and unloaded in a manner which does not require them to walk in front of the bus. The provisions of this paragraph do not prohibit a school district from upgrading or replacing such a mechanical

device with a more efficient and effective device that is approved by the State Board.

2. A driver may stop to load and unload pupils in a designated area without operating the system of flashing red lights required by subsection 1 if the designated area:

(a) Has been designated by a school district and approved by the Department;

(b) Is of sufficient depth and length to provide space for the bus to park at least 8 feet off the traveled portion of the roadway;

(c) Is not within an intersection of roadways;

(d) Contains ample space between the exit door of the bus and the parking area to allow safe exit from the bus;

(e) Is located so as to allow the bus to reenter the traffic from its parked position without creating a traffic hazard; and

(f) Is located so as to allow pupils to enter and exit the bus without crossing the roadway.

3. In addition to the equipment required by subsection 1 and except as otherwise provided in subsection ~~[4]~~ **5** of NRS 386.830, each school bus must:

(a) Be equipped and identified as required by the regulations of the State Board; and

(b) If the bus is a new bus purchased by a school district to transport pupils, meet the standards set forth in:

(1) Subsection 1 of NRS 386.835 if the bus is purchased on or after January 1, 2016; ~~[and]~~

(2) Subsection 2 or 3 of NRS 386.835 if the bus is purchased on or after July 1, 2016 ~~[.]~~ ***; and***

(3) Section 3 of this act if the school bus is purchased on or after July 1, [2017.] 2019.

4. The ~~[agents and employees of the]~~ Department of ~~[Motor Vehicles]~~ ***Public Safety*** shall inspect school buses to determine whether the provisions of this section concerning equipment and identification of the school buses have been complied with, and shall report any violations discovered to the superintendent of schools of the school district wherein the vehicles are operating.

5. If the superintendent of schools fails or refuses to take appropriate action to correct any such violation within 10 days after receiving notice of it from the Department of ~~[Motor Vehicles,]~~ ***Public Safety,*** the superintendent is guilty of a misdemeanor, and upon conviction must be removed from office.

6. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 6. NRS 394.190 is hereby amended to read as follows:

394.190 1. The provisions of NRS 386.830 and 386.840 relating to the condition, equipment and identification of vehicles used for the transportation of pupils apply to private schools.

2. On and after January 1, 2016, ~~[or]~~ July 1, 2016, ***or July 1, ~~[2017,]~~ 2019,*** as applicable, with respect to any new school bus purchased to transport pupils, the standards for school buses set forth in:

(a) Subsection 1 of NRS 386.835; ~~[and]~~

(b) Subsection 2 or 3 of NRS 386.835 ~~[.]~~ ***; and***

(c) Section 3 of this act,

➥ apply to private schools.

3. All such vehicles are subject to inspection at all times by ~~[agents and employees of]~~ the Department of ~~[Motor Vehicles,]~~ ***Public Safety,*** who shall report any violations discovered thereby to the executive head of the private school.

4. If the executive head of the private school fails or refuses to take appropriate action to correct any such violation within 10 days after receiving the report from the Department of ~~[Motor Vehicles,]~~ ***Public Safety,*** the executive head is guilty of a misdemeanor.

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

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 110, 207, 281, 351, and 473 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 35, 54, 61, 107, 117, 150, 169, 173, 180, 190, 228, 232, 235, 244, 246, 304, 310, 316, 347, 372, 427, 444, and 459; Assembly Joint Resolutions Nos. 4, 9, 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.

Mr. Speaker appointed Assemblymen Brooks and Paul Anderson as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Catherine Cortez Masto.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 6:26 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblywoman Woodbury, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Hammond and Assemblywoman Benitez-Thompson to wait upon United States Senator Catherine Cortez Masto and escort her to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Catherine Cortez Masto, United States Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

The Speaker of the Assembly welcomed United States Senator Catherine Cortez Masto and invited her to deliver her message.

United States Senator Catherine Cortez Masto delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-NINTH SESSION, 2017

Good evening. I am so excited to be here and am sorry for the late start. I flew up here and had some business to take care of this morning in southern Nevada. I promise you, I will not be long. I know what this is like; I remember.

It is so good to be back home here in Nevada and in Carson with all of you. Thank you to Lieutenant Governor Hutchison, Senate President Pro Tem Denis, Speaker Frierson, Majority Leader Ford, Majority Leader Benitez-Thompson, Minority Leaders Roberson and Anderson, and all the members of the Senate and Assembly for your service and commitment to the great state of Nevada. I want to thank the Supreme Court Justice for being here; some of our constitutional officers, thank you very much. I am so excited to see you. And thank you to Governor Sandoval. He called me yesterday. He could not be here; he was so sorry he was going to miss it. I look forward to continuing to work with him for the next two years, and I am so proud of the leadership he has shown here in the state of Nevada.

I am proud to be representing all of you in this great state in the United States Senate and to have the opportunity to fight for my home state, just like all of you. Looking around this Chamber, it is fantastic to see such incredibly diverse faces, genders, ages, and races. It is a true reflection of Nevada's burgeoning diversity. We have embraced this diversity and we are undoubtedly stronger because of it.

I do not have to tell all of you that in Nevada, we solve problems for the people of our state—across all levels of government, across all districts and communities, and even across the aisle. You all demonstrate it here in Carson City, and I am committed to doing the same in Washington. I said it on the campaign trail and I will say it again: Washington could use a lesson from Nevada about how to get things done.

We are all here tonight in this Chamber because we love Nevada. We want to serve our state and see Nevadans succeed, now and in the future. There are many different political opinions

and beliefs on how we do this, but I believe that at the end of the day, we are united by our shared goals to put Nevada's children and families on the path to success. We are united by our shared goals to create jobs and grow our economy.

In the U.S. Senate, I will work to ensure our children, families, workers, and communities have a pathway to succeed; to support and promote programs that empower Nevadans and Nevada businesses; to make certain we are investing in our state; and to work with all of you to plan for its future. And doing this means protecting Americans' access to safe, affordable health care. I have and I will continue to be a vocal opponent of any efforts to repeal the Affordable Care Act [ACA]. Here in Nevada, we have seen the positive impact of the ACA, and it is wrong to undo this law. I commend our Governor for helping nearly 400,000 Nevadans gain access to health insurance under the law and for standing up and opposing the Administration's efforts to take away these benefits.

If the ACA were repealed, all Nevada's communities would suffer. From our rural communities to our city centers, hospitals and providers could be forced to close their doors, cutting communities off from access to care and forcing layoffs. Hospital administrators, nurses, and doctors should not have to worry about their jobs, and Nevadans should not be forced to choose between paying their medical bills or putting food on the table. Instead of repealing the law, we should be looking at ways to improve it. That is why I have joined with my colleagues in the Senate to call on the Administration to focus on ways to continue lowering costs and expanding access to care instead of starting from scratch.

I will also continue to stand up for women's access to safe, affordable health care. It is time that we stop playing politics with women's health. I am a cosponsor of the Women's Health Protection Act, which protects a woman's constitutional right to choose by preventing laws that target women's health care centers and attempt to force them to shut their doors. I also called on the Administration to stand up for women and families and protect funding for Title X centers that give our rural and low-income communities access to safe and affordable cancer screenings, birth control, family planning, and preventative care. These Title X centers are the solution, not the problem. Thousands of Nevada women rely on these centers, not just in Reno and Las Vegas, but in Fallon, Yerington, Winnemucca, Lovelock, Pahrump, Tonopah—communities all across our state.

We should be focusing on empowering all Nevadans, regardless of gender, race, religion, or sexual orientation, and work to tear down barriers to their success: like ensuring Nevadans in all industries and jobs are paid a fair, living wage; like making it easier for workers to retire with dignity; like increasing access to job training and workforce development programs so that we can close that skills gap; like supporting our families with paid family, sick, and medical leave; like fighting for equality and against discrimination in the workplace, housing, and education; and ensuring women are paid equally to men for the same work.

I want to recognize all of you for making history last month and ratifying the Equal Rights Amendment. And thank you to Pat Spearman for your tireless leadership and commitment to making that happen. We have come a long way on gender equality, but we can go much further, and I am proud that Nevada is a leader in this continued fight.

As leaders in Nevada, we must do everything possible to continue lifting up all of Nevada's families. We do this by continuing to embrace our diversity and ensuring that every child and every family has the support and resources necessary to succeed. We cannot afford to divide our communities, and pit neighbor against neighbor. Unfortunately, some in Washington do not see it this way.

I am committed to fighting for what is right and will continue to be a voice for immigrants. I am proud that my first bill as a United States Senator was to overturn President Trump's Executive Order that targeted our immigrant communities. I have also cosponsored legislation that would overturn this Administration's actions for mass deportation and a ban on Muslims. I will tell you, it is unacceptable that our immigrants—valuable members of our society and economy—are forced to live in constant fear of being torn apart or being turned away from a country they call home. Like the couple from Henderson who were legal residents of the U.S. and were detained over ten hours when returning from their son's wedding in Iran. That is not the America that I was raised in. The America that I was raised in recognized that our

immigrant communities are essential to our success, that we must embrace diversity to remain strong, that we do not shut the door behind us when we have had an opportunity to succeed.

In Nevada alone, tearing apart families and removing undocumented immigrants would cost our state billions of dollars—$9.7 billion in economic activity, $4.3 billion in gross state product, and millions in tax revenue. That is millions that could be used to fix our roads, repair our schools, or care for our veterans. We would lose over 45,000 jobs. Studies have shown that if we bring undocumented workers out of the shadows and put them on a pathway to citizenship, we would reduce the national deficit by $1 trillion and increase our gross domestic product in this country by $832 billion. We would see incomes rise for American families by $470 billion and add hundreds of thousands of jobs across this country. Again, this is not a partisan issue. Embracing our immigrant communities is a commonsense way to grow our economy, create jobs, and ensure our state and our country will continue to succeed.

Another issue that I know we all agree on is supporting our veterans. These brave men and women have dedicated their lives to fighting for our country, and we must continue dedicating our efforts to fighting for them. Our veterans must have timely access to quality care—quality care for their benefits, for the resources. For everything that they have put their lives on the line for us, we should be there for them. This means ensuring that the VA [U.S. Department of Veterans' Affairs] has staff necessary to deal with the backlog of claims and appeals, not being subjected to a blanket hiring freeze that this Administration imposed. Because of that hiring freeze, I joined several of my colleagues in calling on the Administration to exempt the VA from its government hiring freeze, to which they complied. However, I will tell you this: The status quo is not enough. Our VA needs resources to ensure it has state-of-the-art technology and high-quality doctors, nurses, and staff. I know my colleagues on both sides of the aisle will join me in prioritizing our veterans in any future budget and legislation.

We must continue supporting all Nevadans and programs that grow our economy and grow our communities. I do not have to tell all of you that America is still recovering from the Great Recession. I do not know if there is a state where that is more apparent than here in Nevada. We have made incredible progress in building our economy back up, but we still have more to do. Now is not the time to be cutting back programs that have made this community and this state rebound. I do not and will not support any federal budget that slashes billions from or eliminates programs that have been essential to Nevada's recovery—programs that ensure our children can get a quality education regardless of the zip code they live in; programs that support our active service members, military families, and veterans; programs that invest in our small businesses, in urban, rural and tribal communities; programs that allow access to affordable housing for our people with disabilities, families, and seniors; programs that make college affordable and prevent our students from graduating with mountains of debt; programs that invest in our nation's vital infrastructure and protect our natural resources and keep our air and water clean.

I am a member of the Senate Banking and Housing Committee, and I will tell you this: As a member of that Committee, I will make sure that Nevada continues to receive funding to maintain our affordable housing programs. We need to be helping our most vulnerable; this includes people with disabilities, seniors, veterans, and low-income families. If we want to have strong students and strong workers, we must make sure that they have a roof over their head.

I will also make sure that the protections put in place during the Great Recession are not rolled back, because when Wall Street and the big banks crash the economy, it not only harms consumers, but it endangers our community banks, our credit unions, our small businesses, and taxpayers. I will fight for rules of the road that not only protect homeowners and taxpayers, but that promote community banks and credit unions to better serve Nevada families and businesses. This includes fighting for Nevada's small businesses. I do not have to tell all of you, they are a vital component of our state's economy, accounting for 99 percent of the businesses in our state and creating jobs here in Nevada. In the Senate, I commit to supporting and working to grow our small business community, especially those owned by women and minorities. This means ensuring Nevadans who want to start or expand a small business have access to the capital they need to be successful. That is why I support the Export/Import Bank, which provided Nevada small businesses with $165 million in capital between 2007 and 2015. This means ensuring owners have tools and support and are taking advantage of federal grants and partnerships made

available to them. This does not mean slashing the budget for the Small Business Administration, which Trump's Administration wants to do. This does not mean cutting funds for business community development programs and small business grants, as this Administration has proposed. I will fight against any budget that threatens our small business community because small businesses are essential not only to Nevada's economy, but to America's economy.

Another area that I think we can all agree on for our success is making our state a global leader in renewable energy research, development, and production. As a member of the Senate's Energy and Natural Resources Committee, I will work to ensure that Nevada has the support and resources necessary to do just that. As you all know, Nevada is blessed with an incredible abundance of resources in solar, wind, and geothermal, and we must continue to harness these resources. Investing in green energy will create jobs and provide clean, cheap power for houses and businesses, not only in Nevada, but in states across the country. Last month, I attended the ribbon-cutting ceremony for the new solar plant on the Moapa River Indian Reservation in southern Nevada, and on Tuesday, a similar project in Boulder City. The energy from these plants is being used to power homes in Nevada and California. We need to do more of this. I am going to push for legislation that increases investments in our green energy production and incentivizes business owners and homeowners to utilize power from renewable sources.

I will also fight to ensure that we continue to fund research in the renewable energy sector, which is happening right now in Nevada. Clean energy in Nevada has been good for our economy, creating more than 20,000 clean energy jobs. That is 8,700 in the solar industry alone. Nevada's clean energy standards and abundant resources have already attracted more than $6 billion in renewable energy investment, but we are positioned to do more. Nevada is at a critical juncture for even greater clean energy sector expansion and innovation, creating jobs and increasing that investment. I support this progress and hope to see Nevada leading the charge.

Another subject that I know you are well educated on is Yucca Mountain. I am also fighting against cuts or proposals that threaten our public safety and health and risk our environment and natural resources. This includes not turning our state into a nuclear waste dump. Whether others want to believe it or not, Yucca Mountain is dead, and it will continue to remain that way. The Nevada Delegation in Washington is committed to fighting any and all efforts to restore Yucca, and I know many of you know this and feel this in this room. I want to commend Assemblyman Chris Brooks for leading the opposition charge here in the Legislature, and I hope you support his resolution. Only by working together will we keep Nevadans healthy and safe by preventing dangerous waste from being brought into our state.

I do not have to tell all of you, we have been in this fight since 1980. I was the Attorney General for eight years and know that we have pending legislation to continue this fight. We have been united, not only here in the Legislature, but our elected leaders, from the Governor to our Congressional Delegation, to continue down this path of fighting the storage of nuclear waste, and we are not going to give up. Senator Heller and I introduced the Nuclear Waste Informed Consent Act. It was one of the first bills we worked on together and that was to mandate that the Secretary of Energy work with the governor and any key stakeholders in a state before nuclear waste can be sited in that state because that is how it should work. That is what we should be looking at to protect our future, protect our kids' futures, and have a really serious conversation about how we deal with nuclear waste in this country.

Nevada is a beautiful state. It has unique natural lands, and we must make sure that those natural wonders, like Lake Tahoe and Red Rock, are able to be enjoyed by future generations. Our public lands are a gift, and they need to be preserved and protected for future generations to enjoy. This does not start with cutting back environmental protections that keep our water clean, our air safe, and our lands preserved.

As a member of the Commerce, Science, and Transportation Committee, I will push for funding reliability that is essential to Nevada's infrastructure future. Building and repairing our roads, bridges, runways, rail, and smart transportation are commonsense ways to create jobs and grow our economy. I am going to push for my Democratic and Republican colleagues to come to the table and develop a concrete plan to provide more certainty in our longer-term national infrastructure that works for all areas of the country. Investing in our transportation system will improve the connectedness of Nevada's communities. This means increasing access to

broadband beyond our urban areas. The Internet has become a necessity in today's society, and no Nevadan should be without access, regardless of where they live. I am working to ensure we expand broadband accessibility to all our rural communities. You should not have to fight to get access to the Internet or any rural broadband.

I am going to tell you a story; my girlfriend will kill me for doing this. She lives in Elko with her family, where she is raising two kids. They live in an area of Elko where they do not have access to broadband. Any time they want to watch a move streaming on Netflix, she has to tell everybody in the family Time to get off the Internet so we can watch a movie. I tell you that story because there are many people across Nevada that are still challenged. It is not just bringing streaming of movies; it is bringing telemedicine, it is bringing education, it is bringing treatment and treatment providers and professionals into those communities so that those individuals living there do not have to drive four hours just to get access to care and treatment that they need. That is what this is about. That is why fighting for rural broadband as part of our infrastructure plan and our infrastructure investment is so important.

Finally, my office recently launched a grants department solely dedicated to bringing more federal dollars to Nevada. We will be working closely with Governor Sandoval's office to ensure Nevada is taking full advantage of all the available funding opportunities. I want to thank Governor Sandoval for ensuring that Nevada's state grants department has the necessary funding. Together, our offices will ensure we do not miss out on any chance to bring dollars back home. I am offering that opportunity to you. If you know of any programs or you hear about them, please contact my office and work with us. We can do this to bring and fight for more resources. I think we leave too many dollars on the table at the federal level that could be brought right here to Nevada to benefit our communities and the businesses and the people that live here. With your help, we can find those dollars.

Regardless of committee or issue, I am not going to stop working hard over the next six years in Washington to do what is best for Nevada—to grow our economy, create jobs, support our families, and ensure our children grow up in a Nevada that is better and brighter than the one today. We know this is possible. It is possible by coming together, working with one another, and doing what is best for our state. That is something we can all agree on.

Thank you so much for letting me join you tonight and staying late for me. I look forward to working with all of you, and good luck on the remaining session.

Senator Cancela moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Cortez Masto for her timely, able, and constructive message.

Seconded by Assemblyman McCurdy.

Motion carried.

The Committee on Escort escorted Senator Cortez Masto to the bar of the Assembly.

Assemblywoman Diaz moved that the Joint Session be dissolved.

Seconded by Senator Cannizzaro.

Motion carried.

Joint Session dissolved at 6:57 p.m.

ASSEMBLY IN SESSION

At 6:58 p.m.

Mr. Speaker presiding.

Quorum present.

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 Sarah Muller and Carl Gunnar.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Todd Westergard and Jessica Intern.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle White, Briana Escamilla and Gregory Martin.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Randy Soltero and Jan Gilbert.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Fran Almarez.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to John Cahill.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Jerry Whitehead Elementary School: Jaedyn Alexander, Joaquin Barrera Garcia, Emily Benzie, Cambria Bernardy, Kylee Bridges, Donald Campbell, Jacob Carrillo, Bailey Carter, Kahlyn Cocchiara, Emily Conrad-Dunn, Siris Douglass, Davion Duarte, Gavin Fox-Quintana, Graysen Hackworth, Adalise Jacinto, Aylin Maya, Jordan Miller, Marco Julius Nepomuceno, Ilenia Pfiefer, Luis Quijada, Jordan Miller, Geovannie Rodriguez Hernandez, Ethan Ruiz-Jassel, Anthony Scaffidi, Luke Villanueva, Gage Wells, Rylee Wilson, Kaylie Ahyo, Hunter Crossman, Tyler Curran, Sierra Forbush, Korbin Fox, Jeff Freal, Kee'ana Gross, Holly Hinkson, Robert Hixson, Christian Izquierdo, Ava Kline, Grace Lowry, Enrique Martinez, Anna Maxwell, Jaden Montes, Oscar Rodriguez Velazquez, McKaila Sweet, Abigail Swiedom, Jaiden Tan, Nicole Tanabe, Kaylene Wilson, Layla Zimmer, Lester Alarcon Bojorquez, Jordan Bailey, Soleil Burke, Frederick Cheeks, Jocelyn Colin, Ruben Cordova, Jeffery Duncan, Randi Durbin, Charles Grubb, Samantha Guerrero, Mia Gutierrez, Braden Hendrix, Thomas Jordan, Madeline Knaub, Diana Marin, Ellareese Marquis Bodkin, Vanessa Medina, Salvador Moreno, Madeline Ortega, Ella Parker, Bella Paxton, Kylie Scott, Emily Smith, and Carson Turner.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Senator Denis and Artie Blanco.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Oscar Delgado.

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 Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Benjamin Challinor-Mendez and Denise Lopez.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Alison Cleymaet, Timmy Cleymaet, Robbie Cleymaet, and Linda Fitzgerald.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Goff and Erika Washington.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Bradley Combs.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Maggie Tracy, Liyou Zha, Michelle Lau, Athena Liu, Dong Wen, Jerry Xu, Bin Shen, Jeffery Zhonghxue Mah, Bin Shen, Mingfang Su, Eyleen S. Zhu, and Linquan Luo.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Wood.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Clint Durocher and Par Tolles.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Catha.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, April 21, 2017, at 11:30 a.m.

Motion carried.

Assembly adjourned at 6:58 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly