

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 18, 2017

Senate called to order at 11:46 a.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by the Chaplain, Captain Mark Cyr.

Father, we come to You in humble obedience asking Your presence and guidance. Bless the men and women of our State Senate. We ask for Your Holy Spirit to comfort, empower, encourage and strengthen them to be faithful to their State and its people. We ask for You to bless them and their families as each of them have sacrificed to serve their communities. Protect them, be with them and unite them for the future of our State.

Father, we pray these things in the precious Name of Jesus.

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 146, 162, 185, 346, 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair**Mr. President:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

DAVID R. PARKS, *Chair**Mr. President:*

Your Committee on Health and Human Services, to which was referred Senate Bill No. 151, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 17, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 108, 233, 251, 254, 271, 288.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 8, 28, 33, 38, 46, 57, 60, 65, 74, 76, 118, 134, 138, 145, 160, 170, 177, 192, 205, 221, 229, 234, 247.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 1.

Resolution read.

Senator Ratti moved the adoption of the resolution.

Remarks by Senator Ratti.

Senate Concurrent Resolution No. 1 directs the Legislative Commission to appoint a committee to conduct an interim study related to affordable housing in Nevada. The resolution specifies that the study must include, among other things, an examination of the present and perspective need for affordable housing, any impediments to the development of affordable housing, the methods to increase the availability of affordable housing and other relevant matters relating to affordable housing.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Senator Woodhouse moved that Senate Bills Nos. 8, 9, 306, 325, 465, 478, 517 be taken from the General File and be re-referred to the Committee on Finance.

Motion carried.

Senator Cannizzaro moved that Senate Joint Resolution No. 12 be taken from the Secretary's desk and placed at the bottom of the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 8.

Senator Atkinson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 28.

Senator Atkinson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 33.

Senator Atkinson moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 38.

Senator Atkinson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 46.

Senator Atkinson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 57.

Senator Atkinson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 60.

Senator Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 65.

Senator Atkinson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 74.

Senator Atkinson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 76.

Senator Atkinson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 108.

Senator Atkinson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 118.

Senator Atkinson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 134.

Senator Atkinson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 138.

Senator Atkinson moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 145.

Senator Atkinson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 160.

Senator Atkinson moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 170.

Senator Atkinson moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

Assembly Bill No. 177.

Senator Atkinson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 192.

Senator Atkinson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 205.

Senator Atkinson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 221.

Senator Atkinson moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 229.

Senator Atkinson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 233.

Senator Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 234.

Senator Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 247.

Senator Atkinson moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 251.

Senator Atkinson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 254.

Senator Atkinson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 271.

Senator Atkinson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 288.

Senator Atkinson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 52.

Bill read second time.

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

Amendment No. 46.

SUMMARY—Revises provisions relating to unemployment compensation. (BDR 53-226)

AN ACT relating to unemployment compensation; revising the base period for determining entitlement to unemployment benefits; revising provisions governing the collection of certain debts by the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation; ~~revising provisions concerning the exclusion of compensation and wages with respect to eligibility for unemployment benefits based on service for any educational institution during a period of vacation or recess for holiday or between successive academic years or terms;~~ revising provisions relating to charges to employers' accounts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, provided incentive funds to Nevada's account in the Unemployment Trust Fund of the United States Treasury if Nevada law was expanded to provide claims based on an alternative base period. (Dep't of Labor, Empl't and Train. Admin. Sys., Unempl't Ins. Prog. Letter No. 14-09 (2009)) Federal regulators now authorize states to modify or repeal the alternative base period provisions from state statutes without having to return any incentive funds. (Dep't of Labor, Empl't and Train. Admin. Sys., Unempl't Ins. Prog. Letter No. 14-09,

Change 1) Section 1 of this bill eliminates the alternative base period provision in existing law in accordance with the federal guidance that authorizes such action.

Existing Nevada law authorizes the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to collect overpayments of unemployment benefits, with time periods for collection of 5 years for nonfraudulent overpayments and 10 years for fraudulent overpayments. (NRS 612.365) ~~{Section 2 of this bill allows the Administrator to assign the collection of a nonfraudulent or fraudulent overpayment balance remaining after such time periods have expired to a third party for collection.}~~ Section 2 ~~{also authorizes}~~ requires the Administrator , under certain circumstances, to report to the State Controller fraudulent overpayments of benefits ~~{beginning 2 years after notice of the overpayment}~~ for purposes of: (1) offsetting the debt against payments owed by other state entities to the person who is liable for the overpayment; and (2) preventing the renewal of the professional or occupational license of such a person. For the same purposes, section 6 of this bill ~~{authorizes}~~ requires the Administrator , under certain circumstances, to notify the State Controller of any employer against whom a judgment was obtained for failure to pay unemployment contributions. ~~{Section 6 also makes it discretionary instead of mandatory for the Administrator to notify the State Contractors' Board of such judgments against licensed contractors.}~~ Section 7 of this bill requires the State Controller to provide a holder of a professional or occupational license, permit, certificate or registration who owes a debt reported by the Administrator and the applicable licensing agency with certain information regarding the debt and prohibits the licensing agency from renewing the license until the debt is satisfied, a payment plan is executed or the debt is demonstrated to be invalid. Existing law provides the same notification procedures and prohibition on the renewal of professional and occupational licenses, permits, certificates and registration for debts that are assigned to the State Controller for collection. (NRS 353C.1965)

~~{Federal law requires that unemployment benefits be denied to employees of educational institutions for any period between successive academic years or terms, a vacation, or a recess for a holiday, if there is reasonable assurance that the employee will return to service in the ensuing academic year for any educational institution. (26 U.S.C. § 3304(a)(6)(A)) If a person serves in more than one capacity with any educational institution, sections 3 and 4 of this bill require the aggregation of the employment in those capacities. If the person's service in any of those capacities provides reasonable assurance of the person's subsequent return to service with the educational institution, denial of benefits is required regardless of whether service in any of the other capacities does not meet the "reasonable assurance" standard.}~~

Existing law contains procedures for charging to an employer's account the benefits paid to a former employee. (NRS 612.551) Section 5 of this bill clarifies that these procedures apply to employers who make reimbursement

payments in lieu of contributions as well as employers who make contributions.

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

Section 1. NRS 612.025 is hereby amended to read as follows:

612.025 1. Except as otherwise provided in this section and in NRS 612.344, "base period" means the first 4 of the last 5 completed calendar quarters immediately preceding the first day of a person's benefit year, except that if one calendar quarter of the base period so established has been used in a previous determination of the person's entitlement to benefits the base period is the first 4 completed calendar quarters immediately preceding the first day of the person's benefit year.

2. ~~If a person is not entitled to benefits using the base period as defined in subsection 1 but would be entitled to benefits if the base period were the last 4 completed calendar quarters immediately preceding the first day of the person's benefit year, "base period" means the last 4 completed calendar quarters immediately preceding the first day of the person's benefit year.~~

~~3.~~ In the case of a combined wage claim pursuant to the reciprocal arrangements provided in NRS 612.295, the base period is that applicable under the unemployment compensation law of the paying state.

Sec. 1.5. 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;

(f) The State Controller for the purpose of complying with the provisions of NRS 353C.190 or 353C.1965; and

~~((f))~~ (g) 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. 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. 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 Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

13. 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. 2. NRS 612.365 is hereby amended to read as follows:

612.365 1. Any person who is overpaid any amount as benefits under this chapter is liable for the amount overpaid unless:

(a) The overpayment was not due to fraud, misrepresentation or willful nondisclosure on the part of the recipient; and

(b) The overpayment was received without fault on the part of the recipient, and its recovery would be against equity and good conscience, as determined by the Administrator.

2. The amount of the overpayment must be assessed to the liable person, and the person must be notified of the basis of the assessment. The notice must specify the amount for which the person is liable. In the absence of fraud, misrepresentation or willful nondisclosure, notice of the assessment must be mailed or personally served not later than 1 year after the close of the benefit year in which the overpayment was made.

3. Except as otherwise provided in subsection 4, at any time within 5 years after the notice of overpayment, the Administrator may recover the amount of the overpayment by using the same methods of collection provided in NRS 612.625 to 612.645, inclusive, 612.685 and 612.686 for the collection of past due contributions or by deducting the amount of the overpayment from any benefits payable to the liable person under this chapter.

4. If the overpayment is due to fraud, misrepresentation or willful nondisclosure, the Administrator may, within 10 years after the notice of overpayment, recover any amounts due in accordance with the provisions of NRS 612.7102 to 612.7116, inclusive. ~~Beginning 2 years after the notice of overpayment, if the Administrator may, until the full amount of the debt and all interest and penalties thereon has been collected, determines that the overpayment has been fully adjudicated pursuant to this chapter and in compliance with applicable federal laws, that all rights to appeal the notice of overpayment have been exhausted and that repayments are not being received as required by NRS 612.445, the Administrator shall report such a debt to the State Controller for the purpose of:~~

(a) Offsetting the debt against payments of money due the liable person by other state entities pursuant to NRS 353C.190; and

(b) Preventing the renewal of a license of the liable person pursuant to NRS 353C.1965.

➔ The Administrator shall notify the State Controller when any debts reported pursuant to this subsection have been satisfied. ~~for demonstrated invalid.~~

5. The Administrator may waive recovery or adjustment of all or part of the amount of any such overpayment which the Administrator finds to be uncollectible or the recovery or adjustment of which the Administrator finds to be administratively impracticable.

6. ~~Upon the expiration of the time period set forth in subsection 3 or 4, as applicable, if the Administrator has not waived collection pursuant to subsection 5, the Administrator may, in a manner consistent with the provisions of the Federal Unemployment Tax Act, 26 U.S.C. § 3304(a)(1), determine that amounts not recovered under this section are no longer collectible and may assign collection to a third party.~~

~~7.~~ To the extent allowed pursuant to federal law, the Administrator may assess any administrative fee prescribed by an applicable agency of the United States regarding the recovery of such overpayments.

7. ~~8.~~ Any person against whom liability is determined under this section may appeal therefrom within 11 days after the date the notice provided for in this section was mailed to, or served upon, the person. An appeal must be made and conducted in the manner provided in this chapter for the appeals from determinations of benefit status. The 11-day period provided for in this subsection may be extended for good cause shown.

Sec. 3. ~~NRS 612.432 is hereby amended to read as follows:~~

~~612.432 1. [Benefits] Except as otherwise provided in subsection 2, benefits based on service in an instructional, research or principal administrative capacity in any educational institution or based on other service in any educational institution must be denied to any person for any week of unemployment which begins during an established and customary vacation or recess for a holiday if the person performs service in the period immediately preceding the vacation or recess and there is reasonable assurance that the person will be provided employment immediately succeeding the vacation or recess.~~

~~2. If a person serves in more than one capacity for any educational institution, the employment of the person in those capacities must be aggregated. Benefits must be denied to such a person for any week of unemployment which begins during an established and customary vacation or recess for a holiday if the person performs service in one of his or her capacities in the period immediately preceding the vacation or recess and there is reasonable assurance that the person will be provided employment immediately succeeding the vacation or recess in any of his or her capacities with any educational institution.~~

~~3. The provisions of this section apply also to services performed while employed by a governmental agency which is established and operated to provide services to educational institutions and which may make reimbursements in lieu of contributions pursuant to NRS 612.553.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 612.434 is hereby amended to read as follows:~~

~~612.434 1. [Benefits] Except as otherwise provided in subsection 4, benefits based on service in an instructional, research or principal administrative capacity for any educational institution must be denied to any person for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the person's contract, if that person performs the service in the first of the academic years or terms and there is a contract or reasonable assurance that the person will be provided employment in any such capacity for an educational institution in the next academic year or term.~~

~~2. Except as provided in subsection 3, benefits based on service in any other capacity for any educational institution must be denied to any person for any week of unemployment which begins during the period between two successive academic years or terms if the person performed the service in the first of the academic years or terms and there is reasonable assurance that the person will be provided employment to perform that service in the next academic year or term.~~

~~3. A person who is denied benefits pursuant to subsection 2 and not offered an opportunity to perform the service for the educational institution for the second academic year or term is entitled to retroactive payment of his or her benefits for each week for which the person filed a timely claim that was denied pursuant to subsection 2.~~

~~4. If a person serves in more than one capacity for any educational institution, the employment of the person in those capacities must be aggregated. Benefits must be denied to any person for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the person's contract, if that person performs the service in one of his or her capacities in the first of the academic years or terms and there is a contract or reasonable assurance that the person will be provided employment in any of his or her capacities for any educational institution in the next academic year or term.~~

~~5. The provisions of this section apply also to services performed while employed by a governmental agency which is established and operated to provide services to educational institutions and which may make reimbursements in lieu of contributions pursuant to NRS 612.553.] (Deleted by amendment.)~~

Sec. 5. NRS 612.551 is hereby amended to read as follows:

612.551 1. Except as otherwise provided in subsections 2, 3 and 7, if the Division determines that a claimant has earned 75 percent or more of his or her wages during his or her base period from one employer, it shall notify the employer of its determination and advise him or her that he or she has a right to protest the charging of benefits to his or her account pursuant to subsection 4 of NRS 612.550 ~~or liability for reimbursement payments, as applicable.~~

2. Benefits paid pursuant to an elected base period in accordance with NRS 612.344 must not be charged against the record for experience rating of the employer ~~or required to be reimbursed, as applicable.~~

3. Except as otherwise provided in subsection 7, if a claimant leaves his or her last or next to last employer to take other employment and leaves or is discharged by the latter employer, benefits paid to the claimant must not be charged against the record for experience rating of ~~or required to be reimbursed by the former employer~~ ~~or required to be reimbursed, as applicable.~~

4. If the employer provides evidence within 10 working days after the notice required by subsection 1 was mailed which satisfies the Administrator that the claimant:

(a) Left his or her employment voluntarily without good cause or was discharged for misconduct connected with the employment; or

(b) Was the spouse of an active member of the Armed Forces of the United States and left his or her employment because the spouse was transferred to a different location,

↪ the Administrator shall order that the benefits not be charged against the record for experience rating of the employer ~~or required to be reimbursed, as applicable.~~

5. The employer may appeal from the ruling of the Administrator relating to the cause of the termination of the employment of the claimant in the same manner as appeals may be taken from determinations relating to claims for benefits.

6. A determination made pursuant to this section does not constitute a basis for disqualifying a claimant to receive benefits.

7. If an employer who is given notice of a claim for benefits pursuant to subsection 1 fails to submit timely to the Division all known relevant facts which may affect the claimant's rights to benefits as required by NRS 612.475 ~~or the~~ :

(a) The employer's record for experience rating, if the employer pays contributions pursuant to NRS 612.535, is not entitled to be relieved of the amount of any benefits paid to the claimant as a result of such failure that were charged against the employer's record pursuant to NRS 612.550 ~~or 612.553~~ ; and

(b) The employer, if the employer has elected pursuant to NRS 612.553 to make reimbursement payments in lieu of contributions, is not entitled to be relieved of any obligation to make reimbursement payments for the amount of any benefits paid as a result of such failure.

Sec. 6. NRS 612.642 is hereby amended to read as follows:

612.642 ~~[The]~~ *If the Administrator determines that the debt has been fully adjudicated pursuant to this chapter and in compliance with applicable federal laws, that all rights to appeal the debt have been exhausted and repayments are not being received as required by this chapter, the Administrator shall ~~may~~ notify ~~the~~.*

1. The State Contractors' Board of any licensed contractor against whom a judgment is obtained for failure to pay contributions to the Unemployment Compensation Fund pursuant to this chapter.

2. The State Controller of any employer against whom a judgment is obtained for failure to pay contributions to the Unemployment Compensation Fund pursuant to this chapter until the full amount of the debt and all interest and penalties thereon has been satisfied for the purpose of:

(a) Offsetting the debt against payments of money due the employer by other state entities pursuant to NRS 353C.190; and

(b) Preventing the renewal of a license of the employer pursuant to NRS 353C.1965.

➡ The Administrator shall report to the State Controller when any judgment of which the State Controller has been notified pursuant to this subsection has been satisfied.

Sec. 7. NRS 353C.1965 is hereby amended to read as follows:

353C.1965 1. The State Controller shall establish and maintain a list of persons who owe a debt to an agency that has been assigned to the State Controller for collection pursuant to NRS 353C.195 ~~or a debt that has been reported to the State Controller pursuant to NRS 612.365 or 612.642.~~

2. A licensing agency shall provide to the State Controller:

(a) The name, address and social security number or employer identification number, as applicable, of each licensee; and

(b) The business identification number of the licensee, if the licensee has a state business registration.

3. A licensing agency shall provide the information described in subsection 2:

(a) On or before February 1 of each year for licensees who renewed licenses from July 1 through December 31 of the previous calendar year; or

(b) On or before August 1 of each year for licensees who renewed licenses from January 1 through June 30 of the current calendar year.

4. If the State Controller determines that the name of any licensee appears on the list established by the State Controller pursuant to subsection 1, the State Controller shall send a written notice to the licensee, which includes, without limitation:

(a) The amount of the debt;

(b) A request for payment of the debt;

(c) Notification that the licensee may enter into an agreement for the payment of the debt with the State Controller pursuant to NRS 353C.130 ~~for the payment of the debt; if the debt has been assigned to the State Controller~~

~~for collection]~~ or with the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation ~~if for the payment of the debt [has been]~~ reported to the State Controller pursuant to NRS 612.365 or 612.642;

(d) Notification that the licensee must respond to the notice within 30 days after the date on which the notice was sent;

(e) Notification that the licensee may request a hearing to determine the validity of the debt not later than 30 days after the date on which the notice was sent; and

(f) Notification that the licensing agency is prohibited from renewing the license of the licensee unless the licensee ~~[pays]~~ :

(1) Pays the debt ~~[, enters]~~ ;

(2) Enters into an agreement for the payment of the debt pursuant to NRS 353C.130 ~~if the debt has been assigned to the State Controller for collection]~~ or ~~[demonstrates to the State Controller]~~ with the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation ~~if for the payment of the debt [has been]~~ reported to the State Controller pursuant to NRS 612.365 or 612.642; or

(3) Demonstrates that the debt is not valid.

5. The State Controller shall notify the licensing agency if the licensee does not pay the debt that has been assigned to the State Controller for collection, enter into an agreement for the payment of the debt pursuant to NRS 353C.130 or demonstrate that the debt is not valid. A licensing agency shall not renew the license of the licensee who is the subject of the notification until the State Controller notifies the licensing agency that the licensee has:

(a) Satisfied the debt;

(b) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(c) Demonstrated that the debt is not valid.

6. The State Controller shall notify the licensing agency if the licensee does not pay the debt that has been reported to the State Controller pursuant to NRS 612.365 or 612.642. ~~for demonstrate that the debt is not valid.]~~ In addition to any other grounds for the denial of the renewal of a license, a licensing agency shall not renew the license of the licensee who is the subject of the notification until the State Controller notifies the licensing agency that the licensee has:

(a) Satisfied the debt; or

(b) Entered into an agreement for the payment of the debt with the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation. ~~for~~

~~(c) Demonstrated that the debt is not valid.]~~

7. Information shared between the State Controller and a licensing agency to carry out the provisions of this section is not a public record.

~~{7.}~~ 8. A licensing agency may not be held liable in any civil action for any action taken by the licensing agency in good faith to comply with the provisions of this section.

~~{8.}~~ 9. The State Controller shall verify with the Secretary of State the information related to the state business registration of each licensee.

~~{9.}~~ 10. The State Controller shall adopt such regulations as the State Controller determines necessary or advisable to carry out the provisions of this section.

~~{10.}~~ 11. As used in this section:

(a) "License" means any license, certification, registration, permit or other authorization that grants a person the authority to engage in a profession or occupation in this State.

(b) "Licensee" means a person to whom a license has been issued.

(c) "Licensing agency" means any agency, board or commission that regulates an occupation or profession except for the Department of Motor Vehicles, the Division of Insurance of the Department of Business and Industry, the Commissioner of Insurance or any local government.

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

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 46 makes three changes to Senate Bill No. 52. First, the amendment deletes language relating to "between terms" in section 3 and section 4 of the bill. Next, it deletes language allowing the Administrator of the Employment Security Division to assign the collection of non-fraudulent overpayment balances to a third party for collections. Instead, the Administrator must report the fraudulent overpayment of benefits to the State Controller upon the determination that such payments have been fully adjudicated, and there is no repayment being received.

Finally, it allows the Administrator to report certain information to the State Controller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 81.

Bill read second time.

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

Amendment No. 47.

SUMMARY—Provides for the conversion of state-chartered savings and loan associations to savings banks. (BDR 56-163)

AN ACT relating to financial institutions; converting state-chartered savings and loan associations to savings banks; providing for the oversight and regulation of savings banks by the Commissioner of Financial Institutions and the Division of Financial Institutions of the Department of Business and Industry; establishing requirements for the operation of savings banks; establishing the powers of savings banks; providing for the liquidation, reopening and reorganization of savings banks; providing for the conversion of certain types of financial institutions to savings banks and of savings banks

to certain types of financial institutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the creation, operation and oversight of state-chartered savings and loan associations. (Chapter 673 of NRS) While savings and loan associations were generally subject to federal oversight by the Office of Thrift Supervision of the United States Department of the Treasury, the Dodd-Frank Wall Street Reform and Consumer Protection Act abolished that office and generally transferred the responsibility for oversight of savings and loan associations to the Office of the Comptroller of the Currency of the United States Department of the Treasury. (Pub. L. No. 111-203) This bill revises existing law to eliminate state-chartered savings and loan associations and instead provide for the creation, operation and oversight of state-chartered savings banks.

Section 34 of this bill converts all savings and loan associations or other depository institutions chartered under chapter 673 of NRS to savings banks upon passage and approval of this bill. Section 34 also requires the Commissioner of Financial Institutions to immediately issue a savings bank charter to each such entity. Section 35 of this bill grants to each such converted entity the same powers, privileges, immunities and exceptions provided by this bill to savings banks.

Section 52 of this bill prohibits carrying on the business of a savings bank without being incorporated as a state-chartered savings bank. Sections 11 and 53-59 of this bill provide for the formation and organization of a savings bank and the establishment of its main office and any branch offices or service offices in a manner generally consistent with the existing provisions for a savings and loan association. Sections 60-72 of this bill establish certain requirements relating to the officers, directors, employees and capital stockholders of a savings bank in a manner generally consistent with the existing provisions for a savings and loan association. Sections 12 and 73-75 of this bill establish the powers and privileges of a savings bank. Sections 76-78 of this bill establish requirements for the stocks and certificates of a savings bank in a manner generally consistent with the existing provisions for a savings and loan association. Section 79 of this bill requires a savings bank to maintain a reserve for losses in a manner generally consistent with the existing provisions for a savings and loan association. Sections 80-91 of this bill establish provisions relating to the investments and borrowing of a savings bank in a manner generally consistent with the existing provisions for a savings and loan association. In addition, section 13 of this bill authorizes a savings bank to become a member of the Federal Reserve System, engage in certain related investments and borrowing, and exercise certain related powers. Sections 93-98 of this bill establish provisions relating to loans issued by a savings bank. Sections 101-110 of this bill establish provisions relating to the reports, examinations and audits of a savings bank. Section 111 of this bill provides for the suspension or revocation of the charter of a savings bank by

the Commissioner. Section 112 of this bill provides for the reorganization, merger or consolidation of a savings bank with another financial institution.

Sections 14-31 of this bill provide for the liquidation of a savings bank. Sections 32 and 33 of this bill provide for the reopening and reorganization of a savings bank. Sections 114 and 115 of this bill establish provisions relating to the treatment of foreign savings banks which do business in this State. Sections 116-128 of this bill establish provisions relating to the conversion of a savings bank into certain other financial institutions or the conversion of certain other financial institutions into a savings bank. Section 129 of this bill grants federal savings banks and holders of shares or share accounts issued by a federal savings bank the same powers, privileges, exemptions and immunities granted to savings banks and holders of shares or share accounts issued by a savings bank. Sections 130-132 of this bill establish prohibitions against the exploitation of older or vulnerable persons by a savings bank in a manner generally consistent with the existing provisions for a savings and loan association. Sections 133-136 of this bill prohibit certain acts by a savings bank in a manner generally consistent with the existing provisions for a savings and loan association.

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

Section 1. Chapter 673 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 35, inclusive, of this act.

Sec. 2. *"Deposit account" means an account that holds deposits, whether in a commercial, demand, time, checking, savings or similar type of account, or which is evidenced by a certificate of deposit, investment certificate, certificate of indebtedness or other similar name, for which the savings bank is primarily liable.*

Sec. 3. *"Depository institution" means any state bank or savings bank, association, limited-liability company, corporation or other person organized for the purpose of conducting a banking business, whether chartered by this State, another state or the Federal Government, which:*

- 1. Holds or receives deposits, savings or share accounts;*
- 2. Issues certificates of deposit; or*
- 3. Provides to its customers other deposit accounts which are subject to withdrawal by checks, drafts or other instruments or by electronic means to effect payment to a third party.*

Sec. 4. *"Division of Financial Institutions" means the Division of Financial Institutions of the Department of Business and Industry.*

Sec. 5. *"Federal savings bank" means any type of federal savings association organized pursuant to the Home Owners' Loan Act of 1933, 12 U.S.C. §§ 1461 to 1468, inclusive.*

Sec. 6. *"Insolvency" or "insolvent" means one or more of the following:*

- 1. When a savings bank cannot meet its deposit liabilities as they become due in the regular course of business.*

2. When the actual cash market value of the assets of a savings bank is insufficient to pay its liabilities to depositors and other creditors.

3. When the reserves of a savings bank fall under the amount required by this chapter, and the savings bank fails to make good such reserve within 30 days after being required to do so by the Commissioner.

4. When the undivided profits and surplus of a savings bank are inadequate to cover losses of the savings bank and the stockholders' or members' equity in the savings bank has been reduced below the requirements of law.

Sec. 7. "Main office" means the office of a savings bank identified as such in the application submitted pursuant to subsection 4 of NRS 673.080 or the location to which the main office is changed pursuant to subsection 14 of NRS 673.080 or other applicable law.

Sec. 8. "Savings association" means a savings association, savings and loan association or other depository institution chartered under this chapter before the effective date of this act.

Sec. 9. "State bank" or "commercial bank" means a limited-liability company, corporation or other person organized for the purpose of conducting a banking business that is chartered by this State to conduct the business of banking and is organized pursuant to the provisions of chapter 659 of NRS.

Sec. 10. The Commissioner may, for good cause, which will be determined at his or her sole discretion, waive, modify or alter any requirement of this chapter.

Sec. 11. Before a savings bank begins business, the savings bank must file with the Commissioner:

1. A statement, under oath by the president or a manager, containing the names of all the directors, managers and officers, with the date of their election or appointment, terms of office, ~~residences~~ primary residence and post office address of each, the amount of stock of which each is the owner in good faith and the amount of money paid in on account of the stock, or the contribution made. Nothing may be received in payment of stock or contribution except money.

2. Proof that the savings bank ~~is a member~~ has obtained the approval of the Federal Deposit Insurance Corporation to insure its deposit accounts.

Sec. 12. 1. In addition to all powers, express or implied, that a savings bank has under this chapter, a savings bank has the powers, privileges and authorities that:

(a) A state bank has under title 55 of NRS; and

(b) A national bank has,

➡ except as may be expressly denied or limited by the Commissioner after notice and a hearing.

2. Any restriction, limitation or requirement applicable to a specific power, privilege or authority of a state bank or national bank applies to a savings bank exercising such a power, privilege or authority pursuant to this

section to the extent that a savings bank exercises such a power, privilege or authority.

Sec. 13. 1. Any savings bank licensed pursuant to this chapter may subscribe to the stock of a Federal Reserve Bank and become a member of the Federal Reserve System.

2. Any savings bank licensed pursuant to this chapter which is, or which becomes, a member bank is, by this section, vested with all powers conferred upon member banks of the Federal Reserve System by the terms of the Federal Reserve Act as fully and completely as if such powers were specifically enumerated and described in this section, and all such powers must be exercised subject to all restrictions and limitations imposed by the Federal Reserve Act, or by regulations of the Board of Governors of the Federal Reserve System made pursuant thereto. The right, however, is expressly reserved to revoke or to amend the powers conferred in this section.

3. ~~Full compliance~~ Compliance on the part of any such savings bank with the reserve requirements of the Federal Reserve Act shall be deemed to be ~~full~~ full compliance with those provisions of the laws of this State which require savings banks to maintain cash balances in their vaults or with other banks, and no such savings bank need carry or maintain a reserve other than such as is required under the terms of the Federal Reserve Act.

4. Any such savings bank continues to be subject to supervision and examinations required by the laws of this State, except that the Board of Governors of the Federal Reserve System may, if it deems necessary, make examinations of the savings bank. The authorities of this State having supervision over such savings bank may disclose to the Board of Governors of the Federal Reserve System, or to examiners appointed by it, all information in reference to the affairs of any savings bank which has become, or desires to become, a member bank of the Federal Reserve System.

5. The provisions of this section shall not be construed to limit the ability of a savings bank to engage in any activity authorized by NRS 673.300.

6. As used in this section:

(a) "Board of Governors of the Federal Reserve System" means the Board of Governors of the Federal Reserve System created and described in the Federal Reserve Act.

(b) "Federal Reserve Act" means the Act of Congress, approved December 23, 1913, being c. 6, 38 Stat. 251, as amended.

(c) "Federal Reserve Bank" means the Federal Reserve Banks created and organized under authority of the Federal Reserve Act.

(d) "Federal Reserve System" means, collectively, the Federal Reserve Banks and the Board of Governors of the Federal Reserve System.

(e) "Member bank" means any national bank, state bank, savings bank or banking and trust company which has become or which becomes a member of the Federal Reserve System.

Sec. 14. 1. *Except as otherwise provided in this section, a savings bank may go into voluntary liquidation pursuant to the provisions of NRS 78.580 or 86.491.*

2. *If the voluntary liquidation of the savings bank results from a vote or agreement of the stockholders or members of the savings bank, a certified copy of all proceedings of the meeting at which that action is taken, verified by the oath of the president or a manager, must be transmitted to the Commissioner for the Commissioner's approval. If the Commissioner approves the liquidation, the Commissioner shall issue to the savings bank, under the Commissioner's seal, a permit for that purpose. No permit may be issued by the Commissioner until the Commissioner is satisfied that provision has been made by the savings bank to satisfy and pay off all depositors and all creditors of the savings bank. If the Commissioner is not satisfied, the Commissioner shall not issue a permit, but the Commissioner may take possession of the savings bank, its assets and business, and liquidate the savings bank in the manner provided by this chapter.*

3. *When the Commissioner approves the voluntary liquidation of a savings bank pursuant to subsection 2, the directors or managers of the savings bank shall cause to be published, in a newspaper in the city, town or county in which the main office of the savings bank is located, a notice that the savings bank is closing its affairs and going into liquidation, and that its depositors and creditors are to present their claims for payment.*

4. *When any savings bank is in the process of voluntary liquidation, it is subject to examination by the Commissioner, and the savings bank shall furnish such reports, from time to time, as may be called for by the Commissioner.*

5. *All unclaimed deposits and dividends remaining in the hands of the savings bank are subject to the provisions of this chapter.*

6. *Any savings bank that is in the process of voluntary liquidation may sell and transfer to any other state bank ~~, for~~ national bank or federal savings bank all or any portion of its assets of every kind upon such terms as may be agreed upon and approved by the Commissioner and by a majority vote of the savings bank's board of directors or of its managers. A certified copy of the minutes of any meeting at which that action is taken, under the oath of the president or a manager, and a copy of the contract of sale and transfer must be filed with the Commissioner.*

7. *If a voluntary liquidation or the sale and transfer of the assets of any savings bank is approved by the Commissioner, a certified copy of that approval under seal of the Commissioner, filed in the Office of the Secretary of State, authorizes the cancellation of the articles of incorporation or organization of the savings bank, subject to its continued existence, as provided by law.*

Sec. 15. 1. *The Federal Deposit Insurance Corporation created by the Federal Deposit Insurance Act, 12 U.S.C. § 1811, may act without bond as receiver or liquidator of any savings bank which:*

(a) Has been closed because of inability to meet the demands of its depositors; or

(b) Is insured by the Federal Deposit Insurance Corporation and has been taken possession of by the Commissioner pursuant to NRS 658.151.

2. *The appropriate state authority having the right to appoint a receiver or liquidator of a savings bank may, upon such closing, tender to the Federal Deposit Insurance Corporation the appointment as receiver or liquidator of such savings bank. If the Federal Deposit Insurance Corporation accepts the appointment, it shall have and possess all the powers and privileges provided by the laws of this State with respect to a receiver or liquidator, respectively, of a savings bank, its depositors and other creditors, and is subject to all the duties of such receiver or liquidator, except insofar as such powers, privileges or duties are in conflict with the provisions of the Federal Deposit Insurance Act.*

Sec. 16. *Upon the acceptance of the appointment as receiver or liquidator by the Federal Deposit Insurance Corporation, the possession of and title to all the assets, business and property of such savings bank of every kind and nature shall pass to and vest in the Federal Deposit Insurance Corporation without the execution of any instruments of conveyance, assignment, transfer or endorsement.*

Sec. 17. *Among its other powers, the Federal Deposit Insurance Corporation, in the performance of its powers and duties as receiver or liquidator, may, upon the order of a court of record of competent jurisdiction, enforce the individual liability of the stockholders or members and directors or managers of any such savings bank.*

Sec. 18. 1. *When any state savings bank has been closed as provided in section 15 of this act, and the Federal Deposit Insurance Corporation pays, or makes available for payment, the insured deposit liabilities of such closed savings bank, the Federal Deposit Insurance Corporation, whether or not it has become receiver or liquidator of such closed savings bank, must be subrogated to all rights against such closed bank of the owners of such deposits in the same manner and to the same extent as subrogation of the Federal Deposit Insurance Corporation is provided for in the Federal Deposit Insurance Act in the case of the closing of a national bank.*

2. *The rights of depositors and other creditors of such closed savings bank will be determined in accordance with the applicable provisions of the laws of this State.*

Sec. 19. 1. *Any savings bank which is, or may hereafter be, closed on account of inability to meet the demands of its depositors, by action of the Commissioner, by action of a court, by action of its directors or due to its insolvency or suspension, the Commissioner, or the receiver or liquidator of the savings bank with the permission of the Commissioner, may borrow from the Federal Deposit Insurance Corporation and furnish any part or all of the assets of the savings bank to the Federal Deposit Insurance Corporation as security for a loan from it, but where the Federal Deposit Insurance*

Corporation is acting as the receiver or liquidator, the order of a court of record of competent jurisdiction must be first obtained approving the loan.

2. The Commissioner, or the receiver or liquidator of any savings bank with the permission of the Commissioner, upon the order of a court of record of competent jurisdiction, may sell to the Federal Deposit Insurance Corporation any part or all of the assets of the savings bank.

3. The provisions of this section do not limit the power of any savings bank, the Commissioner, receivers or liquidators to pledge or sell assets in accordance with any other existing law.

Sec. 20. 1. The Commissioner shall furnish to the Federal Deposit Insurance Corporation, or to any official or examiner thereof, a copy of all examinations made of any savings bank and of all reports made by the savings bank. The Commissioner shall give access to and disclose to the Federal Deposit Insurance Corporation, or to any official or examiner thereof, all information possessed by the office of the Division of Financial Institutions with reference to the conditions or affairs of any savings bank.

2. Nothing in this section limits:

(a) The duty of any savings bank in this State from complying with the provisions of the Federal Deposit Insurance Act, its amendments or substitutions, or the requirements of the Federal Deposit Insurance Corporation relative to examinations and reports; or

(b) The powers of the Commissioner with reference to examinations and reports pursuant to the provisions of title 55 of NRS.

Sec. 21. All books, papers and records of a savings bank which has been finally liquidated must be deposited by the receiver in the Office of the Commissioner.

Sec. 22. 1. Except as otherwise provided in subsections 2 and 3, after the expiration of 10 years from the filing by the Commissioner of a final report of liquidation of any insolvent savings bank, the Commissioner, with the consent of the State Board of Finance, may destroy the records of any insolvent savings bank held in the Office of the Commissioner in connection with the liquidation of the savings bank.

2. If there are any unpaid dividends of the insolvent savings bank, the Commissioner shall preserve the deposit ledger or other evidence of indebtedness of the savings bank which refers to the unpaid dividends until the dividends have been paid.

3. The Commissioner may not destroy any of the formal records of liquidation or any of the records made in the Commissioner's office with reference to the liquidation of any insolvent savings bank.

Sec. 23. 1. Except as otherwise provided in subsection 2, if any savings bank has been or is appointed trustee in any indenture, deed of trust or other instrument of like character, executed to secure the payment of any bonds, notes or other evidences of indebtedness, is taken over for liquidation by the Commissioner, by the Federal Deposit Insurance Corporation or by any other legally constituted authority, the powers and duties of the savings bank as

trustee cease upon the entry of an order of the district court appointing a successor trustee pursuant to a petition as provided for in sections 24 to 30, inclusive, of this act.

2. *If an indenture, deed of trust or other instrument of like character that appoints a savings bank as trustee pursuant to subsection 1 includes a provision which provides for the appointment of a successor trustee if the savings bank is taken over for liquidation, the powers and duties of the savings bank as trustee cease upon being taken over by the Commissioner, the Federal Deposit Insurance Corporation or any other legally constituted authority and the successor trustee named, or whose selection is provided for, in the instrument immediately assumes the duties as trustee without appointment by the district court pursuant to sections 24 to 30, inclusive, of this act.*

Sec. 24. *In all cases to which subsection 1 of section 23 of this act is applicable, the district court for the county in which such indenture, deed of trust or other instrument of like character is recorded shall, upon the verified petition of any person interested in any such trust, either as trustee, beneficiary or otherwise, which interest must be set out in the petition, issue its order directing service on all interested parties, personally or by the publication in a newspaper published in the county, or in some adjoining county if no newspaper is published in the county where the application is made, of a notice directed to all persons concerned, commanding and requiring all persons having any interest in the trust, to appear in court on a day designated in the order and notice, not less than 30 days after the date of the order and notice, to show cause why a new trustee should not be appointed.*

Sec. 25. *Such notice must be published in the manner required by the Nevada Rules of Civil Procedure for service of summons by publication, and shall set forth the names of the parties to the indenture, deed of trust or other such instrument, the date thereof, and the place or places where such instrument is recorded.*

Sec. 26. *If, upon the day fixed in the order and notice, no person appears and objects to the appointment of a substitute trustee, the district court shall, upon such terms as it deems advisable to serve the best interest of all interested parties, appoint some competent person, or corporation authorized to act as a trustee, as a substitute trustee. Such appointed trustee is vested with and shall exercise all the powers conferred upon the trustee named in the instrument.*

Sec. 27. *If, upon the day fixed in the order and notice, objection is made to the appointment of a new trustee, the court shall hear and determine the matter. An appeal may be taken from the decision of the court by any party who made an appearance in the proceeding.*

Sec. 28. *The final order of appointment of any such new trustee upon its entry must be recorded in the office of the county recorder in the county or counties in which the instrument under which such appointment has been made is recorded, and a minute of the same must be entered by the county recorder on the margin of the record where the original instrument is recorded.*

Sec. 29. *The petition and the order appointing such new trustee may include, relate to and apply to any number of indentures, deeds of trust or other instruments, wherein the same trustee is named.*

Sec. 30. *Sections 23 to 29, inclusive, of this act are in addition to and not in substitution for any other remedy provided by law.*

Sec. 31. *If the Commissioner, the Federal Deposit Insurance Corporation or any liquidating agent appointed pursuant to the provisions of sections 15 to 20, inclusive, of this act exercises the power of sale set up in any mortgage, deed of trust or other written instrument for the security of the payment of money in which any savings bank then in liquidation was named trustee, the exercise of the power of sale and the acts of resigning the trust, of the Commissioner, the Federal Deposit Insurance Corporation or the appointed liquidating agent have the same effect as if done by the savings bank named as trustee in the mortgage, deed of trust or other instrument.*

Sec. 32. *When the Commissioner or the Federal Deposit Insurance Corporation has taken possession of any savings bank, the savings bank may, with the consent of the Commissioner, resume business upon such terms and conditions as may be approved by the Commissioner and the Federal Deposit Insurance Corporation.*

Sec. 33. 1. *When any savings bank is authorized to dissolve and has taken the necessary steps to effect dissolution in accordance with the laws of this State or the laws of the United States, but before actual dissolution, a majority of the directors or managers of the savings bank, upon authority in writing of the owners of two-thirds of its stock or two-thirds of the members' interests and with the approval of the Commissioner, may execute articles of incorporation or organization as provided in this chapter for the organization of a new savings bank. The articles must further set forth the authority derived from the stockholders or members of the savings bank.*

2. *Upon the filing of articles of incorporation or organization in the same manner as provided for the organization of new savings banks, the reorganized savings bank is a savings bank under the laws of this State. Upon reorganization, all assets, real and personal, of the dissolved savings bank, by operation of law, vest in and become the property of the reorganized savings bank, subject to all liabilities of the savings bank existing before the reorganization.*

Sec. 34. *Every savings association chartered under the laws of this State in existence on the effective date of this act is automatically converted, by operation of law, into a savings bank licensed under the laws of this State. The Commissioner shall issue a savings bank charter to each such entity immediately after the effective date of this act.*

Sec. 35. *Every savings bank that is converted from a savings association pursuant to section 34 of this act shall have all of the rights, powers, privileges, immunities and exceptions provided by this chapter to a savings bank.*

Sec. 36. NRS 673.001 is hereby amended to read as follows:

673.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 673.002 to 673.034, inclusive, *and sections 2 to 9, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 37. NRS 673.002 is hereby amended to read as follows:

673.002 ~~["Association"]~~ "Savings bank" means a ~~[savings and loan association]~~ *depository institution* subject to the provisions of this chapter ~~[]~~ *to conduct the business of a savings bank.*

Sec. 38. NRS 673.0056 is hereby amended to read as follows:

673.0056 "Cooperative housing corporation" means a corporation organized under the laws of this *State or any other* state for the purpose of the cooperative ownership of real estate whereby each of the stockholders or members is entitled, through ownership of stock or a certificate of membership in the corporation, to occupy a house, apartment or other dwelling unit on real estate owned by the corporation.

Sec. 39. NRS 673.0057 is hereby amended to read as follows:

673.0057 "Deposit" means that part of the ~~[savings]~~ liability of ~~[an association]~~ *a savings bank* which is credited to the account of the holder thereof ~~[]~~ *and is eligible to be insured by the Federal Deposit Insurance Corporation.*

Sec. 40. NRS 673.008 is hereby amended to read as follows:

673.008 "Foreign," used in connection with an association, limited-liability company, ~~[or]~~ corporation ~~[]~~ *or other person organized for the purpose of conducting a banking business*, means an association, limited-liability company, ~~[or]~~ corporation *or person organized for the purpose of conducting a banking business that is* organized or incorporated under the laws of some government other than that of the State of Nevada. *The term includes any savings association, savings and loan association or other depository institution that specializes in accepting deposits and making mortgage and other loans pursuant to its charter, which is organized under the laws of another state or the United States.*

Sec. 41. NRS 673.016 is hereby amended to read as follows:

673.016 "Insured ~~[association]~~ *depository institution*" means ~~[an association]~~ *a depository institution* the ~~[savings]~~ deposit accounts of which are insured wholly or in part by the Federal Deposit Insurance Corporation.

Sec. 42. NRS 673.017 is hereby amended to read as follows:

673.017 1. "Investment certificate" means any certificate or contract, either paid up or purchasable on an installment basis, which is issued for the purpose of providing a means of investment or savings.

2. An accumulative investment certificate is an investment certificate, not full-paid and without an expressed date of maturity, upon which the holder has the option of making payments at such times and in such amounts as the holder elects and as the ~~[association]~~ *savings bank* permits.

3. A full-paid investment certificate is an investment certificate, with or without an expressed date of maturity, for which the ~~[association]~~ *savings bank*

has received the principal amount thereof at or prior to the time of the issuance of the certificate.

4. A minimum term investment certificate is an investment certificate for which the ~~{association}~~ *savings bank* has received a single payment equal to the principal amount thereof and which has a date expressed therein before which notice of intention to withdraw cannot be given, or which requires written notice from the holder to the ~~{association}~~ *savings bank* for a period specified therein before the expiration of which period notice of intention to withdraw cannot be given. On and after such date, or upon and after the expiration of the specified period following such written notice, each such certificate ceases to be a minimum term investment certificate and becomes a full-paid investment certificate, subject to the same withdrawal rights and restrictions as a full-paid investment certificate.

Sec. 43. NRS 673.0185 is hereby amended to read as follows:

673.0185 "Merger" means that consolidation of corporate structures which results in the uniting of substantially all the assets and liabilities of one state-chartered ~~{association}~~ *savings bank* with those of another such ~~{association}~~ *savings bank or state bank* or with those of a federal ~~{association}~~ *savings bank or national bank, or other insured depository institution.*

Sec. 44. NRS 673.0321 is hereby amended to read as follows:

673.0321 "Service office" means any office or other place of business in this ~~{state operated by one or more savings and loan associations other than the principal office or a branch of an association, where activities are confined to processing and storing data and records, accounting, printing, storing of supplies, and such other activities as the Commissioner approves which involve no personal contact with the public. At a service office, payment on account of savings or loan may be processed, but the association shall have all payments which are initially received at a service office, rather than at the principal office or branch of the association, made by mail only and directed to a post office box and not to the address or location of the service office. The Commissioner may require that an association's name not be displayed at or near a service office.}~~ *State where the functions of a savings bank that do not involve ~~{the}~~ receiving ~~{off}~~ deposits, ~~{making of loans or withdrawals or handling of cash}~~ paying checks or lending money are performed.*

Sec. 45. NRS 673.034 is hereby amended to read as follows:

673.034 "Withdrawal value" means the amount credited to a ~~{savings}~~ *deposit* account, less lawful deductions therefrom, as shown by the records of the ~~{association}~~ *savings bank.*

Sec. 46. NRS 673.03531 is hereby amended to read as follows:

673.03531 1. Except as provided in subsections 3 and 4, an officer or employee of the Division of Financial Institutions shall not:

(a) Be directly or indirectly interested in or act on behalf of any ~~{association}~~ *savings bank;*

(b) Receive, directly or indirectly, any payment from ~~{an association;}~~ *a savings bank*;

(c) Be indebted to any ~~{association;}~~ *savings bank*;

(d) Engage in the negotiation of loans for others with any ~~{association;}~~ *savings bank*; or

(e) Obtain credit or services from ~~{an association}~~ *a savings bank* conditioned upon a fraudulent practice or undue or unfair preference over other customers.

2. An employee of the Division of *Financial Institutions* in the unclassified service of the State shall not obtain new extensions of credit from ~~{an association}~~ *a savings bank* while in office.

3. Any officer or employee of the Division of Financial Institutions may be indebted to ~~{an association}~~ *a savings bank* on the same terms as are available to the public generally upon:

(a) A mortgage loan upon his or her own real property.

(b) A secured installment debt.

(c) An unsecured debt.

4. Any officer or employee of the Division of Financial Institutions may establish and maintain savings deposits with ~~{associations}~~ *savings banks* to the greatest amount insured, receive interest on those deposits and borrow money secured by a pledge of those deposits.

5. If an officer or employee of the Division of Financial Institutions has a service, a preferred consideration, an interest or a relationship prohibited by this section at the time of his or her appointment or employment, or obtains it during his or her employment, he or she shall terminate it within 120 days after the date of his or her appointment or employment or the discovery of the prohibited act.

Sec. 47. NRS 673.039 is hereby amended to read as follows:

673.039 The Commissioner shall:

1. Keep in his or her office:

(a) For no less than 5 years, every report made by ~~{an association;}~~ *a savings bank*.

(b) The original application of every ~~{association}~~ *savings bank* in a permanent file.

(c) Other administrative documents in the manner provided by law or by appropriate regulations.

2. Provide a complete stenographic record of every hearing and proceeding conducted by his or her office and maintain, for no less than 5 years, a transcript of the hearing or proceeding, together with any regulation, order, decision, determination or consent entered in connection with the hearing or proceeding.

Sec. 48. NRS 673.040 is hereby amended to read as follows:

673.040 The Commissioner shall supervise and make all policy with regard to all foreign and domestic ~~{associations;}~~ *savings banks*, companies and corporations governed by this chapter and doing business in this state.

Sec. 49. NRS 673.043 is hereby amended to read as follows:

673.043 ~~{-}~~ The Commissioner may adopt such regulations as may be reasonable or necessary to carry out the purposes of this chapter.

~~{2. The regulations as originally drafted, and as amended from time to time, must be printed and distributed by the Commissioner to all associations, and become effective not earlier than 30 days from the date of issuance, but before the regulations become effective and within that 30 day period any association may appeal to the Director as to the reasonableness and necessity of any of or all of the regulations.}~~

Sec. 50. NRS 673.045 is hereby amended to read as follows:

673.045 The Commissioner may, for reasonable cause and upon 15 days' notice, amend or alter any license issued by him or her, but the ~~{association}~~ *savings bank* may appeal the order of the Commissioner in the manner provided in this chapter.

Sec. 51. NRS 673.060 is hereby amended to read as follows:

673.060 Except as otherwise provided in NRS 673.080, 673.112 and ~~{673.595}~~ 673.2176:

1. All fees, charges for expenses, assessments and other money collected under the provisions of this chapter from foreign and domestic ~~{associations,}~~ *savings banks*, companies and corporations governed by this chapter must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

2. The compensation provided for by this chapter and all expenses incurred under this chapter must be paid from the money deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 52. NRS 673.070 is hereby amended to read as follows:

673.070 1. ~~Savings {and loan associations,} banks~~, except *state banks* ~~{}~~ and trust companies ~~{}~~ *organized pursuant to title 55 of NRS*, licensed brokers, small loan companies, thrift companies and credit unions, whose principal and primary business is to borrow, loan and invest money, shall be incorporated under the provisions of this chapter. For that purpose all of the provisions of chapter 78 of NRS (Private Corporations) which are not in conflict with this chapter are hereby adopted as parts of this chapter, and all the rights, privileges and powers and all the duties and obligations of such domestic corporations and of the officers and stockholders thereof shall be as provided in chapter 78 of NRS except as otherwise provided in this chapter.

2. A person, firm, partnership, association or corporation except a ~~savings {and loan association} bank~~ incorporated under this chapter, *an affiliate of a savings bank or an entity otherwise lawfully conducting business in this State pursuant to this chapter*, shall not conduct or carry on the business of soliciting or advertising ~~{for savings deposits and loaning of such}~~ *the products or services of a savings* ~~{}~~ *bank*. This subsection does not apply to banks, trust companies, licensed brokers, thrift companies, credit unions and licensees under chapter 675 of NRS.

Sec. 53. NRS 673.080 is hereby amended to read as follows:

673.080 1. The Secretary of State shall not issue any certificate to ~~an association~~ *a savings bank* or company authorizing it to do business until the articles of association, agreement or incorporation are approved by the Commissioner.

2. No amendment to the articles of the organization may be filed by the Secretary of State without the written approval of the articles by the Commissioner.

3. No ~~association~~ *savings bank* may sell, offer for sale, negotiate for the sale of, take subscriptions for, or issue any of its common or preferred stock until it has first applied for and secured from the Commissioner approval of an application for permission to organize as provided for in this section.

4. Persons who desire to organize ~~an association~~ *a savings bank* in accordance with this chapter shall first execute in triplicate an application, in the form prescribed by the Commissioner, for permission to organize ~~an association~~ *a savings bank* before taking any other action in connection with the organization. Upon execution of an application for permission to organize by ~~seven~~ *one or more* responsible ~~citizens,~~ *natural persons*, referred to in this section as "applicants," the original and two copies of the application must be submitted to the Commissioner. The applicants shall submit with their application the names and addresses of the applicants, the location of the proposed *main* office, an itemized account of the financial condition of the proposed ~~association~~ *savings bank* and of the applicants, the amount and character of the proposed stock, statements, exhibits, maps and such additional information as the Commissioner requires, together with an affidavit that the representations made thereby are consistent with the facts to the best of the applicants' information and belief. This data must be sufficiently detailed and comprehensive to enable the Commissioner to pass upon the application as to:

- (a) The character and responsibility of the applicants;
- (b) The need for the ~~association~~ *savings bank* in the community to be served;
- (c) The reasonable probability of its usefulness and success; and
- (d) Whether such ~~an association~~ *a savings bank* can be established without undue injury to any properly conducted existing savings ~~and loan institutions,~~ *banks*.

5. If the Commissioner approves the application he or she shall, within 30 days, notify all ~~associations~~ *savings banks* within 100 miles of the community where the applicant intends to establish ~~an association~~ *a savings bank*. Any ~~association~~ *savings bank* so notified may, within 20 days, protest in writing the granting of the application. Within 30 days after receipt by the Commissioner of a written protest, the Commissioner shall fix a date for a hearing upon the protest, and the hearing must be held not earlier than 30 days nor more than 60 days after the date of receipt of written notice by registered or certified mail by the parties. The Commissioner shall approve or deny the

application within 90 days after the date of the conclusion of the hearing and give all parties written notice of his or her decision on or before that date.

6. If the Commissioner approves the application, he or she shall establish as conditions to be met before the issuance of a charter requirements as to:

(a) The minimum number of shares of common or preferred stock to be subscribed to the ~~{association's}~~ permanent capital ~~{-} of the savings bank;~~

(b) The minimum amount of paid-in surplus;

(c) The minimum amount of investment certificates to be paid into the ~~{association's savings}~~ deposit accounts *of the savings bank* upon issuance of a charter to it; and

(d) Such other requirements as he or she deems necessary or desirable.

➡ At least 75 percent of the capital must be subscribed by bona fide residents of this State or a depository institution or holding company qualified *to control the savings bank* pursuant to the provisions of *this chapter or chapter 666 or 666A* of NRS . ~~{or NRS 666A.010 to 666A.400, inclusive.}~~ Approval of an application for permission to organize ~~{an association}~~ *a savings bank* does not in any manner obligate the Commissioner to issue a charter, except that when all requirements of this chapter and of the Commissioner have been fulfilled, he or she shall issue a charter.

7. The charter expires 180 days after issuance, unless, within that time, the ~~{association}~~ *savings bank* has obtained insurance of accounts from the Federal Deposit Insurance Corporation. The Commissioner may, for good cause, extend the time of the conditional expiration of the charter for an additional period or periods not exceeding 360 days in the aggregate.

8. ~~{An association}~~ *A savings bank* shall not sell or issue any of its permanent stock until it has first applied for and secured from the Commissioner a license authorizing it to operate as a savings ~~{and loan association}~~ *bank* pursuant to the laws of this State and until it has applied for and secured insurance of accounts in accordance with the regulations of the Federal Deposit Insurance Corporation. This insurance of accounts must be maintained at all times.

9. The Commissioner may extend the time for any hearing provided for in this section, to the time agreed upon by the parties.

10. The filing fees are:

(a) For filing an original application, not more than \$4,000 for the ~~{principal}~~ *main* office. The applicant shall also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary. All money received by the Commissioner pursuant to this paragraph must be placed in the Investigative Account *for Financial Institutions* created by NRS 232.545.

(b) If the license is approved for issuance, not more than \$2,000 for the ~~{principal}~~ *main* office before issuance.

11. The Commissioner may impose conditions requiring the impoundment of proceeds from the sale of any stock, limiting the expense in connection with the sale of stock, and such other conditions as are reasonable and necessary or

advisable to insure the disposition of the proceeds from the sale of the stock in the manner and for the purposes provided in the permission to organize.

12. Every permission to organize issued by the Commissioner must recite in bold type that its issuance is permissive only and does not constitute a recommendation or endorsement of the organization or of the stock permitted to be issued.

13. Any corporation applying pursuant to this section or authorized to organize or authorized to establish a savings ~~and loan association~~ bank shall provide for a minimum par value of its permanent capital stock of at least \$1 in its articles of incorporation. Par value of permanent capital stock may not be reduced below \$1 without written permission of the Commissioner.

14. The removal of the ~~home~~ main office or of any branch office of ~~an association~~ a savings bank to any other location from its then existing location requires ~~prior approval of~~ submission of written notice at least 30 days before relocation to the Commissioner ~~and, if the Commissioner determines that his or her approval is necessary, approval of the Commissioner.~~ An application seeking approval, if required by the Commissioner, must be delivered to the Commissioner, together with a fee to cover expenses attendant upon the investigation required for the approval, which must be not less than \$200. All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

15. ~~An association~~ A savings bank shall not pay any commissions or other compensation for the subscription to or sale of the original issue of its stock.

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

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

Sec. 54. NRS 673.090 is hereby amended to read as follows:

673.090 The powers, privileges, duties and restrictions conferred and imposed upon any such ~~association~~ savings bank, company or corporation, whether foreign or domestic, existing or doing business under the laws of this state are hereby abridged, enlarged or modified, as each particular case may require, to conform to the provisions of this chapter, notwithstanding anything to the contrary in their respective articles of incorporation or charters.

Sec. 55. NRS 673.112 is hereby amended to read as follows:

673.112 1. A branch office is a legally established place of business of ~~{an association,}~~ a *savings bank*, other than the ~~{home}~~ main office, which is authorized by the board of directors and approved by the Commissioner and at which any of the ~~{association's}~~ business of the *savings bank* may be conducted.

2. All branch offices are subject to direction from the ~~{home}~~ main office.

3. No ~~{association}~~ *savings bank* may establish or maintain a branch office without prior written approval of the Commissioner. Each application for approval of the establishment and maintenance of a branch office must:

(a) State the proposed location thereof, the need therefor, the functions to be performed therein, the estimated annual expense thereof and the mode of payment therefor.

(b) Be accompanied by a budget of the ~~{association}~~ *savings bank* for the current semiannual period and for the next succeeding semiannual period, which reflects the estimated additional expense of the maintenance of the branch office.

4. After receipt of an application the Commissioner shall determine:

(a) Whether the establishment and maintenance of the branch office will unduly injure any properly conducted existing ~~{association}~~ *savings bank* in the community where the branch office is proposed to be established or in any neighboring community; and

(b) Whether or not the establishment and maintenance of the branch office will serve the public interest.

5. Before issuance of a charter for a branch office, the Commissioner shall notify all ~~{associations}~~ *savings banks* doing business within a radius of 100 miles of the principal place of business of the applicant, and within a radius of 100 miles of the proposed branch office. Any ~~{association}~~ *savings bank* so notified may, within 20 days, protest in writing the granting of the application. Within 30 days after receipt by the Commissioner of a written protest, the Commissioner shall fix a date for a hearing upon the protest. The hearing must be held not earlier than 60 days nor more than 90 days after the date of receipt of written notice by registered or certified mail by the parties.

6. If the Commissioner finds that no undue injury is likely to result, that the establishment and maintenance of the branch office is advisable and will serve the public interest, he or she may approve the application.

7. Approval of ~~{an association's}~~ a *savings bank's* application for a branch office charter permits the ~~{association}~~ *savings bank* to establish an operating office in a temporary or a permanent building, if the building is placed on or erected at the approved location within 12 months after the approval.

8. For good cause and after notice to the ~~{association,}~~ *savings bank*, the Commissioner may revoke his or her approval for the maintenance of a branch office. Failure to establish a branch office in the manner and within the time permitted under this section constitutes a good cause for revocation, unless a

prior, written request for a waiver of the time limitation is sought by the ~~{association}~~ *savings bank* and an extension, in writing, is granted by the Commissioner.

9. ~~{An association}~~ A *savings bank* which maintains one or more branch offices shall give each branch office a specific designation by name and include in the designation the word "branch" and shall prominently display the designation at the place of business of the branch. When ~~{an association}~~ a *savings bank* is operating a branch office, all advertising of or by the branch office must state clearly the location of the ~~{principal}~~ *main* office of the ~~{association}~~ *savings bank*.

10. The filing fees are:

(a) For filing an original application, not more than \$400 for each branch office. The applicant shall also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary. All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account for *Financial Institutions* created by NRS 232.545.

(b) If the license is approved for issuance, not more than \$200 for each branch office before issuance.

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

Sec. 56. NRS 673.113 is hereby amended to read as follows:

673.113 1. Every ~~{association}~~ *savings bank* shall maintain bond coverage ~~{with a bonding company}~~ *in such amounts and form* which is acceptable to the Commissioner and the Federal Deposit Insurance Corporation . ~~{for an amount to be determined by the Commissioner not to exceed 5 percent of the total assets of the association, nor for an amount greater than \$3,000,000, covering all directors, officers, employees, agents, data processing service firms and all other operating hazards that are normally covered under the bond. The bond must be in the form known as Standard Form No. 22, its equivalent or some other form which may be acceptable to the Federal Deposit Insurance Corporation and the Commissioner.}~~ The bond coverage may allow for a deductible amount or provision adopted under ~~{Title 12, Code of Federal Regulations, Section 563.19(a), (b) and (c), and under any subsequent amendments thereto.}~~ *federal regulations applicable to federal savings banks.*

2. ~~{A true copy of the surety bond must be placed in the custody of the Commissioner and the original maintained in the office of the association at all times.}~~

~~—3. The surety bond must provide that a cancellation thereof, either by the surety company or by the insured, does not become effective until 10 days' notice in writing is first given to the Commissioner, or unless he or she earlier approves the cancellation in writing.~~

~~—4.}~~ When requested by the Commissioner, the ~~{association}~~ *savings bank* shall provide a duplicate copy of the invoice showing that the bond premium has been paid or satisfied.

~~{5.}~~ 3. The face amount of the surety bond must comply with the requirements of the Federal Deposit Insurance Corporation.

Sec. 57. NRS 673.114 is hereby amended to read as follows:

673.114 1. ~~{No association may open.}~~ *A savings bank organized under this chapter may establish and maintain one or ~~conduct a service office without approval from the Commissioner.~~ more service offices within or outside this State according to the needs of the savings bank.*

2. ~~{For good cause, and after notice to the association.}~~ *A savings bank shall notify the Commissioner ~~{may revoke his or her approval for the maintenance of a}~~ in writing of the location of any service office ~~{}~~ not later than 30 days after establishment of the service office.*

3. *A service office does not constitute a branch office and is not subject to the issuance of any license, certificate or prior approval of the Commissioner, the Department of Business and Industry or the Division of Financial Institutions before establishment.*

Sec. 58. NRS 673.115 is hereby amended to read as follows:

673.115 1. ~~{An association}~~ *A savings bank shall not issue or publish, or cause or permit to be issued or published, any advertisement that it is doing or is permitted to do any business which is prohibited by law to ~~{an association,}~~ a savings bank, or which misrepresents the nature of its stock, investment certificates, savings deposits or the right of investors or depositors in respect thereto.*

2. ~~{An association}~~ *A savings bank may set forth in any of its advertisements any of the purposes for which it is organized.*

3. ~~{An association}~~ *A savings bank shall not issue, circulate or publish any advertisement after notice in writing from the Commissioner that in his or her opinion the advertisement is unauthorized, false, misleading or likely to deceive the public.*

4. ~~{An association}~~ *A savings bank shall not:*

(a) State in any advertisement that it is under state supervision or control.

(b) Include in any advertisement or in any instrument used by it a replica of the Great Seal of the State of Nevada.

(c) ~~{State or imply in any advertisement that money may be invested with the association at any place other than the principal office or branch of the association.}~~

~~{(d)}~~ Use the word "deposit" or "deposits" in any form of advertising ~~{, unless the use of that word is authorized in the advertising of a federal savings and loan association pursuant to} that would be prohibited under federal law.~~

~~{5. No association may offer or deliver any gift or premium to any investor or saver of an investment certificate or to any savings depositor in excess of basic cost to the association of \$2.50.}~~

Sec. 59. NRS 673.117 is hereby amended to read as follows:

673.117 1. ~~{Except as otherwise provided in NRS 673.110, a}~~ A licensee must obtain the approval of the Commissioner before using or changing a business name.

2. A licensee shall not:

(a) Use any business name which is identical or similar to a business name used by another licensee under this chapter ~~{or}~~ which may mislead or confuse the public.

(b) Use any printed forms which may mislead or confuse the public.

Sec. 60. NRS 673.207 is hereby amended to read as follows:

673.207 1. The business and affairs of every ~~{association}~~ *savings bank* must be managed and controlled by a board of not less than five nor more than 25 directors, *a majority of which must not* ~~{more than a minority, but not more than three, may}~~ be full-time officers of the ~~{association}~~ *savings bank*. The persons designated in the articles of incorporation are the first directors.

2. Vacancies in the board of directors must be filled by vote of the stockholders at the annual meetings or at a special meeting called for that purpose. The board of directors may fill vacancies occurring on the board, such appointees to serve until the next annual meeting of the stockholders.

3. The board of directors of ~~{any association}~~ *a savings bank* may amend the bylaws of the ~~{association}~~ *savings bank*.

Sec. 61. NRS 673.208 is hereby amended to read as follows:

673.208 No person is eligible to serve as a director of ~~{an association}~~ *a savings bank* without the written permission of the Commissioner if he or she:

1. Has been adjudicated ~~{a}~~ bankrupt or has taken the benefit of any assignment for the benefit of creditors or has suffered a judgment recovered against him or her for a sum of money to remain unsatisfied of record or not safeguarded by supersedeas bond on appeal for a period of more than 3 months.

2. Is a director, officer or employee of any other *unaffiliated savings* ~~{and loan association}~~ *bank*.

3. Is an officer or employee of ~~{a}~~ *an unaffiliated commercial bank* in this state.

4. Is not an investor in the ~~{association}~~ *savings bank or its holding company, if applicable*, owning in his or her own right or in a representative capacity as an executor, administrator, guardian or trustee stock in the ~~{association}~~ *savings bank or its holding company, if applicable*, of the par value of at least \$1,000, or full-paid investment certificates in the ~~{association}~~ *savings bank or its holding company, if applicable*, of the value of at least \$1,000. For the purpose of this chapter, a person who owns stock or investment certificates as a joint tenant with one other person shall be deemed to own, in his or her own right, one-half of the stock or investment certificates.

5. Sells or hypothecates all the stock or investment certificates owned by him or her, or so much thereof that he or she ceases to be the owner, free from

encumbrances, of the amount of stock or investment certificates required by subsection 4.

Sec. 62. NRS 673.209 is hereby amended to read as follows:

673.209 If the Commissioner notifies the board of directors of any ~~[association,]~~ *savings bank*, in writing, that he or she has information that any director, officer or employee of the ~~[association]~~ *savings bank* is failing in the performance of his or her duties, the board of directors shall meet and consider the matter forthwith. The Commissioner must have notice of the time and place of the meeting. If the board of directors finds the Commissioner's objection to be well founded, the director, officer or employee shall be removed immediately.

Sec. 63. NRS 673.212 is hereby amended to read as follows:

673.212 Directors and officers of ~~[an association shall be deemed to stand in a fiduciary relation to the association and]~~ *a savings bank* shall discharge the duties of their respective positions in good faith and with the diligence, care and skill which ordinary, prudent persons would exercise under similar circumstances in a similar position.

Sec. 64. NRS 673.214 is hereby amended to read as follows:

673.214 ~~[1.]~~ The board of directors of ~~[the association]~~ *a savings bank* shall elect the officers named in the bylaws of the ~~[association,]~~ *savings bank*, which officers shall serve at the pleasure of the board of directors.

~~[2. The principal officers' salaries shall be set by the board of directors.]~~

Sec. 65. NRS 673.215 is hereby amended to read as follows:

673.215 1. The board of directors of each ~~[association]~~ *savings bank* shall hold a regular meeting at least once each quarter, at a time to be designated by it in accordance with its bylaws.

2. Special meetings of the board of directors may be held upon notice to each director sufficient to permit his or her attendance. The president or any three members of the board of directors may call a meeting of the board of directors by giving notice to all of the directors.

3. At any meeting of the board of directors, a majority of the members constitutes a quorum for the transaction of business.

Sec. 66. NRS 673.216 is hereby amended to read as follows:

673.216 Every official communication by the Commissioner directed to the board of directors of ~~[an association]~~ *a savings bank* must be ~~[read]~~ *presented* at the next meeting of the board of directors and made a part of the minutes of the meeting.

Sec. 67. NRS 673.2176 is hereby amended to read as follows:

673.2176 1. ~~[An association]~~ *A savings bank* shall immediately notify the Commissioner of any change or proposed change in ownership of the ~~[association's]~~ *stock of the savings bank* which would result in any person, including a business trust, obtaining 5 percent or more of the ~~[association's]~~ *outstanding capital stock* ~~[of the savings bank]~~.

2. An application must be submitted to the Commissioner, pursuant to NRS 673.080, by a person who acquires:

(a) At least 25 percent of ~~{an association's}~~ the outstanding stock ~~{,}~~ of the savings bank; or

(b) Any outstanding stock of ~~{an association}~~ a savings bank if the change will result in a change in the control of the ~~{association,}~~ savings bank.

➡ Except as otherwise provided in subsection 4, the Commissioner shall conduct an investigation to determine whether the character and responsibility of the applicant is such as to command the confidence of the community in which the ~~{association}~~ main office of the savings bank is located. If the Commissioner denies the application, he or she may forbid the applicant from participating in the business of the ~~{association,}~~ savings bank.

3. The ~~{association}~~ savings bank with which the applicant is affiliated shall pay such a portion of the cost of the investigation as the Commissioner requires. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account *for Financial Institutions* created by NRS 232.545.

4. A savings ~~{and loan association}~~ bank may submit a written request to the Commissioner to waive an investigation pursuant to subsection 2. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or his or her employment with a financial institution.

Sec. 68. NRS 673.218 is hereby amended to read as follows:

673.218 ~~{An association}~~ A savings bank may provide for pensions, retirement plans and other benefits for its officers and employees, and may contribute to the cost thereof in accordance with the plan adopted by its board of directors.

Sec. 69. NRS 673.219 is hereby amended to read as follows:

673.219 The board of directors shall approve the depository or depositories for funds of the ~~{association,}~~ savings bank.

Sec. 70. NRS 673.221 is hereby amended to read as follows:

673.221 1. It is unlawful for an officer, director, employee or capital stockholder of ~~{an association,}~~ a savings bank:

(a) To solicit, accept or agree to accept, directly or indirectly, from any person other than the ~~{association,}~~ savings bank or an affiliate of the savings bank, any gratuity, compensation or other personal benefit for any action taken by the ~~{association}~~ savings bank or for endeavoring to procure any such action.

(b) To have any interest, direct or indirect, in the purchase at less than its face value of any evidence of a ~~{savings}~~ deposit account or other indebtedness issued by the ~~{association,}~~ savings bank, excluding stock certificates and junior capital notes.

2. It is unlawful for any stockholder with more than 5 percent of the outstanding capital stock of ~~{an association,}~~ a savings bank or any director or principal officer, to have any interest, direct or indirect, in the proceeds of a loan or of a purchase or sale made by the ~~{association,}~~ savings bank, unless the loan, purchase or sale complies with the provisions of NRS 673.3244 or is

otherwise authorized expressly by this chapter or by a resolution of the board of directors of the ~~{association,}~~ *savings bank*. The resolution must be approved by a vote of at least two-thirds of all the directors of the ~~{association,}~~ *savings bank*, and an interested director may not take part in the vote. The loan must also conform to federal regulations for the insurance of accounts.

3. Any violation of the provisions of this section is a misdemeanor.

Sec. 71. NRS 673.2211 is hereby amended to read as follows:

673.2211 Any ~~{association}~~ *savings bank* director, officer or other person who knowingly and willingly participates in any violation of the laws of this state relative to savings ~~{and loan associations}~~ *banks* is liable for all damage which the savings ~~{and loan association,}~~ *bank*, its stockholders, savings depositors or creditors sustain in consequence of such violation.

Sec. 72. NRS 673.222 is hereby amended to read as follows:

673.222 ~~[1. An association shall pay on behalf of or reimburse an officer, director or employee for the expenses of defending an action brought on behalf of the association or the savings account holders, other creditors or borrowers thereof, founded upon any act or acts performed or omitted by such person acting as such officer, director or employee under the following conditions:~~

~~—(a) If the person is adjudicated to be not liable, then all reasonable expenses of such litigation shall be paid by the association.~~

~~—(b) If the person is held to be liable on certain items and not liable on others, the association shall pay the proportion of the total reasonable expense of the litigation which the items on which he or she is held to be not liable bear to all the items alleged.~~

~~— 2. If, in the opinion of the association, any such person is not liable upon the substantive issues alleged, the association is authorized to compromise and settle such claim or litigation in its discretion and to pay the entire expense thereof, including the compromise settlement, if the expense is reasonable. Any action taken by the association under this subsection requires approval by a vote of at least two thirds of all the directors of the association (an interested director taking no part in the vote), or by a majority vote of the stockholders.]~~ *Nothing in this chapter limits the authority of a savings bank to indemnify and defend, or to provide reimbursement for expenses of defending an action to, officers, directors, employees, agents or other parties as such authority may be provided under the laws of this State, if such indemnification does not violate the limitations on indemnification imposed by section 18(k) of the Federal Deposit Insurance Act, 12 U.S.C. § 1828(k), and the regulations issued thereunder by the Federal Deposit Insurance Corporation.*

Sec. 73. NRS 673.225 is hereby amended to read as follows:

673.225 1. Notwithstanding any other provision of this chapter, every ~~{company, association or corporation}~~ *savings bank* licensed under the provisions of this chapter whose accounts are insured by the Federal Deposit Insurance Corporation or its successor, ~~{or which is a member of a Federal Home Loan Bank or its successor as an insured association,}~~ has the same

rights, powers, privileges, immunities and exceptions which are possessed by any ~~[federally chartered association unless]~~ federal savings bank, including all such fiduciary powers that a federal savings bank is authorized to exercise, except as may be expressly denied or limited by the Commissioner ~~[]~~ after notice and a hearing.

2. Whenever additional rights, powers, privileges or exceptions are granted to any ~~[federally chartered association, every company, association or corporation]~~ federal savings bank, including under principles of federal preemption, every savings bank licensed under the provisions of this chapter whose accounts are federally insured has those additional rights, powers, privileges or exceptions ~~[unless]~~, except as may be expressly denied or limited by the Commissioner ~~[]~~ after notice and a hearing.

3. If federal law conflicts with any of the provisions of this chapter, except as otherwise provided by the Commissioner, the provisions of federal law shall prevail as to such conflict, and satisfaction of any obligations imposed under federal law by the savings bank shall be deemed to also satisfy the obligations of the savings bank under state law.

4. In addition to all powers otherwise granted by this chapter, every savings bank licensed under the provisions of this chapter has the powers, privileges and authorities granted by regulations promulgated under the Federal Deposit Insurance Act for foreign savings banks, except as may be expressly denied or limited by the Commissioner after notice and hearing.

5. A savings bank shall have any power reasonably incident, convenient or useful to the accomplishment of the powers conferred upon the savings bank by this chapter.

Sec. 74. NRS 673.227 is hereby amended to read as follows:

673.227 1. ~~[An association]~~ A savings bank may purchase or lease property for its office buildings or construct its office buildings on property purchased or leased by it, if the total cost of land and improvements does not exceed 70 percent of the sum of the ~~[association's]~~ capital, surplus and reserves ~~[]~~ of the savings bank.

2. With the approval of the Commissioner, senior capital notes of the Federal Deposit Insurance Corporation may be included in capital for the purposes of this section.

Sec. 75. NRS 673.228 is hereby amended to read as follows:

673.228 1. ~~[An association may act as a trustee or custodian as provided by the Federal Employee Retirement Security Act of 1974, as amended or supplemented.]~~

~~2. An association] A savings bank shall have the powers, privileges and authorities to engage in trust company business, including engaging in custodial activities and establishing common trust funds, either directly or indirectly through a subsidiary, that any state bank, foreign bank, foreign savings bank, national bank or federal savings bank may exercise, subject to the requirements and conditions for engaging in such business of a trust company set forth in this section.~~

2. *Before engaging in trust company business, a savings bank shall apply to the Commissioner on such form as he or she shall determine and pay the same fee as required for a state bank to engage in trust company business. In considering such an application, the Commissioner shall determine whether:*

(a) The management and personnel of the savings bank are qualified to conduct trust company business;

(b) Trust company business will be adequately conducted in compliance with the law; and

(c) The financial and managerial resources of the savings bank are sufficient to support the conduct of trust company business.

3. A savings bank subscribing to trustee and custodial power authorized by this section shall be required to segregate all funds held in such fiduciary capacity from the general assets of the ~~{association}~~ savings bank and keep a separate set of books and records showing in proper detail all transactions engaged in under the authority of this section.

~~{3.}~~ 4. If individual records are kept of each self-employed individual retirement plan, all funds held in such trust or custodial capacity by the ~~{association}~~ savings bank may be commingled for appropriate purposes of investment.

~~{4.}~~ 5. No funds held in ~~{such}~~ a fiduciary capacity by a savings bank may be used by the ~~{association}~~ savings bank in the conduct of its business, although such funds may be invested in the ~~{savings}~~ deposit accounts of the ~~{institution}~~ savings bank if the trust or custodial retirement plan does not prohibit the investment.

6. *As used in this section, "business of a trust company" or "trust company business" has the meanings ascribed to it in NRS 669.029.*

Sec. 76. NRS 673.250 is hereby amended to read as follows:

673.250 1. No ~~{association}~~ savings bank may sell or issue any of its common or preferred stock until it has first applied for and secured from the Commissioner a license authorizing it so to do as provided in NRS 673.080.

2. Every license must recite in bold type that the issuance of the license is permissive only and does not constitute a recommendation or endorsement of the stock permitted to be issued.

3. Before the sale of, or option to buy, any additional authorized but unissued common or preferred stock, the ~~{association}~~ savings bank must have the written approval of the Commissioner.

4. The Commissioner may impose conditions requiring the impoundment of the proceeds from the sale of any stock, limiting the expense in connection with the sale and such other conditions as are reasonable and necessary or advisable to ensure the disposition of the proceeds from the sale of the stock in the manner and for the purposes provided in the license.

Sec. 77. NRS 673.260 is hereby amended to read as follows:

673.260 1. The license specified in NRS 673.250 authorizes the company, ~~{association}~~ savings bank or corporation to whom it is issued to sell its approved securities and contracts within this State for the remainder of the

fiscal year ending on June 30 next succeeding. Each license is renewable, under like restrictions, annually thereafter.

2. For the issuing of any license provided for in NRS 673.250 and for any renewal thereof, the fee of the Commissioner is:

- (a) For ~~each home~~ *the main office*, not more than \$400; and
- (b) For each branch office, not more than \$200.

3. The fees must accompany the license renewal application. A penalty of 10 percent of the fee payable must be charged for each month or part thereof that the fees are not paid after June 30 of each year.

4. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section. ~~{All sums received by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.}~~

Sec. 78. NRS 673.2755 is hereby amended to read as follows:

673.2755 1. ~~{An association}~~ A *savings bank* may issue investment certificates, with or without passbooks. The holders of investment certificates are not liable for debts or assessments, and are entitled upon liquidation of ~~an association~~ *a savings bank* to receive payment in full before any payment or distribution is made to stockholders. The holders of investment certificates have no right to participate in the profits of the ~~{association}~~ *savings bank*.

2. Investment certificates may be issued as fully paid investment certificates, accumulative investment certificates, minimum term investment certificates or other types of certificates approved by the Commissioner. The Commissioner shall not approve any certificates whose issuance would impair the insurance of the ~~{association's}~~ *accounts of the savings bank* by the Federal Deposit Insurance Corporation.

Sec. 79. NRS 673.2758 is hereby amended to read as follows:

673.2758 A reserve for losses shall be maintained by each ~~{association}~~ *savings bank*, which shall allow for the write-down of assets to their fair market value in accordance with generally accepted accounting principles ~~{ }~~ *to the same extent that such principles are used to determine compliance with federal regulations applicable to federal savings banks*.

Sec. 80. NRS 673.276 is hereby amended to read as follows:

673.276 ~~{An association}~~ A *savings bank* may invest in:

1. Without limit, obligations of, or obligations guaranteed as to principal and interest by, the United States or any state.

2. Obligations of the United States Postal Service, whether or not guaranteed as to principal and interest by the United States.

3. Stock of a Federal Home Loan Bank *or Federal Reserve Bank* of which the ~~{association}~~ *savings bank* is eligible to be a member.

4. Any obligations or consolidated obligations of any Federal Home Loan Bank or Banks ~~{ }~~ *or any Federal Reserve Bank or Banks*.

5. Stock or obligations of the Federal Deposit Insurance Corporation.

6. Stock or obligations of a national mortgage association or any successor or successors thereto, including the Federal National Mortgage Association ~~[]~~ or the *Federal Home Loan Mortgage Corporation*.

7. Demand, time or savings deposits with any bank, credit union or trust company whose deposits are insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.

8. Stock or obligations of any corporation or agency of the United States or any state, or in deposits therewith to the extent that such a corporation or agency assists in furthering or facilitating the ~~[association's]~~ purposes or powers ~~[]~~ of the savings bank.

9. ~~[Savings]~~ Deposit accounts of any insured ~~[association]~~ depository institution licensed by the State and of any ~~[federal savings and loan association,]~~ federally chartered depository institution, if the accounts of ~~[the savings and loan association]~~ such institution are insured by the Federal Deposit Insurance Corporation.

10. Bonds, notes or other evidences of indebtedness which are general obligations of any city, town, county, school district or other municipal corporation or political subdivision of any state.

11. Any other investment at the discretion of the ~~[association's]~~ directors of the savings bank if, after the investment is made, the ~~[association's]~~ accounts of the savings bank remain insurable by the Federal Deposit Insurance Corporation.

Sec. 81. NRS 673.2765 is hereby amended to read as follows:

673.2765 ~~[1.—An association]~~ A savings bank may invest in the capital stock, obligations or other securities of a related service ~~[corporation organized under the laws of this state, except a corporation organized for the underwriting or sale of insurance,]~~ company, operating subsidiary or financial subsidiary, subject to any regulations concerning the insurability of the ~~[association's]~~ accounts of the savings bank by the Federal Deposit Insurance Corporation and to whatever regulations the Commissioner may impose in this regard, if the entire capital stock of the corporation is available for purchase by ~~[associations organized under the laws of this state only.]~~

~~—2.—No association may make the investment if its aggregate, outstanding investments, pursuant to subsection 1, would then be in excess of 1 percent of its assets.] insured depository institutions under any federal or state law.~~

Sec. 82. NRS 673.2766 is hereby amended to read as follows:

673.2766 1. Any investment in real property for purposes of subdivision or for residential development must not exceed the market value or appraisal valuation as evidenced by an appraisal report prepared within 120 days of the investment by a member of the ~~[American Institute of Real Estate Appraisers, the Society of Real Estate Appraisers,]~~ Appraisal Institute or the National Association of Independent Fee Appraisers, ~~[Society,]~~ or by such other appraiser as may be approved by the Commissioner.

2. ~~[Within 30 days after the investment is made, the association shall provide the Commissioner with a certified copy of one or more appraisal reports on the real property involved and with a title insurance company report, reflecting the chain of title for a period of at least 3 years and the amount of consideration, as available, given for each title transfer that may have occurred during the reported period.]~~

~~—3.—~~ The Commissioner may require a statement from the ~~[association]~~ *savings bank* disclosing whether any director, officer or employee of the ~~[association]~~ *savings bank* has a direct or indirect interest in the real property involved or has had an interest at any time during the past 3 years. Stock ownership in an interested corporation may be considered the direct or indirect interest of the investor. Failure to make a required disclosure is unlawful.

Sec. 83. NRS 673.278 is hereby amended to read as follows:

673.278 The power of ~~[an association]~~ *a savings bank* to make loans shall include:

1. The power to purchase loans of any type that the ~~[association]~~ *savings bank* may make.

2. The power to make loans upon the security of loans of any type that the ~~[association]~~ *savings bank* may make.

Sec. 84. NRS 673.279 is hereby amended to read as follows:

673.279 ~~[An association]~~ *A savings bank* may invest its funds in the purchase of real property contracts under the following conditions only:

1. That it must acquire the merchantable title to the property covered by such contracts.

2. That the type of property be such as would be eligible for a mortgage or deed of trust loan under this chapter.

3. Before making any such purchase, the property shall be appraised *or evaluated* and the purchase approved ~~[]~~ *in the same manner* as in the case of *the purchase of loans secured using a mortgage or deed of trust* ~~[loans, by the board or the executive committee of the association.]~~ *on real estate.*

Sec. 85. NRS 673.280 is hereby amended to read as follows:

673.280 Any savings ~~[and loan association]~~ *bank* may invest its funds, or money in its custody, ~~[in the bonds of the Home Owners' Loan Corporation or]~~ in the bonds of any Federal Home Loan Bank ~~[]~~ *or Federal Reserve Bank*, or in consolidated Federal Home Loan Bank *or Federal Reserve Bank* bonds, debentures or notes, or in farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of ~~[the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and]~~ the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, as amended or supplemented, and the bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, as amended or supplemented.

Sec. 86. NRS 673.300 is hereby amended to read as follows:

673.300 1. Any savings ~~and loan association~~ *bank* which may now or hereafter be eligible to become a member of any Federal Home Loan Bank according to the terms of the Federal Home Loan Bank Act of 1932, 12 U.S.C. §§ 1421 to 1449, inclusive, as amended or supplemented, may:

(a) Subscribe for, purchase, own and hold stock in such Federal Home Loan Bank, and become a member thereof.

(b) Borrow money from any Federal Home Loan Bank pursuant to the Federal Home Loan Bank Act, as amended or supplemented.

(c) Invest in the bonds of any Federal Home Loan Bank.

(d) Give its obligations and pledge securities and conform to the provisions of the Federal Home Loan Bank Act, and to the rules and regulations from time to time fixed and prescribed either by the Federal Home Loan Bank Board or the Federal Home Loan Bank of which it is a member.

(e) Perform any acts and execute any instruments authorized or required by the Federal Home Loan Bank Act, as amended or supplemented, or by rules and regulations adopted pursuant to the Act.

2. All acts authorized by subsection 1 performed prior to March 18, 1935, are hereby validated and confirmed.

Sec. 87. NRS 673.301 is hereby amended to read as follows:

673.301 The power of ~~an association~~ *a savings bank* to borrow money and contract debts shall include the power to issue capital notes evidencing such borrowings and to subordinate the same to investment certificates and other liabilities. ~~An association~~ *A savings bank* may confer upon the holders of any capital notes, issued or to be issued by the ~~association,~~ *savings bank*, such rights to vote in the election of directors and on any other matters as shall be stated and expressed in the articles of incorporation, or in any amendment thereto.

Sec. 88. NRS 673.302 is hereby amended to read as follows:

673.302 The aggregate amount of all borrowings of any ~~association in force at any one time, excluding borrowings from the Federal Home Loan Banks, the Federal Deposit Insurance Corporation or other similar federal agencies, must not exceed 5 percent of the total assets of the association without the approval of the Commissioner. The Commissioner shall not approve any borrowing~~ *savings bank shall not exceed an amount which would impair the insurance of the association's accounts of the savings bank by the Federal Deposit Insurance Corporation.*

Sec. 89. NRS 673.310 is hereby amended to read as follows:

673.310 1. Subject to such regulations as may be prescribed by the Federal Housing ~~Administrator~~ *Administration* or Department of Veterans Affairs, savings ~~and loan associations~~ *banks* may:

(a) Make such loans and advances of credit, and purchases of obligations representing the loans and advances of credit, as are eligible for insurance by the Federal Housing ~~Administrator~~ *Administration* or are guaranteed by the Department of Veterans Affairs, and to obtain such insurance.

(b) Make such loans secured by mortgages on real property as are eligible for insurance by the Federal Housing ~~[Administrator]~~ *Administration* or are guaranteed by the Department of Veterans Affairs, and to obtain such insurance.

(c) Purchase, invest in and dispose of notes or bonds secured by mortgages insured by the Federal Housing ~~[Administrator]~~ *Administration* or guaranteed by the Department of Veterans Affairs, securities of national mortgage associations, and debentures issued by the Department of Veterans Affairs or the Federal Housing ~~[Administrator]~~ *Administration*.

2. No law of this State, nor any articles of incorporation or bylaws of any savings ~~and loan associations,~~ *bank*, prescribing the nature, amount or form of security or requiring security upon which loans or advances of credit may be made, prescribing or limiting interest rates upon loans or advances of credit, or prescribing or limiting the period for which loans or advances of credit may be made, applies to loans, advances of credit or purchases made pursuant to subsection 1.

3. All loans, advances of credit, and purchases of obligations described in this section made and insured pursuant to the terms of the National Housing Act ~~for Servicemen's Readjustment Act of 1944~~, 12 U.S.C. §§ 1701 *et seq.*, are hereby validated and confirmed.

Sec. 90. NRS 673.315 is hereby amended to read as follows:

673.315 1. Notwithstanding any other provision of law, any savings ~~and loan association~~ *bank* organized under the laws of this State, which has as one of its principal purposes the making or purchasing of loans secured by real property mortgages, is authorized to sell such mortgage loans to the Federal National Mortgage Association ~~or~~ *or the Federal Home Loan Mortgage Corporation*, a corporation chartered by an Act of Congress, or any successor thereof, and in connection therewith to make payments of any capital contributions, required pursuant to law, in the nature of subscriptions for stock of the Federal National Mortgage Association *or the Federal Home Loan Mortgage Corporation, or any successor thereof, to receive stock evidencing such capital contributions, and to hold or dispose of such stock.*

2. *Any savings bank organized under the laws of this State, which engages in the making or purchasing of federally guaranteed student loans is authorized to sell such student loans to SLM Corporation, or any successor thereof, and in connection therewith to make payments of any capital contributions, required pursuant to law, in the nature of subscriptions for stock of SLM Corporation, or any successor thereof, to receive stock evidencing such capital contributions, and to hold or dispose of such stock.*

Sec. 91. NRS 673.316 is hereby amended to read as follows:

673.316 1. ~~[Nothing in this chapter requires any association to sell, transfer or dispose of any investment or loan made or purchased by the association before March 30, 1959. Any association may:~~

~~—(a) Renew, extend the time of payment of, or rewrite any loan made before that date.~~

~~—(b))~~ Any savings bank may:

(a) Make additional advances or loans for the purpose of preserving the security of the loan or for the purpose of protecting the property securing the loan.

~~[(e)]~~ (b) Make any renewal, extension, advance or loan to the borrower or to any successor in interest in the property securing the loan.

~~[(d)]~~ (c) Make loans on property sold by ~~an association~~ a savings bank or extend credit thereon for the purpose of facilitating the sale of the property regardless of any other provision of this chapter.

2. No advance or loan may be made under the provisions of this section if the advance or loan would increase the total liability to the ~~association~~ savings bank making the advance or loan to ~~more than 2 percent of total assets, except with the approval of the Commissioner.~~ a level that would be prohibited pursuant to regulations applicable to federally chartered banks as set forth by the Office of the Comptroller of the Currency.

3. For the purpose of preserving the security of any loan or of protecting the property securing any loan made in compliance with this chapter, ~~an association~~ a savings bank may make additional advances or loans to the borrower or any successor in interest in the property securing the loan. Regardless of any other provision of this chapter ~~an association~~, a savings bank may make loans or extend credit for the purpose of facilitating the sale of property acquired by repossession, foreclosure or conveyance in lieu of foreclosure if that activity conforms to generally accepted accounting practices.

Sec. 92. NRS 673.318 is hereby amended to read as follows:

673.318 Every ~~association~~ savings bank shall appraise or evaluate each parcel of real estate at the time of acquisition thereof ~~[- The report of each appraisal must be submitted in writing to the board of directors and must be kept in the records of the association. The Commissioner may require the appraisal of real estate securing loans by an appraiser selected by the Commissioner. The association whose securities are appraised under this section shall pay the expense of the appraisal to the Commissioner upon demand. Money so received must be deposited in the State Treasury pursuant to the provisions of NRS 658.091. Copies of appraisals must be furnished to the association.]~~, except where such appraisal or evaluation is not required under federal law.

Sec. 93. NRS 673.324 is hereby amended to read as follows:

673.324 1. ~~An association~~ A savings bank may make any loan which:

- (a) Is secured by real property;
- (b) Is secured by personal property ~~[-]~~, including, without limitation, stock or other securities;
- (c) Results from a credit card issued by the ~~association~~ savings bank;
- (d) Is unsecured;
- (e) Is made to the United States, its agencies or any governmental agency of the State of Nevada; or

(f) Is made at the discretion of the ~~{association's}~~ directors ~~[, of the savings bank if the loan will not impair the insurability of the {association's} accounts of the savings bank by the Federal Deposit Insurance Corporation.~~

2. Additional loans or advances on the same property, without intervening liens, shall be deemed to be first liens for the purpose of this chapter.

Sec. 94. NRS 673.3244 is hereby amended to read as follows:

673.3244 ~~[1.—No association may make any loans to a:~~

~~—(a) Corporation if the majority of the stock is owned or controlled individually or collectively by any one or more of the directors, officers or majority stockholders of the association; or~~

~~—(b) Partnership if the limited or general partner is a director, officer or the majority owner of the association;~~

~~↪ unless the loan is expressly authorized by this chapter or by a resolution of the board of directors of the association. The resolution must be approved by a vote of at least two-thirds of all the disinterested directors of the association.~~

~~—2.—An association may make loans to any corporation or partnership in which a director or officer of the association is a minority stockholder or partner if the loan is authorized or confirmed, at a meeting held within 30 days after the loan is made, by the affirmative vote of all the disinterested directors of the association present at the meeting and if the affirmative vote constitutes a majority of all the directors of the association. The interested director or officer shall not vote or participate in any manner in the action of the board of directors upon the loan. The authorization or confirmation must be entered in the minutes of the association. The loan must in all other respects comply with the provisions covering the granting of loans.~~

~~—3.—If a loan is made to a corporation or partnership as set forth in subsection 2, and if the director or officer of the association owns more than 10 percent of the paid in capital of the corporation, or if any two or more officers or directors own more than 20 percent of the paid in capital of the corporation or if any one or more of the directors is a general partner, the association shall file reports with the Commissioner showing the following:~~

~~—(a) The fact of making the loan.~~

~~—(b) The names of the directors authorizing or confirming the loan.~~

~~—(c) The corporate or partnership name of the borrower.~~

~~—(d) The name of each director or officer of the association who is a stockholder, officer, director or partner of the corporation or partnership to which the loan was made.~~

~~—(e) The amount of stock held by the officer or director in the corporation.~~

~~—(f) The amount of the loan, the rate of interest thereon, the time when the loan becomes due, the amount, character and value of the security given therefor, and the fact of final payment when made.~~

~~—4.—All officers, directors or stockholders holding more than 10 percent of the paid in capital of the association shall disclose annually to the Commissioner their investments in any partnership or corporation to which a loan is made. If any changes in those investments occur, the Commissioner~~

~~must be notified.]~~ No savings bank may make any loan to a director, officer or principal shareholder of the savings bank or any company owned or controlled by the savings bank if such a loan would be prohibited for a bank that is subject to 12 C.F.R. Part 215, commonly known as Regulation O.

Sec. 95. NRS 673.3255 is hereby amended to read as follows:

673.3255 1. ~~[An association]~~ A savings bank may make or invest ~~[any of its money]~~ in a loan to finance a borrower's interest in or to refinance his or her existing interest in a cooperative housing corporation if the loan is secured by:

(a) A first security interest in stock or a certificate of membership in the cooperative housing corporation; and

(b) An assignment of or lien on the borrower's interest in the lease or other right of tenancy to a dwelling unit of the cooperative housing corporation.

2. A first security interest may exist even though a mortgage or deed of trust encumbers the property owned by the cooperative housing corporation if the stock or certificate of membership in the corporation and the borrower's lease or other right of tenancy are not encumbered with a prior security interest. For purposes of this chapter, additional loans or advances on the same interest in a cooperative housing corporation, without intervening liens, shall be deemed to be first security interests. For purposes of this chapter, the interest in a cooperative housing corporation which is encumbered by a security interest shall be deemed to be real property and security interest shall be deemed to be a mortgage on real property.

Sec. 96. NRS 673.3271 is hereby amended to read as follows:

673.3271 ~~[1.—An association]~~ A savings bank shall not make at one time loans to any one borrower, or under any one transaction, or applicable to any one project, or tract, if the ~~[loans in the aggregate are in excess of whichever of the following is the lesser:~~

~~—(a) Ten percent of its total savings accounts, unless that requirement is waived by written approval of the Commissioner.~~

~~—(b) An amount equal to the sum of its capital, surplus, undivided profits, loan reserve, federal insurance reserve, capital notes and such other reserves as the Commissioner may prescribe.~~

~~2.—For the purpose of this section, the term "one borrower" means:~~

~~—(a) Any person or entity that is, or that upon the making of a loan will become, obligor on a loan.~~

~~—(b) Nominees of the obligor.~~

~~—(c) All persons, trusts, partnerships, syndicates and corporations of which the obligor is a nominee or a beneficiary, partner, member, or stockholder of record or beneficial interest stockholder owning 10 percent or more of the capital stock of any corporation.~~

~~—(d) If the obligor is a trust, partnership, syndicate or corporation, all trusts, partnerships, syndicates and corporations of which any beneficiary, partner, member, or stockholder of record or beneficial interest stockholder owning 10 percent or more of the capital stock is also a beneficiary, partner, member~~

or stockholder of record or beneficial interest stockholder owning 10 percent or more of the capital stock of the association.

—3. For the purpose of this section, the term "loans to any one borrower" means the amount of the new loan plus the total balances of all outstanding loans owed to the association by the borrower. Notwithstanding any other limitations of this section, the loan may be made if the new loan when added to the total balances of all outstanding loans owed to the association by the borrower does not exceed \$250,000.

—4. For the purpose of this section, the term "balances of all outstanding loans" means the original amounts loaned by the association plus any additional advances and interest due and unpaid, less repayments and participating interests sold and exclusive of any loan on the security of real estate the title to which has been conveyed to a bona fide purchaser of the real estate.

—5. If an association makes a loan to any one borrower in an amount which, when added to the total balances of all outstanding loans owed to the association by the borrower, exceeds \$250,000, the records of the association with respect to the loan must include documentation showing that the loan was made within the limitations of this chapter. For the purpose of that documentation, the association may require, and may accept in good faith, a certification by the borrower identifying the persons, entities and interests described in the definition of one borrower in subsection 2.] *savings bank would be prohibited from making such a loan under federal law applicable to federal savings banks pursuant to 12 C.F.R. § 32.3.*

Sec. 97. NRS 673.3272 is hereby amended to read as follows:

673.3272 1. ~~{An association}~~ A *savings bank* may pay:

(a) Current or past-due taxes , ~~{or}~~ assessments *or other applicable fees* levied upon secured property;

(b) Insurance premiums;

(c) Life insurance premiums on policies that ~~{an association}~~ a *savings bank* may require to be assigned as additional collateral; or

(d) ~~{Other}~~ Any similar *or other* charges required for the protection *or preservation* of its investments ~~{-}~~ *or as necessary to discharge any lien.*

➡ Such payments shall be added to the unpaid loan balance and shall have the same secured status under the deed of trust provisions as the loan itself. No ~~{association}~~ *savings bank* may require, as a condition of loan approval or in the extension of any other service, that any kind of insurance coverage be purchased from or through the ~~{association}~~ *savings bank* or from any agency in which a director or officer of the corporation has any interest.

2. ~~{An association}~~ A *savings bank* may require advance monthly payments on:

(a) Principal.

(b) Interest.

(c) Taxes.

(d) Assessments.

(e) Insurance premiums.

(f) Other statutory charges accruing upon the secured property.

↪ ~~[Each]~~ *The amount of each such payment and the period over which payment will be made may be agreed upon by the parties. In the absence of such an agreement, each such payment may be equivalent to one-twelfth of the estimated annual amount due. Monthly charges may be adjusted to provide a reasonable method for the payment of estimated taxes, assessments, insurance premiums and other charges. Upon receipt thereof such payments may be carried in a separate trust account or they may be applied to the loan account as a credit upon receipt and debit when disbursed.*

Sec. 98. NRS 673.332 is hereby amended to read as follows:

673.332 1. ~~[An association]~~ *A savings bank may hold, manage and convey real property, including apartments and other buildings:*

(a) *Acquired at or by foreclosure of the real property or a conveyance in lieu of foreclosure; or*

(b) *Developed or built by the ~~[association]~~ savings bank.*

↪ ~~Unless the [association]~~ *savings bank has received a written waiver from the Commissioner, the total of money which it has advanced or committed for property which it has developed or built may not exceed twice the sum of its capital, surplus, undivided profits, loan reserve, federal insurance reserve and any other reserves specified by the Commissioner.*

2. ~~When [an association]~~ *a savings bank acquires title to any real property pursuant to subsection 1, the document representing the transaction must be recorded . ~~[immediately.]~~ This subsection does not require recordation of the evidences of any transfer of stock resulting from foreclosure of an interest in a cooperative housing corporation.*

~~[3. An appropriate real estate owned account must be set up for the property acquired and a separate subsidiary ledger or other appropriate record must be maintained therefor. The amount carried in the account must be the sum of the unpaid principal balance of the loan plus foreclosure costs, less any advance payments and any money held in the loans in process account at the time of acquisition, together with:~~

~~—(a) Any amounts paid after acquisition for real property taxes which have accrued before acquisition;~~

~~—(b) Assessments due or delinquent at the time of acquisition; and~~

~~—(c) Necessary acquisition costs and costs of insurance premiums.~~

~~4. The subsidiary ledger record or other appropriate record on each property acquired must indicate:~~

~~—(a) The type and character of the property acquired.~~

~~—(b) All capitalized items of investment with related costs.~~

~~—(c) Former loan or contract of sale account numbers.]~~

Sec. 99. NRS 673.340 is hereby amended to read as follows:

673.340 1. Any savings ~~[and loan association and any federal savings and loan association operating in this state]~~ *bank may issue [savings] deposit*

accounts or investment certificates to minors with the written consent of their parents, trustees or guardians, and to married persons, each in their own right.

2. Any payment thereon, or delivery thereof, or of any rights thereunder, to a minor of the age of 14 years or over, or to a married person, or a receipt or acquittance signed by the minor and parent, trustee or guardian or by a married person who holds such ~~{savings}~~ *deposit* accounts or investment certificates, is a valid and sufficient release and discharge of the ~~{association}~~ *savings bank* for any such payment or delivery.

Sec. 100. NRS 673.360 is hereby amended to read as follows:

673.360 1. A ~~{savings}~~ *deposit* account or investment certificate of any ~~{association, including a federal savings and loan association,}~~ *savings bank* may be purchased and held by any person as administrator, executor, guardian, or as trustee or other fiduciary, in trust for a named beneficiary or beneficiaries.

2. Any person holding a ~~{savings}~~ *deposit* account as a fiduciary may make payments upon, and withdraw, in whole or in part, the ~~{savings}~~ *deposit* account or investment certificate.

3. The withdrawal value of any such ~~{savings}~~ *deposit* account or investment certificate and interest thereon, or other rights relating thereto, may be paid or delivered to the fiduciary, and the payment or delivery to the fiduciary or a receipt or acquittance signed by the fiduciary, to whom any payment or delivery of rights is made, is a valid and sufficient release and discharge of the ~~{association}~~ *savings bank* for the payment or delivery so made.

Sec. 101. NRS 673.430 is hereby amended to read as follows:

673.430 1. Each ~~{association}~~ *savings bank* doing business in this State shall file annually with the Commissioner on or before March 1, a ~~{sworn statement in two sections,}~~ *report containing the information set forth in subsection 2.*

2. ~~{One section of the}~~ *The annual report must contain, in such form and detail as the Commissioner may prescribe, the following:*

(a) The amount of authorized capital by classes and the par value of each class of stock.

(b) A statement of its assets, liabilities and capital accounts as of the immediately preceding December 31.

(c) Any other facts which the Commissioner requires.

~~{This section must be furnished in duplicate, one certified copy to be returned for publication at least two times in a newspaper having a general circulation in each county in which the association maintains an office. Publication must be completed on or before May 1, and proof of publication must be filed in the Office of the Commissioner.}~~

~~{3. One section of the annual report must contain such other information as the Commissioner may require to be furnished. This section need not be published and, except as otherwise provided in NRS 239.0115, must be treated as confidential by the Commissioner.}~~

~~—4.]~~ 3. The Commissioner may impose and collect a fee of not more than \$10 for each day the annual report is overdue. The Commissioner shall adopt regulations establishing the amount of the fee that may be imposed pursuant to this subsection. Every ~~[association]~~ *savings bank* shall pay to the Commissioner for supervision and examination a fee based on the rate established pursuant to NRS 658.101.

~~[5. All sums received by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.]~~

Sec. 102. NRS 673.440 is hereby amended to read as follows:

673.440 Each such foreign or domestic *savings bank*, association, company or corporation shall cause to be supplied to the Commissioner at any time, upon his or her demand, any information which he or she may require as to its condition, affairs or methods.

Sec. 103. NRS 673.450 is hereby amended to read as follows:

673.450 1. The Commissioner may conduct or cause to be conducted such hearings, investigations or examinations of the books and records, wherever they may be, relating to the affairs of such organizations as he or she may deem expedient and in aid of the proper administration of the provisions of this chapter.

2. *Except as otherwise provided in NRS 673.480, all examination reports and all information obtained by the Commissioner in conducting hearings, investigations or examinations under the provisions of this chapter, including all related correspondence and memoranda, and information obtained by the Commissioner from other state or federal bank regulatory authorities with whom the Commissioner has entered into agreements for the confidential sharing of such information, and information obtained by the Commissioner relating to the examination and supervision of any corporation which is an affiliate of a savings bank is confidential and privileged information and must not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, court or other entity.*

3. *Any information submitted by a person to the Commissioner for any purpose under this chapter shall not be construed as waiving, destroying or otherwise affecting any privilege such person may claim with respect to such information under federal or state law as to any person or entity other than the Commissioner.*

4. In connection with the conduct of any hearing, investigation or examination, the Commissioner or other person designated by him or her to conduct it may:

(a) Compel the attendance of any person by subpoena.

(b) Administer oaths.

(c) Examine any person under oath concerning the business and conduct of affairs of any ~~[association]~~ *savings bank* subject to the provisions of this chapter, and require the production of any books, papers, records, money and securities relevant to the inquiry. Any willful false swearing is perjury and is punishable as such.

~~{3-}~~ 5. The Commissioner shall conduct at least once every 2 years an examination of the books and records of each ~~{association}~~ *savings bank* licensed under this chapter.

Sec. 104. NRS 673.451 is hereby amended to read as follows:

673.451 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his or her duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

- (a) Any ~~{association}~~ *savings bank*;
- (b) Any other person engaged in an activity regulated pursuant to the provisions of this chapter; and
- (c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination, the Commissioner or his or her authorized representatives must have and be given free access to the offices and places of business, files, safes and vaults of such persons.

3. The Commissioner may require the attendance of any person and examine him or her under oath regarding:

- (a) Any transaction or business regulated pursuant to the provisions of this chapter; or
- (b) The subject matter of any audit, examination, investigation or hearing.

Sec. 105. NRS 673.455 is hereby amended to read as follows:

673.455 1. The Commissioner may, at the time of examining a savings ~~{and loan association}~~ *bank*, inspect the books, ledgers and minutes of any corporation which is registered or required to be registered under section ~~{408 of the National Housing Act}~~ *5 of the Bank Holding Company Act of 1956, 12 U.S.C. § 1844, or section 10 of the Home Owners' Loan Act of 1933, 12 U.S.C. § 1467a*, as a holding company whenever, in his or her discretion, he or she considers it advisable to ascertain facts which may relate to transactions between the holding company and the affiliated ~~{association}~~ *savings bank*. The provisions of NRS 673.450 apply to the examination of such corporation.

2. Upon making findings to that end, the Commissioner may order the discontinuance of borrowing or lending, selling or buying of assets, extending credit or guaranteeing obligations of the holding company which has been undertaken without the written approval of the Commissioner.

3. No unreasonable supervisory fees may be imposed upon any ~~{association}~~ *savings bank* by a holding company which controls ~~{an association}~~ *the savings bank*.

Sec. 106. NRS 673.460 is hereby amended to read as follows:

673.460 1. Whenever in connection with an examination it is necessary or expedient that the Commissioner or his or her ~~{deputy}~~ *designee*, or both, leave this State, there must be assessed against the organization under examination a fee of not more than ~~{50 per day}~~ *the per diem allowance and*

travel expenses provided for state officers and employees generally for each person while ~~[without]~~ outside the State in connection with an examination, together with all actual and necessary expenses.

2. The fee charged must be remitted to the Commissioner . ~~[, who shall deposit the fees in the State Treasury pursuant to the provisions of NRS 658.091.~~

~~—3.]~~ The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section.

Sec. 107. NRS 673.470 is hereby amended to read as follows:

673.470 In lieu of making any examination, the Commissioner may accept any examination of any ~~[association]~~ *savings bank* made by the *Board of Governors of the Federal Reserve System*, any Federal Home Loan Bank ~~[Board, any Federal Home Loan]~~ or Federal Reserve Bank, or the Federal Deposit Insurance Corporation, or may examine any such institution in conjunction with the *Board of Governors of the Federal Reserve System*, a Federal Home Loan Bank ~~[Board, a Federal Home Loan]~~ or Federal Reserve Bank, or the Federal Deposit Insurance Corporation.

Sec. 108. NRS 673.480 is hereby amended to read as follows:

673.480 1. *Before disclosing or furnishing any document, report or information under this section, the Commissioner must determine that such document, report or information shall receive protection from further disclosure comparable to the protections provided by this chapter.*

2. The Commissioner, his or her agents and employees may furnish ~~[to the Federal Home Loan Bank Board, or to any Federal Home Loan Bank, or to examiners appointed by the Federal Home Loan Bank Board or any Federal Home Loan Bank, or to any federal loan agency, copies of any instruments concerning, and may disclose any information with reference to, the conditions or affairs of any such foreign or domestic association, company or corporation.]~~ *all or any part of an examination report, work paper, supervisory agreement or directive, order or other information obtained in the conduct of a hearing, investigation or examination under the provisions of this chapter to:*

(a) *An agency of the Federal Government or of another state empowered to examine or supervise a savings bank, a bank holding company or savings and loan holding company owning a savings bank, or a subsidiary of such holding company;*

(b) *An official empowered to investigate criminal charges subject to legal process, valid search warrant or subpoena, provided that the Commissioner may only furnish that part of any document or report which is necessary and pertinent to the investigation, and the Commissioner may do this only after notifying the affected savings bank and any customer of the savings bank who is named in such part of the document or report ordered to be furnished unless the official requesting the document or report first obtains a waiver of the notice requirement from a court of competent jurisdiction for good cause;*

(c) *The examined savings bank or holding company thereof;*

(d) A receiver or liquidator appointed pursuant to this chapter; or

(e) The court in a proceeding initiated by the Commissioner concerning the savings bank if the Commissioner first provides such notice to the savings bank as will afford the savings bank an opportunity to object or to seek a protective order.

3. Except as otherwise provided in subsections 4 and 5, all documents, reports and information furnished by the Commissioner pursuant to this section remain the property of the Division of Financial Institutions, and no person, agency or authority to whom such documents, reports or information are made available, or any officer, director or employee thereof, may disclose any of the documents, reports or information contained therein, except in published statistical material that does not disclose the affairs of any natural person or corporation.

4. An examination report made by the Division of Financial Institutions is designed for use in the supervision of a savings bank. The report shall remain the property of the Commissioner and will be furnished to the savings bank solely for its confidential use. The savings bank may disclose the report or relevant portions thereof to any of its directors, officers, employees, agents or affiliates as necessary and appropriate in the conduct of its affairs. Under no circumstances may the savings bank or any of its directors, officers, employees, agents or affiliates disclose or make public in any manner the report or any portion thereof to any person or organization not connected with the savings bank as officer, director, employee, attorney, auditor or candidate for executive office with the savings bank or its holding company. The savings bank may also, after execution of an agreement not to disclose information in the report, disclose the report or relevant portions thereof to a party proposing to acquire or merge with the savings bank.

5. Except for an examination report as provided in subsection 4, a savings bank may disclose any document, report or information provided by the savings bank to the Commissioner and any document, report or information received by the savings bank from the Commissioner to any of its directors, officers, employees, agents or affiliates as necessary and appropriate in the conduct of its affairs.

6. A savings bank, a bank holding company or a savings and loan holding company owning a savings bank, or a subsidiary of such a holding company, does not violate this section by complying with a duty to report to the Securities and Exchange Commission, including, without limitation, by disclosing any order of the Commissioner pursuant to such a duty.

Sec. 109. NRS 673.483 is hereby amended to read as follows:

673.483 1. Each ~~association~~ savings bank shall, at least once each year, cause its books and accounts to be audited at its own expense by a certified public accountant or firm of such accountants selected by the ~~association~~ savings bank and approved by the Commissioner.

2. The Commissioner may prescribe the scope of the audit.

3. A certified copy of the audit, including the management and internal control letters relating to the audit, must be furnished to the Commissioner.

Sec. 110. NRS 673.4835 is hereby amended to read as follows:

673.4835 Each ~~{association}~~ *savings bank* shall pay the assessment levied pursuant to NRS 658.055 and cooperate fully with the audits and examinations performed pursuant thereto.

Sec. 111. NRS 673.484 is hereby amended to read as follows:

673.484 The Commissioner may after notice and hearing suspend or revoke the charter of any ~~{association}~~ *savings bank* for:

1. Repeated failure to abide by the provisions of this chapter or the regulations adopted thereunder.

2. Failure to pay a tax as required pursuant to the provisions of chapter 363A or 363C of NRS.

Sec. 112. NRS 673.4845 is hereby amended to read as follows:

673.4845 1. ~~{An association}~~ *A savings bank* may reorganize, merge or consolidate with another state or federal ~~{association,}~~ *savings bank, national bank, state bank or other insured depository institution*, if the reorganization, merger or consolidation is based upon a plan which has been adopted by the board of directors and approved at a regular or special stockholders' meeting which has been called to consider the action. The approval must rest on a favorable vote of a majority of the voting power of the ~~{association}~~ *savings bank* as established by its articles.

2. Any such plan for reorganization, merger or consolidation must be approved by the Commissioner, who shall satisfy himself or herself that the plan, if approved, would be equitable for the stockholders of the affected ~~{association or associations}~~ *savings bank and other institutions subject to his or her jurisdiction* and would not impair the usefulness or success of other properly conducted ~~{associations}~~ *savings banks* in the community. In submitting an application for approval of any such plan, each ~~{association}~~ *savings bank* proposing to reorganize, merge or consolidate must provide a comprehensive review of its present financial statement and a projected view of the financial statement of the reorganized, merged or consolidated ~~{association,}~~ *savings bank, bank or other depository institution*.

3. Unless its action is specifically authorized by or taken in conformity with this chapter, no ~~{association}~~ *savings bank* may, directly or indirectly:

(a) Reorganize, merge or consolidate.

(b) Assume liability to pay ~~{savings}~~ *deposit* accounts or other liabilities of any financial institution or any other organization, person or entity.

(c) Transfer assets to any financial institution or any other organization, person or entity in consideration of the transferee's assumption of liability for any portion of the transferor's ~~{savings}~~ *deposit* accounts, deposits or other liability.

(d) Acquire the assets of any financial institution or any other organization, person or entity.

4. Each application which is made under this section must be accompanied by a fee payment of not more than \$300. The responsibility for payment of the fee must be shared equally by the ~~{associations}~~ *savings bank* participating in each proposed plan.

5. The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section.

Sec. 113. NRS 673.485 is hereby amended to read as follows:

673.485 1. If the Commissioner finds as the result of any examination or from any report made to him or her or to any ~~{association}~~ *savings bank* doing business in this state or from any report made to any of its investors that the ~~{association}~~ *savings bank* is violating the provisions of its articles of incorporation, charter, bylaws, or any law of this state, or is conducting its business in an unsafe or injurious manner, he or she may by an order addressed to such ~~{association}~~ *savings bank* direct a discontinuance of such violations or unsafe or injurious practices and a conformity with all the requirements of law.

2. If ~~{an association}~~ *a savings bank* does not comply with such order, the Commissioner may order the corporate secretary to call a special directors' meeting to consider the matter of noncompliance.

3. The meeting must be held no later than 60 days after issuance of the order to hold the meeting, unless otherwise restrained by court order or by the board. The business of the meeting must be limited to the matter of noncompliance and remedies therefor and the notice of such meeting must set forth in detail the Commissioner's discontinuance order and order to call a directors' meeting.

4. Action taken at the meeting is binding upon the officers of the ~~{association}~~ *savings bank*.

Sec. 114. NRS 673.595 is hereby amended to read as follows:

673.595 1. ~~{A foreign association}~~ *Except as otherwise provided in this section, a foreign savings bank shall be considered a savings bank subject to the provisions of this chapter for the purpose of engaging in any activities for which a license or other approval by the Commissioner is required pursuant to this chapter, except that a foreign savings bank whose activities are limited to any one or more of those enumerated in NRS 80.015 need not be licensed under this chapter.*

2. ~~{Except as otherwise provided in chapter 666 of NRS and NRS 666A.010 to 666A.400, inclusive, a foreign association may not solicit or accept deposits in this state, but if it was licensed before July 1, 1985, under the provisions of this section then in force, it may renew that license annually subject to all the provisions, and upon payment of the fee, then in force.}~~ *A foreign savings bank organized under the laws of another state or the United States which is insured by the Federal Deposit Insurance Corporation may operate in this State in accordance with the provisions of this chapter on the same terms as a savings bank organized under this chapter, but only to the extent that the laws of the state under which the foreign savings bank is*

organized permit a savings bank organized under this chapter to operate in accordance with the laws of that state on the same terms as the foreign savings bank.

3. *A foreign savings bank organized under the laws of another state or the United States which is insured by the Federal Deposit Insurance Corporation may establish one or more service offices within this State as allowed by this chapter, but only to the same extent, and subject to the same restrictions, that the laws of the state under which the foreign savings bank is organized allows a savings bank organized under this chapter to establish and maintain one or more service offices within that state.*

Sec. 115. NRS 673.597 is hereby amended to read as follows:

673.597 1. If any *savings bank*, association, company or corporation organized or incorporated under the laws of any governing body other than the State of Nevada is doing business in this state under the provisions of this chapter, and the laws of the other governing body conflict with any of the provisions of this chapter, the provisions of the laws of this governing body prevail as to each conflict.

2. Whenever any foreign organization follows a course or performs any act which is forbidden to any domestic organization under the terms of this chapter, it shall report to the Commissioner all of the facts relating thereto.

Sec. 116. NRS 673.600 is hereby amended to read as follows:

673.600 Any savings ~~{and loan association eligible to become a member of the Federal Home Loan Bank,}~~ bank may convert itself into a federal savings ~~{and loan association}~~ bank pursuant to the Home Owners' Loan Act of 1933, 12 U.S.C. §§ 1461 to 1468, inclusive, *a national bank pursuant to the National Bank Act, 12 U.S.C. §§ 214 to 214d, inclusive, or a state bank pursuant to title 55 of NRS*, with the same effect as though originally incorporated under ~~{that}~~ the act ~~{,}~~ or title, as applicable, and the proceedings to effect the conversion shall be as outlined in NRS 673.610 to 673.640, inclusive.

Sec. 117. NRS 673.620 is hereby amended to read as follows:

673.620 1. At a meeting of the stockholders held as provided in NRS 673.610, the stockholders may, by the affirmative vote of the majority of the stockholders present, in person or by proxy, declare by resolution the determination to convert the ~~{state company, association or corporation}~~ savings bank into a federal savings ~~{and loan association,}~~ bank, national bank or state bank.

2. A copy of the minutes of the meeting, verified by the affidavit of the president or vice president and the secretary of the meeting, must be filed in the Office of the Commissioner within 10 days after the date of the meeting. The sworn copy of the proceedings of the meeting, when so filed, is presumptive evidence of the holding and the action of the meeting.

Sec. 118. NRS 673.630 is hereby amended to read as follows:

673.630 1. After the holding of the meeting of stockholders, the ~~{state company, association or corporation}~~ savings bank shall take such action, in

the manner prescribed or authorized by the laws of the United States or the rules and regulations promulgated pursuant thereto, as shall make it a federal savings ~~and loan association,~~ *bank, national bank or state bank*, and there shall thereupon be filed in the Office of the Commissioner a copy of the charter of authorization issued to the ~~association,~~ *institution* by the appropriate supervising ~~federal,~~ regulatory body or a certificate showing the organization of the ~~association,~~ *institution* as a federal savings ~~and loan association,~~ *bank, national bank or state bank, as applicable*, certified by the appropriate supervising ~~federal,~~ regulatory body. Upon filing with the Commissioner, the ~~association,~~ *institution* ceases to be a ~~state,~~ savings ~~and loan association,~~ *bank*, but retains all rights, privileges and exemptions of a domestic ~~association,~~ *institution* of the same kind and character ~~[-] of its resulting charter.~~

2. A fee of not more than ~~[\$40]~~ \$100 must accompany the copy of the charter of authorization.

3. Federal ~~associations,~~ *savings banks* so converted and their members are subject to the same form of taxation and on the same basis as ~~state associations,~~ *savings banks and their stockholders, and national banks so converted and their members are subject to the same form of taxation and on the same basis as state banks* and their stockholders.

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

Sec. 119. NRS 673.640 is hereby amended to read as follows:

673.640 1. At the time when the conversion becomes effective, the ~~company, association or corporation,~~ *savings bank* shall cease to be supervised by this state ~~[-] pursuant to this chapter,~~ but shall continue as a body corporate converted pursuant to the provisions of the Home Owners' Loan Act of 1933 , *the National Bank Act or title 55 of NRS, as applicable*, and subject to examination and regulation pursuant to ~~that act,~~ *the act or title, as applicable.*

2. All the property of the ~~state company, association or corporation,~~ *savings bank*, including all its right, title and interest in and to all property of whatever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest and asset of any conceivable value of benefit then existing, belonging or pertaining to it, or which would inure to it, shall immediately by operation of law, and without any conveyance or transfer, and without any further act or deed be vested in and become the property of the federal savings ~~and loan association.~~ *The federal savings and loan association,* *bank, national bank or state bank, as applicable.* Such institution shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by the ~~state company, association or corporation,~~ *savings bank.*

3. The federal savings ~~and loan association,~~ *bank, national bank or state bank, as applicable*, as of the time of taking effect of such conversion shall

succeed to all the rights, obligations and relations of the ~~{state company, association or corporation}~~ *savings bank*.

Sec. 120. NRS 673.650 is hereby amended to read as follows:

673.650 ~~{Any}~~ A federal savings ~~{and loan association}~~ *bank, national bank or state bank* may convert itself into a savings ~~{and loan association}~~ *bank* under the laws of this State upon a vote of 51 percent or more of the votes of members of the ~~{federal savings and loan association}~~ *converting institution* cast at any regular or special meeting called to consider the action.

Sec. 121. NRS 673.660 is hereby amended to read as follows:

673.660 At the meeting the members shall also vote upon the directors who shall be the directors of the savings ~~{and loan association}~~ *bank* after conversion takes effect, to hold office until the next annual meeting and until their successors are elected and qualified.

Sec. 122. NRS 673.670 is hereby amended to read as follows:

673.670 Copies of the minutes of the proceedings of the meeting, verified by the affidavit of the president or vice president and the secretary or an assistant secretary, must be filed in the Office of the Commissioner and, in duplicate, with the Federal Home Loan Bank *or Federal Reserve Bank* of which the ~~{association is a member}~~ *savings bank is a member and, for a federal savings bank or national bank which converts to a savings bank, the Office of the Comptroller of the Currency*, within 10 days after the meeting.

Sec. 123. NRS 673.690 is hereby amended to read as follows:

673.690 1. After the meeting, the ~~{federal association}~~ *converting institution* shall take such action in the manner prescribed and authorized by the laws of this state as shall make it a savings ~~{and loan association}~~ *bank* of this state, and the directors elected at the meeting shall file such documents and follow such procedures as are required by the laws of this state in the case of the original incorporation of a savings ~~{and loan association}~~ *bank*.

2. A savings ~~{and loan association}~~ *bank* incorporated by conversion from a federal savings ~~{and loan association}~~ *bank, national bank or state bank* shall not be required to comply with any of the provisions of law or any regulation adopted by the Commissioner relating to the minimum amounts of capital required to be subscribed in connection with the original incorporation of a savings ~~{and loan association}~~ *bank* under the laws of this state.

Sec. 124. NRS 673.700 is hereby amended to read as follows:

673.700 The directors may, if they so desire, insert in the articles of incorporation the following statement: "This ~~{association}~~ *savings bank* (company or corporation) is incorporated by conversion from a federal savings ~~{and loan association}~~ *bank, national bank or state bank, as applicable.*"

Sec. 125. NRS 673.710 is hereby amended to read as follows:

673.710 Within 10 days after the filing of the articles of incorporation with the Secretary of State, there shall be filed with the Federal Home Loan Bank *or Federal Reserve Bank* of which such ~~{association}~~ *savings bank* is a member two copies of the articles of incorporation, certified by the Secretary of State.

Sec. 126. NRS 673.720 is hereby amended to read as follows:

673.720 Upon the filing of the articles of incorporation with the Secretary of State, the ~~{association} institution~~ ceases to be a federal savings ~~{and loan association} bank, national bank or state bank, as applicable,~~ and thereafter is a savings ~~{and loan association} bank~~. All of the property of the ~~{association,} savings bank,~~ including all of its right, title and interest in and to all property of every kind and character, whether real, personal or mixed, immediately by operation of law, without any conveyance or transfer and without any further act or deed, vests in the ~~{association} savings bank~~ under its new name and style as a savings ~~{and loan association,} bank,~~ and under its new jurisdiction.

Sec. 127. NRS 673.730 is hereby amended to read as follows:

673.730 The savings ~~{and loan association} bank~~ shall have, hold and enjoy the property mentioned in NRS 673.720 in its own right as fully and to the same extent as the property was possessed, held and enjoyed by it as a federal savings ~~{and loan association,} bank, national bank or state bank,~~ and the savings ~~{and loan association} bank~~ continues to be responsible for all of the obligations of the ~~{federal savings and loan association} institution before its conversion~~ to the same extent as though the conversion had not taken place. It is expressly declared that the savings ~~{and loan association} bank~~ is merely a continuation of the ~~{federal savings and loan association} institution before its conversion~~ under a new name, a new jurisdiction and such revision of its corporate structure as may be considered necessary for its proper operation under the new jurisdiction.

Sec. 128. NRS 673.740 is hereby amended to read as follows:

673.740 Every executor, administrator, trustee, guardian, receiver, fiduciary, public corporation, political subdivision, public instrumentality, charitable, educational and eleemosynary institution, bank, savings bank, trust company, financial institution, insurance company, or cemetery association, without the necessity of obtaining court approval, may:

1. Vote in person or by proxy in favor of converting a federal savings ~~{and loan association} bank, national bank or state bank~~ into a savings ~~{and loan association,} bank,~~ or may approve the determination so to convert.

2. Exchange any shares, share accounts or other rights or claims for securities issued by the savings ~~{and loan association,} bank,~~ and may continue to hold as a legal investment any securities so received.

Sec. 129. NRS 673.750 is hereby amended to read as follows:

673.750 Every federal savings ~~{and loan association} bank~~ incorporated under the provisions of the Home Owners' Loan Act of 1933, 12 U.S.C. §§ 1461 to 1468, inclusive, as amended or supplemented, having its principal place of business in the State of Nevada, and the holders of shares or share accounts issued by the ~~{association,} federal savings bank,~~ respectively, have all the rights, powers and privileges, and are entitled to the same exemptions and immunities granted, respectively, to savings ~~{and loan associations} banks~~ organized under the laws of this State and to the holders of ~~{savings} deposit~~

accounts, investment certificates or guaranty stock of ~~{state associations,}~~ *savings banks*.

Sec. 130. NRS 673.777 is hereby amended to read as follows:

673.777 "Designated reporter" means a person designated by ~~{an association}~~ *a savings bank* to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to NRS 673.807.

Sec. 131. NRS 673.803 is hereby amended to read as follows:

673.803 1. Each ~~{association}~~ *savings bank* shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each director, officer and employee of the ~~{association}~~ *savings bank* who:

(a) May, as part of his or her regular duties for the ~~{association,}~~ *savings bank*, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the director, officer or employee is employed by the ~~{association}~~ *savings bank* or assumes the position.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. A director, officer or employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his or her scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.

Sec. 132. NRS 673.807 is hereby amended to read as follows:

673.807 1. Each ~~{association}~~ *savings bank* shall designate a person or persons to whom a director, officer or employee of the ~~{association}~~ *savings bank* must report known or suspected exploitation of an older person or vulnerable person.

2. If a director, officer or employee reports known or suspected exploitation of an older person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person to:

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

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

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

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

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. If a director, officer or employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable.

5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

6. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

7. A director, officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 133. NRS 673.810 is hereby amended to read as follows:

673.810 Any person who knowingly makes, utters, circulates or transmits to another, or others, any statement untrue in fact, derogatory to the financial

condition of any such ~~[association]~~ *savings bank* doing business in this state, with intent to injure the ~~[association]~~, *savings bank*, or who counsels, aids, procures or induces another to originate, make, utter, transmit or circulate any such statement or rumor, with like intent, is guilty of a misdemeanor.

Sec. 134. NRS 673.820 is hereby amended to read as follows:

673.820 In addition to any other remedy or penalty:

1. Any ~~[association]~~ *savings bank* which violates any provisions of this chapter or fraudulently misrepresents the terms of any contract or of any securities, and thereby secures a sale therefor, shall be punished by an administrative fine of not more than \$10,000 and forfeiture and revocation of all licenses issued to it under the provisions of this chapter.

2. The Commissioner may impose an administrative fine of not more than \$10,000 upon a person who:

(a) Without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter; or

(b) Violates any provision of this chapter or any regulation adopted pursuant thereto.

Sec. 135. NRS 673.840 is hereby amended to read as follows:

673.840 Any person doing business in this state, as described in NRS 673.070, who:

1. Sells or offers for sale within this state any securities of any company, ~~[association]~~ *savings bank* or corporation which has not received the license provided for in NRS 673.080 and 673.250; or

2. ~~[Fails to secure the license provided for in NRS 673.270; or~~

~~—3—~~ Fails to pay a fee or penalty as provided in NRS 673.430,

↪ is guilty of a misdemeanor for each such violation.

Sec. 136. NRS 673.850 is hereby amended to read as follows:

673.850 The revocation of any license issued under any of the provisions of this chapter shall, from the date of such revocation, place the ~~[association]~~ *savings bank* to whom it was issued in the same legal status and subject to the same prohibitions and penalties as one to whom no license has been issued.

Sec. 137. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,

213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, ~~673.430~~, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159,

711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 138. NRS 659.125 is hereby amended to read as follows:

659.125 1. A business entity may not be organized under the laws of this State with the words "bank" or "banking" as part of its name except corporations or limited-liability companies subject to regulation pursuant to chapters 657 to 668, inclusive, 673 or 677 of NRS, or corporations under the regulation of the Commissioner of Insurance. A corporate or company name must not be amended to include the words "bank" or "banking" unless the corporation or company is under such regulation.

2. Except as otherwise provided in ~~subsections~~ *subsection 3*, ~~and 4~~ a natural person, association, firm or corporation domiciled within this State, except a national bank or a banking corporation subject to regulation pursuant to chapters 657 to 668, inclusive, 673 or 677 of NRS, or under the regulation of the Commissioner of Insurance, may not advertise or put forth any sign as

bank, banking or banker or use the word "bank," "banking" or "banker" as part of its name and title.

~~3. [A savings and loan association subject to the provisions of chapter 673 of NRS may use the words "savings bank" or "bank" as part of its name and title if the use of those words is permitted by the Federal Home Loan Bank Board.~~

~~4.]~~ A thrift company subject to the provisions of chapter 677 of NRS may use the words "savings bank" as part of its name if its deposits are federally insured.

~~{5.}~~ 4. Any person who violates any of the provisions of this section shall be fined not more than \$500 for each offense.

Sec. 139. Section 11 of the Las Vegas Valley Water District Act, being chapter 167, Statutes of Nevada 1947, as last amended by chapter 368, Statutes of Nevada 1987, at page 842, is hereby amended to read as follows:

Sec. 11. 1. All money belonging to or in the custody of the Water District, other than money in the pension fund, must, so far as possible, be deposited in such state or national bank or banks in this state as the Treasurer or other officer of the Water District having legal custody of the money selects. The money is subject to withdrawal at any time on demand of the treasurer or other authorized officer, subject to his or her compliance with any order, directive or policy established by the Board.

2. To secure those deposits the depositary shall deliver to the Treasurer of the Water District a bond of a corporate surety qualified to act as sole surety on bonds or undertakings required by the laws of this state, and approved by the insurance commissioner as a company possessing the qualifications required for the purpose of the transacting a surety business within this state. The penal amount of the bond must at no time be less than the amount of money deposited by the Water District with the depositary. The bond must guarantee the full repayment to the water district or the payment to its order of all money so deposited, together with interest thereon. The premium for the bond may be paid out of the money so deposited or the Board of directors may require that it be paid by the depositary.

3. The depositary may, in lieu of corporate surety bond:

(a) Deposit with the Treasurer of the Water District treasury notes or United States bonds, or other securities which are legal investments for banks in this state, the market value of which must at all times equal the amount of money deposited and the securities must be placed by the Treasurer in escrow in a bank other than the depositary of the money of the District; or

(b) With the prior approval of the Board of Directors, pool the District's securities with those from other public agencies, to secure deposits if adequate securities are provided for the entire deposit.

4. If the depositary fails to repay the money to the District on demand, or to pay the money to its order, the securities placed in escrow must be redelivered to the Treasurer and may be sold by the Treasurer with or without notice, and the proceeds thereof used to reimburse the District. The Treasurer, or other officer of the District having legal custody of its money, may deposit the money, in whole or in part, in any bank, ~~for~~ savings and loan association ~~for~~ *or savings bank*, whose deposits are insured by an agency of the Federal Government. The Treasurer may deposit the money in the same manner and under the same conditions as may be applicable to the deposit of state, county or municipal money by the legal custodians thereof. The Treasurer or other officer shall at all times comply with any order, directive or policy determination with respect to those deposits which may be established by the Board.

Sec. 140. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to the term "savings and loan association" to include "or savings bank."

2. In preparing supplements to the Nevada Administrative Code, appropriately:

(a) Substitute the term "savings bank" for the terms "savings and loan association" and "association" as previously used in chapter 673 of NAC; and

(b) Change any references to the term "savings and loan association" to include "or savings bank" in the remainder of the Nevada Administrative Code.

Sec. 141. NRS 673.005, 673.007, 673.009, 673.011, 673.012, 673.013, 673.014, 673.015, 673.0165, 673.019, 673.021, 673.022, 673.023, 673.024, 673.025, 673.026, 673.027, 673.031, 673.032, 673.042, 673.050, 673.110, 673.213, 673.217, 673.270, 673.273, 673.274, 673.275, 673.281, 673.317, 673.3171, 673.319, 673.3191, 673.320, 673.330, 673.331, 673.333, 673.336, 673.377, 673.380, 673.390, 673.420, 673.495, 673.497, 673.499, 673.515, 673.525, 673.535, 673.545, 673.565, 673.575, 673.576, 673.577, 673.580 and 673.590 are hereby repealed.

Sec. 142. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

673.005 "Combination home and business structure" defined.

673.007 "Dividend" defined.

673.009 "Gross income" defined.

673.011 "Home" defined.

673.012 "Home loan" defined.

673.013 "Home property" defined.

673.014 "Impaired condition" defined.

673.015 "Improved real estate" defined.

673.0165 "Interest" defined.

673.019 "Net earnings" defined.

- 673.021 "Net earnings available for dividends" defined.
- 673.022 "Operating expenses" defined.
- 673.023 "Operating income" defined.
- 673.024 "Other real estate loan" defined.
- 673.025 "Real estate expenses" defined.
- 673.026 "Real estate income" defined.
- 673.027 "Real estate loan" defined.
- 673.031 "Savings account" defined.
- 673.032 "Savings liability" defined.
- 673.042 Biennial report of Commissioner: Contents; distribution.
- 673.050 Proceedings in court to test validity of action by Commissioner or Director.
- 673.110 Procedure for removing "and loan" from name of domestic association.
- 673.213 Directors: Compensation and expenses.
- 673.217 Statement of purchases and sales of real estate and loans made or purchased to be considered at regular meeting and made part of minutes.
- 673.270 Licensing of salespersons and solicitors; fees; regulations; withdrawal of applications.
- 673.273 Stock, surplus, undivided profits and reserves to include percentage of value of outstanding investment certificates; dividends on permanent stock; stock dividends.
- 673.274 Acts prohibited when stock, surplus, undivided profits and reserves below amount specified.
- 673.275 Impairment of stock; levy of assessment to repair deficiency; reduction of stock.
- 673.281 Restrictions on transfer or encumbrance of note and other obligations held by association.
- 673.317 Approval of appraiser by Commissioner required; limitations; revocation; notice of termination of services.
- 673.3171 Appraisal of real estate required before granting loan; requirements.
- 673.319 Specific loss reserve; determination of values by Commissioner.
- 673.3191 Reserve for uncollected interest.
- 673.320 Associations empowered to insure accounts.
- 673.330 Limitation on charge for prepayment of loan.
- 673.331 Loans prohibited on security of association's own stock.
- 673.333 Apportionment of earnings and payment of interest; determination of percentage rate of declaration; classes of savings accounts; notice of change in method of calculating interest.
- 673.336 Restrictions on declaration of dividends.
- 673.377 Minimum required available cash, deposits and securities; making and purchasing loans prohibited when minimum not met.
- 673.380 Procedure when requests for withdrawals exceed amount available.

673.390 Order of payment of withdrawals.

673.420 Notice to Commissioner of inability to pay request for withdrawal on file more than 60 days.

673.495 Conservator: Appointment by Commissioner; district court confirmation.

673.497 Powers of conservator; limitations; expenses; compensation.

673.499 Receiver: Appointment by Commissioner; court confirmation; powers and authority; compensation.

673.515 Appeal from judgment enjoining Commissioner or dismissing action to enjoin; bond.

673.525 Penalty for failure to comply with Commissioner's demand for possession of property, business and assets.

673.535 Enforcement by sheriff of demand for possession of property, business and assets; written demand for assistance; duty to enforce.

673.545 Delivery of schedule of property, assets and collateral to Commissioner; examination of directors, officers or employees by Commissioner.

673.565 Appointment of custodian; bond.

673.575 Collection of money; preservation of assets.

673.576 Powers of Commissioner when in possession of business, property and assets.

673.577 Claims for damages from disaffirmance of executory contract or lease.

673.580 Procedure upon taking possession of insured association: Federal Deposit Insurance Corporation as liquidator or coliquidator.

673.590 Delivery of remaining assets to stockholders.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 47 makes several changes to Senate Bill No. 81. The amendment makes technical changes to sections 11, 13, 14, 44, 67, 70, 118, 119 and 138 of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 86.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 246.

SUMMARY—~~[Requires]~~ Authorizes the provision of instruction in cursive handwriting to pupils enrolled in elementary school. (BDR 34-200)

AN ACT relating to education; ~~[requiring]~~ authorizing the provision of instruction in cursive handwriting in all public elementary schools in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the academic subjects, standards and courses of study for the public schools in this State. (Chapter 389 of NRS) This bill

~~requires the provision of~~ authorizes the board of trustees of a school district and the governing body of a charter school that operates as an elementary school to ensure that instruction in cursive handwriting is provided to pupils enrolled in elementary school. ~~(The)~~ If provided, the instruction must be designed to ensure that a pupil will be able to create readable documents through legible cursive handwriting by the completion of the third grade.

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 a new section to read as follows:

1. *The board of trustees of each school district and the governing body of each charter school that operates as an elementary school ~~(shall)~~ may ensure that instruction in cursive handwriting is provided to pupils enrolled in each elementary school within the school district or in the charter school, as applicable. ~~(The)~~ If provided, the instruction must be designed to ensure that a pupil is able to create readable documents through legible cursive handwriting by the completion of the third grade.*

2. *The State Board may adopt regulations prescribing standards for the instruction in cursive handwriting required by subsection 1.*

Sec. 2. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 246 to Senate Bill No. 86 makes the teaching of cursive writing optional in school districts and charter schools.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 244.

SUMMARY—Requires each public school in a school district to establish and maintain a school library. (BDR 34-59)

AN ACT relating to education; requiring each public school in a school district, including charter schools, to establish and maintain a school library that meets certain standards; requiring the State Board of Education to adopt regulations prescribing the minimum standards for a school library; providing certain exceptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district to purchase all new library books which are necessary and have been approved by the State Board of Education to carry out the mandates of the school curriculum to be

used by the pupils of the school district. (NRS 393.170) With certain exceptions, existing law also requires a school district to spend in each school year a certain amount of money on library books. (NRS 387.207)

This bill requires each public school in a school district , including a charter school, to establish and maintain a school library that ~~has a licensed librarian and~~ provides library services to the pupils, teachers and administrators of the school. This bill ~~also~~ requires the State Board of Education to adopt regulations that prescribe the minimum requirements for a school library. This bill also requires each school library to have a licensed librarian unless: (1) the school is a charter school and the governing body of the charter school determines that the school library should not have a licensed librarian; (2) the school is unable to employ a licensed librarian and is granted permission by the superintendent of schools of the school district to share the cost of employing a licensed librarian with another such school; or (3) the school or school district is located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), is unable to employ a licensed librarian and receives an exemption from the Department of Education.

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

Section 1. Chapter 393 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each public school in a school district , including, without limitation, each charter school, shall establish and maintain a school library that:

(a) ~~Has~~ Except as otherwise provided in subsections 3 to 6, inclusive, has a librarian who is licensed by the Superintendent of Public Instruction;

(b) Provides library services to the pupils, teachers and administrators of the school; and

(c) Meets or exceeds any minimum requirements established by regulation by the State Board.

2. The State Board shall adopt regulations that prescribe the minimum requirements for a school library established pursuant to subsection 1. The regulations must include, without limitation:

(a) The minimum number of books, computers and other equipment that must be maintained at the library; ~~and~~

(b) The type of facilities and the minimum amount of space that must be reserved for the library ~~+~~; and

(c) Methods for providing library services, to the greatest extent possible, to pupils in a public school for which physical space for such a library may be impracticable, including, without limitation, a school with a limited number of rooms substantially all of which are used for instruction or a school which provides instruction through programs of distance education.

3. The governing body of each charter school shall determine whether the school library required to be established and maintained by the charter school

pursuant to subsection 1 must have a librarian who is licensed by the Superintendent of Public Instruction.

4. If two public schools within a school district are each unable to employ a librarian who is licensed by the Superintendent of Public Instruction, the two public schools may jointly apply to the superintendent of schools of the school district to share the cost of employing one librarian who is licensed by the Superintendent of Public Instruction to provide support to both public schools.

5. A public school located in a county whose population is less than 100,000 that is unable to employ a librarian who is licensed by the Superintendent of Public Instruction may apply to the Department for an exemption from the requirement of paragraph (a) of subsection 1. Unless the board of trustees of the school district in which the public school is located has applied for and received an exemption from the Department pursuant to subsection 6 which is currently in effect, the Department shall notify the school district if the Department grants an exemption pursuant to this subsection and direct the school district to employ one or more librarians who are licensed by the Superintendent of Public Instruction to provide support to the public schools within the school district which have been granted the exemption.

6. A school district in a county whose population is less than 100,000 that is unable to employ a librarian who is licensed by the Superintendent of Public Instruction may apply to the Department for an exemption from the requirement of subsection 5 to employ one or more librarians for public schools granted an exemption pursuant to that subsection. When granting an exemption pursuant to this subsection, the Department may, upon consideration of all the circumstances occurring within or affecting the school district, impose conditions or requirements upon the school district or offer support to the school district to ensure that the pupils of the school district receive, to the greatest extent possible, the services that would otherwise be provided by a librarian who is licensed by the Superintendent of Public Instruction.

7. An application granted by the superintendent of schools of a school district pursuant to subsection 4 or an exemption granted by the Department pursuant to subsection 5 or 6 expires at the end of the biennium in which the application or exemption is granted.

8. As used in this section:

(a) "Library services" means lending library books and other materials for use inside and outside of a school for a reasonable period of time at no charge.

(b) "Program of distance education" has the meaning ascribed to it in NRS 388.829.

(c) "School library" means an area or group of areas inside a school containing library books and other materials, including, without limitation, paperback and hardcover books.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. This act becomes effective:

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

2. On July 1, 2017, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 244 to Senate Bill No. 143 adds charter schools to the library requirement and allows their governing bodies to determine if a licensed Librarian is required, it provides exceptions for on-line schools and those limited space, allows one Librarian to serve two schools with the approval of the District Superintendent and allows schools and school districts in counties with fewer than 100,000 residents to apply for an exemption and to have a school district employ one or more Librarians to serve multiple schools.

Amendment adopted.

Senator Parks moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 164.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 242.

SUMMARY—Authorizes a school district to lease school buses or vehicles belonging to the school district in certain circumstances. (BDR 34-668)

AN ACT relating to education; authorizing a school district to lease school buses or vehicles belonging to the school district in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district to allow school buses or vehicles belonging to the school district to be used for the transportation of public school pupils and children in certain circumstances. (NRS 386.790, 386.815) This bill authorizes a board of trustees to enter into a written agreement to lease school buses or vehicles belonging to the school district for special events taking place within the county in which the school district is located when a commercial bus is not reasonably available under certain circumstances. This bill also requires that any such agreement include provisions requiring the lessee to: (1) provide a security deposit; (2) pay a fee for the use of the school bus or vehicle; (3) accept responsibility for any damage to the bus or vehicle; (4) provide indemnification to the lessor school district and the school district's bus driver against any claim; (5) ~~present~~ provide proof that each driver is licensed under the laws of this State and proof of insurance; ~~(6) provide proof of a permit or other approval for the special event, if required by a governmental entity; and~~ ~~((6))~~ (7) give preference to hiring a driver who is employed by the school district. Additionally, this bill limits the number of school buses and vehicles a school district may lease

during any period of time to not more than 8.5 percent of the total number of school buses and vehicles belonging to that school district.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The board of trustees of a school district may, except as otherwise provided in ~~subsection~~ subsections 5 ~~and~~ 6, authorize the school district to enter into a written agreement to lease school buses or vehicles belonging to the school district for special events that take place within the county in which the school district is located, provided that such an agreement will not interfere with or prevent the school district from furnishing transportation for pupils for the purposes described in NRS 386.790 and 386.815.*

2. *If a school district enters into an agreement pursuant to this section, the agreement must include, without limitation, a provision requiring the lessee to:*

(a) Provide a security deposit in an amount which is not less than 20 percent of the estimated total amount of the fee set forth in the agreement;

(b) Pay a fee in an amount which is not less than the total cost per mile for the use of a school bus or vehicle to the school district, as determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department, and any additional costs or expenses related to the use of the school bus or vehicle, including, without limitation, fuel, wear and tear, maintenance, appropriate staffing, administrative costs and an additional rental service fee;

(c) Indemnify and hold the school district harmless against any claim, demand, judgment or legal action, whatsoever, including, without limitation, any losses, damages, legal costs or expenses incident thereto;

(d) Indemnify and hold the driver of a school bus or vehicle harmless against any claim, demand, judgment or legal action, whatsoever, including, without limitation, any losses, damages, legal costs or expenses incident thereto incurred when acting in the scope of his or her employment;

(e) Accept responsibility for any damage to the school bus or vehicle while leased as determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department;

(f) Provide proof that the school bus or vehicle leased will be operated by a person licensed under the laws of this State to operate the particular type of bus or vehicle leased;

(g) Provide proof of insurance which covers the school bus or vehicle while operated by the lessee up to an amount determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department; ~~and~~

(h) Provide proof of a permit or other approval for the special event, if required by a governmental entity; and

(i) Give preference to a driver of a school bus or vehicle who is employed by the school district before hiring another driver who is not employed by the school district.

3. Except as otherwise provided in this subsection, whenever any school bus or vehicle belonging to a school district is leased, any lettering on the school bus or vehicle designating the vehicle as a school bus or vehicle must be covered and concealed, no signs or wording may be affixed to the school bus or vehicle and any system of flashing red lights or a mechanical device attached to the front of the school bus or vehicle must not be used in the operation of the school bus or vehicle by the lessee except in the case of an emergency. A system of flashing red lights or a mechanical device attached to the front of the school bus or vehicle may be used in the operation of a school bus or vehicle only during an emergency.

4. A school district shall separately account for any money collected as a result of an agreement to lease a school bus or vehicle which exceeds the actual cost to the school district and such money must be used for the replacement of school buses and vehicles belonging to the school district.

5. A school district may not enter into an agreement pursuant to this section :

(a) For special events that take place outside the county in which the school district is located.

(b) If the school district ~~if it~~ determines that transportation by a commercial bus is reasonably available for a special event.

6. A school district may not lease during any period of time more than 8.5 percent of the total number of school buses and vehicles belonging to the school district.

7. For the purposes of this section, "special event" means an event or series of events that does not take place during the regular school day and is not an interscholastic contest, school festival or other activity properly a part of a school program.

Sec. 2. NRS 386.815 is hereby amended to read as follows:

386.815 1. A board of trustees of a school district may permit school buses or vehicles belonging to the school district to be used for the transportation of public school pupils to and from:

- (a) Interscholastic contests;
- (b) School festivals; or
- (c) Other activities properly a part of a school program.

2. In addition to the use of school buses and vehicles authorized pursuant to subsection 1, the board of trustees of a school district may permit school buses and vehicles belonging to the school district to be used for the transportation of children to and from:

- (a) Programs for the supervision of children before and after school; and

(b) Other programs or activities that the board of trustees deems appropriate,

↪ regardless of whether such programs or activities are part of a school program.

3. The use of school buses or vehicles belonging to the school district for the purposes enumerated in subsections 1 and 2 is governed by regulations made by the board of trustees, which must not conflict with regulations of the State Board. Proper supervision for each vehicle so used must be furnished by school authorities, and each school bus must be operated by a driver qualified under the provisions of NRS 386.790 to 386.840, inclusive ~~[]~~, *and section 1 of this act.*

4. A driver shall not operate a vehicle for the purposes enumerated in subsections 1 and 2 for more than 10 hours in a 15-hour period. The time spent operating, inspecting, loading, unloading, repairing and servicing the vehicle and waiting for passengers must be included in determining the 15-hour period. After 10 hours of operating a vehicle, the driver must rest for 10 hours before he or she again operates a vehicle for such purposes.

5. Before January 1, 1984, the State Board shall adopt regulations to carry out the provisions of subsection 4.

Sec. 3. This act becomes effective upon passage and approval.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 242 for Senate Bill No. 164 requires the lessee to show proof of a special-event permit and prohibits a school board from leasing vehicles outside the school district or from entering into agreements to lease more than 8.5 percent of all the district's vehicles at any one time.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 167.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 114.

SUMMARY—Makes an appropriation for the creation and maintenance of school gardens. (BDR S-834)

AN ACT ~~[relating to education]~~ making an appropriation for the creation and maintenance of school gardens for certain Title I schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 337 of the 77th Session of the Nevada Legislature was adopted in order to strongly encourage each school to establish and participate in programs, including a school garden program, in order to promote the consumption of fresh fruits and vegetables by children.

This bill appropriates money to provide for the creation and maintenance of programs that provide school gardens for Title I schools.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the State Department of ~~Education~~ Agriculture for the cost of creating and maintaining programs for school gardens that meet the requirements of subsection 2:

For the Fiscal Year 2017-2018..... \$410,000

For the Fiscal Year 2018-2019..... \$205,000

2. Subject to the limitations of subsection 5, the Department shall allocate the money appropriated by subsection 1 to schools which meet the requirements of subsection 3 to provide at the school a program for a school garden which meets the requirements set forth in subsection 4.

3. For a school to receive an allocation of money pursuant to subsection 2, the school must be a Title I school ~~as defined in NRS 385A.040.~~

4. For a school to receive an allocation of money to provide a program for a school garden pursuant to subsection 2, the program must:

(a) Create and maintain a school garden at the school;

(b) Have a curriculum that:

(1) Is tailored to pupils of the appropriate grade levels at the school;

(2) Is written specifically for Nevada and the desert environment of Nevada;

(3) Includes projects that are related to courses of study in the subjects of science, technology, engineering, arts and mathematics;

(4) Is designed with the assistance of teachers and other educational personnel with experience at the appropriate grade levels at the school; and

(5) Involves classroom and tactile learning experiences for the pupils at the school;

(c) Provide the school with assistance from members of the community, including, without limitation, trained educators, local farmers and local chefs; and

(d) Provide pupils with the:

(1) Ability to operate a farmer's market to sell the produce from the school garden; and

(2) Opportunity to have a local chef demonstrate how to cook a meal using the produce grown from the school garden.

5. Pursuant to subsection 2, a school may receive an allocation of not more than \$10,000 for the Fiscal Year 2017-2018 and not more than \$5,000 for the Fiscal Year 2018-2019.

6. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years 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 21, 2018, and September 20, 2019, respectively, 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 21, 2018, and September 20, 2019, respectively.

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

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

This amendment to Senate Bill No. 167 adds Assemblywoman Bustamante-Adams and Senators Cancela and Woodhouse as primary sponsors of the bill. It also requires the Department of Agriculture, instead of the Department of Education, to manage the program fund.

Amendment adopted.

Senator Parks moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 232.

Bill read second time and ordered to third reading.

Senate Bill No. 241.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 116.

SUMMARY—Provides for the establishment of the State Seal of STEM Program and the State Seal of STEAM Program. (BDR 34-680)

AN ACT relating to education; providing for the establishment of the State Seal of STEM Program to recognize pupils who have attained a high level of proficiency in science, technology, engineering and mathematics; providing for the establishment of the State Seal of STEAM Program to recognize pupils who have attained a high level of proficiency in science, technology, engineering, the arts and mathematics; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Superintendent of Public Instruction to establish a State Seal of Biliteracy Program to recognize high school pupils who graduate with a high level of proficiency in one or more languages in addition to English. A pupil who satisfies the requirements of the Program is awarded a high school diploma with a State Seal of Biliteracy. (NRS 388.591, 388.593)

Section 2 of this bill requires the Superintendent of Public Instruction to establish a State Seal of STEM Program beginning with the 2018-2019 school year to recognize high school pupils who have attained a high level of proficiency in science, technology, engineering and mathematics. Section 3 of this bill prescribes the requirements for a high school pupil to graduate with the STEM Seal affixed to his or her diploma.

Section 4 of this bill requires the Superintendent of Public Instruction to establish a State Seal of STEAM Program beginning with the 2018-2019 school year to recognize high school pupils who have attained a high level of

proficiency in science, technology, engineering, the arts and mathematics. Section 5 of this bill prescribes the requirements for a high school pupil to graduate with the STEAM Seal affixed to his or her diploma.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. *The Superintendent of Public Instruction shall establish a State Seal of STEM Program to recognize pupils who graduate from a public high school, including, without limitation, a charter school and a university school for profoundly gifted pupils, who have attained a high level of proficiency in science, technology, engineering and mathematics.*

2. *The Superintendent of Public Instruction shall:*

(a) *Create a State Seal of STEM that may be affixed to the diploma and noted on the transcript of a pupil to recognize that the pupil has met the requirements of section 3 of this act; and*

(b) *Deliver the State Seal of STEM to each school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of STEM Program.*

3. *Any school district, charter school and university school for profoundly gifted pupils may participate in the State Seal of STEM Program by notifying the Superintendent of Public Instruction of its intent to participate in the Program.*

4. *Each board of trustees of a school district and governing body of a charter school or university school for profoundly gifted pupils that participates in the State Seal of STEM Program shall:*

(a) *Identify the pupils who have met the requirements to be awarded the State Seal of STEM; and*

(b) *Affix the State Seal of STEM to the diploma and note the receipt of the State Seal of STEM on the transcript of each pupil who meets those requirements.*

5. *The Superintendent of Public Instruction may adopt regulations as necessary to carry out the provisions of this section and section 3 of this act.*

Sec. 3. A school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of STEM Program established pursuant to section 2 of this act must award a pupil, upon graduation from high school, a high school diploma with a State Seal of STEM if the pupil:

1. *Earns at least a 3.25 grade point average, on a 4.0 grading scale, or a 3.85 weighted grade point average, on a grading scale approved by the Superintendent of Public Instruction if a different grading scale is used.*

2. ~~*Achieves a certificate of skill attainment in his or her program of career and technical education.*~~

~~3.~~ *Demonstrates proficiency in science, technology, engineering and mathematics by earning:*

- (a) At least 4 credits in science;
- (b) At least 4 credits in mathematics;
- (c) At least 1 credit in computer science, ~~for~~
- ~~(d) At least 3 credits in a career and technical education program of study involving engineering, manufacturing, ~~for~~ electronics, ~~for~~~~
- ~~or a career and technical education program of study in information and media technologies or skilled and technical sciences;~~
- (d) Any one of the following:
 - (1) A score of 3 or higher on an advanced placement examination in science;
 - (2) A score of 4 or higher on an international baccalaureate examination in science;
 - (3) A score of 650 or higher on ~~the~~ a SAT Subject Test in science;
 - (4) A score of ~~20~~ 23 or higher on the ACT in science; ~~for~~
 - (5) A grade of B or higher in a college-level science course completed through dual enrollment; or
 - (6) A score of gold or higher on the ACT National Career Readiness Certificate; and
- ~~(e)~~ (e) Any one of the following:
 - (1) A score of 3 or higher on an advanced placement examination in mathematics;
 - (2) A score of 4 or higher on an international baccalaureate examination in mathematics;
 - (3) A score of ~~650~~ 530 or higher on the SAT in mathematics;
 - (4) A score of ~~20~~ 22 or higher on the ACT in mathematics; ~~for~~
 - (5) A grade of B or higher in a college-level mathematics course completed through dual enrollment ~~for~~; or
 - (6) A score of gold or higher on the ACT National Career Readiness Certificate.

Sec. 4. 1. The Superintendent of Public Instruction shall establish a State Seal of STEAM Program to recognize pupils who graduate from a public high school, including, without limitation, a charter school and a university school for profoundly gifted pupils, who have attained a high level of proficiency in science, technology, engineering, the arts and mathematics.

2. The Superintendent of Public Instruction shall:

- (a) Create a State Seal of STEAM that may be affixed to the diploma and noted on the transcript of a pupil to recognize that the pupil has met the requirements of section 5 of this act; and
- (b) Deliver the State Seal of STEAM to each school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of STEAM Program.

3. Any school district, charter school and university school for profoundly gifted pupils may participate in the State Seal of STEAM Program by notifying the Superintendent of Public Instruction of its intent to participate in the Program.

4. Each board of trustees of a school district and governing body of a charter school or university school for profoundly gifted pupils that participates in the State Seal of STEAM Program shall:

(a) Identify the pupils who have met the requirements to be awarded the State Seal of STEAM; and

(b) Affix the State Seal of STEAM to the diploma and note the receipt of the State Seal of STEAM on the transcript of each pupil who meets those requirements.

5. The Superintendent of Public Instruction may adopt regulations as necessary to carry out the provisions of this section and section 5 of this act.

Sec. 5. A school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of STEAM Program established pursuant to section 4 of this act must award a pupil, upon graduation from high school, a high school diploma with a State Seal of STEAM if the pupil:

1. Earns at least a 3.25 grade point average, on a 4.0 grading scale, or a 3.85 weighted grade point average, on a grading scale approved by the Superintendent of Public Instruction if a different grading scale is used.

2. ~~Achieves a certificate of skill attainment in his or her program of career and technical education~~

~~3.~~ Demonstrates proficiency in science, technology, engineering, the arts and mathematics by earning:

(a) At least ~~4~~ 3 credits in science;

(b) At least 4 credits in mathematics;

(c) At least 1 credit in computer science ~~and~~, engineering, manufacturing, electronics or a career and technical education program of study in information and media technologies or skilled and technical sciences;

(d) At least ~~3 credits in a career and technical education program of study involving art technology;~~ 1 credit in fine arts;

(e) ~~At least 4 credits in the arts and humanities;~~

~~(f)~~ Any one of the following:

(1) A score of 3 or higher on an advanced placement examination in science;

(2) A score of 4 or higher on an international baccalaureate examination in science;

(3) A score of 650 or higher on ~~the~~ a SAT Subject Test in science;

(4) A score of ~~20~~ 23 or higher on the ACT in science; ~~or~~

(5) A grade of B or higher in a college-level science course completed through dual enrollment; or

(6) A score of gold or higher on the ACT National Career Readiness Certificate; and

~~(g)~~ (f) Any one of the following:

(1) A score of 3 or higher on an advanced placement examination in mathematics;

(2) A score of 4 or higher on an international baccalaureate examination in mathematics;

(3) A score of ~~1650~~ 530 or higher on the SAT in mathematics;

(4) A score of ~~120~~ 22 or higher on the ACT in mathematics; ~~for~~

(5) A grade of B or higher in a college-level mathematics course completed through dual enrollment ~~for~~; or

(6) A score of gold or higher on the ACT National Career Readiness Certificate.

Sec. 6. The Superintendent of Public Instruction shall establish the State Seal of STEM Program pursuant to section 2 of this act and the State Seal of STEAM Program pursuant to section 4 of this act for implementation beginning with the 2018-2019 school year.

Sec. 7. This act becomes effective:

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

2. On July 1, 2018, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis

The amendment to Senate Bill No. 241 expands the computer science course requirement to include other technical education options, adds the ACT National Career Readiness Certificate as an achievement option, changes the minimum required scores on the SAT and ACT, reduces the STEAM science requirement from four credits to three and requires one credit in fine arts for a STEAM Seal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 247.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 118.

SUMMARY—Revises provisions relating to education. (BDR 34-326)

AN ACT relating to education; revising provisions relating to annual reports of accountability; removing the requirement that the Department of Education provide to certain persons written notice that certain information is posted on the Internet website maintained by the Department; revising the number of days' notice certain boards of trustees of school districts are required to provide before adopting, repealing or amending certain policies or regulations; ~~removing the requirement that the Superintendent of Public Instruction submit to the Director of the Legislative Council Bureau for transmittal to the Legislature a written report concerning the progress of schools and school districts in complying with certain plans concerning~~ revising provisions concerning certain plans and reports relating to pupil discipline; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education to prepare and publicly disseminate annual reports of accountability for the quality of schools and the educational achievement of pupils. (NRS 385A.070, 385A.400) Sections 1 and 4 of this bill revise the dates by which such reports must be completed. Section 4 also removes the requirement that the Department of Education provide written notice to certain persons that the report is available on the Internet website maintained by the Department. Sections 1-4 of this bill clarify that annual reports of accountability pertain to the school year immediately preceding the date on which the reports are prepared and publicly disseminated.

Existing law requires the Department annually to determine whether each public school is meeting the measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools. (NRS 385A.670) Existing law also requires the board of trustees of a school district, in consultation with the Department, or the Department to: (1) issue a final determination concerning whether each public school is meeting such measurable objectives and performance targets; (2) issue a final rating for each public school; and (3) provide written notice of such determinations and ratings to certain persons. (NRS 385A.720) Section 5 of this bill removes the requirement that the Department provide written notice of final determinations and ratings and instead requires the Department to post such determinations and final ratings on the Internet website maintained by the Department.

Section 6 of this bill reduces from 15 to 13 the number of days' notice the board of trustees of a school district in a county with a population of 100,000 or more (currently only Clark and Washoe Counties) is required to provide before adopting, repealing or amending certain policies or regulations.

Section 7 of this bill removes the requirement that the Department submit to the State Board and the Legislative Committee on Education a copy of the plan setting forth procedures to ensure the security of examinations and assessments that are administered to pupils to certain entities and instead requires the Department to post the plan on the Internet website maintained by the Department.

Section 8 of this bill removes the requirement that the Superintendent of Public Instruction submit a written report to the Director of the Legislative Counsel Bureau concerning the progress of schools and school districts in complying with certain plans concerning pupil discipline. Section 8 also: (1) revises requirements relating to the posting of certain plans relating to pupil discipline; and (2) requires the board of trustees of each school district to post on the Internet website maintained by the school district a written report concerning the progress of each school in complying with certain provisions relating to pupil discipline.

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

Section 1. NRS 385A.070 is hereby amended to read as follows:

385A.070 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385A.070 to 385A.320, inclusive, for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before ~~September 30~~ *December 31* of each year, prepare *for the immediately preceding school year* a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385A.070 to 385A.320, inclusive, and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.070 to 385A.320, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority, the Achievement School District and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before ~~September 30~~ *December 31* of each year, prepare *for the immediately preceding school year* an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority, Achievement School District or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority, the Achievement School District and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority, Achievement School District and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385A.070 to 385A.320, inclusive, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability

prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

Sec. 2. NRS 385A.200 is hereby amended to read as follows:

385A.200 The annual report of accountability prepared pursuant to NRS 385A.070 must include information on pupil achievement and school performance, including, without limitation, pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 390.105 and 390.600 and the college and career readiness assessment administered pursuant to NRS 390.610 and shall compare the results of those examinations for the ~~current~~ school year *for which the annual report is being prepared* with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations and assessments were administered:

1. The number of pupils who took the examinations and a record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

2. Except as otherwise provided in subsection 2 of NRS 385A.070, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

3. A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

4. The percentage of pupils who were not tested.

5. Except as otherwise provided in subsection 2 of NRS 385A.070, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

6. The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 390.105 and 390.600 and the college and career readiness assessment administered pursuant to NRS 390.610, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

7. The rating of each public school in the district, including, without limitation, each charter school sponsored by the district, pursuant to the statewide system of accountability for public schools.

8. Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 390.125.

9. Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subsection must be provided in consultation with the Department to ensure the accuracy of the comparison.

10. For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school 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.

Sec. 3. 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.

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 *school* 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.

Sec. 4. NRS 385A.400 is hereby amended to read as follows:

385A.400 1. The State Board shall , *on or before January 15 of each year*, prepare *for the immediately preceding school year* a single annual report of accountability that includes, without limitation the information prescribed by NRS 385A.400 to 385A.520, inclusive.

2. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.400 to 385A.520, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

- (a) Be prepared in a concise manner; and
- (b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before ~~{October}~~ *January 15* of each year, the State Board shall ~~;~~:

~~—(a) Provide~~ *provide* for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department . ~~;~~ ~~and~~

~~—(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:~~

- ~~—(1) Governor;~~
- ~~—(2) Committee;~~
- ~~—(3) Bureau;~~
- ~~—(4) Board of Regents of the University of Nevada;~~
- ~~—(5) Board of trustees of each school district;~~
- ~~—(6) Governing body of each charter school;~~
- ~~—(7) Executive Director of the Achievement School District; and~~
- ~~—(8) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (c) of subsection 1 of NRS 385A.460.]~~

5. Upon the request of the Governor, the Attorney General, ~~{an entity described in paragraph (b) of subsection 4}~~ *the Committee, the Bureau, the Board of Regents of the University of Nevada, the board of trustees of a school district, the governing body of a charter school, the Executive Director of the Achievement School District* or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

Sec. 5. NRS 385A.720 is hereby amended to read as follows:

385A.720 1. Based upon the information received from the Department pursuant to NRS 385A.670, the board of trustees of each school district shall, on or before August 15 of each year, issue a preliminary rating for each public school in the school district in accordance with the statewide system of accountability for public schools, excluding charter schools sponsored by the State Public Charter School Authority, the Achievement School District or a college or university within the Nevada System of Higher Education. The board of trustees shall make preliminary ratings for all charter schools that are sponsored by the board of trustees. The Department shall make preliminary ratings for all charter schools sponsored by the State Public Charter School Authority, all charter schools sponsored by the Achievement School District and all charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15. If the school is a charter school sponsored by the State Public Charter School Authority, the Achievement School District or a college or university within the Nevada System of Higher Education, the Department shall make a final determination concerning the rating for the school on September 15.

3. On or before September 15 of each year, the Department shall ~~provide written notice of the determinations made pursuant to NRS 385A.670 and the final ratings made pursuant to this section as follows:~~

~~—(a) The post on the Internet website maintained by the Department the determinations and final ratings made for all schools in this State . to the:~~

~~—(1) Governor;~~

~~—(2) State Board;~~

~~—(3) Committee; and~~

~~—(4) Bureau.~~

~~—(b) The determinations and final ratings made for all schools within a school district to the:~~

~~—(1) Superintendent of schools of the school district; and~~

~~—(2) Board of trustees of the school district.~~

~~—(c) The determination and final rating made for each school to the principal of the school.~~

~~—(d) The determination and final rating made for each charter school to the sponsor of the charter school.]~~

Sec. 6. NRS 386.365 is hereby amended to read as follows:

386.365 1. Except as provided in subsection 3, each board of trustees in any county having a population of 100,000 or more shall give ~~15~~ 13 days'

notice of its intention to adopt, repeal or amend a policy or regulation of the board concerning any of the subjects set forth in subsection 4. The notice must:

(a) Include a description of the subject or subjects involved and must state the time and place of the meeting at which the matter will be considered by the board; and

(b) Be mailed to the following persons from each of the schools affected:

(1) The principal;

(2) The president of the parent-teacher association or similar body; and

(3) The president of the classroom teachers' organization or other collective bargaining agent.

➡ A copy of the notice and of the terms of each proposed policy or regulation, or change in a policy or regulation, must be made available for inspection by the public in the office of the superintendent of schools of the school district at least ~~{15}~~ 13 days before its adoption.

2. All persons interested in a proposed policy or regulation or change in a policy or regulation must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing. The board of trustees shall consider all written and oral submissions respecting the proposal or change before taking final action.

3. Emergency policies or regulations may be adopted by the board upon its own finding that an emergency exists.

4. This section applies to policies and regulations concerning:

(a) Attendance rules;

(b) Zoning;

(c) Grading;

(d) District staffing patterns;

(e) Curriculum and program;

(f) Pupil discipline; and

(g) Personnel, except with respect to dismissals and refusals to reemploy covered by contracts entered into as a result of the Local Government Employee-Management Relations Act, as provided in NRS 391.660.

Sec. 7. NRS 390.270 is hereby amended to read as follows:

390.270 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 390.105 and 390.600 and the college and career readiness assessment administered pursuant to NRS 390.610.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, Achievement School District, charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, Achievement School District, charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 390.295.

3. ~~{A} The Department shall post a copy of the plan adopted pursuant to this section and the procedures set forth therein {must be submitted on or before September 1 of each year to:~~

~~—(a) The State Board; and~~

~~—(b) The Legislative Committee on Education, created pursuant to NRS 218E.605,} on the Internet website maintained by the Department.~~

Sec. 8. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The principal of each public school shall establish a plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers and other educational personnel and support personnel who are employed at the school, and the parents and guardians of pupils who are enrolled in the school.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of the school.

(d) Provide for the temporary removal of a pupil from a classroom in accordance with NRS 392.4645.

2. On or before October 1 of each year, the principal of each public school shall:

(a) Review the plan in consultation with the teachers and other educational personnel and support personnel who are employed at the school;

(b) Based upon the review, make revisions to the plan, as recommended by the teachers and other educational personnel and support personnel, if necessary; and

(c) Post a copy of the plan or the revised plan, as applicable, ~~{in a prominent place at the}~~ on the Internet website maintained by the school {for public inspection and otherwise make the plan available for public inspection at the administrative office of the school,} or school district and distribute a paper or electronic copy to each employee assigned to the school.

3. On or before October 1 of each year, the principal of each public school shall submit a copy of the plan established pursuant to subsection 1 or a revised plan, if applicable, to the superintendent of schools of the school district. On or before November 1 of each year, the superintendent of schools of each school district shall submit a report to the board of trustees of the school district that includes:

(a) A compilation of the plans submitted pursuant to this subsection by each school within the school district.

(b) The name of each principal, if any, who has not complied with the requirements of this section.

4. On or before November 30 of each year, the board of trustees of each school district shall ~~submit~~ :

(a) Submit a written report to the Superintendent of Public Instruction based upon the compilation submitted pursuant to subsection 3 that reports the progress of each school within the district in complying with the requirements of this section ~~for~~

~~5. On or before December 31 of each year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau concerning the progress of the schools and school districts throughout this state in complying with this section. If the report is submitted during:~~

~~—(a) An even numbered year, the Director of the Legislative Counsel Bureau shall transmit it to the next regular session of the Legislature.~~

~~—(b) An odd numbered year, the Director of the Legislative Counsel Bureau shall transmit it to the Legislative Committee on Education.] ; and~~

(b) Post a copy of the report on the Internet website maintained by the school district.

Sec. 9. This act becomes effective on July 1, 2017.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 118 to Senate Bill No. 247 requires a school to post its progressive-discipline plan on its website and distribute it to staff; and requires a school district to post a compilation of school discipline plans on its website.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Joint Resolution No. 12.

Resolution read second time and ordered to third reading.

Senator Cannizzaro moved that the resolution be taken from the General File and placed on the Secretary's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 33.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 33 prohibits the foreclosure of a military service member's residential mortgage loan, including the foreclosure of a lien against a unit in a common-interest community, while the member is on active duty, and for one year immediately following active duty so long as the loan was entered into before the service member was called to active duty or deployed. These protections also apply to a service member's dependent in certain circumstances. A person who knowingly violates these provisions is guilty of a misdemeanor and is liable for damages.

Roll call on Senate Bill No. 33:

YEAS—21.

NAYS—None.

Senate Bill No. 33 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 46.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 46 expands the list of offenses the Division of Public and Behavioral Health, Department of Health and Human Services, must identify as part of a background check for an applicant for a license to operate a child-care facility and for employees or certain adult residents of such facilities. Offenses newly required to be included in background checks include any crime against a child, arson, assault, battery, kidnapping and certain drug-related offenses.

Roll call on Senate Bill No. 46:

YEAS—21.

NAYS—None.

Senate Bill No. 46 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 50.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 50 authorizes a person who is of sound mind and at least 18 years of age or an emancipated minor to execute an advance directive for psychiatric care to direct any provider of health care on how he or she wishes psychiatric care to be provided if incapable of making or communicating decisions concerning such care. The bill also authorizes a person to designate another person to make decisions for him or her if incapable of making such decisions.

In addition, Senate Bill No. 50 establishes the circumstances under which an advance directive for psychiatric care becomes operative, authorizes a person to revoke such a directive, sets forth the conditions under which a provider of health care may not comply with an advance directive for psychiatric care, requires a provider of health care to make a reasonable inquiry as to whether a person determined to be incapable of making decisions related to psychiatric care has executed such a directive and shields providers from civil or criminal liability under certain circumstances.

Roll call on Senate Bill No. 50:

YEAS—21.

NAYS—None.

Senate Bill No. 50 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 54.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 54 authorizes all counties except Clark and Washoe to approve additional types of infrastructure projects for which the proceeds from a current .25 of 1 percent sales tax for infrastructure may be used. Specifically, the bill expands the authorized uses of the proceeds from this tax to include acquisition, establishment, construction, expansion, improvement or equipment of facilities related to health and welfare. The bill additionally authorizes these counties to use the infrastructure sales-tax proceeds to pay for ongoing costs of operating and maintain certain governmental facilities if such costs are related to services and supplies only and may not include any costs related to salaries and benefits.

Finally, Senate Bill No. 54 specifies that if a county uses these proceeds for the additional purposes authorized by the bill, the county must conduct a review of its existing plan for the expenditure of these proceeds every four years.

Roll call on Senate Bill No. 54:

YEAS—21.

NAYS—None.

Senate Bill No. 54 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 57.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 57 revises provisions governing the Nevada Commission for the Reconstruction of the V & T Railway. Specifically, the bill removes the Board of County Commissioners of Douglas, Lyon and Washoe Counties from the governing bodies of the Commission; relieves Douglas, Lyon and Washoe Counties from any requirement to fund the Commission's budget. However, the provisions of this bill do not apply to impair any existing bond or bond obligations if a county has issued bonds to fund its share of the Commission's budget before October 1, 2017. It reduces the number of members of the Commission from nine to five, and eliminates the authority of the Commission to enter into an agreement with the District Attorney or Treasurer of Douglas, Lyon and Washoe Counties as of October 1, 2017, and terminates any agreement between the Commission and those persons as of that date.

Roll call on Senate Bill No. 57:

YEAS—21.

NAYS—None.

Senate Bill No. 57 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 91.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 91 creates the Prescription Drug Donation Program by combining the HIV/AIDS Drug Donation Program and the Cancer Drug Donation Program. The new Prescription Drug Donation Program authorizes a person or governmental entity to donate any prescription drug, except marijuana and certain drugs for which a patient must register with the manufacturer, at a pharmacy, medical facility, health clinic or other provider of health care that participates in the Program. Such participants may impose a handling fee upon patients who receive a donated prescription drug and must comply with specific requirements regarding acceptance, distribution and dispensing of these drugs.

Roll call on Senate Bill No. 91:

YEAS—21.

NAYS—None.

Senate Bill No. 91 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 116.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 116 revises provisions that set forth how a property owner may sufficiently warn against trespass. These revisions involve painting certain portions of the property in a specific manner and using an area as "cultivated land" as the term is defined in the bill.

Roll call on Senate Bill No. 116:

YEAS—21.

NAYS—None.

Senate Bill No. 116 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 140.

Bill read third time.

Remarks by Senators Hardy and Segerblom.**SENATOR HARDY:**

Senate Bill No. 140 authorizes the Director of the Department of Corrections to assign certain offenders to the custody of the Division of Parole and Probation to serve a term of residential confinement, or other appropriate supervision, for the remainder of the offender's sentence. To qualify for such an assignment, an offender must be at least 65 years of age and must have served at least a majority of the maximum term or maximum aggregate term of his or her sentence.

An offender is not eligible for this assignment if the offender has been sentenced to death, to life without the possibility of parole or has been convicted of any of the following offenses: a sexual offense certain crimes against children, a violent offense, vehicular homicide or driving under the influence of drugs or alcohol causing death or substantial bodily harm to another person.

SENATOR SEGERBLOM:

I just wanted to commend my colleague from District 12. This is an important bill. In Committee we heard that currently there may only be two people that will be eligible, but if either of those were able to come out, had a serious illness, costs a half-million dollars, it would go to Medicare as opposed to the State of Nevada. So, it is a win-win for the State, and I encourage your support.

Roll call on Senate Bill No. 140:

YEAS—13.

NAYS—Gansert, Goicoechea, Gustavson, Hammond, Harris, Kieckhefer, Roberson, Settelmeyer—8.

Senate Bill No. 140 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 177.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 177 amends the definition of "mental illness" to include hoarding disorder, as described in the 5th Edition of the Diagnostic and Statistical Manual of Mental Disorders, for the purpose of assigning certain offenders to programs for the treatment of mental illness.

Roll call on Senate Bill No. 177:

YEAS—21.

NAYS—None.

Senate Bill No. 177 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 188.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 188 defines the terms "gender identity or expression" and "sexual orientation" and makes these definitions applicable to the *Nevada Revised Statutes* as a whole. Further, the bill revises provisions of existing law that prohibit various types of discrimination and discriminatory practices to include gender identity or expression and sexual orientation.

Among other provisions, the bill revises the circumstances under which murder in the first degree may be aggravated by adding the circumstance if the murder was committed upon the person because of his or her actual or perceived gender identity or expression; prohibits a polygraph examiner or intern from inquiring about the sexual orientation or gender identity or expression of the person examined unless such information is germane to the issue under investigation and the inquiries are made at the request of the examinee, and prohibits an insurer that uses a consumer credit report from calculating an insurance score based on a person's sexual orientation or gender identity or expression.

Roll call on Senate Bill No. 188:

YEAS—21.

NAYS—None.

Senate Bill No. 188 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 191.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 191 establishes a standard for evidence of eligibility for any benefit, program or assistance provided to a veteran with a military disability.

This particular piece of legislation came to me after speaking with a number of Veterans groups. Particularly, disabled veterans, who were indicating if they were disabled enough to be unemployed at a fulltime basis yet able to provide for their families, they were missing out on certain State benefits that we otherwise give to disabled veterans. This piece of legislation is extremely important. It will allow for those who served our Country and because of a disability are not able to hold fulltime employment, access benefits which should be afforded to them in exchange for their sacrifice and their families sacrifice. I urge my colleagues to support this important piece of legislation.

Roll call on Senate Bill No. 191:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Senate Bill No. 195.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 195 revises the methods by which executive-board vacancies are filled, elections conducted and by which a special declarant's rights are transferred in an involuntary sale. It also requires an association to maintain directors and officers insurance and grants boards additional powers to manage the parking and storage of recreational vehicles. Depending on the purpose for which an executive session is being held, notice for an executive-board session must either be given only to the person who may be the subject of a hearing for that meeting, be posted within the common elements of the association and be provided electronically to all unit owners who have provided an electronic mail address.

The bill requires additional disclosures be made regarding both the purchase and resale of a timeshare and requires a timeshare manager to disclose to the association and make available upon request a report describing all fees, compensation or other property the manager is entitled to receive for services rendered.

Roll call on Senate Bill No. 195:

YEAS—21.

NAYS—None.

Senate Bill No. 195 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 196.

Bill read third time.

Remarks by Senators Ford, Settelmeyer and Roberson.

SENATOR FORD:

Senate Bill No. 196 requires a private employer, who has 50 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year and who has conducted business in this State for at least 12 consecutive months, to provide employees paid sick leave. Employees accrue paid sick leave at a rate of not less than 1 hour per 30 hours worked and may be used by an employee beginning on the 90th calendar day of employment.

An employer may limit the use of paid sick leave to 24 hours per year and the accrual of paid sick leave to a maximum of 48 hours per year and set a minimum increment that an employee may use the accrued sick leave at any one time, not to exceed 2 hours.

The measure provides an exception for employers who provide at least the equivalent amount of sick leave or paid time off that may be used by an employee. Churches, religious organizations, nonprofit organizations, private membership clubs and other tax-exempt organizations are also exempt from providing paid sick leave to their employees. In addition, day or temporary workers, construction workers, employees in bona fide executive, administrative, or professional capacity, or employees who perform per diem work for hospitals, long-term care facilities or providers of health care are excluded from the requirement of an employer to provide sick leave.

The Labor Commissioner must prepare a bulletin setting forth these benefits, and employers must post the bulletin in the workplace. A violation of the provisions in this bill is a misdemeanor and the Labor Commissioner may impose, in addition to any other remedy or penalty, a penalty of up to \$5,000 for each violation.

SENATOR SETTELMEYER:

There was testimony during the bill from the Chamber of Commerce about opposition. I appreciate the Majority Leader taking some of the considerations into effect. However, I do believe this law would be more stringent than the major of other states that do have paid sick leave. There was much discussion that the market should be driving these decisions rather than the Legislature dictating the corporations and businesses what to do in that respect, and then it is viewed as an expense that may not be able to be borne by many of the businesses.

SENATOR ROBERSON:

I would ask the sponsor of the bill one question: is there any business organization in the State who has come out and supported this?

SENATOR FORD:

The answer is yes, the Lambda Chamber of Commerce.

Roll call on Senate Bill No. 196:

YEAS—12.

NAYS—Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Roberson, Settelmeier—9.

Senate Bill No. 196 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 230.

Bill read third time.

Remarks by Senator Segerblom.

Senate Bill No. 230 raises the exempt amount of a judgement debtor's disposable earnings to 82 percent if the debtor's gross weekly salary or wage is \$770 or less, and maintains the exemption at 75 percent if the debtor's weekly earnings exceed \$770. The bill also sets forth the formula for how weekly earnings are to be determined and provides that a debtor may bring a civil action against a creditor who garnishes a bank account or other personal property without domesticating a foreign judgment.

The period of garnishment served on an employer is extended from 120 to 180 days, and no new application for a writ of garnishment concerning the same debt may be approved unless a proper accounting and report of previous garnishments are submitted with the application.

Roll call on Senate Bill No. 230:

YEAS—20.

NAYS—Gustavson.

Senate Bill No. 230 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 240.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 240 allows the Nevada Gaming Commission and the Nevada Gaming Control Board to establish by regulation which types of events other than sporting events, horse races or dog races may be suitable for pari-mutuel wagering.

Roll call on Senate Bill No. 240:

YEAS—21.

NAYS—None.

Senate Bill No. 240 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 255.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 255 authorizes a purchaser of a unit in a common-interest community to deliver a notice of cancellation of sale to a seller by electronic transmission.

It also adds to the information statement provided as part of a purchase of a unit in a common-interest community a statement concerning a purchaser's option to deliver a notice of cancellation of a contract of purchase by electronic transmission.

Roll call on Senate Bill No. 255:

YEAS—21.

NAYS—None.

Senate Bill No. 255 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 256.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 256 requires the Board of Dental Examiners of Nevada to appoint a three-person panel to review investigations and informal hearings conducted by an investigator of the Board. The panel must consist of two members of the Board, other than a member who is appointed to conduct the investigation or informal hearing and one holder of a license to practice dental hygiene who is not a member of the Board and is not the subject of the investigation or informal hearing, if the subject of the investigation or informal hearing is licensed to practice dental hygiene; or two members of the Board, other than a member who is appointed to conduct the investigation or informal hearing, and one holder of a license to practice dentistry who is not a member of the Board and is not the subject of the investigation or informal hearing, if the subject of the investigation or informal hearing is licensed to practice dentistry.

Any records or information obtained by a review panel are confidential. A hearing officer or panel to which the Board has delegated its authority to take disciplinary action must review and consider the findings and recommendations of the review panel before taking such action against a person.

Roll call on Senate Bill No. 256:

YEAS—21.

NAYS—None.

Senate Bill No. 256 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 267.

Bill read third time.

Remarks by Senator Ford.

Senate Bill No. 267 removes an existing population cap so that a foreclosure sale in a county with a population of less than 100,000 people can be held at a location designated by the governing body of that county rather than at the county courthouse.

The bill also extends to June 30, 2021, the expiration date of provisions governing the expedited process for the foreclosure of abandoned residential property.

Roll call on Senate Bill No. 267:

YEAS—21.

NAYS—None.

Senate Bill No. 267 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 268.

Bill read third time.

Remarks by Senator Segerblom.

Senate Bill No. 268 requires the Director of the Department of Corrections to verify the full legal name and age of a person being released from a prison prior to issuing the person a photo identification card. It similarly authorizes a sheriff or other applicable law-enforcement authority to provide certain information and assistance relating to obtaining an identification card or driver's license to a person being released from a jail or detention facility.

The bill provides that a prisoner may earn up to a five-day deduction, instead of the current five-day deduction, from his or her sentence for earning a general educational development (GED) certificate or equivalent thereof. A similar deduction is provided for the completion of various other programs, including the completion of a vocational education program in lieu of a GED and an additional five-day deduction is available for those who perform with meritorious or exceptional achievement.

The bill extends current driver-license fee waivers for persons released from prison within the last 90 days to persons released from county, city or town jails within the same time period.

Roll call on Senate Bill No. 268:

YEAS—14.

NAYS—Goicoechea, Gustavson, Hammond, Hardy, Kieckhefer, Roberson, Settelmeyer—7.

Senate Bill No. 268 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 270.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 270 requires any claimant of a pre-statutory water right to submit proof of the claim to the State Engineer on or before December 31, 2027, and requires the State Engineer, during the 10-year period preceding the deadline, to provide notice, by various means, of the

requirement to submit proofs. The bill also provides that if a claimant fails to submit such proof, the claim is deemed abandoned.

Roll call on Senate Bill No. 270:

YEAS—21.

NAYS—None.

Senate Bill No. 270 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 290.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 290 prohibits a person from representing that he or she is licensed, certified, or otherwise credentialed as a genetic counselor unless he or she is certified by the American Board of Genetic Counseling, Inc., or the American Board of Medical Genetics and Genomics. A person who violates this prohibition is guilty of a misdemeanor.

Additionally, the Board of Medical Examiners, State Board of Nursing or State Board of Osteopathic Medicine may take disciplinary action against a licensee who violates this prohibition.

Roll call on Senate Bill No. 290:

YEAS—21.

NAYS—None.

Senate Bill No. 290 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 295.

Bill read third time.

Remarks by Senator Roberson.

Senate Bill No. 295 makes various changes to cemetery endowment-care funds. It provides that each cemetery required to establish and maintain an endowment care fund must also operate as an endowment-care cemetery and adhere to requirements applicable to such a cemetery. The trustee of an endowment-care fund must make monthly distributions from the fund if no other instruction is provided by the cemetery authority.

In addition, the bill authorizes a cemetery authority to: 1) operate an endowment-care fund as a unitrust or to cease operating the fund as such; or 2) change the method, rate or frequency of the distributions from the fund.

Roll call on Senate Bill No. 295:

YEAS—21.

NAYS—None.

Senate Bill No. 295 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 301.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 301 abolishes the State Board for Career and Technical Education. It transfers its duties to the State Board of Education and the Superintendent of Public Instruction, requires

that the Department of Education include in its annual report of the state of public education certain information related to career and technical education and repeals a duplicate report. It changes the name of the Advisory Council on Parental Involvement and Family Engagement to the Advisory Council for Family Engagement and modifies the annual reporting requirements.

Finally, it abolishes the Interagency Panel responsible for making recommendations concerning certain students with disabilities.

Roll call on Senate Bill No. 301:

YEAS—21.

NAYS—None.

Senate Bill No. 301 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 310.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 310 revises provisions relating to the Silver State Opportunity Grant Program. It allows an exception to the 15 credit-hour requirement during the final semester of a student's program of study and allows credit earned in a university course to be counted toward the Silver State Opportunity Grant Program requirements if the course is not available during the semester at a community college or Nevada State College.

The Silver State Opportunity Grant Program was created in 2015 with the enactment of Senate Bill 227 and pays for a portion of the cost of education for lower-income students attending a community college or Nevada State College within the Nevada System of Higher Education.

Roll call on Senate Bill No. 310.

YEAS—21.

NAYS—None.

Senate Bill No. 310 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Manendo moved that Senate Bill No. 320 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 337.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 337 authorizes a registered pharmacist to manipulate a person for the collection of specimens and perform any laboratory test that is classified as a waived test pursuant to federal regulations without obtaining certification as an assistant in a medical laboratory. This will allow a pharmacist to show a patient how to use a new medical device when picking it up so the person will be able to use it independently at home.

Roll call on Senate Bill No. 337:

YEAS—21.

NAYS—None.

Senate Bill No. 337 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 362.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 362 provides that a crime related to racketeering includes forgery of a credit card or debit card, obtaining and using the personal information of another person, and establishing or possessing a financial-forgery laboratory.

This bill will allow law enforcement to better engage in targeting and diminishing the ability for large scale fraud rings that operate in our communities. It will allow them to utilize the racketeering stature in order to target these operations. This bill, when enacted, would allow for law enforcement to have a better tool, in order to target these large scale operations and to ensure the financial stability of the people that live in our communities.

Roll call on Senate Bill No. 362:

YEAS—21.

NAYS—None.

Senate Bill No. 362 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Ford moved that the Senate recess until 2:00 p.m.

Motion carried.

Senate in recess at 1:01 p.m.

SENATE IN SESSION

At 2:12 p.m.

President Hutchison presiding.

Quorum present.

Senate Bill No. 376.

Bill read third time.

Remarks by Senator Gustavson.

Senate Bill No. 376 extends from 90 days to 1 year after the death of a person whose estate is in probate, the period during which an agreement entered into by an apparent heir and an heir finder is void and unenforceable.

Roll call on Senate Bill No. 376:

YEAS—21.

NAYS—None.

Senate Bill No. 376 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 379.

Bill read third time.

Remarks by Senators Ratti and Kieckhefer.

SENATOR RATTI:

Senate Bill No. 379 requires the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services to determine the amount of money necessary to carry out the provisions of existing law relating to the medical use of marijuana and to annually set aside any money received as a gift, grant, donation or contribution or as an appropriation in excess of this amount.

Additionally, the bill requires the Administrator to annually provide the excess money as a block grant to agencies, which provide child-welfare services to be used for alcohol and drug abuse and behavioral-health programs.

In our current process, any money left over after the regulatory process on medical marijuana, it is transferred to the counties for substance abuse treatment programs for child protective services. This simplifies that the money goes to the same place, but is now block granted.

SENATOR KIECKHEFER:

I have spoken with the sponsor of the bill, as we processed this bill through the Senate Revenue Committee. The problem is the distribution of money that probably should not be collected in the first place. If there is excess money that is collected from a regulatory process—and I think by definition, a regulatory process should not be collecting excess money—it should be covering its cost of doing business. But, since the process itself is in statute, I have committed to the sponsor to try and work together to keep the bill alive and see if there is a way to fix the overall problem rather than continuing a failing system.

Roll call on Senate Bill No. 379:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Senate Bill No. 383.

Bill read third time.

Remarks by Senators Ford and Gansert.

SENATOR FORD:

Senate Bill No. 383 revises the definition of financial planner to remove the exclusions for a broker-dealer and investment adviser, thereby making such persons subject to the provisions of existing law governing financial planners. The bill maintains that certain persons defined as financial planners must be licensed as insurance consultants for purposes related to viatical settlements.

This bill puts investment advisors and broker dealers on the same plane as financial advisors who are currently under what we call, "Fiduciary Duty Requirement," meaning, when they give investment advice to any of their clients, they have to give that advice with their client's best interests in mind not a commission for example.

SENATOR GANSERT:

I rise in opposition to Senate Bill No. 383. We are all concerned about clients and making sure they get good service. But, I was able to speak to the Securities Division of the Secretary of State which does regulate this industry, and they informed me that federal law preempts the State regulator from requiring certain laws, rules or regulations to broker-dealers including capital margin books and records, bonding and reports.

Further, they informed me there are over 1,600 broker-dealers in Nevada, of which only 13 are actually Nevada based, and those other broker-dealers could be licensed in other states. There is another 140,000 sales representatives who could be affected by the legislation, and it is going to be difficult for the Secretary of State to be able to regulate them given the federal preemption.

Last, we talked about an example during testimony, if you were to call Fidelity or Charles

Schwab or E-Trade to get advice on a bond or a transaction, that could fall under this statute and could cause a chilling effect as far as whether they would do business in the State of Nevada or how they would manage calls from investors from the State of Nevada. The concern is really how you regulate it. I think we all agree we want to make sure people get good advice from individuals representing them.

SENATOR FORD:

To the extent anything is preempted, we are not looking to obviously address that. But, if there are non-preempted areas that can protect our Nevadans, then it is incumbent upon us to do so. This bill would allow us to operate within areas that are not preempted. I have sought further legal advice as to the effect of preemption, and I am not satisfied in my own mind that it exists, as such. But, as I have indicated, to the extent preemption does exist, it does not preempt the entire field because we can, in fact, hold those who advise our constituents and our fellow Nevadans to a fiduciary-duty standard.

Secondly, the fact we have several tens of thousands of financial dealers here, this reiterates the need. We want to insure our 3 million-plus citizens who may engage with those individuals are engaging with them knowing they have their best interests in mind. Relative to the concern about how you would administer this, I am more than happy to work with the Secretary of State's office to see if we need to find some form of additional amendment to make that happen in the Assembly. This issue is timely, and it is one, as I have indicated, that has been discussed throughout the State. We are not the only state contemplating this, so I would nonetheless urge the Body's support in this regard.

Roll call on Senate Bill No. 383:

YEAS—12.

NAYS—Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Roberson, Settelmeyer—9.

Senate Bill No. 383 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

SENATOR FORD:

I will correct the record. My colleague from District 20 asked me if there were any business groups who had testified in support of Senate Bill No. 196, the earned sick-leave bill, then I misspoke. I said the Lambda Chamber had spoken on behalf of the bill. They are contemplating support of the bill, but they spoke on behalf of my minimum wage bill. That is what it was; I was a little confused about. But, I can tell you who is interested in and very supportive of this notion.

In the recent study conducted by the University of Chicago, 1,461 Americans, 75 percent consider earned sick leave a basic workers' right. Seventy-five percent believe employers should be required by law to provide paid sick days to workers. Eighty-six percent endorse a plan that would require a minimum of 7 paid sick days per year. Seventy percent back a plan requiring the minimum of 9 days, and 71-77 percent favor plans to give part-time workers sick days in proportion to their hours. While business groups are still contemplating their support for this, such as the Lambda Chamber, the people who they employ are very interested in it. I wanted to correct the record; I did not want to be wrong. I was wrong about who testified in support of it, but I did want to highlight the actualities of it all.

SENATOR ROBERSON:

I just want to thank the Senate Majority Leader for correcting the record and acknowledging that zero business groups in this State support his bill.

GENERAL FILE AND THIRD READING

Senate Bill No. 400.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 400 authorizes the Director of the Department of Health and Human Services to enter into success contracts with a local government or a person to accomplish any purpose within the jurisdiction of the Department. The bill sets forth the required components of a success contract and requires any success contract to be competitively bid based on a request for proposal from the Department. Before entering into a contract, the Director must make certain determinations and after entering into the contract, publish the rationale for doing so on its website. The Success Contract Account is created in the State General Fund to be administered by the Director, and the Department is authorized to apply for and accept gifts, grants and donations.

The Director must submit a biennial report to the Legislature each October before a legislative session identifying each success contract in the past two years and detailing its outcomes and cost savings.

I recognize performance contracts may be something that is new to many in this Body and the State. This type of Legislation is being passed across the Country. As states wrestle with some fiscal deficits and do not have the money to address social concerns, there is no impact on the State budget per say. You have private entities contracting with 501c3 organizations to accomplish that which that State should be able to accomplish but cannot based upon fiscal restraints.

Roll call on Senate Bill No. 400:

YEAS—21.

NAYS—None.

Senate Bill No. 400 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 408.

Bill read third time.

Remarks by Senators Parks, Hardy, Ford, Spearman.

SENATOR PARKS:

Senate Bill No. 408 prohibits a health-care provider from performing or assisting in the performance of any surgical procedure to assign the sex of a child unless the provider or another qualified professional has first conducted an assessment of the child to ensure the child understands the nature and risks of the procedure and assents to the procedure. An exception is provided if the provider of health care determines that delaying the procedure is likely to endanger the life of the child. If the child has not been emancipated, the provider must obtain the consent of the parents or guardians of the child.

An occupational-licensing board may take disciplinary action against a physician, physician assistant or nurse who violates the provisions of the bill. The Division of Public and Behavioral Health, Department of Health and Human Services, may deny an application for a license as a medical facility or suspend or revoke the license of a medical facility for aiding, abetting or permitting a provider of health care to violate those provisions.

SENATOR HARDY:

I rise as a grandfather of two children who were born with urological problems. When we talk about trying to get somebody who can give assent who is six months old is rather difficult. Any surgical procedure is a challenge. If a person is born with hypospadiasm, meaning the meatus is coming out of the base of the penis instead of where it should at the tip, any procedure to address that would likely not be wise to postpone because the tissues that you have to use in a graft have to be used sooner or they lose some of their plasticity in healing. Any time you have an external thing that happens to a person, it can be associated with internal things. My grandson who had surgery yesterday has discovered he has had some kidney involvement and now has other problems that have to be taken care of. Timing is all critical and to wait for someone to be able to assent to do anything on a urological method would be doing a disservice.

From a medical tourism standpoint, we will be exporting people instead of, as we want to do, import people to the State of Nevada. We want to have a medical society that actually takes care of their own people instead of sending them away on Southwest. Insurance becomes problematic when you go out of State because you are obviously out of the network that usually covers you. I am not only opposed to this, but I think it is a travesty in and of itself.

SENATOR FORD:

Why would the medical exception that was mentioned in the summary not satisfy the concerns or address the concerns that were just raised?

SENATOR HARDY:

I would love to hear from the Senator from District 7 what he did that would allay my challenges.

SENATOR PARKS:

To address my colleague from District 12, the procedure this bill allows for is to proceed with caution. The intent is that nothing should be acted upon in haste. We have heard and seen numerous cases where surgery was performed only to try and have to reverse that surgery later, requiring multiple operations.

The intent of the bill is to not rush to judgment and to perform a surgery that could be easily addressed otherwise. The bill does address the issue of surgery, if it puts the child at any form of risk. This is the elective procedure only.

SENATOR HARDY:

In response to the clarification, rush to judgment would be an inappropriate word for any of these surgeries. It takes a team approach to be able to restore so that everything gets healed. One of the challenges you have with "ambiguous genitalia," I will call it, is there are chromosomal studies that are done that confirm the person is male or female. If the person is male, for instance, and has undescended testicles, there is an increased risk of cancer of the testicle. What you do not want to do is have a testicle that is undescended, putting the child at more risk. I go to 18, for instance, before you do that, you have increased that child's risk. Likewise, if you are looking at reversing something, that usually is not to reverse the chromosomal designation at birth, but for other reasons. Knowing that the chromosomes are okay, that there has been a team approach in identifying the child that has an external appearance, there are also ultrasounds and other tests that take place, and far from being a rush to judgment, it is a calculated thing. What we do not want in the State of Nevada is a rush to judgments. We want a measured approach that allows the child to have a normal childhood, grow up in that way, and be safe from all of the vicissitudes of the side effects of having done nothing. The internal organ system has to be evaluated and addressed in such a way as to not have kidney problems that are not apparent when the child is first born but may show up at four years old as with my grandson.

SENATOR SPEARMAN:

I am not a doctor, and I do not play one on television; but I usually try to go to peer-reviewed journals to get information. I would like to offer some information on this subject from the International Journal of Pediatric Endocrinology. There was a study completed in July of 2016 and published in February of 2017. I will just read a couple sentences: "It was not until the 1990s that this practice was challenged by patients themselves, who came forward with significant problems in adulthood, including anatomical difficulties in penetrative sexual intercourse and decreased genital sensation or ability to reach orgasm. Multiple scientific voices have joined those of patients and support groups to question long-term results of early genital surgery."

SENATOR HARDY:

I am a doctor, and I have been on television. The good thing about doctors is that they do not agree on much, but the overwhelming scientific evaluations of these ambiguous genitalia cases is the sooner that you protect them and allow them to heal, the more plasticity you have of the tissues and you allow them to have a better outcome. I will not pretend that every surgery is without risk or side effects. I will not pretend that every doctor is the best doctor in the world. What we want

to do is foster a good medical community here in Nevada, and I think this would not be the thing to do.

SENATOR PARKS:

One comment that I would like to make is that the documentation that was posted on the website for this bill indicated that the XX and XY chromosome testing proves to be problematic. What I would like to do is to ask that Senate Bill No. 408 be placed on the Secretary's Desk for further consideration so that we can hopefully resolve some of the issues we are hearing today.

Senator Parks moved that the bill be taken from the General File and placed on the Secretary's desk.

Motion carried.

Senate Bill No. 426.

Bill read third time.

Remarks by Senator Manendo.

Senate Bill No. 426 requires the driver and any passenger of a moped to wear protective headgear while the moped is being driven on a highway. The bill also requires the driver and any passenger of a moped to wear protective glasses, goggles or a face shield unless the moped has a transparent windscreen.

Roll call on Senate Bill No. 426:

YEAS—20.

NAYS—Gustavson.

Senate Bill No. 426 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 434.

Bill read third time.

Remarks by Senators Segerblom, Parks, Goicoechea, Gustavson, Hardy, Roberson, Denis and Ratti.

SENATOR SEGERBLOM:

Senate Bill No. 434 requires the city councils of Reno and Sparks to appoint the City Attorney. The City Attorney serves under the direction and supervision of the City Council and may be removed by a majority vote of the City Council at any time.

SENATOR PARKS:

I stand in support of Senate Bill No. 434. I was an employee for the City of Las Vegas and saw how things changed after the city attorney became an appointed position rather than an elected position. The relationship between the city attorney and the city council turned out to be greatly improved after the city council retained its attorney.

SENATOR GOICOECHEA:

I rise in opposition to Senate Bill No. 434. The City of Sparks had a charter amendment in this Session which was approved through Committee. Both Reno and Sparks have charter committees, and I would prefer that it went through that route instead. I prefer that the charter committees bring it forward rather than us pushing this down to them statutorily.

SENATOR GUSTAVSON:

As an elected representative representing much of Sparks and parts of Reno, I rise in opposition to Senate Bill No. 434. This bill would deny the residents of Sparks the right to vote for their currently elected representative, the Sparks City District Attorney, I am not sure why this bill was brought forth at this time, as this issue has gone before the voters twice in Sparks and was turned

down twice by the residents of Sparks. The Charter Committee of Sparks has considered and rejected the issue, and the Mayor and City Council currently oppose this bill. Why would we choose to go against the voter's wishes? I urge a "no" vote.

SENATOR HARDY:

I graduated from Sparks High School and so did my mother. I have some feelings for Sparks and realize that we have the opportunity to vote, go through the charter commission and all of those things, and I think that is an appropriate thing to do. I am against the bill, but I am curious if this Legislature had to give the City of Las Vegas permission to change to the appointment or is this a new way of doing it? Did they do that through the charter or change as they did all by themselves?

SENATOR PARKS:

It is my understanding that the City of Las Vegas did this through a change in its statutory authority. It may have been through amendment to its charter, but I do not have the specifics on that at this point.

SENATOR ROBERSON:

My concern with Senate Bill No. 434 is that once you take away the voice of the people for City Attorney, it becomes captive to the local politicians who run that municipality. You no longer have an independent voice looking out for the tax payers.

I find it ironic that some of us have tried to give the Clark County School Board and the Washoe County School Board more of a voice through an appointment process, at least a blended appointment process, where the municipalities can appoint members to the school board, but that bill has not even had a hearing. In fact, those bills are now dead. They did not receive a hearing, and they did not receive a vote. I am curious why it is okay to change the elected city attorney for certain localities to appointed, but there is no consideration for the real problems that we have with the school boards in the two largest counties in the State today. At this point, I will be voting "no" on Senate Bill No. 434.

SENATOR DENIS:

During the hearing, did anyone asked how many cities across the Country have elected city attorneys?

SENATOR SEGERBLOM:

The answer is 2 percent around the Country. No major cities have elected city attorneys. The reason city attorneys, as opposed to school board members, need to be appointed is that it is a professional job. It is something where everyone needs their personal attorney. With an elected city attorney, you may have a conflict because the person that is elected has to decide who is the client; is it the city council, the city or is it the people of the city? It is time to move forward.

SENATOR RATTI:

I am not as familiar with the situation in the south, but I am familiar with the situation with the school districts in the north. Part of the reason I support this bill is because we saw a series of open-meeting blunders with the school district. They had the ability, because they had an appointed attorney, to change attorneys. When they changed attorneys, they no longer had these blunders because they got confident legal staff who had the right skill set to be able to help them do their job. Because of that example and similar experiences I have had at the local level, I believe that it is an important issue. Just like we have here, the elected Body, which is a Citizen Legislature, needs to have the opportunity to have nonpartisan, professional, capable legal staff to advise them so that they can do their job. It is essential to the effectiveness of the Body, and I will be supporting this bill.

SENATOR ROBERSON:

In the spirit of bipartisan cooperation, for which I am well known, would the sponsor of this bill consider an amendment that would have to go through the Rules Committee to include appointed members for school boards in the two largest counties?

SENATOR SEGERBLOM:

I would not sponsor an amendment, but I would be happy to consider a bill. I think it is important to choose the best bill for the school board. I would also rather pay the school board more money because their job is equivalent to a county commissioner. I think we ought to at least increase the salary for the school board in Las Vegas because they do have a full time job. Those people then could be qualified to hold that job.

Roll call on Senate Bill No. 434:

YEAS—12.

NAYS—Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Roberson, Settlemeyer—9.

Senate Bill No. 434 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 454.

Bill read third time.

Remarks by Senator Gustavson.

Senate Bill No. 454 enacts the Uniform Powers of Appointment Act, which codifies common law with regard to powers of appointment for estates. The bill provides definitions and sets forth provisions governing the creation, revocation and amendment of powers of appointment; the exercise of a power of appointment; the disclaimer or release of a power of appointment and the right of a creditor of a holder of a power of appointment with respect to property subject to that power.

Roll call on Senate Bill No. 454:

YEAS—21.

NAYS—None.

Senate Bill No. 454 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 460.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 460 revises the membership of the Local Government Employee-Management Relations Board by increasing the membership of the Board from three to five members, increasing the number of members of the Board who may belong to the same political party from two to three members and requiring that at least three members of the Board reside in southern Nevada.

Roll call on Senate Bill No. 460:

YEAS—21.

NAYS—None.

Senate Bill No. 460 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 466.

Bill read third time.

Remarks by Senator Settlemeyer.

Senate Bill No. 466 exempts a person licensed as an allopathic or osteopathic physician from registration under the provisions governing the State Board of Oriental Medicine. The bill provides that Board members serve at the pleasure of the Governor, and the Governor may remove a member with or without cause. The bill increases the membership of the Board from five to seven members. Finally, the Board must submit a biannual report to the Sunset Subcommittee of the Legislative Commission containing certain information relating to the proceedings and duties of the Board.

Roll call on Senate Bill No. 466:

YEAS—21.

NAYS—None.

Senate Bill No. 466 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 470.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 470 expands the list of entities that a juvenile-justice agency may share information with concerning a child on whom a law-enforcement agency is actively conducting a criminal investigation or a delinquency proceeding or who is engaged in a situation that poses a threat to the child's safety or the safety or well-being of others.

The bill also establishes an additional condition that must be met before a juvenile-justice agency may release juvenile-justice information to a school district. That condition is that the written agreement with the school district must provide for the sharing of data from the educational record of the child maintained by the school district.

Roll call on Senate Bill No. 470:

YEAS—20.

NAYS—Gustavson.

Senate Bill No. 470 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 473.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 473 provides that an increased penalty for committing certain sexual offenses in the presence of a child under 18 years of age or a vulnerable person does not apply if the person committing the offense is under 18 years of age.

Roll call on Senate Bill No. 473:

YEAS—21.

NAYS—None.

Senate Bill No. 473 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 476.

Bill read third time.

Remarks by Senator Settlemeyer.

Senate Bill No. 476 requires certain members of the Commission for Common-Interest Communities and Condominium Hotels to not only be unit owners but also reside in a unit within Nevada.

Roll call on Senate Bill No. 476:

YEAS—21.

NAYS—None.

Senate Bill No. 476 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 493.

Bill read third time.

Remarks by Senators Parks, Roberson, Ford, Kieckhefer and Settlemeyer.**SENATOR PARKS:**

Senate Bill No. 493 eliminates the use of salary to determine which school administrators are to be excluded from membership in a bargaining unit and instead excludes from such membership any school district administrator above the rank of principal, regardless of salary.

SENATOR ROBERSON:

Senate Bill No. 493 would serve to modify a bill I sponsored last Session, Senate Bill 241 of the 78th Session. I agree with this modification, this is not a repeal of a reform from last Session. Last Session as part of Senate Bill 241, my intent was to eliminate the ability for school administrators above the level of principal from collectively bargaining. I worked with Joyce Haldeman from the school district, and we determined, at the time, that we thought the best way to do that was by salary level. We said that any administrator in the school district making more than \$120,000 would be excluded from collective bargaining. We learned later in the Session, after the bill had passed, that a few principals, frankly some of the best principals in the school district, made more than \$120,000; they were inadvertently excluded from bargaining.

This bill, that my colleague from District 7 has proposed, ensures that principals can still collectively bargain. What it also does is provide a more expansive list of other administrators who cannot bargain collectively. This is actually more expansive in some ways than Senate Bill 241 of the previous Session with regard to this specific issue, and it ensures that no administrator in a school district above the level of principal will be able to collectively bargain. I will support this bill.

SENATOR FORD:

I stand in support of Senate Bill No. 493. I am glad that we are clarifying and correcting something from last Session. I want to highlight something I think is important. We are stripping the right to collectively bargain from people making over \$120,000. I find that interesting in view of the fact that people who are making millions and sometimes multimillions of dollars, like in the NBA and in the NFL in professional sports, collectively bargain. Why are we picking an arbitrary number to ascertain when someone can exercise the right to collectively bargain? I just wanted to rise to point out that particular discrepancy in our mentality, but at the same time, I am in support of this bill.

SENATOR KIECKHEFER:

In answer to the question posed by the Majority Leader, there is a significant difference between the public sector and the private sector labor associations and collective bargaining. In one case, you are bargaining with taxpayer money and the other you are bargaining with private-sector money. Those are very different things. To treat them differently is entirely appropriate as we have always done.

SENATOR FORD:

I find that to be a distinction without a difference. We are looking at employees who are looking to find an opportunity to fight for fair wages in certain circumstances and fair working conditions. That is something that permeates the entirety of society, especially when we are talking about our government workers. In my humble opinion, that is a distinction not the difference. I still support Senate Bill No. 493.

SENATOR SETTELMEYER:

I would gladly support the Majority Leader's amendment.

SENATOR KIECKHEFER:

I think that it is a distinction with a huge difference. It gets to the core purpose of why we are here. Are we here to look out for the best interest of the populous at large? Are we implementing policies that are designed to make the best use of taxpayer dollars to provide the greatest service for the greatest efficiency for the State, or are we employers trying to hire people and pay them great wages? I believe we are here to try to provide service to the people of Nevada and to do so effectively and efficiently and at the greatest value for the taxpayer so we do not have to tax them more to provide the same level of service. That is the difference.

SENATOR FORD:

I think that those are not mutually exclusive. We are here to represent the entirety of our State including our State workers and our public workers. While we may want to lower their salaries because it is more economically feasible for the State, we end up putting them on welfare often times for State workers. That ends up being another burden on our State. We can pay now, or we can pay later. At the end of the day, as I have indicated, collective bargaining is something that allows employers and employees to talk about things that move themselves forward. I think that again, it is a distinction without a difference. We can both help employees and help employers whether they are private sector or public sector.

Roll call on Senate Bill No. 493:

YEAS—21.

NAYS—None.

Senate Bill No. 493 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 513.

Bill read third time.

Remarks by Senators Cancela and Goicoechea.

SENATOR CANCELA:

Senate Bill No. 513 increases the cap on the assessment for water distribution expenses, where a system stream irrigates more than 200,000 acres of land from 30 cents to \$1 per acre foot of water decreed.

I should note for the Body, this does not mean it will increase all at once from thirty cents to \$1, rather it enables the State Engineers office to make that change, so they can continue to service primarily around the Humboldt Basin area.

SENATOR GOICOECHEA:

This bill does what the Chair of the Committee says it does. Currently, the groundwater users in the Humboldt Basin pay an assessment of 50 cents an acre foot with the existing statute surface water was only paying 30 cents. This is trying to correct that and get everyone up to 50 cents and paying the same amount and control the 200,000 acres in the water basin again. This is only for the Humboldt drainage.

Roll call on Senate Bill No. 513:

YEAS—20.

NAYS—Gustavson.

Senate Bill No. 513 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 515.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 515 repeals the current requirement that all monies received by the Administrator of the Securities Division as the result of an enforcement action be deposited in the State General Fund for credit to the Secretary of State's Operating General Fund budget. Instead, these monies would be deposited with the State Treasurer for credit to the State General Fund for unrestricted use.

The bill also requires the transfer of any unexpended balance remaining in the Secretary of State's Operating General Fund Budget Account on June 30, 2017, to the State General Fund for unrestricted State General Fund use.

Finally, Senate Bill No. 515 implements the Executive Budget.

Roll call on Senate Bill No. 515:

YEAS—21.

NAYS—None.

Senate Bill No. 515 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 13.

Resolution read third time.

Remarks by Senator Ratti.

Senate Joint Resolution No. 13 expresses the support of the Nevada Legislature for determination of the Blue Ribbon Panel on sustaining Americans diverse fish and wildlife resources to recommend that Congress dedicate 1.3 billion annually from revenue obtained from the development of energy and mineral resources on federal lands to diversify funding for the management of wildlife.

This resolution also expresses support for the enactment of Legislation to broaden dedicated methods of funding for the conservation of wildlife in this State, carrying out the wildlife action plan of the Nevada Department of Wildlife and providing State matching funds if a dedicated method of federal funding is obtained for the conservation of wildlife in this State.

Roll call on Senate Joint Resolution No. 13:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 13 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 18, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption for Senate Bills Nos. 465, 517.

MARK KRMPOTIC
Fiscal Analysis Division

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 69, 291, 354, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 97, 139, 324, 432, 483, 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Revenue and Economic Development, to which were referred Senate Bills Nos. 126, 342, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 137.

Bill read second time.

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

Amendment No. 214.

SUMMARY—Revises provisions governing certain plans, programs and reports relating to veterans. (BDR 37-64)

AN ACT relating to veterans; requiring certain state agencies and regulatory bodies to include certain questions on the forms used to collect data from a veteran; removing the prospective expiration of the Account to Assist Veterans Who Have Suffered Sexual Trauma and the duty of the Director of the Department of Veterans Services to develop plans and programs to assist veterans who have suffered sexual trauma; eliminating the requirement to transfer any remaining balance in the Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain state agencies and regulatory bodies to collect and report to the Interagency Council on Veterans Affairs certain data relating to veterans. (NRS 417.0194, 622.120) Sections 1 and 2 of this bill require such a state agency or regulatory body to include the following questions on each form used to collect data from a veteran: (1) "Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable?"; (2) "Have you ever been assigned

to duty for a minimum of 6 continuous years in the National Guard or a reserve component of the Armed Forces of the United States and separated from such service under conditions other than dishonorable?"; and (3) "Have you ever served the Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States in the capacity of a commissioned officer while on active duty in defense of the United States and separated from such service under conditions other than dishonorable?"

Existing law: (1) requires the Director and Deputy Director of the Department of Veterans Services to develop plans and programs to assist veterans who have suffered sexual trauma while on active duty or during military training; and (2) creates the Account to Assist Veterans Who Have Suffered Sexual Trauma in the State General Fund. (NRS 417.090, 417.119) These provisions prospectively expire on June 30, 2017, and any remaining balance in the Account on that date is required to be transferred to the Gift Account for Veterans. (Sections 4.7 and 5 of chapter 246, Statutes of Nevada 2015, p. 1168) Section 3 of this bill repeals the prospective expiration of the requirement to develop plans and programs to assist veterans who have suffered sexual trauma and the Account, thereby maintaining both the requirement to develop plans and programs and the Account after June 30, 2017. Because of the continuation of the Account, section 3 also eliminates the requirement to transfer any remaining balance in the Account on June 30, 2017.

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

Section 1. NRS 417.0194 is hereby amended to read as follows:

417.0194 1. Each state agency and regulatory body identified in subsections 2 to 15, inclusive, shall report, subject to any limitations or restrictions contained in any state or federal law governing the privacy or confidentiality of records, the data identified in subsections 2 to ~~{15,}~~ 16, inclusive, as applicable, to the Interagency Council on Veterans Affairs. Each state agency and regulatory body shall submit such information to the Council not later than November 30 of each year and shall provide the information in aggregate and in digital form, and in a manner such that the data is capable of integration by the Council.

2. The Department of Administration shall provide:

(a) Descriptions of and the total amount of the grant dollars received for veteran-specific programs;

(b) The total number of veterans employed by each agency in the State; and

(c) The total number of veterans with service-connected disabilities who are seeking preferences through the Purchasing Division and the State Public Works Division of the Department of Administration pursuant to NRS 333.3366 and 338.13844.

3. The State Department of Conservation and Natural Resources shall provide the total number of veterans receiving:

(a) Expedited certification for the grade I certification examination for wastewater treatment plant operators based on their military experience; and

(b) Any discounted fees for access to or the use of state parks.

4. The Department of Corrections shall provide:

(a) An annual overview of the monthly population of inmates in this State who are veterans; and

(b) The success rates for any efforts developed by the Incarcerated Veterans Reintegration Council.

5. The Office of Economic Development shall provide an overview of the workforce that is available statewide of veterans, organized by O*NET-SOC code from the United States Department of Labor or the trade, job title, employment status, zip code, county, highest education level and driver's license class.

6. The Department of Education shall provide the distribution of dependents of service members enrolled in Nevada's public schools.

7. The Department of Employment, Training and Rehabilitation shall provide a summary of:

(a) The average number of veterans served by a veteran employment specialist of the Department per week;

(b) The average number of initial and continuing claims for benefits filed per week by veterans pursuant to NRS 612.455 to 612.530, inclusive;

(c) The average weekly benefit received by veterans receiving benefits pursuant to chapter 612 of NRS; and

(d) The average duration of a claim by claimants who are veterans receiving benefits pursuant to chapter 612 of NRS.

8. The Department of Health and Human Services shall provide:

(a) The total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency Medical Technician and Paramedic through the State Emergency Medical Systems program; and

(b) A report from the State Registrar of Vital Statistics setting forth the suicide mortality rate of veterans in this State.

9. The Department of Motor Vehicles shall provide:

(a) The total number of veterans who have declared themselves as a veteran and who applied for and received a commercial driver's license;

(b) The average monthly total of veteran license plates issued; and

(c) An overview of the data on veterans collected pursuant to NRS 483.292, 483.852 and 483.927.

10. The Adjutant General shall provide the total number of:

(a) Members of the Nevada National Guard using waivers for each semester and identifying which schools accepted the waivers;

(b) Members of the Nevada National Guard identified by Military Occupational Specialty and zip code; and

(c) Members of the Nevada National Guard employed under a grant from Beyond the Yellow Ribbon.

11. The Department of Public Safety shall provide the percentage of veterans in each graduating class of its academy for training peace officers.

12. The Department of Taxation shall provide the total number of veterans receiving tax exemptions pursuant to NRS 361.090, 361.091, 361.155, 371.103 and 371.104.

13. The Department of Wildlife shall provide the total number of:

- (a) Veterans holding hunting or fishing licenses based on disability; and
- (b) Service members holding hunting or fishing licenses who are residents of this State but are stationed outside this State.

14. The Commission on Postsecondary Education shall provide, by industry, the total number of schools in this State approved by the United States Department of Veterans Affairs that are serving veterans.

15. Each regulatory body shall provide the total number of veterans and service members applying for licensure by the regulatory body.

16. *Each state agency and regulatory body identified in subsections 2 to 15, inclusive, shall ensure that the form used to collect data from a veteran, including, without limitation, a digital form posted on an Internet website, includes the following questions:*

(a) "Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable?"

(b) "Have you ever been assigned to duty for a minimum of 6 continuous years in the National Guard or a reserve component of the Armed Forces of the United States and separated from such service under conditions other than dishonorable?"

(c) "Have you ever served the Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States in the capacity of a commissioned officer while on active duty in defense of the United States and separated from such service under conditions other than dishonorable?"

17. The Council shall, upon receiving the information submitted pursuant to this section, synthesize and compile the information, including any recommendations of the Council, and submit the information with the report submitted pursuant to subsection 8 of NRS 417.0195.

~~{17-}~~ 18. As used in this section:

(a) "Regulatory body" has the meaning ascribed to it in NRS 622.060.

(b) "Service member" has the meaning ascribed to it in NRS 125C.0635.

Sec. 2. NRS 622.120 is hereby amended to read as follows:

622.120 1. If a regulatory body collects information regarding whether an applicant for a license is a veteran, the regulatory body shall prepare and submit to the Interagency Council on Veterans Affairs created by NRS 417.0191 an annual report which provides information on the number of veterans who have:

- (a) Applied for a license from the regulatory body.
- (b) Been issued a license by the regulatory body.

(c) Renewed a license with the regulatory body.

2. *If a regulatory body collects information regarding whether an applicant for a license is a veteran, the form used by the regulatory body, including, without limitation, a digital form posted on an Internet website, shall include the following questions:*

(a) *"Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable?"*

(b) *"Have you ever been assigned to duty for a minimum of 6 continuous years in the National Guard or a reserve component of the Armed Forces of the United States and separated from such service under conditions other than dishonorable?"*

(c) *"Have you ever served the Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States in the capacity of a commissioned officer while on active duty in defense of the United States and separated from such service under conditions other than dishonorable?"*

3. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 3. Section 5 of chapter 246, Statutes of Nevada 2015, at page 1168, is hereby amended to read as follows:

Sec. 5. This act becomes effective on July 1, 2015 . ~~[-, and expires by limitation on June 30, 2017.]~~

Sec. 3.3. Notwithstanding the amendatory provisions of this act, if collecting the information newly required by this act requires the revision of a paper form or an electronic form or changes to a computer system, an agency or other regulatory body is not required to collect the information until the earlier of 2 years after the effective date of this act or the date on which:

1. The inventory of paper forms in stock or ordered before the effective date of this act is used; or

2. The revised electronic form or required changes to the computer system are completed.

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. Section 4.7 of chapter 246, Statutes of Nevada 2015, at page 1168, is hereby repealed.

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

TEXT OF REPEALED SECTION

Section 4.7 of chapter 246, Statutes of Nevada 2015, at page 1168:

Sec. 4.7. The balance of any money remaining on June 30, 2017, in the Account to Assist Veterans Who Have Suffered Sexual Trauma created by section 1 of this act that has not been committed for expenditure must be transferred to the Gift Account for Veterans created by NRS 417.145.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 214 Senate Bill No. 137 requires certain State agencies and regulatory bodies to include certain questions on the forms used to collect data from a veteran that is submitted to the Interagency Council on Veterans Affairs. The agencies and regulatory bodies required to collect this information have some flexibility in implementation by allowing until the earlier of two years after the effective date of this bill or the date on which: 1) the inventory of paper forms in stock or ordered before the effective date is used; or 2) the revised electronic form or required changes to the computer system are completed.

The bill removes the sunset date of June 30, 2017, to continue the requirement to develop plans and programs to assist veterans who have suffered military sexual trauma, maintains the Account to Assist Veterans Who Have Suffered Sexual Trauma and eliminates the requirement to transfer any remaining balance in the Account on June 30, 2017.

Amendment adopted.

Senator Parks moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 146.

Bill read second time.

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

Amendment No. 254.

SUMMARY—Requires certain electric utilities to file a distributed resources plan with the Public Utilities Commission of Nevada. (BDR 58-15)

AN ACT relating to energy; requiring certain electric utilities in this State to file with the Public Utilities Commission of Nevada a distributed resources plan; prescribing the minimum requirements of such a plan; increasing the period by which the Commission must issue an order accepting or modifying certain portions of a plan to increase the supply of electricity or reduce demand submitted by an electric utility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an electric utility with an annual operating revenue of \$2,500,000 or more in this State to submit to the Public Utilities Commission of Nevada a plan to increase its supply of electricity or decrease the demands made on its system by its customers. (NRS 704.741) Sections 1 and 3 of this bill require such an electric utility to submit to the Commission, on or before July 1, 2018, a distributed resources plan as part of the plan to increase its supply or decrease the demands on its system. A distributed resources plan must: (1) evaluate locational benefits and costs of distributed resources; (2) propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources; (3) propose cost-effective methods of effectively coordinating existing programs approved by the Commission; (4) identify additional spending necessary to integrate

cost-effective distributed resources into distribution planning; and (5) identify barriers to the deployment of distributed resources.

Existing law requires the Commission to convene a public hearing on the adequacy of a plan to increase supply or reduce demand and to issue an order accepting the plan or specifying any portions of the plan it deems to be inadequate. (NRS 704.746, 704.751) Section 2 of this bill authorizes the Commission to accept a distributed resources plan that complies with the provisions of section 1 after such a hearing. Section 2 also increases from 180 days to 210 days the period by which the Commission must issue an order approving or modifying any portion of a plan to increase supply or reduce demand that does not relate to the energy supply plan of the utility.

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

Section 1. NRS 704.741 is hereby amended to read as follows:

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

2. The Commission shall, by regulation:

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

(1) Forecast the future demands; and

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

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

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

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

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

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

(d) A list of the utility's assets described in NRS 704.7338.

(e) A surplus asset retirement plan as required by NRS 704.734.

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

5. *The Commission shall require the utility to include in its plan a distributed resources plan. The distributed resources plan must:*

(a) *Evaluate the locational benefits and costs of distributed resources. This evaluation must be based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits and any other savings the distributed resources provide to the electricity grid for this State or costs to customers of the electric utility.*

(b) *Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources that satisfy the objectives for distribution planning.*

(c) *Propose cost-effective methods of effectively coordinating existing programs approved by the Commission, incentives and tariffs to maximize the locational benefits and minimize the incremental costs of distributed resources.*

(d) *Identify any additional spending necessary to integrate cost-effective distributed resources into distribution planning consistent with the goal of yielding a net benefit to the customers of the electric utility.*

(e) *Identify barriers to the deployment of distributed resources, including, without limitation, safety standards related to technology or operation of the distribution system in a manner that ensures reliable service.*

6. As used in this section:

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

(b) "Distributed generation system" has the meaning ascribed to it in NRS 701.380.

(c) "Distributed resources" means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand-response technologies.

(d) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.

Sec. 2. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within ~~180~~ 210 days for all portions of the plan not described in paragraph (a).

➡ If the Commission issues an order modifying the plan, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any

petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

(a) Within 135 days after the filing of the amendment; or

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

➡ If the Commission issues an order modifying the amendment, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

3. All prudent and reasonable expenditures made to develop the utility's plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's customers.

4. The Commission may accept ~~to~~ :

(a) A transmission plan submitted pursuant to subsection 4 of NRS 704.741 for a renewable energy zone if the Commission determines that the construction or expansion of transmission facilities would facilitate the utility meeting the portfolio standard, as defined in NRS 704.7805.

(b) *A distributed resources plan submitted pursuant to subsection 5 of NRS 704.741 if the Commission determines that the plan includes each element required by that subsection.*

5. The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to subsection 4 of NRS 704.741.

6. Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive.

Sec. 3. Any public utility required to file a plan pursuant to NRS 704.741 that would not otherwise be required to file a new plan before July 1, 2018, shall submit an amendment to its existing plan by July 1, 2018, that complies with the provisions relating to a distributed resources plan in NRS 704.741, as amended by section 1 of this act.

Sec. 4. This act becomes effective on July 1, 2017.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 254 makes one change to Senate Bill No. 146. The amendment increases from 180 days to 210 days the period of time the Public Utilities Commission of Nevada must issue an order accepting or modifying a resource plan or specifying any portions of the plan it deems inadequate.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 151.

Bill read second time.

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

Amendment No. 280.

SUMMARY—~~Provides for~~ Authorizes the establishment of a public health laboratory in certain counties. (BDR 40-752)

AN ACT relating to public health; ~~requiring~~ authorizing the district board of health in certain counties to establish a public health laboratory; specifying the duties ~~of~~ that the laboratory is authorized to perform; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~requires~~ authorizes the district board of health in a county whose population is 700,000 or more (currently only Clark County) to establish, equip and maintain a public health laboratory. The laboratory is ~~required~~ authorized to: (1) analyze the purity of food and drugs; (2) investigate cases and suspected cases of human exposure to certain dangerous agents; (3) investigate cases and suspected cases of infectious diseases and debilitating conditions; and (4) undertake other laboratory duties in the interests of public health.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The district board of health ~~shall~~ may establish, equip and maintain a district public health laboratory. The ~~chief medical~~ district health officer or his or her designee is in charge of the laboratory.*

2. *~~The~~ If a district public health laboratory ~~shall~~ is established pursuant to subsection 1, the laboratory may:*

(a) *Analyze food and drugs for the purpose of enforcing laws concerning the standards of purity of food and drugs;*

(b) *Analyze environmental factors to investigate cases or suspected cases of human exposure to infectious, contagious and communicable diseases, hazardous chemicals and other dangerous agents;*

(c) *Investigate cases and suspected cases of infectious, contagious and communicable diseases and debilitating conditions; and*

(d) Undertake such other technical and laboratory duties as are in the interest of the health of the general public.

3. ~~Reports~~ If a district health laboratory is established pursuant to subsection 1, reports of investigations conducted at the ~~district public health~~ laboratory may be published from time to time in bulletins and circulars.

4. The district board of health may set reasonable fees for performing tests on samples submitted to ~~the~~ a district public health laboratory ~~if~~ established pursuant to subsection 1. Such fees must be for the sole purpose of defraying the costs and expenses of the laboratory and not for the purposes of general revenue.

Sec. 2. NRS 439.361 is hereby amended to read as follows:

439.361 The provisions of NRS 439.361 to 439.3685, inclusive, and section 1 of this act apply to a county whose population is 700,000 or more.

Sec. 3. ~~The provisions of NRS 254.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.~~
(Deleted by amendment.)

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

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Amendment No. 280 revises Senate Bill No. 151 to authorize, rather than require, the district board of health to establish, equip and maintain a public health laboratory.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 162.

Bill read second time.

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

Amendment No. 121.

SUMMARY—Revises provisions relating to psychological assistants, psychological interns and psychological trainees. (BDR 54-614)

AN ACT relating to psychology; requiring the registration of psychological assistants ~~by the Board of Psychological Examiners; authorizing the registration of psychological interns and psychological trainees by the Board; [of Psychological Examiners];~~ requiring an applicant for such a registration to submit an application, an application fee and his or her fingerprints; ~~requiring~~ prescribing the fee for the initial registration and annual renewal of such a registration; requiring a licensed psychologist to supervise any activity or service provided by a psychological assistant, psychological intern or psychological trainee; authorizing a psychologist who supervises the performance of certain services by a ~~registrant~~ psychological assistant, psychological intern or psychological trainee to be reimbursed for such services under the State Plan for Medicaid ~~if~~, to the extent authorized by federal law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure of psychologists by the Board of Psychological Examiners. (NRS 641.160, 641.170) Under existing regulations: (1) a person who wishes to obtain certain postdoctoral experience in psychology must register with the Board as a psychological assistant and perform certain activities only under the supervision of a licensed psychologist; and (2) a person who is in a doctoral program in psychology and who is engaged in an internship is not required to register with the Board but may perform certain activities under the supervision of a licensed psychologist. (NAC 641.1507-641.161)

Sections 1-10 of this bill provide for the registration of psychological assistants, psychological interns and psychological trainees. Section 5 of this bill: (1) requires ~~+- (1) a~~ a person who wishes to obtain certain postdoctoral experience in psychology to register with the Board as a psychological assistant; (2) ~~authorizes~~ a person who is in a doctoral program ~~or certain doctorate-level training~~ in psychology and who wishes to engage in an internship to register with the Board as a psychological intern; and (3) ~~authorizes~~ a person who is in a doctoral program ~~or certain doctorate-level training~~ and who wishes to perform certain activities or services which are not part of an internship program to register with the Board as a psychological trainee. Section 5 further requires an applicant for such a registration to submit to the Board: (1) an application; ~~(2) an application fee; and ~~+- (2)~~ (3)~~ a complete set of fingerprints and a fee for obtaining a criminal background check on the applicant. Under section 5, a person registered as a psychological assistant, psychological intern or psychological trainee must renew his or her registration annually. However, the registration may not be renewed if the renewal would cause the psychological assistant, psychological intern or psychological trainee to be registered for more than 3 years.

Section 9.5 of this bill establishes a fee of not more than \$250 for the initial registration of a psychological assistant, psychological intern or psychological trainee and a fee of not more than \$150 for the annual renewal of such a registration. However, under section 9.5, the Board is required to waive the fee for the initial registration as a psychological assistant, psychological intern or psychological trainee if the applicant has previously been registered as a psychological assistant, psychological intern or psychological trainee.

Section 9 of this bill requires an applicant for a registration to include in the application his or her social security number and a statement relating to compliance with certain child support orders. Section 10 of this bill requires the Board to suspend a registration if the registered person fails to comply with certain requirements related to child support orders. Under section 5, a person registered as a psychological assistant, psychological intern or psychological trainee is authorized to perform professional activities and services only under the supervision of a licensed psychologist. Section 7 of this bill authorizes the Board to adopt regulations relating to the registration of persons as

psychological assistants, psychological interns and psychological trainees, and to suspend or revoke such a registration under certain circumstances.

Existing law requires the Director of the Department of Health and Human Services to adopt a State Plan for Medicaid, to be implemented by the Division of Health Care Financing and Policy of the Department. (NRS 422.063) Existing law also requires that various services rendered by certain providers of health care be reimbursable under the State Plan for Medicaid. (NRS 422.2717-422.27241) Section 11 of this bill authorizes the Department, through the Division ~~for~~ and to the extent authorized by federal law, to reimburse a psychologist for certain services rendered by a registered psychological assistant, psychological intern or psychological trainee under the supervision of the psychologist.

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

Section 1. Chapter 641 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~and~~ to 5 , inclusive, of this act.

Sec. 2. *"Psychological assistant" means a person registered with the Board as a psychological assistant pursuant to subsection 1 of section 5 of this act.*

Sec. 3. *"Psychological intern" means a person registered with the Board as a psychological intern pursuant to subsection 2 of section 5 of this act.*

Sec. 4. *"Psychological trainee" means a person registered with the Board as a psychological trainee pursuant to subsection 3 of section 5 of this act.*

Sec. 5. 1. *A person who wishes to obtain any postdoctoral supervised experience that is required for licensure as a psychologist pursuant to paragraph (e) of subsection 1 of NRS 641.170 must register with the Board as a psychological assistant.*

2. *A person who ~~is~~ :*

(a) Is in a doctoral training program in psychology at an accredited educational institution approved by the Board ~~and who wishes~~ or in doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training; and

(b) Wishes to engage in a predoctoral internship pursuant to the requirements of the training program ~~must~~ .

↪ may register with the Board as a psychological intern.

3. *A person who ~~is~~ :*

(a) Is in a doctoral training program in psychology at an accredited educational institution approved by the Board ~~and who wishes~~ or in doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training; and

(b) Wishes to perform professional activities or services under the supervision of a psychologist ~~must~~ .

↪ may register with the Board as a psychological trainee.

4. *A person desiring to register as a psychological assistant, psychological intern or psychological trainee must:*

(a) *Make application to the Board on a form, and in a manner, prescribed by the Board. The application must be accompanied by the application fee prescribed by the Board and include all information required to complete the application.*

(b) *As part of the application and at his or her own expense:*

(1) *Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Board; and*

(2) *Submit to the Board:*

(I) *A complete set of fingerprints, a fee for the processing of fingerprints established by the Board and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background; or*

(II) *Written verification, on a form prescribed by the Board, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background.*

5. *The Board may:*

(a) *Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Board deems necessary; and*

(b) *Request from each agency to which the Board submits the fingerprints any information regarding the applicant's background as the Board deems necessary.*

6. *An application for initial registration as a psychological assistant, psychological intern or psychological trainee is not considered complete and received until the Board receives a complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section.*

7. *The registration of a psychological assistant, psychological intern or psychological trainee expires 1 year after the date of registration unless the registration is renewed pursuant to this subsection. The Board may not renew such a registration if the renewal would cause the psychological assistant, psychological intern or psychological trainee to be registered for more than*

3 years. To renew a registration, a psychological assistant, psychological intern or psychological trainee must, on or before the expiration of the registration:

(a) Apply to the Board for renewal;

(b) Pay the fee prescribed by the Board pursuant to NRS 641.228 for the annual renewal of a registration as a psychological assistant, psychological intern or psychological trainee; and

(c) Submit all information required to complete the renewal.

8. Any activity or service performed by a psychological assistant, psychological intern or psychological trainee must be performed under the supervision of a psychologist in accordance with regulations adopted by the Board.

Sec. 6. NRS 641.020 is hereby amended to read as follows:

641.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 641.0202 to 641.027, inclusive, and sections 2, 3 and 4 of this act and 689A.0435 have the meanings ascribed to them in those sections.

Sec. 7. NRS 641.100 is hereby amended to read as follows:

641.100 The Board may make and promulgate rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensure of applicants, the granting, refusal, revocation or suspension of licenses, *the registration of persons as psychological assistants, psychological interns or psychological trainees*, the practice of psychology and the practice of applied behavior analysis.

Sec. 8. NRS 641.110 is hereby amended to read as follows:

641.110 1. The Board may, under the provisions of this chapter:

(a) Examine and pass upon the qualifications of the applicants for licensure.
 (b) License qualified applicants.
 (c) *Register a person as a psychological assistant, psychological intern or psychological trainee.*

(d) Revoke or suspend licenses ~~and~~ *and registrations.*

~~((d))~~ (e) Collect all fees and make disbursements pursuant to this chapter.

2. The member of the Board who is a representative of the general public shall not participate in preparing, conducting or grading any examination required by the Board.

Sec. 9. NRS 641.175 is hereby amended to read as follows:

641.175 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license *or registration* shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license *or registration* shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license ~~{-}~~ *or registration*; or

(b) A separate form prescribed by the Board.

3. A license *or registration* may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 9.5. NRS 641.228 is hereby amended to read as follows:

641.228 1. The Board shall charge and collect not more than the following fees respectively:

For the national examination, in addition to the actual cost to the Board of the examination	\$100
For any other examination required pursuant to the provisions of subsection 1 of NRS 641.180, in addition to the actual costs to the Board of the examination	100
For the issuance of an initial license, including a license by endorsement	25
For the biennial renewal of a license of a psychologist.....	500
For the biennial renewal of a license of a licensed behavior analyst	400
For the biennial renewal of a license of a licensed assistant behavior analyst	275
For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license.....	100
For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology	300
For the registration of a nonresident to practice as a consultant.....	100
<u>For the initial registration of a psychological assistant,</u>	
<u>psychological intern or psychological trainee</u>	<u>250</u>
<u>For the annual renewal of a registration of a</u>	
<u>psychological assistant, psychological intern or</u>	

psychological trainee..... \$150

2. An applicant who passes the national examination and any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who is eligible for a license as a psychologist shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

3. An applicant who passes the examination and is eligible for a license as a behavior analyst or assistant behavior analyst shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

4. Except as otherwise provided in subsections 5 and 6 and NRS 641.195, in addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

5. If an applicant submits an application for a license by endorsement pursuant to NRS 641.195, the Board shall charge and collect not more than the fee specified in subsection 1 for the issuance of an initial license.

6. If an applicant submits an application for a license by endorsement pursuant to NRS 641.196, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

7. If an applicant submits an application for initial registration as a psychological assistant, psychological intern or psychological trainee pursuant to section 5 of this act and the applicant has previously been registered as a psychological assistant, psychological intern or psychological trainee, the Board must waive the fee set forth in subsection 1 for the initial registration.

Sec. 10. NRS 641.242 is hereby amended to read as follows:

641.242 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license *or registration* issued pursuant to this chapter, the Board shall deem the license *or registration* issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license *or registration* has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license *or registration* issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license *or registration* was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 11. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department, through the Division, may reimburse, under the State Plan for Medicaid, ~~for~~ and to the extent authorized by the Federal Government, any psychologist licensed pursuant to chapter 641 of NRS who supervises a psychological assistant, psychological intern or psychological trainee for such services rendered under the authorized scope of practice of the psychological assistant, psychological intern or psychological trainee to persons eligible to receive that assistance if another provider of health care would be reimbursed for providing those same services.*

2. *As used in this section:*

(a) *"Psychological assistant" has the meaning ascribed to it in section 2 of this act.*

(b) *"Psychological intern" has the meaning ascribed to it in section 3 of this act.*

(c) *"Psychological trainee" has the meaning ascribed to it in section 4 of this act.*

Sec. 12. This act becomes effective on July 1, 2017.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 121 makes five changes to Senate Bill No. 162: 1) it requires the annual renewal of a registration and prohibits a person from being registered for more than three years; 2) next, it allows the Board of Psychological Examiners to set a fee of not more than \$250 for the issuance of a registration and not more than \$150 for the annual renewal of a registration as a psychological assistant, psychological intern or psychological trainee; 3) it allows, rather than requires, a psychological intern or a psychological trainee to register with the Board. The Board may adopt regulations relating to the registration of such persons; 4) it authorizes the registration of a psychological assistant, psychological intern or psychological trainee who is not in a doctoral training program at an accredited educational institution but is in a doctoral training program deemed equivalent by the Board; 5) finally, it amends the bill to provide that a licensed psychologist may only be reimbursed under the State Plan for Medicaid to the extent authorized by the federal government.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 185.

Bill read second time.

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

Amendment No. 146.

SUMMARY—Prohibits form contracts for consumer goods or services from including provisions that interfere with a consumer's rights to provide certain information to others. (BDR 52-27)

AN ACT relating to trade regulations; prohibiting a seller or lessor of consumer goods or services from including certain provisions in ~~agreements~~ form contracts with consumers; authorizing a consumer and certain governmental entities to bring an action for the recovery of civil penalties for

violating the prohibition; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates trade practices and other commercial activities. (Title 52 of NRS) This bill prohibits a seller or lessor of consumer goods or services who uses a form contract, which is a contract that has standardized terms and is imposed on a consumer without a meaningful opportunity for negotiation by the consumer concerning the standardized terms, from including in ~~an agreement with a consumer~~ the contract a provision that: (1) limits or requires the consumer to waive his or her rights to provide a review, comment or other statement concerning the seller or lessor or the goods or services; (2) imposes a penalty on the consumer for providing such a review, comment or other statement; or (3) declares that the provision of such a review, comment or other statement by the consumer is a breach of the ~~agreement~~ contract. This bill provides that any such provision included in ~~an agreement~~ a form contract is unenforceable. This bill further provides that any person who violates its provisions is guilty of a misdemeanor and, in addition to any criminal penalty, is liable for civil penalties of up to \$2,500 for the person's first violation, up to \$5,000 for each subsequent violation and an additional penalty of up to \$10,000 if the court finds that the violation is reckless, willful or wanton. The bill authorizes the consumer, the Attorney General, a district attorney or city attorney to bring an action to recover the civil penalty and to retain any money awarded by the court. The bill does not prohibit a person who maintains an online forum, such as an Internet website, from removing from the forum any statement or information that the person is lawfully entitled to remove.

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A seller or lessor of consumer goods or services shall not:

(a) Include in any ~~agreement~~ form contract or proposed ~~agreement~~ form contract with a consumer for the purchase, lease or rental of consumer goods or services any provision that:

(1) Limits or requires the consumer to waive his or her rights to provide a review, comment or other statement concerning the consumer goods or services or the seller or lessor;

(2) Imposes a penalty on the consumer for providing such a review, comment or other statement; or

(3) Declares that the provision of such a review, comment or other statement by the consumer is a breach of the ~~agreement~~ form contract;

(b) Enforce or threaten to enforce a provision described in paragraph (a); or

(c) Refuse or threaten to refuse to enter into ~~an agreement~~ a form contract with a consumer solely because the consumer does not agree to the inclusion in the ~~agreement~~ form contract of a provision described in paragraph (a).

2. Any provision that is included in ~~an agreement~~ a form contract with a consumer for the purchase, lease or rental of consumer goods or services in violation of subsection 1, with or without consideration, is against public policy and is void and unenforceable.

3. Any person who violates subsection 1 is guilty of a misdemeanor and, in addition to any criminal penalty, is liable for:

(a) A civil penalty of not more than:

(1) For the first violation, \$2,500;

(2) For the second or subsequent violation, \$5,000 for each violation;
and

(3) If the court finds that the violation is reckless, willful or wanton, \$10,000, in addition to the civil penalty set forth in subparagraph (1) or (2);
and

(b) The costs incurred to recover the civil penalty, including, without limitation:

(1) The costs, if any, of conducting an investigation into the violation;

(2) Reasonable costs specified in NRS 18.005; and

(3) Reasonable attorney's fees.

4. An action to recover the civil penalty may be brought by the consumer, the Attorney General or a district attorney or city attorney, as appropriate. The action may be instituted in any court of competent jurisdiction in the city or county in which either party resides, the defendant can be found or in which the violation occurred.

5. Any money awarded by a court pursuant to this section must be awarded to the person or governmental entity that brought the action.

6. The civil remedy provided by this section is in addition to, and not exclusive of, any other available remedy or penalty.

7. This section does not prohibit a person who maintains an online forum, including, without limitation, an Internet website, from removing from the forum any statement that the person is lawfully entitled to remove.

8. Nothing in this section shall be construed as affecting:

(a) Any duty of confidentiality imposed by law; or

(b) Any civil cause of action for defamation, libel, slander or any similar cause of action.

9. As used in this section:

(a) "Consumer" means a natural person.

(b) "Consumer goods or services" has the meaning ascribed to it in NRS 598.170.

(c) "Form contract" means a contract or agreement with standardized terms that is:

(1) Used by a seller or lessor in the course of selling, leasing or renting consumer goods or services of the seller or lessor; and

(2) Imposed on a consumer without a meaningful opportunity for the consumer to negotiate the standardized terms.

(d) "Lessor" means a lessor and any agent or employee of the lessor.

~~((d))~~ (e) "Seller" means a seller and any agent or employee of the seller.

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

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 146 to Senate Bill No. 185 prohibits a seller or lessor of consumer goods or services who uses a form contract from including in the contract a provision that limits or requires the consumer to waive his or her rights to provide a review, comment or other statement concerning the seller or lessor of the goods or services; imposes a penalty on the consumer for providing such a review, comment or other statement; or declares that the provision of such a review, comment or other statement is a breach of the contract.

Further, any such provision included in a form contract is unenforceable.

A person who violates the provisions of the bill is guilty of a misdemeanor and is liable for civil penalties. A consumer or governmental entity is authorized to bring an action to recover the civil penalty and to retain any money awarded by the court.

Finally, a person who maintains an online forum, such as an Internet website, may remove from the forum any statement or information that the person is lawfully entitled to remove.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 346.

Bill read second time.

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

Amendment No. 185.

SUMMARY—Clarifies provisions governing the prescribing, dispensing and administering of drugs. (BDR 54-676)

AN ACT relating to the healing arts; clarifying that certain providers of health care ~~are authorized to prescribe, dispense or administer~~ do not violate any applicable standard of care by prescribing, dispensing or administering a drug for a purpose that has not been approved by the United States Food and Drug Administration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits various providers of health care from knowingly procuring or administering a controlled substance or dangerous drug that is not approved by the United States Food and Drug Administration except in certain limited circumstances. (NRS 630.306, 631.3475, 632.347, 633.511, 635.130, 636.295) If the drug has been approved by the Food and Drug Administration for any purpose and certain other conditions are met, this bill clarifies that such persons and certain other professionals ~~are authorized to prescribe, dispense or administer~~ do not violate any applicable standard of care by prescribing, dispensing or administering a drug for a purpose that has not been approved by the Food and Drug Administration. This bill also provides that: (1) an insurer or other third party is not required to cover any drug that is prescribed, dispensed or administered for such a purpose; and (2) the third party is not

liable in any event for any injury sustained by the patient as a result of using the drug.

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

Section 1. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person licensed under the provisions of this chapter ~~is not subject to professional discipline and~~ does not violate any applicable standard of care solely because the person prescribes, dispenses or administers a drug for a purpose that has not been approved by the United States Food and Drug Administration if:

~~1.1~~ (a) The drug has been approved by the United States Food and Drug Administration for any purpose;

~~1.2~~ (b) The drug has been proven safe and effective in peer-reviewed scientific studies when used for the purpose for which it is prescribed, dispensed or administered;

~~1.3~~ (c) Use of the drug for the purpose for which it is prescribed, dispensed or administered is not prohibited by law; and

~~1.4~~ (d) Prescribing, dispensing or administering the drug, as applicable, is within the scope of practice of the person.

2. The provisions of this section shall not be construed to require a third party to cover a drug that is prescribed, dispensed or administered for a purpose that has not been approved by the United States Food and Drug Administration. The third party is not liable in any event for any injury sustained by the patient as a result of using the drug.

3. As used in this section, "third party" means:

(a) An insurer, as defined in NRS 679B.540;

(b) A health benefit plan, as defined in NRS 689A.540;

(c) A participating public agency, as defined in NRS 287.04052, and any other local government agency of this State which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or

(d) Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.

Sec. 2. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person licensed under the provisions of this chapter ~~is not subject to professional discipline and~~ does not violate any applicable standard of care solely because the person prescribes, dispenses or administers a drug for a purpose that has not been approved by the United States Food and Drug Administration if:

~~1.1~~ (a) The drug has been approved by the United States Food and Drug Administration for any purpose;

~~2.1~~ (b) The drug has been proven safe and effective in peer-reviewed scientific studies when used for the purpose for which it is prescribed, dispensed or administered;

~~3.1~~ (c) Use of the drug for the purpose for which it is prescribed, dispensed or administered is not prohibited by law; and

~~4.1~~ (d) Prescribing, dispensing or administering the drug, as applicable, is within the scope of practice of the person.

2. The provisions of this section shall not be construed to require a third party to cover a drug that is prescribed, dispensed or administered for a purpose that has not been approved by the United States Food and Drug Administration. The third party is not liable in any event for any injury sustained by the patient as a result of using the drug.

3. As used in this section, "third party" has the meaning ascribed to it in section 1 of this act.

Sec. 3. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person licensed or certified under the provisions of this chapter ~~is not subject to professional discipline and~~ does not violate any applicable standard of care solely because the person prescribes, dispenses or administers a drug for a purpose that has not been approved by the United States Food and Drug Administration if:

~~1.1~~ (a) The drug has been approved by the United States Food and Drug Administration for any purpose;

~~2.1~~ (b) The drug has been proven safe and effective in peer-reviewed scientific studies when used for the purpose for which it is prescribed, dispensed or administered;

~~3.1~~ (c) Use of the drug for the purpose for which it is prescribed, dispensed or administered is not prohibited by law; and

~~4.1~~ (d) Prescribing, dispensing or administering the drug, as applicable, is within the scope of practice of the person.

2. The provisions of this section shall not be construed to require a third party to cover a drug that is prescribed, dispensed or administered for a purpose that has not been approved by the United States Food and Drug Administration. The third party is not liable in any event for any injury sustained by the patient as a result of using the drug.

3. As used in this section, "third party" has the meaning ascribed to it in section 1 of this act.

Sec. 4. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person licensed under the provisions of this chapter ~~is not subject to professional discipline and~~ does not violate any applicable standard of care solely because the person prescribes, dispenses or administers a drug for a purpose that has not been approved by the United States Food and Drug Administration if:

~~1.1~~ (a) *The drug has been approved by the United States Food and Drug Administration for any purpose;*

~~2.1~~ (b) *The drug has been proven safe and effective in peer-reviewed scientific studies when used for the purpose for which it is prescribed, dispensed or administered;*

~~3.1~~ (c) *Use of the drug for the purpose for which it is prescribed, dispensed or administered is not prohibited by law; and*

~~4.1~~ (d) *Prescribing, dispensing or administering the drug, as applicable, is within the scope of practice of the person.*

2. *The provisions of this section shall not be construed to require a third party to cover a drug that is prescribed, dispensed or administered for a purpose that has not been approved by the United States Food and Drug Administration. The third party is not liable in any event for any injury sustained by the patient as a result of using the drug.*

3. *As used in this section, "third party" has the meaning ascribed to it in section 1 of this act.*

Sec. 5. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person licensed under the provisions of this chapter ~~is not subject to professional discipline and~~ does not violate any applicable standard of care solely because the person prescribes, dispenses or administers a drug for a purpose that has not been approved by the United States Food and Drug Administration if:*

~~1.1~~ (a) *The drug has been approved by the United States Food and Drug Administration for any purpose;*

~~2.1~~ (b) *The drug has been proven safe and effective in peer-reviewed scientific studies when used for the purpose for which it is prescribed, dispensed or administered;*

~~3.1~~ (c) *Use of the drug for the purpose for which it is prescribed, dispensed or administered is not prohibited by law; and*

~~4.1~~ (d) *Prescribing, dispensing or administering the drug, as applicable, is within the scope of practice of the person.*

2. *The provisions of this section shall not be construed to require a third party to cover a drug that is prescribed, dispensed or administered for a purpose that has not been approved by the United States Food and Drug Administration. The third party is not liable in any event for any injury sustained by the patient as a result of using the drug.*

3. *As used in this section, "third party" has the meaning ascribed to it in section 1 of this act.*

Sec. 6. Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An optometrist who is certified to administer and prescribe therapeutic pharmaceutical agents pursuant to NRS 636.288 ~~is not subject to professional discipline and~~ does not violate any applicable standard of care solely because*

the optometrist administers or prescribes a drug for a purpose that has not been approved by the United States Food and Drug Administration if:

~~1.1~~ *(a) The drug has been approved by the United States Food and Drug Administration for any purpose;*

~~2.1~~ *(b) The drug has been proven safe and effective in peer-reviewed scientific studies when used for the purpose for which it is administered or prescribed;*

~~3.1~~ *(c) Use of the drug for the purpose for which it is administered or prescribed is not prohibited by law; and*

~~4.1~~ *(d) Administering or prescribing the drug, as applicable, is within the scope of practice of the person.*

2. The provisions of this section shall not be construed to require a third party to cover a drug that is administered or prescribed for a purpose that has not been approved by the United States Food and Drug Administration. The third party is not liable in any event for any injury sustained by the patient as a result of using the drug.

3. As used in this section, "third party" has the meaning ascribed to it in section 1 of this act.

Sec. 7. Chapter 638 of NRS is hereby amended by adding thereto a new section to read as follows:

A person licensed under the provisions of this chapter ~~is not subject to professional discipline and~~ does not violate any applicable standard of care solely because the person prescribes, dispenses or administers a drug for a purpose that has not been approved by the United States Food and Drug Administration if:

1. The drug has been approved by the United States Food and Drug Administration for any purpose;

2. The drug has been proven safe and effective in peer-reviewed scientific studies when used for the purpose for which it is prescribed, dispensed or administered;

3. Use of the drug for the purpose for which it is prescribed, dispensed or administered is not prohibited by law; and

4. Prescribing, dispensing or administering the drug, as applicable, is within the scope of practice of the person.

Sec. 8. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person registered, licensed or certified under the provisions of this chapter ~~is not subject to professional discipline and~~ does not violate any applicable standard of care solely because the person dispenses or administers a drug for a purpose that has not been approved by the United States Food and Drug Administration if:

~~1.1~~ *(a) The drug has been approved by the United States Food and Drug Administration for any purpose;*

~~2.1~~ (b) *The drug has been proven safe and effective in peer-reviewed scientific studies when used for the purpose for which it is dispensed or administered;*

~~3.1~~ (c) *Use of the drug for the purpose for which it is dispensed or administered is not prohibited by law; and*

~~4.1~~ (d) *Dispensing or administering the drug, as applicable, is within the scope of practice of the person.*

2. The provisions of this section shall not be construed to require a third party to cover a drug that is dispensed or administered for a purpose that has not been approved by the United States Food and Drug Administration. The third party is not liable in any event for any injury sustained by the patient as a result of using the drug.

3. As used in this section, "third party" has the meaning ascribed to it in section 1 of this act.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 185 makes two changes to Senate Bill No. 346; 1) removes that certain providers of health care are "not subject to professional discipline" because the person prescribes, dispenses or administers a drug for a purpose that have not been approved by the U.S. Food and Drug Administration (FDA) under certain circumstances; 2) it clarifies that prescribing a drug pursuant to the provisions of this bill does not require health-insurance plans to pay for or cover the cost of the drug unless it is prescribed for the purpose(s) approved by the FDA.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 468.

Bill read second time.

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

Amendment No. 261.

SUMMARY—Makes changes relating to overtime and the calculation of hours worked for certain domestic service employees. (BDR 53-149)

AN ACT relating to wages; authorizing a domestic service employee who resides in the household where he or she works and his or her employer to enter into a written agreement to exclude from the employee's wages certain specified periods for meals, sleep and other free time; authorizing such an agreement to be used to establish the number of hours worked by the employee during a pay period; revising provisions relating to the payment of certain compensation for overtime to a domestic service employee who resides in the household where he or she works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an employer to pay compensation to an employee for each hour the employee works. (NRS 608.016) Existing federal regulations allow a domestic service employee who resides in the household where he or she works and his or her employer to agree to exclude from the employee's

wages certain periods of complete freedom from all duties. (29 C.F.R. § 552.102) Section 1 of this bill enacts provisions based on federal regulations to provide that a domestic service employee who resides in the household where he or she works and his or her employer may agree to exclude from the employee's wages certain periods for meals, sleep and other periods of complete freedom from all duties. Under section 1, if a period excluded from the employee's wages is interrupted by a call to duty by the employer, the interruption must be counted as hours worked for which compensation must be paid.

Existing law requires an employer to pay 1 1/2 times certain employee's regular wage rates for certain periods of overtime. (NRS 608.018) Under existing law, domestic service employees who reside in the household where they work are exempt from this requirement. (NRS 608.018, 608.250) Section 2.5 of this bill provides that such an employee is exempt from the requirement to pay overtime compensation only if the employee and his or her employer have agreed in writing to exclude the employee from the requirement.

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a domestic service employee resides in the household where he or she works, the employer and employee may agree in writing to exclude from the employee's wages:*

(a) Periods for meals if the period for meals is at least one-half hour for each meal;

(b) Periods for sleep if the period for sleep excluded from the employee's wages does not exceed 8 hours; and

(c) Any other period of complete freedom from all duties during which the employee may either leave the premises or stay on the premises for purely personal pursuits. To be excluded from the employee's wages pursuant to this paragraph, a period must be of sufficient duration to enable the employee to make effective use of the time.

2. *If a period excluded from the employee's wages pursuant to this section is interrupted by a call to duty by the employer, the interruption must be counted as hours worked for which compensation must be paid.*

3. *An agreement pursuant to this section may be used to establish the employee's total hours employed in a pay period in lieu of maintaining precise records of the number of hours worked per day. The employer shall keep a copy of the agreement and indicate in the record of wages pursuant to NRS 608.115 that the employee's work time generally coincides with the agreement. If it is found by the parties that there is a significant deviation from the initial agreement, a separate record must be kept for the period in which the deviation occurs or a new agreement must be reached that reflects the actual facts.*

Sec. 2. NRS 608.016 is hereby amended to read as follows:

608.016 Except as otherwise provided in NRS 608.0195 ~~and~~ *and section 1 of this act*, an employer shall pay to the employee wages for each hour the employee works. An employer shall not require an employee to work without wages during a trial or break-in period.

Sec. 2.5. NRS 608.018 is hereby amended to read as follows:

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

- (a) More than 40 hours in any scheduled week of work; or
- (b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of subsections 1 and 2 do not apply to:

- (a) ~~Employees~~ Except as otherwise provided in paragraph (o), employees who are not covered by the minimum wage provisions of NRS 608.250;
- (b) Outside buyers;
- (c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;
- (d) Employees who are employed in bona fide executive, administrative or professional capacities;
- (e) Employees covered by collective bargaining agreements which provide otherwise for overtime;
- (f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;
- (g) Employees of a railroad;
- (h) Employees of a carrier by air;
- (i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;
- (j) Drivers of taxicabs or limousines;
- (k) Agricultural employees;
- (l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year;
- (m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; ~~and~~
- (n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply ~~and~~ and

(o) A domestic service employee who resides in the household where he or she works if the domestic service employee and his or her employer agree in writing to exempt the domestic service employee from the requirements of subsections 1 and 2.

Sec. 3. NRS 608.115 is hereby amended to read as follows:

608.115 1. Every employer shall establish and maintain records of wages for the benefit of his or her employees, showing for each pay period the following information for each employee:

(a) Gross wage or salary other than compensation in the form of:

(1) Services; or

(2) Food, housing or clothing.

(b) Deductions.

(c) Net cash wage or salary.

(d) ~~Total~~ Except as otherwise provided in section 1 of this act, total hours employed in the pay period by noting the number of hours per day.

(e) Date of payment.

2. The information required by this section must be furnished to each employee within 10 days after the employee submits a request.

3. Records of wages must be maintained for a 2-year period following the entry of information in the record.

Sec. 4. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, *and section 1 of this act* to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;

2. The Deputy Labor Commissioner, as provided in NRS 607.050;

3. The Attorney General, as provided in NRS 607.160 or 607.220; or

4. The special counsel, as provided in NRS 607.065,

➔ shall prosecute the action for enforcement according to law.

Sec. 5. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, *and section 1 of this act*, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than \$5,000 for each such violation.

Sec. 6. This act becomes effective on July 1, 2017.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 261 makes one change to Senate Bill No. 468. The amendment adds language providing that a domestic service employee who resides in the household where he or she works and his or her employer may enter into an agreement to exclude overtime requirements.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senator Ford moved that the Senate recess until 4:45 p.m.

Motion carried.

Senate in recess at 3:22 p.m.

SENATE IN SESSION

At 5:03 p.m.

President Hutchison presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblywomen Bustamante Adams and Joiner were at the bar of the Senate. Assemblywoman Bustamante Adams invited the Senate to meet in Joint Session with the Assembly to hear Representative Dina Titus.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 5:03 p.m.

IN JOINT SESSION

At 5:08 p.m.

President Hutchison presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Kieckhefer, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Carrillo, who was excused.

Mr. President appointed a Committee on Escort consisting of Senator Atkinson and Assemblywoman Carlton to wait upon the Honorable Representative Dina Titus and escort her to the Assembly Chamber.

Representative Titus delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA

SEVENTY-NINTH SESSION, 2017

Governor, nice to see you. Speaker Frierson, Leader Ford, what a pleasure it is to be here, to see colleagues on both sides of the aisle and both sides of the bar. Thank you for inviting me back. I walk in this building, and it kind of tugs at my heart. I have some real special memories dating back almost 30 years. It is hard to admit that it has been that long, but it really has. I think about the people who made such a mark on our lives personally and on the lives of everybody in the State, many of them are gone, unfortunately. I think about Bill Raggio.

I remember when I was inducted into the Hall of Fame and people were standing up and being so nice, saying I had been their mentor. Well, that is what you say about somebody who has been around a long time. Then Bill Raggio gets up and says you may have been their mentor, but you were my tormentor for 20 years. It brought the house down, and I will never forget that. There was Jack Vergiels, who was the head of both of these houses during his colorful career. Others

who are gone—think about Tom Hickey, Jim Spinello, Virgil Getto, Joe Dini, Jan Evans, Debbie Smith, among others—those who left their mark in this building. And some in the lobby corps that we miss: Jim Joyce, Marie Soldo, Gary Gray, J. J. Jackson and Wayne Frediani. They walked these halls and helped to shape policy. They all made it a better place and a better process. But, you know, times change, people leave for different reasons, and they are replaced by new leaders who come and do their best for the State of Nevada. In fact, there are only two members of the Senate who are still here who were here when I was here: Joyce Woodhouse, who is our education maven and my dear friend Maggie Carlton. Mags, way to go taking over the purse strings of this State. We are counting on you to do that. Of all the members of the Assembly, I think there are only seven, and two of them are now in the Senate: David Parks and Mark Manendo. It is very nice for me to look out here and see the daughters of two of my former colleagues who are carrying on their fathers' legacies. Joe Neal's daughter Dina Neal—Joe was the best orator this State has ever known—and, of course, Jim Bilbray, whose seat I took, has Shannon Bilbray Axelrod there now. Those generations continue. I still have a few students wandering the halls of this building: Jennifer Simich, I think is around; Richard Perkins was a student; Warren Hardy was a student, and even Senator Scott Hammond. I did not teach him enough, apparently. I know you must miss some of the LCB staffers: Don Williams and Bob Erickson were such stalwarts and always were so great in giving me the information I needed. Thank goodness Brenda Erdoes is still here to help you all. And then in the press corps, Cy Ryan and Brendon Riley—where are you when we really need you? So those are the kinds of things that I remember and the people that I think about so fondly. Our roots run deep, and our bonds are very strong.

I did not come tonight to tell you what is happening in Washington. That is really not necessary because we are working in tandem on so many different issues. In fact, I believe our relationship, our communication, our collaboration is stronger now than it has ever been. I look at the agenda there—that is what I am concerned about—and I see how much you all have done here on that. For example, I have been working with Yvanna Cancela and Sandra Jauregui on the Pink Tax. Congratulations, I know that is moving here. Preacher Pat Spearman, we have been working on women's veterans issues; thank you for that. Chris Brooks on solar energy, certainly a long-time priority; with Nicole Cannizzaro on financial literacy; Mark Manendo on animal protection; John Hambrick on human trafficking; the Hispanic Caucus on comprehensive immigration reform; and with Tick Segerblom, I am a member of the cannabis caucus. We want to protect that marijuana industry—Tick? Tick, are you there? I am counting on you. Puff, puff, pass that bill.

A lot has happened in Nevada since we were hit so hard by the recession. Thanks to your leadership, unemployment has dropped considerably, and the housing market has come back. We now have Tesla here; we have the Golden Knights; we are getting the Raiders; we have the designation, if not the funding for I-11, but that should come. UNLV hosted the last presidential debate, and our LGBT friends can now get married with no problems. We have protected Gold Butte and Basin and Range for future generations. We have a new medical school in the south and several high-tech drone testing centers here in the State. So indeed, I think Nevada is on the march. We really cannot be complacent about our accomplishments because there are forces that are coming down the pike that are really going to threaten the State and the way we appreciate our progress; we are going to have to deal with them. It is going to take all of us working together to make that happen. It is not going to be easy.

I mentioned Bill Raggio. For 16 years I sat across the table from him, and we went toe-to-toe on some very serious issues ranging from collective bargaining for State employees to giving southern Nevada its fair share. We always did it, and I think I can speak for him when I say this with a great deal of respect and civility. Unfortunately, those days are over. I am not going to lie to you. The halls of Congress are rife with partisanship. The rhetoric is very intense. The Nation is divided, and the wounds of the last election have not really scabbed over yet. Every bill seems to pass through Congress along partisan lines as the new majority attempts to roll back the protections that were put in place for consumers and the environment during the last administration. The situation in Washington is really pretty much chaos. If you think about it, one day it is Obamacare repeal, the next it is on to tax reform. First, it is infrastructure investment, and then it is back to building a wall. Yesterday, NATO was obsolete; today, not so much. For a while, the President was in bed with Putin; now he is calling him out on Twitter. We are leaving Assad in place because we are not the policemen of the world, and now we are sending him a message

with 59 cruise missiles. China is a currency manipulator; well, no, not today. The Export/Import Bank is bad; nope, now it is good. We dropped the mother of all bombs on Afghanistan, and, hey, North Korea, we may do the same thing to you because you are not behaving.

The first 100 days of this administration have been like scenes from a bad political movie. First, it was *Bulworth*, then it was *Wag the Dog*, and now I am afraid it is *Dr. Strangelove*. I serve on the Foreign Affairs Committee. It is very interesting and very timely to be there now. In just one week, I was visited by the Brazilian Ambassador, a French Senator, a German member of the Bundestag, a group of Mongolian legislators and the Ambassador of Greece. This is quite a diverse group, I think you will agree. Yet, they all had the same concerns; they were worried there was so much uncertainty and so much instability that could lead to mistakes that would have long-lasting geopolitical and economic ramifications all around the world. This comes against the backdrop of a proposed 30 percent cut to the State Department budget. It is not just people from around the world who are concerned, here at home we see a coming together in ways that we have not witnessed in a long time. There are rallies; there are protests; there are neighborhood events. We have had a women's march, a tax march, and there is a science march. We have seen coverage of raucous town hall meetings and demonstrations on college campuses that have turned violent. It is because people want to know what is going on. They want to know what is going to happen to the programs that help those that are the most vulnerable, like Meals on Wheels for seniors; like life-saving medical research at the NIH [National Institutes of Health]; programs for hungry children and the disabled; Planned Parenthood; and Title II school programs. What about the arts and climate studies? People want answers. Where are the President's tax returns? Did Russia collude with the Trump campaign to affect our elections? What about tax breaks for the middle class, and where are all those American jobs that were promised? These are the questions that people are asking.

You put all this together, and, yes, these are difficult times. I commend you for taking on the challenge of dealing with policy in these circumstances. I believe if Nevada is going to succeed in this scenario, we are going to just have to suck it up, hold hands and work together on some issues that I think will shape our future. The three issues that I would like to focus on that I think are most important are Yucca Mountain, Medicaid expansion and keeping our tourism industry strong. First, we do not want to go from being the Silver State to being a nuke dump, but that is a possibility if we do not stand together. Representative Shimkus of Illinois is pushing Yucca Mountain so he can get rid of the spent fuel rods that are in his state. Mr. Mulvaney, who is the head of OMB [Office of Management and Budget], is from South Carolina. He wants to do the same thing; that is why he put the funding into the skinny budget for Yucca Mountain. The Attorney General of Texas is filing suit against the Nuclear Regulatory Commission to try and push a decision on the repository. The Secretary of Energy, at his confirmation hearing, waffled when asked about my bill requiring consent from Nevada before it is put here. His subsequent trip to Yucca Mountain further signaled this remains a viable option with the administration. Furthermore, there is no love lost between President Trump and Nevada, where elected Republicans endorsed his opponents in the primary and where the voters went for Hillary Clinton in the general. So it is going to take all we have and then some to block this boondoggle that was based on bad science and worse politics. Right now the best thing we have going for us is that it costs so much money, and this is money that conservatives do not want to spend. Furthermore, no one should be fooled into thinking that they are going to give Nevada some little sweetener for taking this dump because they do not even have the money to finish the project, much less give us a bonus. So that is the first challenge.

Second, the challenge is expanding Medicaid coverage. I thank you and commend you, Governor, for doing that for the State of Nevada. Together, we have to oppose any attempt at so-called health care reform that eliminates that federal support for expanded Medicaid. If they do, it will put a tremendous financial burden on the State. It will result in tens of thousands losing their health care coverage; it will be 44,000 in District 1 alone. It will increase the burden on emergency rooms; it will raise the cost of indigent care; it will result in the loss of health care jobs; and it will jack up premiums for those who have insurance to pay for those who do not. Third, we have got to keep our tourism industry strong. This covers a whole range of issues from comprehensive immigration reform to substantial investment in infrastructure, from increased Urban Areas Security Initiative funding so our visitors will feel safe when they come, to

maintaining control over Internet gaming at the State level. It also means opposing the xenophobic policies of this administration. Travel bans and extreme vetting send a message to the rest of the world that the United States no longer welcomes visitors. International visitors are our growth market here in Nevada. They stay longer, and they spend more. They have contributed over \$6.3 billion to the State's economy last year alone. This is not just tourists. We are talking about business travelers, as well, who come to our international conferences. Since the first travel ban was announced, international searches for Las Vegas have dropped by double digits. Flights from Mexico—and I talked to both the Reno airport and the Las Vegas one—have dropped by over 20 percent. If this continues, I can tell you, as co-chair of the Caucus for Travel and Tourism in Congress, it is going to take a lot more than brand USA to attract those international visitors to our tourist destinations.

There are clearly other areas of importance. We have to provide a quality education for our children; we have to protect our natural resources. But I believe that if we come together—somebody once said we are stronger together—if we come together on these three priorities that I have mentioned, I believe that Nevada's other challenges can be more easily met.

As you wind down this Session—and I know you have a lot of work to do—I hope you will think of me as a friend and a partner. I hope you will call on me anytime as these issues evolve here at the State level as well as in Washington. I want to thank you all for your hard work, for your commitment to public service and for the sacrifice you make when you leave your families and your careers to come up here and try to do the right thing for our State. By doing that you make Nevada a better place for all of us to live and work and play. Thank you very much.

Senator Gansert moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Titus for her timely, able and constructive message.

Motion carried.

The Committee on Escort escorted Representative Titus to the bar of the Assembly.

Assemblywoman Cohen moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 5:32 p.m.

SENATE IN SESSION

At 5:39 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 10, 29, 239, 438, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

TICK SEGERBLOM, *Chair*

Mr. President:

Your Committee on Natural Resources, to which was referred Senate Bill No. 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

YVANNA D. CANCELA, *Chair*

Mr. President:

Your Committee on Transportation, to which was referred Senate Bill No. 308, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Senate Bill No. 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

MARK A. MANENDO, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 69.

Bill read second time.

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

Amendment No. 253.

SUMMARY—Revises provisions governing state agencies, boards and commissions that regulate occupations and professions. (BDR 54-229)

AN ACT relating to regulatory bodies; authorizing the Governor to issue an executive order directing a regulatory body to expedite action on pending applications for licensure; requiring certain regulatory bodies to adopt regulations governing the issuance of a license by endorsement to a person who holds a comparable license issued by the District of Columbia or any state or territory of the United States and meets certain other requirements; prohibiting the appointment as a member of a regulatory body of a person who has served as a member for 12 years or more ~~for~~ under certain circumstances; prohibiting regulatory bodies from entering into an agreement for the payment of fees for legal services on a contingent basis; revising the information required to be included with an application for the issuance of a license to practice medicine and the biennial registration of a physician; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of certain occupations and professions in this State. (Title 54 of NRS) The various state agencies, boards and commissions that are authorized to license and regulate particular occupations or professions are generally referred to as "regulatory bodies." (NRS 622.060)

Section 2 of this bill provides that if the Governor determines that there are critical unmet needs with regard to the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body ~~that adversely affect public health or safety~~, the Governor may, by executive order, direct the regulatory body to take final action on all completed applications for licensure in its possession within the time specified by the executive order. Section 2 also sets forth the factors that the Governor may consider in determining whether there are such critical unmet needs.

Section 3 of this bill requires a regulatory body that is not otherwise authorized or required by specific statute to issue a license to engage in an occupation or profession in this State to a person who has been issued a

comparable license by another jurisdiction to adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to a person who: (1) holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States; (2) possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and (3) satisfies certain other requirements.

Section 4 of this bill establishes term limits for members of regulatory bodies. Specifically, section 4 provides that a person may not be appointed as a member of a regulatory body if the person has served as a member of that regulatory body, or at the expiration of his or her current term if he or she is so serving will have served, 12 years or more at the time of his or her appointment ~~or~~, unless the person is serving as a member of a regulatory body with less than 250 licensees.

Existing law establishes specific requirements that must be satisfied before certain state agencies or officials may enter into a contingent fee contract with an attorney or law firm. (NRS 228.111-228.1118) Section 5 of this bill prohibits any regulatory body from entering into such a contract. Section 8 of this bill makes a conforming change.

Existing law requires a regulatory body to exercise its authority over an occupation or profession for the protection and benefit of the public. (NRS 622.080) Section 6 of this bill requires a regulatory body also to exercise its authority over the occupation or profession for the expansion of economic opportunity, promotion of competition and encouragement of innovation. Section 6 also imposes certain limitations on the manner in which a regulatory body may exercise its authority over an occupation or profession.

Existing law requires each regulatory body to submit a quarterly report to the Director of the Legislative Counsel Bureau that includes certain information concerning the disciplinary actions taken and the number of licenses issued by the regulatory body during the immediately preceding calendar quarter. (NRS 622.100) Section 7 of this bill requires the regulatory body also to include in the report: (1) the total number of applications for licensure received by the regulatory body; (2) the number of applications rejected by the regulatory body as incomplete; (3) the average number of days between the date of rejection of an application as incomplete and the resubmission by the applicant of a complete application; (4) a list of each reason given by the regulatory body for the denial of an application and the number of applications denied by the regulatory body for each such reason; and (5) the number of applications reviewed on an individual basis by the regulatory body or the executive head of the regulatory body.

Existing law requires an applicant for a license to practice medicine to submit to the Board of Medical Examiners a description of any complaints filed against the applicant with a licensing board of another state and any disciplinary action taken against the applicant by the licensing board of another

state. (NRS 630.173) Section 7.3 of this bill provides that an applicant for such a license is not required to report with his or her application: (1) an anonymous complaint submitted to the licensing board of another state if such a board refused to consider or investigate the anonymous complaint; or (2) a complaint filed against the applicant that did not result in any disciplinary action taken against the applicant by the licensing board of another state.

Existing law also requires each holder of a license to practice medicine to register with the Board on or before June 30 of each odd-numbered year and provides that each license issued will expire if not renewed. Existing law further requires each holder of a license to practice medicine, when registering with the Board, to submit a list of all actions filed or claims submitted for malpractice against him or her during the previous 2 years. (NRS 630.267) Section 7.6 of this bill provides that the holder of such a license does not need to report with his or her biennial registration: (1) an anonymous complaint submitted to the Board that the Board refused to consider; or (2) a complaint filed against the holder of such a license that did not result in any disciplinary action taken against the holder by the Board.

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. If the Governor determines, according to the provisions set forth in subsection 2, that there are critical unmet needs with regard to the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body ~~for~~ and such unmet needs adversely affect public health or safety, the Governor may, by executive order, direct the regulatory body to take final action on all completed applications for licensure in the possession of the regulatory body within the time specified by the executive order.

2. Except as otherwise provided by specific statute, in determining whether there is a critically unmet need as described in subsection 1 that adversely affects public health or safety, the Governor may consider, without limitation:

(a) Statistical data based on an analysis of the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body in relation to the total population of this State or any geographic area within this State;

(b) The demand within this State or any geographic area within this State for types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body; and

(c) Any other factors relating to the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body that adversely affect public health or safety.

3. As used in this section, "final action" means the approval or denial of an application for a license by a regulatory body.

Sec. 3. 1. Except as otherwise provided by specific statute ~~for~~ relating to the issuance of a license by endorsement, a regulatory body shall adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to any person who:

(a) Holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States;

(b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and

(c) Satisfies the requirements of this section and the regulations.

2. The regulations adopted pursuant to subsection 1 must not allow the issuance of a license by endorsement to engage in an occupation or profession in this State to a person unless the person:

(a) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(b) Has not been disciplined ~~for investigated~~ by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in an occupation or profession;

(c) Has not been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her occupation or profession;

(d) Has not had a license to engage in an occupation or profession suspended or revoked in the District of Columbia or any state or territory of the United States;

(e) Has not been refused a license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States for any reason;

(f) Does not have pending any disciplinary action concerning his or her license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States;

(g) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State; and

(h) Submits to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body 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 or proof that the applicant has previously passed a comparable criminal background check; and

~~((h))~~ (i) Submits to the regulatory body the statement required by NRS 425.520.

3. A regulatory body may, by regulation, require an applicant for issuance of a license by endorsement to engage in an occupation or profession in this State to submit with his or her application:

(a) *Proof satisfactory to the regulatory body that the applicant:*

(1) *Has achieved a passing score on a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the regulatory body;*

(2) *Has completed the requirements of an appropriate vocational, academic or professional program of study in the occupation or profession for which the applicant is seeking a license by endorsement in this State;*

(3) *Has engaged in the occupation or profession for which the applicant is seeking a license by endorsement in this State pursuant to the applicant's existing licensure for the period determined by the regulatory body preceding the date of the application; and*

(4) *Possesses a sufficient degree of competency in the occupation or profession for which he or she is seeking licensure by endorsement in this State;*

~~(b) *A complete set of his or her fingerprints and written permission authorizing the regulatory body 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 or proof that the applicant has previously passed a comparable criminal background check;*~~

~~(c) *An affidavit stating that the information contained in the application and any accompanying material is true and complete; and*~~

~~(d) *Any other information required by the regulatory body.*~~

4. *Not later than 15 business days after receiving an application for a license by endorsement to engage in an occupation or profession pursuant to this section, the regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. Unless the regulatory body denies the application for good cause, the regulatory body shall approve the application and issue a license by endorsement to engage in the occupation or profession to the applicant not later than:*

(a) *Thirty days after receiving the application; ~~for~~*

(b) *If the regulatory body requires an applicant to submit fingerprints and authorize the preparation of a report on the applicant's background based on the submission of the applicant's fingerprints, 10 days after the regulatory body receives the report ~~for~~; or*

(c) *If the regulatory body requires the filing and maintenance of a bond as a requirement for the issuance of a license, 10 days after the filing of the bond with the regulatory body.*

↪ whichever occurs later.

5. *A license by endorsement to engage in an occupation or profession in this State issued pursuant to this section may be issued at a meeting of the regulatory body or between its meetings by the presiding member of the regulatory body and the executive head of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.*

6. A regulatory body may deny an application for licensure by endorsement if:

(a) An applicant willfully fails to comply with the provisions of paragraph (h) of subsection 2; or

(b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the regulatory body has not previously taken disciplinary action against the licensee based on that conviction.

7. The provisions of this section are intended to supplement other provisions of statute governing licensure by endorsement. If any provision of statute conflicts with this section, the other provision of statute prevails over this section to the extent that the other provisions provide more specific requirements relating to licensure by endorsement.

Sec. 4. ~~Notwithstanding~~

1. Except as otherwise provided in subsection 2, notwithstanding any other provision of law, a person may not be appointed as a member of a regulatory body if the person has served as a member of that regulatory body, or at the expiration of his or her current term if he or she is so serving will have served, 12 years or more at the time of his or her appointment.

2. The provisions of subsection 1 do not apply to a person who has served as a member of a regulatory body which has less than 250 licensees.

Sec. 5. 1. Notwithstanding the provisions of NRS 228.111 to 228.1118, inclusive, and any other provision of law, a regulatory body shall not employ, retain or otherwise contract with an attorney or law firm pursuant to a contingent fee contract.

2. As used in this section, "contingent fee contract" means a contract for legal services between a regulatory body and an attorney or law firm, pursuant to which the fee of the attorney or law firm is payable, in whole or in part, from any money recovered in a matter governed by the contract.

Sec. 6. NRS 622.080 is hereby amended to read as follows:

622.080 1. In regulating an occupation or profession pursuant to this title, each regulatory body shall carry out and enforce the provisions of this title for the ~~protection~~ :

(a) Protection and benefit of the public ~~{-}~~;

(b) Expansion of economic opportunity;

(c) Promotion of competition; and

(d) Encouragement of innovation.

2. In adopting regulations pursuant to chapter 233B of NRS, a regulatory body shall consider whether a regulation under consideration:

(a) Expands economic opportunity;

(b) Promotes competition; and

(c) Encourages innovation.

3. If a regulatory body finds it necessary to take action that may limit or reduce competition in an occupation or profession that it is authorized to

regulate, the regulatory body shall select the regulatory action that limits or reduces such competition no more than is necessary to protect the public from present, significant and substantiated harms that threaten public health and safety.

~~3.1~~ 4. *A regulatory body shall not enforce a law or regulation against a person except to the extent that the person engages in conduct that is expressly included in a statute or regulation that establishes the authorized scope of practice of the occupation or profession.*

~~4.1~~ 5. *Each regulatory body that issues a license by endorsement to engage in an occupation or profession in this State to a person who holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States shall ensure that its process of issuing such licenses is conducted with the highest possible levels of efficiency and transparency.*

Sec. 7. NRS 622.100 is hereby amended to read as follows:

622.100 1. Each regulatory body shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director:

(a) A summary of each disciplinary action taken by the regulatory body during the immediately preceding calendar quarter against any licensee of the regulatory body; and

(b) A report that includes:

(1) *For the immediately preceding calendar quarter:*

(I) The number of licenses issued by the regulatory body ~~{during the immediately preceding calendar quarter;}~~ ;

(II) *The total number of applications for licensure received by the regulatory body;*

(III) *The number of applications rejected by the regulatory body as incomplete;*

(IV) *The average number of days between the date of rejection of an application as incomplete and the resubmission by the applicant of a complete application;*

(V) *A list of each reason given by the regulatory body for the denial of an application and the number of applications denied by the regulatory body for each such reason; and*

(VI) *The number of applications reviewed on an individual basis by the regulatory body or the executive head of the regulatory body; and*

(2) Any other information that is requested by the Director or which the regulatory body determines would be helpful to the Legislature in evaluating whether the continued existence of the regulatory body is necessary.

2. The Director shall:

(a) Provide any information received pursuant to subsection 1 to a member of the public upon request;

(b) Cause a notice of the availability of such information to be posted on the public website of the Nevada Legislature on the Internet; and

(c) Transmit a compilation of the information received pursuant to subsection 1 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

3. The Director, on or before the first day of each regular session of the Legislature and at such other times as directed, shall compile the reports received pursuant to paragraph (b) of subsection 1 and distribute copies of the compilation to the Senate Standing Committee on Commerce and Labor and the Assembly Standing Committee on Commerce and Labor, each of which shall review the compilation to determine whether the continued existence of each regulatory body is necessary.

Sec. 7.3. NRS 630.173 is hereby amended to read as follows:

630.173 1. In addition to the other requirements for licensure, an applicant for a license to practice medicine shall submit to the Board information describing:

(a) Any claims made against the applicant for malpractice, whether or not a civil action was filed concerning the claim;

(b) ~~Any~~ *Except as otherwise provided in subsection 4, any* complaints filed against the applicant with a licensing board of another state ~~and that resulted in~~ any disciplinary action taken against the applicant by a licensing board of another state; and

(c) Any complaints filed against the applicant with a hospital, clinic or medical facility or any disciplinary action taken against the applicant by a hospital, clinic or medical facility.

2. The Board may consider any information specified in subsection 1 that is more than 10 years old if the Board receives the information from the applicant or any other source from which the Board is verifying the information provided by the applicant.

3. The Board may refuse to consider any information specified in subsection 1 that is more than 10 years old if the Board determines that the claim or complaint is remote or isolated and that obtaining or attempting to obtain a record relating to the information will unreasonably delay the consideration of the application.

4. *An applicant for a license to practice medicine is not required to submit information describing:*

(a) An anonymous complaint that the licensing board of another state refused to consider or investigate; or

(b) A complaint filed against the applicant that did not result in any disciplinary action taken against the applicant by the licensing board of another state.

5. The Board shall not issue a license to the applicant until it has received all the information required by this section.

Sec. 7.6. NRS 630.267 is hereby amended to read as follows:

630.267 1. Each holder of a license to practice medicine must, on or before June 30, or if June 30 is a Saturday, Sunday or legal holiday, on the next business day after June 30, of each odd-numbered year:

(a) ~~Submit~~ *Except as otherwise provided in subsection 2, submit* a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against him or her during the previous 2 years.

(b) Pay to the Secretary-Treasurer of the Board the applicable fee for biennial registration. This fee must be collected for the period for which a physician is licensed.

(c) Submit all information required to complete the biennial registration.

2. *A holder of a license to practice medicine is not required to submit with his or her biennial registration information describing:*

(a) An anonymous complaint that the Board refused to consider pursuant to subsection 1 of NRS 630.307; or

(b) A complaint filed against the holder of the license that did not result in any disciplinary action taken against the holder of the license by the Board.

3. When a holder of a license fails to pay the fee for biennial registration and submit all information required to complete the biennial registration after they become due, his or her license to practice medicine in this State expires. The holder may, within 2 years after the date the license expires, upon payment of twice the amount of the current fee for biennial registration to the Secretary-Treasurer and submission of all information required to complete the biennial registration and after he or she is found to be in good standing and qualified under the provisions of this chapter, be reinstated to practice.

~~3.~~ 4. The Board shall make such reasonable attempts as are practicable to notify a licensee:

(a) At least once that the fee for biennial registration and all information required to complete the biennial registration are due; and

(b) That his or her license has expired.

↪ A copy of this notice must be sent to the Drug Enforcement Administration of the United States Department of Justice or its successor agency.

Sec. 8. NRS 228.1111 is hereby amended to read as follows:

228.1111 1. ~~The~~ *Subject to the limitations of section 5 of this act, the Attorney General or any other officer, agency or employee in the Executive Department of the State Government shall not enter into a contingent fee contract unless:*

(a) The Governor, in consultation with the Attorney General, has determined in writing:

(1) That the Attorney General lacks the resources, skill or expertise to provide representation in the matter that is the subject of the proposed contract; and

(2) That representation pursuant to a contingent fee contract is cost-effective and in the public interest; and

(b) The proposed contract complies with the requirements of NRS 228.111 to 228.1118, inclusive.

2. Before entering into a contingent fee contract, the Attorney General or other officer, agency or employee, as applicable, must obtain approval from the Interim Finance Committee to commit money for that purpose.

Sec. 9. Section 3 of this act is hereby amended to read as follows:

Sec. 3. 1. Except as otherwise provided by specific statute relating to the issuance of a license by endorsement, a regulatory body shall adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to any person who:

(a) Holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States;

(b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and

(c) Satisfies the requirements of this section and the regulations.

2. The regulations adopted pursuant to subsection 1 must not allow the issuance of a license by endorsement to engage in an occupation or profession in this State to a person unless the person:

(a) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(b) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in an occupation or profession;

(c) Has not been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her occupation or profession;

(d) Has not had a license to engage in an occupation or profession suspended or revoked in the District of Columbia or any state or territory of the United States;

(e) Has not been refused a license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States for any reason;

(f) Does not have pending any disciplinary action concerning his or her license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States;

(g) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State; *and*

(h) Submits to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body 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 or proof that the applicant has previously passed a comparable criminal background check . ~~}; and~~

~~—(i) Submits to the regulatory body the statement required by NRS 425.520.;~~

3. A regulatory body may, by regulation, require an applicant for issuance of a license by endorsement to engage in an occupation or profession in this State to submit with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Has achieved a passing score on a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the regulatory body;

(2) Has completed the requirements of an appropriate vocational, academic or professional program of study in the occupation or profession for which the applicant is seeking a license by endorsement in this State;

(3) Has engaged in the occupation or profession for which the applicant is seeking a license by endorsement in this State pursuant to the applicant's existing licensure for the period determined by the regulatory body preceding the date of the application; and

(4) Possesses a sufficient degree of competency in the occupation or profession for which he or she is seeking licensure by endorsement in this State;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

(c) Any other information required by the regulatory body.

4. Not later than 15 business days after receiving an application for a license by endorsement to engage in an occupation or profession pursuant to this section, the regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. Unless the regulatory body denies the application for good cause, the regulatory body shall approve the application and issue a license by endorsement to engage in the occupation or profession to the applicant not later than:

(a) Thirty days after receiving the application;

(b) If the regulatory body requires an applicant to submit fingerprints and authorize the preparation of a report on the applicant's background based on the submission of the applicant's fingerprints, 10 days after the regulatory body receives the report; or

(c) If the regulatory body requires the filing and maintenance of a bond as a requirement for the issuance of a license, 10 days after the filing of the bond with the regulatory body,

☞ whichever occurs later.

5. A license by endorsement to engage in an occupation or profession in this State issued pursuant to this section may be issued at a meeting of the regulatory body or between its meetings by the presiding member of the regulatory body and the executive head of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

6. A regulatory body may deny an application for licensure by endorsement if:

(a) An applicant willfully fails to comply with the provisions of paragraph (h) of subsection 2; or

(b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the regulatory body has not previously taken disciplinary action against the licensee based on that conviction.

7. The provisions of this section are intended to supplement other provisions of statute governing licensure by endorsement. If any provision of statute conflicts with this section, the other provision of statute prevails over this section to the extent that the other provisions provide more specific requirements relating to licensure by endorsement.

Sec. 10. The provisions of section 4 of this act apply only to time served as a member of a regulatory body pursuant to an appointment made after the effective date of this act.

Sec. 11. The provisions of section 5 of this act do not apply to an agreement between a regulatory body and an attorney or law firm entered into before the effective date of this act, but do apply to any renewal or extension of such an agreement.

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. A regulatory body that is required to adopt regulations pursuant to section 3 of this act shall adopt such regulations not later than February 1, 2018.

Sec. 14. 1. This section and sections 1 to ~~18~~ 7, inclusive, 8 and ~~sections~~ 10 to 13, inclusive, of this act become effective upon passage and approval.

2. Sections 7.3 and 7.6 of this act become effective on July 1, 2017.

3. Section 9 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
 ➤ are repealed by the Congress of the United States.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 253 makes eight changes to Senate Bill No. 69. The amendment first adds criteria that may be used by the Governor to determine whether there is a critically unmet need

with regard to the number of persons in Nevada who are engaged in an occupation or profession that is regulated by a regulatory body. Second, it removes the word "investigated" in determining the issuance a license by endorsement. Third, it requires an applicant for licensure by endorsement by a regulatory body to submit fingerprints ten days after proof of bonding, if required by the regulatory board. Fourth, it requires an applicant for licensure by endorsement to submit to the regulatory board a complete set of his or her fingerprints and provide provisions for a regulatory body to reject or deny an application for licensure by endorsement. Fifth, it clarifies that term limits for members of regulatory bodies do not apply when the regulatory body has a membership of less than 250. Sixth, it prohibits a regulatory body from enforcing a law or regulation against a person unless the person engages in conduct that is expressly included in statute or regulation for his or her scope of practice of the occupation or profession. Next, it adds criteria that the regulatory body must consider when engaging in rulemaking pursuant to Chapter 233B of *Nevada Revised Statutes*.

Finally, it revises the information required to be included with an application for the issuance of a license to practice medicine and the biennial registration of a physician.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 97.

Bill read second time.

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

Amendment No. 130.

SUMMARY—Expands the authority of the Office of the State Long-Term Care Ombudsman. (BDR 38-371)

AN ACT relating to the State Long-Term Care Ombudsman; authorizing the Ombudsman to perform certain activities to protect the health, safety, welfare and civil rights of a recipient of services from a facility for the care of adults during the day, certain supported living arrangement services or certain community-based living arrangement services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office of the State Long-Term Care Ombudsman to advocate for the protection of the health, safety, welfare and rights of residents of facilities for long-term care. (NRS 427A.125) The Ombudsman is authorized to appoint and train advocates to perform certain duties, including: (1) receiving, investigating and attempting to resolve complaints by residents of facilities for long-term care; and (2) investigating acts, practices, policies or procedures of facilities for long-term care and governmental agencies which relate to such care. (NRS 427A.125, 427A.127) Section 7 of this bill expands the authority of the Ombudsman to include advocating for recipients of services from facilities for the care of adults during the day and living arrangement services. Such a facility provides care during the day for aged or infirm persons. (NRS 449.004) Section 4 of this bill defines the term "living arrangement services" to include certain services provided in the home of a person with a mental illness, a person with an intellectual disability or a person with a related condition.

Existing law authorizes the Ombudsman or an advocate to enter onto the premises of a facility for long-term care to investigate or review any act, practice, policy, procedure or condition that may adversely affect the health, safety, welfare or civil rights of a resident of the facility. Such investigations may be conducted periodically or pursuant to a complaint. (NRS 427A.125, 427A.135) In conducting such an investigation or review, the Ombudsman or advocate may: (1) inspect the facility and its records; (2) interview officers, directors, employees and residents of the facility as well as legal guardians and families of residents and persons designated as responsible for decisions concerning the care of residents; and (3) obtain assistance and information from any agency of this State. (NRS 427A.145) A person who interferes with such an investigation or review is subject to an administrative fine of not more than \$1,000 for each violation. (NRS 427A.135) Sections 7, 8 and 10 of this bill additionally authorize the Ombudsman or an advocate to: (1) investigate or review a facility for the care of adults during the day or a provider of living arrangement services; and (2) enter and inspect a facility for the care of adults during the day, a facility maintained by a provider of living arrangement services, or, with the consent of a recipient of living arrangement services, the residence of the recipient. Section 10.5 of this bill makes a conforming change to reflect the expanded authority of the Ombudsman and advocates.

Section 9 of this bill prohibits retaliation against a recipient of services from a facility for the care of adults during the day or living arrangement services who files a complaint with, or provides information to, the Ombudsman or an advocate. A person who violates this prohibition is subject to an administrative fine of not more than \$1,000 for each violation.

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. *"Community-based living arrangement services" means flexible, individualized services, including, without limitation, training and habilitation services, that are:*

(a) *Provided in the home, for compensation, to persons with mental illness or persons with related conditions who are served by the Division of Public and Behavioral Health of the Department; and*

(b) *Designed and coordinated to assist such persons in maximizing their independence.*

2. *As used in this section:*

(a) *"Mental illness" has the meaning ascribed to it in NRS 433.164.*

(b) *"Persons with related conditions" has the meaning ascribed to it in NRS 433.211.*

Sec. 3. *"Facility for the care of adults during the day" has the meaning ascribed to it in NRS 449.004.*

Sec. 4. *"Living arrangement services" means ~~community-based~~ :*

1. Community-based living arrangement services that include:

(a) Intensive services and overnight supervision of recipients who require training concerning behavioral skills, self-care and management of medications; or

(b) Services in the home for recipients with chronic medical conditions and severe mental illness who require habilitation or rehabilitation services; and
~~supported~~

2. Supported living arrangement services as defined in NRS 435.3315 ~~that~~ that include 24-hour care.

Sec. 5. "Recipient" means a person who receives:

1. Services from a facility for long-term care or a facility for the care of adults during the day; or

2. Living arrangement services.

Sec. 6. NRS 427A.020 is hereby amended to read as follows:

427A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 427A.021 to 427A.0295, inclusive, and sections 2 to 5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 7. NRS 427A.125 is hereby amended to read as follows:

427A.125 1. The Office of the State Long-Term Care Ombudsman is hereby created within the Division.

2. The Administrator shall appoint the State Long-Term Care Ombudsman to advocate for the protection of the health, safety, welfare and rights of ~~residents of facilities for long-term care.~~ recipients. The Ombudsman is in the classified service of the State. The Ombudsman shall, under direction of the Administrator:

(a) Train advocates to:

(1) Receive, investigate and attempt to resolve complaints made by or on behalf of ~~residents of facilities for long-term care.~~ recipients.

(2) Investigate acts, practices, policies or procedures of any facility for long-term care, facility for the care of adults during the day, provider of living arrangement services or any governmental agency which relates to such care or services and may adversely affect the health, safety, welfare or civil rights of ~~residents of such facilities.~~ recipients and report the results of the investigations to the Ombudsman and the Administrator.

(3) Record and analyze information and complaints about facilities for long-term care, facilities for the care of adults during the day and providers of living arrangement services to identify problems affecting ~~their residents.~~ recipients to whom they provide services.

(4) Provide for the support and development of ~~resident~~ recipient and family councils to protect the well-being and rights of ~~residents of facilities for long-term care.~~ recipients.

(5) Assist facilities for long-term care, facilities for the care of adults during the day and providers of living arrangement services to provide services to ~~residents~~ recipients in the manner set forth in paragraph (b).

(b) Develop a course of training to be made available to officers, directors and employees of a facility for long-term care , *a facility for the care of adults during the day or a provider of living arrangement services* to encourage such facilities and providers to provide services to ~~{their residents}~~ recipients in a manner that allows the ~~{residents}~~ recipients to follow their own routine and make their own decisions concerning the daily activities in which to participate. The course must also provide information concerning how to provide services in that manner.

(c) Coordinate services within the Department which may affect ~~{residents}~~ recipients and prospective ~~{residents of facilities for long-term care}~~ recipients to ensure that such services are made available to eligible persons.

(d) Recommend and review policies, legislation and regulations, both in effect and proposed, which affect facilities for long-term care ~~{-}~~ , *facilities for the care of adults during the day and providers of living arrangement services*.

(e) Upon request, advise and assist the Governor, the Legislature and public and private groups in formulating and putting into effect policies which affect facilities for long-term care , *facilities for the care of adults during the day and providers of living arrangement services* and ~~{their residents-}~~ the recipients to whom they provide services.

(f) Provide information to interested persons and to the general public concerning the functions and activities of the Ombudsman.

(g) Report annually to the Administrator.

Sec. 8. NRS 427A.135 is hereby amended to read as follows:

427A.135 1. The Ombudsman or an advocate may:

(a) Upon a complaint by or on behalf of a ~~{resident-}~~ recipient, investigate any act or policy which the Ombudsman or advocate has reason to believe may adversely affect the health, safety, welfare or civil rights of any ~~{resident of a facility for long-term care-}~~ recipient; and

(b) Make periodic visits to any facility for long-term care , *facility for the care of adults during the day, facility maintained by a provider of living arrangement services or, with the consent of a recipient of living arrangement services, the residence of the recipient* to provide information to ~~{the residents of the facility}~~ recipients and to review generally any act, practice, policy, procedure or condition which may adversely affect the health, safety, welfare or civil or other rights of any ~~{resident of the facility-}~~ recipient.

2. The Ombudsman or an advocate may enter ~~{any-}~~ :

(a) Any facility for long-term care , *facility for the care of adults during the day or facility maintained by a provider of living arrangement services* and any area within ~~{the}~~ such a facility at reasonable times with or without prior notice and must be permitted access to ~~{residents}~~ recipients of services from the facility at all times. Upon arrival at the facility, the Ombudsman or advocate shall make his or her presence known to the staff of the facility and shall present appropriate identification.

(b) *With the consent of a recipient of living arrangement services, the residence of the recipient.*

3. A person shall not willfully interfere with the Ombudsman or an advocate in the performance of any investigation or visitation pursuant to this section. If any person is found, after notice and a hearing, to have willfully violated any provision of this subsection, the Director, at the request of the Administrator, may refer the matter to the Division for the imposition of an administrative fine of not more than \$1,000 for each violation.

4. Any money collected as a result of an administrative fine imposed pursuant to this section must be deposited in the State General Fund.

5. Each ~~resident~~ *recipient* has the right to request, deny or terminate visits with the Ombudsman or an advocate.

6. The Ombudsman or an advocate is not liable civilly for the good faith performance of any investigation.

Sec. 9. NRS 427A.138 is hereby amended to read as follows:

427A.138 1. An officer, director or employee of a facility for long-term care , *facility for the care of adults during the day or provider of living arrangement services* shall not retaliate against any person for having filed a complaint with, or provided information to, the Ombudsman or an advocate.

2. If any person is found, after notice and a hearing, to have violated any provision of subsection 1, the Director, at the request of the Administrator, may refer the matter to the Division for the imposition of an administrative fine of not more than \$1,000 for each violation.

3. Any money collected as a result of an administrative fine imposed pursuant to this section must be deposited in the State General Fund.

Sec. 10. NRS 427A.145 is hereby amended to read as follows:

427A.145 In conducting an investigation, the Ombudsman or an advocate may:

1. Inspect any facility for long-term care , *facility for the care of adults during the day or facility maintained by a provider of living arrangement services* and any records maintained by the facility. Except as otherwise provided in this subsection, ~~the~~ medical and personal financial records may be inspected only with the informed consent of the ~~resident~~ *recipient*, the legal guardian of the ~~resident~~ *recipient* or the person or persons designated as responsible for decisions regarding the ~~resident~~ *recipient*. If the ~~resident~~ *recipient* is unable to consent to the inspection and has no legal guardian, the inspection may be conducted without consent.

2. *With the consent of a recipient of living arrangement services, inspect the residence of the recipient.*

3. Interview:

(a) Officers, directors and employees of any facility for long-term care, *facility for the care of adults during the day or provider of living arrangement services*, including any licensed provider of health care as defined in NRS 629.031, who renders services to the facility or provider or ~~its residents~~ *recipients of services from the facility or provider*.

(b) Any ~~resident of the facility~~ *recipient* and the legal guardian of the ~~resident~~ *recipient*, if any, and the family of the ~~resident~~ *recipient* or the

person or persons designated as responsible for decisions regarding his or her care if the ~~resident~~ *recipient* consents to the interview.

~~{3-}~~ 4. Obtain such assistance and information from any agency of the State or its political subdivisions as is necessary properly to perform the investigation.

Sec. 10.5. NRS 427A.136 is hereby repealed.

Sec. 11. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

427A.136 Investigation of complaint involving person who is less than 60 years of age. The Administrator may direct the Ombudsman or an advocate to investigate a complaint involving a person who is less than 60 years of age.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 130 revises Senate Bill No. 97 to clarify that the State Long-Term Care Ombudsman's authority is expanded to include community-based living arrangement services that include intensive services and overnight supervision of recipients who require training concerning behavioral skills, self-care and medication management; or services in the home for recipients with chronic medical conditions and severe mental illness who require habilitation or rehabilitation services; and certain supported living arrangement services that require 24-hour care. The amendment also deletes provisions authorizing the State Long-Term Care Ombudsman to investigate a complaint involving a person who is less than 60 years of age.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 126.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 159.

SUMMARY—Establishes a program to provide loans to ~~{certain}~~ small ~~{businesses owned by minorities and women.}~~ business enterprises, minority-owned business enterprises, women-owned business enterprises and disadvantaged business enterprises. (BDR 18-21)

AN ACT relating to economic development; requiring the Office of Economic Development to develop and carry out a program to provide loans to ~~{certain}~~ small ~~{businesses owned by minorities or women; authorizing the issuance of revenue bonds to fund loans for the expansion of certain small businesses owned by minorities or women.}~~ business enterprises, minority-owned business enterprises, women-owned business enterprises and disadvantaged business enterprises; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution contains a provision commonly known as a "gift clause" which restricts the State, under certain circumstances, from donating or loaning the State's money or credit to any company, association or

corporation, except corporations formed for educational or charitable purposes. (Nev. Const. Art. 8, § 9) The State loans its credit in violation of this constitutional provision only when the State acts as a surety or guarantor for the debts of a company, corporation or association. (*Employers Ins. Co. of Nev. v. State Bd. of Exam'rs*, 117 Nev. 249, 258 (2001)) The State does not loan its credit in violation of this constitutional provision when the State issues revenue bonds which are not backed or guaranteed by the State's general credit or taxing powers but are payable solely from revenues derived from the projects or programs financed by the revenue bonds. (*State ex rel. Brennan v. Bowman*, 89 Nev. 330, 333 (1973))

Additionally, the State does not donate, loan or "gift" its money in violation of this constitutional provision when the State dispenses state funds for a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation of such funds. (*Lawrence v. Clark County*, 127 Nev. 390, 405 (2011)) In most cases, the courts generally will give great weight and due deference to the Legislature's finding that a particular dispensation of state funds serves a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation. (*Washoe County Water Conserv. Dist. v. Beemer*, 56 Nev. 104, 115 (1935); *Cauble v. Beemer*, 64 Nev. 77, 82-85 (1947); *McLaughlin v. Hous. Auth. of Las Vegas*, 68 Nev. 84, 93 (1951); *State ex rel. Brennan v. Bowman*, 89 Nev. 330, 332-33 (1973); *Lawrence v. Clark County*, 127 Nev. 390, 406 (2011)) For example, the Nevada Supreme Court has held that legislation which promotes economic development and seeks to create, protect or enhance job opportunities "inures to the public benefit" and serves an important public purpose because it assists in "relieving unemployment and maintaining a stable economy." (*State ex rel. Brennan v. Bowman*, 89 Nev. 330, 333 (1973))

~~[Section 3 of this bill]~~ This bill requires the Office of Economic Development ~~for~~ in consultation with the Director of the Department of Business and Industry, to develop and carry into effect a program under which ~~for certain~~ a business certified as a small business owned by minorities or women, business enterprise, minority-owned business enterprise, woman-owned business enterprise or disadvantaged business enterprise may obtain loans a loan to finance the expansion of ~~their businesses~~ its business in this State. Section 2.5 of this bill establishes the Small Business Enterprise Loan Account in the State General Fund as a revolving loan account which must be administered by the Office and used to fund loans to such business enterprises. Section 3 of this bill requires the Office to establish the program and authorizes the Office, in carrying out the program, to: (1) enter into an agreement with a person who operates a program in this State to provide loans to small business enterprises, minority-owned business enterprises, women-owned business enterprises and disadvantaged business enterprises; and (2) make grants of money from the Account to that person which must be used to make loans or participate with private lending institutions in the making of loans to finance the expansion of such business enterprises. Section 3 further requires the

Office to develop : (1) the criteria a business must satisfy to be eligible for a loan; and (2) the procedures for applying for a loan, which must include, without limitation, a requirement to submit an application containing certain information about the applicant's business and the planned use of the loan. ~~[Section 3 further requires.] Under section 3, the Office, or the person with whom the Office has entered into an agreement to carry out the program, is authorized to approve a loan if the [Office finds that the] business satisfies certain criteria established by the Office and [that] the loan will enable the business to acquire the capital equipment necessary to enable the business to expand and hire additional employees. Under section 3, if [the Office approves a loan, the loan must be made on such terms as the Office finds to be in the best interests of this State, and the Director of the Department of Business and Industry must fund the loan from the proceeds of the revenue bonds issued under section 4 of this bill, in accordance with the Office's instructions.~~
~~—Section 4 authorizes the Director to issue or request the issuance of revenue bonds in the manner provided by the State Securities Law. Under section 4, the proceeds of these revenue bonds must be used to pay the costs of the program.]~~ such a loan is approved: (1) the business receiving the loan must enter into a loan agreement with the Office or the person carrying out the program; (2) the loan must be funded from the Small Business Enterprise Loan Account created by section 2.5; and (3) all payments of principal and interest on the loan must be deposited in the Account.

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

Section 1. 1. The Legislature hereby finds and declares that:

(a) Section 9 of Article 8 of the Nevada Constitution contains a provision commonly known as a "gift clause" which restricts the State under certain circumstances from donating or loaning the State's money or credit to any company, association or corporation, except corporations formed for educational or charitable purposes.

(b) In *Employers Insurance Company of Nevada v. State Board of Examiners*, 117 Nev. 249, 258 (2001), the Nevada Supreme Court held that the State loans its credit in violation of Section 9 of Article 8 of the Nevada Constitution only when the State acts as a surety or guarantor for the debts of a company, corporation or association.

(c) In *State ex rel. Brennan v. Bowman*, 89 Nev. 330, 333 (1973), the Nevada Supreme Court held that the State does not loan its credit in violation of Section 9 of Article 8 of the Nevada Constitution when the State issues revenue bonds which are not backed or guaranteed by the State's general credit or taxing powers but are payable solely from revenues derived from the projects or programs financed by the revenue bonds.

(d) In *Lawrence v. Clark County*, 127 Nev. 390, 405 (2011), the Nevada Supreme Court held that the State does not donate, loan or "gift" its money in violation of Section 9 of Article 8 of the Nevada Constitution when the State

dispenses state funds for a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation of the state funds.

(e) In *McLaughlin v. Housing Authority of the City of Las Vegas*, 68 Nev. 84, 93 (1951), and *Lawrence v. Clark County*, 127 Nev. 390, 399, 406 (2011), the Nevada Supreme Court held that when the Legislature authorizes a state agency to dispense state funds:

(1) The courts will carefully examine whether the Legislature made an informed and appropriate finding that dispensation of the state funds serves a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation;

(2) The courts will give great weight and due deference to the Legislature's finding, and the courts will uphold the Legislature's finding unless it clearly appears to be erroneous and without reasonable foundation; and

(3) The courts will closely examine whether the dispensing state agency reviews all facts, figures and necessary information when making the dispensation, and when the state agency has done so, it will not be second-guessed by the courts.

2. The Legislature hereby further finds and declares that:

(a) In *State ex rel. Brennan v. Bowman*, 89 Nev. 330, 333 (1973), the Nevada Supreme Court held that legislation which promotes economic development and seeks to create, protect or enhance job opportunities "inures to the public benefit" and serves an important public purpose because it assists in "relieving unemployment and maintaining a stable economy."

(b) To promote, develop and maintain a stable economy in this State, it is necessary and essential for the State to incentivize the expansion of small ~~businesses owned by women or members of racial or ethnic minorities~~ business enterprises, minority-owned business enterprises, women-owned business enterprises and disadvantaged business enterprises because in this State:

(1) Such businesses historically have lacked access to sufficient capital to enable the businesses to make the capital investments necessary to expand and hire additional employees; and

(2) Such businesses are more likely to employ greater numbers of women ~~for~~ members of racial or ethnic minorities and other residents of this State, including persons who are socially and economically disadvantaged, and therefore relieve unemployment in many segments of the population of this State that traditionally have experienced the highest rates of unemployment and underemployment.

3. The Legislature hereby further finds and declares that:

(a) The purpose of this act is to develop and carry into effect a state program under which ~~disadvantaged small businesses~~ business enterprises, minority-owned business enterprises, women-owned business enterprises and disadvantaged business enterprises located in this State may obtain loans from

the program to finance the expansion of such ~~small businesses,~~ business enterprises.

(b) The provisions of this act are intended to serve an important public purpose and ensure that the State receives valuable benefits and fair consideration in exchange for each loan from the program because:

(1) The program requires the dispensing state agency to review all facts, figures and necessary information when making each loan from the program; and

(2) The loans from the program will diversify and expand the number and types of businesses in this State, will increase employment opportunities for women, ~~and~~ members of racial or ethnic minorities and other residents of this State, including persons who are socially and economically disadvantaged, in many segments of the population of this State that traditionally have experienced the highest rates of unemployment and underemployment, and will benefit the overall public health, safety and welfare of the people of this State by relieving unemployment, encouraging economic growth and maintaining a stable economy.

Sec. 2. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.5, 3 and 4 of this act.

Sec. 2.5. 1. The Small Business Enterprise Loan Account is hereby created in the State General Fund as a revolving loan account. The Account must be administered by the Office.

2. All interest and income earned on the money in the Account must be credited to the Account.

3. The money in the Account does not revert to the State General Fund at the end of any fiscal year and must be carried forward to the next fiscal year.

4. Money in the Account must be used by the Office to develop and carry into effect the program developed by the Office pursuant to section 3 of this act.

5. Claims against the Account must be paid as other claims against the agency are paid.

6. The Office may apply for and accept gifts, grants, bequests and donations from any source for deposit in the Account.

Sec. 3. 1. The Office ~~is~~ in consultation with the ~~Director of the Department of Business and Industry,~~ shall develop and carry into effect a program under which a ~~disadvantaged~~ business located in this State that is certified by an agency or entity approved by the Office as a small business enterprise ~~located in this State,~~ minority-owned business enterprise, woman-owned business enterprise or disadvantaged business enterprise may obtain a loan of money distributed from the ~~program~~ Account to finance the expansion of its business.

2. In carrying out the program, the Office may :

(a) Enter into an agreement with a person who operates a program in this State to provide loans to small business enterprises, minority-owned business

enterprises, women-owned business enterprises and disadvantaged business enterprises.

(b) Make grants of money from the Account to that person, which must be used by that person to make loans ~~f, undertake a commitment to make loans~~ or participate with private lending institutions in the making of loans to finance the expansion of a ~~disadvantaged~~ business located in this State that is certified by an agency or entity approved by the Office as a small business enterprise ~~f, f~~, minority-owned business enterprise, woman-owned business enterprise or disadvantaged business enterprise.

3. ~~[In determining whether the making of a loan to an applicant is in the best interests of this State pursuant to this section,]~~ The Office shall establish the criteria which must be used by the program to determine whether to make a loan to a business described in subsection 1 and the criteria which such a business must meet to qualify for a loan under the program. In establishing such criteria, the Office shall consider, without limitation, whether the making of the loan will assist this State to:

(a) Diversify and expand the number and types of businesses and industries in this State ~~f, f~~;

(b) Encourage economic growth and maintain a stable economy ~~f, f~~;

(c) Expand employment opportunities or relieve unemployment or underemployment in any segments of the population of this State that traditionally have experienced the highest rates of unemployment and underemployment ~~f, f~~; and

(d) Encourage the formation and expansion of businesses located in this State that are certified by an agency or entity approved by the Office as a small business enterprise, minority-owned business enterprise, woman-owned business enterprise or disadvantaged business enterprise.

4. The Office shall establish procedures for applying for a loan from the program. The procedures must require an applicant to submit an application for a loan that includes, without limitation:

(a) A statement of the proposed use of the loan;

(b) A business plan; and

(c) Such other information as the Office deems necessary to determine whether the making of the loan to the applicant ~~is in the best interests of this State.~~ satisfies the criteria established by the Office pursuant to subsection 3 and whether the applicant is qualified for the loan.

5. A business located in this State that is certified by an agency or entity approved by the Office as a small business enterprise, minority-owned business enterprise, woman-owned business enterprise or disadvantaged business enterprise may submit an application for a loan to the Office or the person with whom the Office has entered into an agreement to carry out the program.

6. The Office ~~shall~~, or the person with whom the Office has entered into an agreement to carry out the program, may approve an application for a loan

submitted pursuant to ~~this section~~ subsection 5 if the Office, or the person carrying out the program, finds that:

(a) ~~The disadvantaged small business enterprise is in existence, operational and operated for profit.~~ applicant operates a for-profit business in this State and has the capability to continue in operation in this State for a period prescribed by the Office;

(b) ~~The disadvantaged small business enterprise.~~ applicant maintains its principal place of business in this State;

(c) ~~The applicant is certified by an agency or entity approved by the Office as a small business enterprise, minority-owned business enterprise, woman-owned business enterprise or disadvantaged (small) business enterprise and is in compliance with all applicable licensing and registration requirements in this State;~~

(d) The loan will enable the business to acquire the capital equipment necessary to expand in this State and hire additional employees in this State;

(e) There is adequate assurance that the loan will be repaid; and

(f) ~~The making of the loan is in the best interests of this State.~~
~~6.~~ satisfies the criteria established by the Office pursuant to subsection 3.

7. If the Office, or a person with whom the Office has entered into an agreement to carry out the program, approves an application for a loan pursuant to this section:

(a) The Office, or the person carrying out the program, and the applicant must execute a loan agreement that contains such terms as the Office ~~finds to be in the best interests of the State;~~ or person deems necessary; and

(b) ~~The Director of the Department of Business and Industry must fund the loan from the proceeds of the revenue bonds issued pursuant to section 4 of this act in accordance with the instructions of the Office.~~

~~7.~~ The Office, or the person carrying out the program, must fund the loan from the money in the Account.

8. The rate of interest on loans made pursuant to the program must be as low as practicable, but sufficient to pay the cost of the program, ~~including, without limitation, the repayment of bonds issued pursuant to section 4 of this act, and provide an appropriate reserve, as determined by the Office, in consultation with the Director of the Department of Business and Industry.~~

~~8.~~ 9. After deducting the costs directly related to administering the program, payments of principal and interest on loans made to a small business enterprise, minority-owned business enterprise, woman-owned business enterprise or disadvantaged business enterprise from money distributed from the Account must be deposited in the State General Fund for credit to the Account.

10. As used in this section ~~+~~

~~(a) "Disadvantaged small business enterprise" means a small business in this State:~~

~~(1) Of which at least 51 percent is owned by a natural person who is a woman or a member of a racial or ethnic minority; and~~

~~(2) Whose management and daily business operations are controlled by one or more natural persons who are women or members of a racial or ethnic minority.~~

~~(b) "Small business" means a business whose gross receipts do not exceed \$1,000,000 for the year immediately preceding the date of an application for a loan pursuant to this section. , "Account" means the Small Business Enterprise Loan Account created by section 2.5 of this act.~~

Sec. 4. ~~{1. To pay the cost of the program created pursuant to section 3 of this act, the Director of the Department of Business and Industry may, in consultation with the Office, borrow money or otherwise become obligated, and may provide evidence of those obligations by issuing or requesting the State Board of Finance to issue revenue bonds in an aggregate principal amount not to exceed \$10,000,000, in the manner provided by the State Securities Law.~~

~~2. Any bonds issued pursuant to this section and administrative expenses related to the bonds are payable solely from revenues pledged or available for their repayment. This limitation must be plainly stated on the face of the bonds.} (Deleted by amendment.)~~

Sec. 5. There is hereby appropriated from the State General Fund to the Small Business Enterprise Loan Account created by section 2.5 of this act the sum of \$2,000,000.

Sec. 6. This act becomes effective on July 1, 2017.

Senator Ford moved the adoption of the amendment.

Remarks by Senator Ford.

Amendment No. 159 to Senate Bill No. 126 clarifies the types of businesses entities that are eligible for the loan program, which is reflected throughout the bill, as "small business enterprises," "minority business enterprises," "women-owned business enterprises" and "disadvantaged business enterprises."

The amendment removes the provisions of the bill related to the program being developed in consultation with the Department of Business and Industry and also removes the provisions related to funding the loan program from revenue bonds in the amount of \$10 million.

Instead, the amendment restructures the loan program by establishing the Small Business Loan Account to be administered by the Governor's Office of Economic Development and provides for a General Fund appropriation of \$2 million to be deposited into the Account for the purposes of providing the loans pursuant to the bill.

Finally, the amendment authorizes the Governor's Office of Economic Development to enter into an agreement with a person or entity, who operates these types of loan programs in this State, to allow that person or entity to provide the loans from the Small Business Loan Account administered by the Governor's Office of Economic Development.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 139.

Bill read second time.

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

Amendment No. 107.

SUMMARY—Makes various changes to provisions relating to patient-centered medical homes. (BDR 40-679)

AN ACT relating to patient-centered medical homes; requiring the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease to establish an advisory group to study the delivery of health care through patient-centered medical homes; ~~requiring~~ authorizing the ~~Commissioner of Insurance,~~ Director of the Department of Health and Human Services to adopt regulations prescribing standards concerning payments to and incentives for patient-centered medical homes; ~~requiring~~ authorizing the inclusion of such payments and incentives in the State Plan for Medicaid; ~~requiring~~ authorizing plans of health insurance to provide such payments and incentives when applicable; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

A patient-centered medical home provides health care through a provider of primary care and a team of health care providers. (NRS 439A.190) Existing law authorizes, but does not require, the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease to establish an advisory group of interested persons and governmental entities to study the delivery of health care through patient-centered medical homes. (NRS 439.519) Section 1 of this bill requires the Advisory Council to establish such an advisory group.

Existing law provides that any coordination between an insurer and a patient-centered medical home or acceptance of an incentive from an insurer by a patient-centered medical home that is authorized under federal law does not constitute an unfair method of competition or an unfair or deceptive trade practice. (NRS 439A.190) Section 6 of this bill ~~requires~~ authorizes the ~~Commissioner of Insurance,~~ Director of the Department of Health and Human Services, in consultation with the advisory group established by the Advisory Council, ~~the Director of the Department of Health and Human Services~~, and other interested persons and governmental entities, to adopt regulations prescribing standards concerning certain payments to and incentives for patient-centered medical homes. Section 7 of this bill provides that incentives that are authorized by those regulations and by federal law are not considered unfair methods of competition or unfair or deceptive trade practices.

Section 11 of this bill ~~requires~~ authorizes the Director of the Department of Health and Human Services to: (1) include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of any such payment or incentive for which standards are adopted; and (2) take any action necessary to obtain federal financial participation in any such payments or incentives provided by Medicaid. Sections 9, 13, 15, 16, 18-22 and 25-27 of this bill ~~require~~ authorize all other plans of health insurance that provide coverage for a service rendered by a patient-centered medical home, including plans of

health insurance provided by state and local governmental entities to their employees and Medicaid managed care plans, to provide any such payments or incentives as applicable. Sections 12, 14, ~~15~~ and 17, ~~23 and 24~~ 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 439.519 is hereby amended to read as follows:

439.519 1. The members of the Advisory Council serve terms of 2 years. A member may be reappointed to serve not more than two additional, consecutive terms.

2. A majority of the voting members of the Advisory Council shall select a Chair and a Vice Chair of the Advisory Council.

3. A majority of the voting members of the Advisory Council may:

(a) Appoint committees or subcommittees to study issues relating to wellness and the prevention of chronic disease.

(b) Remove a nonlegislative member of the Advisory Council for failing to carry out the business of, or serve the best interests of, the Advisory Council.

~~[(c) Establish]~~

4. *The Advisory Council shall establish* an advisory group of interested persons and governmental entities to study the delivery of health care through patient-centered medical homes. Interested persons and governmental entities that serve on the advisory group may include, without limitation:

~~[(1)]~~ (a) Public health agencies;

~~[(2)]~~ (b) Public and private insurers;

~~[(3)]~~ (c) Providers of primary care, including, without limitation, physicians and advanced practice registered nurses who provide primary care; and

~~[(4)]~~ (d) Recipients of health care services.

~~[(4)]~~ 5. The Division shall, within the limits of available money, provide the necessary professional staff and a secretary for the Advisory Council.

~~[(5)]~~ 6. A majority of the voting members of the Advisory Council constitutes a quorum to transact all business, and a majority of those voting members present, physically or via telecommunications, must concur in any decision.

~~[(6)]~~ 7. The Advisory Council shall, within the limits of available money, meet at the call of the Administrator, the Chair or a majority of the voting members of the Advisory Council quarterly or as is necessary.

~~[(7)]~~ 8. The members of the Advisory Council serve without compensation, except that each member is entitled, while engaged in the business of the Advisory Council and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

~~[(8)]~~ 9. As used in this section, "patient-centered medical home" has the meaning ascribed to it in ~~[NRS 439A.190.]~~ *section 4 of this act.*

Sec. 2. Chapter 439A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. *As used in NRS 439A.190 and sections 3 to 6, inclusive, of this act, the words and terms defined in sections 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Patient-centered medical home" means a primary care practice that:*

1. *Offers patient-centered, continuous, culturally competent, evidence-based, comprehensive health care that is led by a provider of primary care and a team of health care providers, coordinates the health care needs of the patient and uses enhanced communication strategies and health information technology; and*

2. *Emphasizes enhanced access to practitioners and preventive care to improve the outcomes for and experiences of patients and lower the costs of health services.*

Sec. 5. *"Primary care practice" means a federally qualified health center, as defined in 42 U.S.C. § 1396d(l)(2)(B), or a business where health services are provided by one or more advanced practice registered nurses who are licensed pursuant to chapter 632 of NRS or one or more physicians who are licensed pursuant to chapter 630 or 633 of NRS and who practice in the area of family practice, internal medicine or pediatrics.*

Sec. 6. *The ~~Commissioner of Insurance,~~ Director, in consultation with the advisory group established pursuant to NRS 439.519 ~~and the Director,~~ and other interested persons and governmental entities, ~~shall~~ may adopt regulations establishing one or more of the following standards:*

1. *Payment methods that a plan of health insurance must use to coordinate the provision of health care services covered by the plan.*

2. *Incentives that a plan of health insurance must use to compensate a patient-centered medical home based on improved health care outcomes and coordination of care resulting from operation as a patient-centered medical home.*

3. *Incentives that a plan of health insurance must use to compensate a patient-centered medical home based on a reduction in the cost of care resulting from operation as a patient-centered medical home.*

Sec. 7. NRS 439A.190 is hereby amended to read as follows:

439A.190 1. A primary care practice shall not represent itself as a patient-centered medical home unless the primary care practice is certified, accredited or otherwise officially recognized as a patient-centered medical home by a nationally recognized organization for the accrediting of patient-centered medical homes.

2. The Department shall post on an Internet website maintained by the Department links to nationally recognized organizations for the accrediting of patient-centered medical homes and any other information specified by the Department to allow patients to find a patient-centered medical home that

meets the requirements of this section and any regulations adopted pursuant thereto.

3. Any coordination between an insurer and a patient-centered medical home ~~[or acceptance]~~, *the payment* of an incentive from an insurer ~~[by]~~ to a patient-centered medical home *or the acceptance of such an incentive by a patient-centered medical home* that is authorized by federal law and ~~the~~ *any* regulations adopted pursuant to section 6 of this act shall not be deemed to be an unfair method of competition or an unfair or deceptive trade practice or other act or practice prohibited by the provisions of chapter 598 or 686A of NRS.

~~{4.— As used in this section:~~

~~—(a) "Patient centered medical home" means a primary care practice that:~~

~~—(1) Offers patient centered, continuous, culturally competent, evidence based, comprehensive health care that is led by a provider of primary care and a team of health care providers, coordinates the health care needs of the patient and uses enhanced communication strategies and health information technology; and~~

~~—(2) Emphasizes enhanced access to practitioners and preventive care to improve the outcomes for and experiences of patients and lower the costs of health services.~~

~~—(b) "Primary care practice" means a federally qualified health center, as defined in 42 U.S.C. § 1396d(1)(2)(B), or a business where health services are provided by one or more advanced practice registered nurses or one or more physicians who are licensed pursuant to chapter 630 or 633 of NRS and who practice in the area of family practice, internal medicine or pediatrics.]~~

Sec. 8. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 11 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

Sec. 9. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, *and section 15 of this act* and 689B.287 apply to coverage provided pursuant to this paragraph.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 10. ~~NRS 287.04335 is hereby amended to read as follows:~~
~~287.04335 If the Board provides health insurance through a plan of self insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, and section 27 of this act in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.] (Deleted by amendment.)~~

Sec. 11. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~The Director shall~~ may:

(a) ~~Include~~ To the extent authorized by federal law, include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenses incurred to provide any payment or incentive for patient-centered medical homes for which standards are adopted pursuant to section 6 of this act; and

(b) Take any action necessary to obtain federal financial participation in any such payment or incentive.

2. As used in this section, "patient-centered medical home" has the meaning ascribed to it in section 4 of this act.

Sec. 12. NRS 686B.080 is hereby amended to read as follows:

686B.080 1. Except as otherwise provided in subsections 2 to 5, inclusive, each filing and any supporting information filed under NRS 686B.010 to 686B.1799, inclusive, must, as soon as filed, be open to public inspection at any reasonable time. Copies may be obtained by any person on request and upon payment of a reasonable charge therefor.

2. All rates for health benefit plans available for purchase by individuals and small employers are considered proprietary and constitute trade secrets, and are not subject to disclosure by the Commissioner to persons outside the Division except as agreed to by the carrier or as ordered by a court of competent jurisdiction.

3. The provisions of subsection 2 expire annually on the date 30 days before open enrollment.

4. Except in cases of violations of NRS 689A.010 to 689A.740, inclusive, *and section 13 of this act* or 689C.015 to 689C.355, inclusive, *and section 16 of this act*, the unified rate review template and rate filing documentation used by carriers servicing the individual and small employer markets are considered proprietary and constitute a trade secret, and are not subject to disclosure by the Commissioner to persons outside the Division except as agreed to by the carrier or as ordered by a court of competent jurisdiction.

5. An insurer providing blanket health insurance in accordance with the provisions of chapter 689B of NRS shall make all information concerning rates available to the Commissioner upon request. Such information is considered proprietary and constitutes a trade secret and is not subject to disclosure by the Commissioner to persons outside the Division except as agreed by the insurer or as ordered by a court of competent jurisdiction.

6. For the purposes of this section:

(a) "Open enrollment" has the meaning ascribed to it in 45 C.F.R. § 147.104(b)(1)(ii).

(b) "Rate filing documentation" and "unified rate review template" have the meanings ascribed to them in 45 C.F.R. § 154.215.

Sec. 13. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A policy of health insurance that provides coverage for a service rendered by a patient-centered medical home ~~must~~ may provide any applicable payment or incentive for which standards are adopted pursuant to section 6 of this act.*

2. ~~{A policy of health insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by this section, and any provision of the policy of health insurance which is in conflict with this section is void.~~

~~3.} As used in this section, "patient-centered medical home" has the meaning ascribed to it in section 4 of this act.~~

Sec. 14. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~{, and section 13 of this act.~~

Sec. 15. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A policy of group or blanket health insurance that provides coverage for a service rendered by a patient-centered medical home ~~(must)~~ may provide any applicable payment or incentive for which standards are adopted pursuant to section 6 of this act.

2. ~~A policy of group or blanket health insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by this section, and any provision of the policy of group or blanket health insurance which is in conflict with this section is void.~~

~~3.~~ As used in this section, "patient-centered medical home" has the meaning ascribed to it in section 4 of this act.

Sec. 16. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health benefit plan that provides coverage for a service rendered by a patient-centered medical home ~~(must)~~ may provide any applicable payment or incentive for which standards are adopted pursuant to section 6 of this act.

2. ~~A health benefit plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by this section, and any provision of the health benefit plan which is in conflict with this section is void.~~

~~3.~~ As used in this section, "patient-centered medical home" has the meaning ascribed to it in section 4 of this act.

Sec. 17. NRS 689C.156 is hereby amended to read as follows:

689C.156 1. As a condition of transacting business in this State with small employers, a carrier shall actively market to a small employer each health benefit plan which is actively marketed in this State by the carrier to any small employer in this State. A carrier shall be deemed to be actively marketing a health benefit plan when it makes available any of its plans to a small employer that is not currently receiving coverage under a health benefit plan issued by that carrier.

2. A carrier shall issue to a small employer any health benefit plan marketed in accordance with this section if the eligible small employer applies for the plan and agrees to make the required premium payments and satisfy the other reasonable provisions of the health benefit plan that are not inconsistent with NRS 689C.015 to 689C.355, inclusive, *and section 16 of this act*, and 689C.610 to 689C.940, inclusive, except that a carrier is not required to issue a health benefit plan to a self-employed person who is covered by, or is eligible for coverage under, a health benefit plan offered by another employer.

3. If a health benefit plan marketed pursuant to this section provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care, the carrier shall provide a system for resolving any complaints of an employee concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive.

Sec. 18. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, *and section 16 of this act* to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 19. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A benefit contract that provides coverage for a service rendered by a patient-centered medical home ~~(must)~~ *may* provide any applicable payment or incentive for which standards are adopted pursuant to section 6 of this act.

2. ~~[A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by this section, and any provision of the benefit contract which is in conflict with this section is void.~~

~~—3.—~~ As used in this section, "patient-centered medical home" has the meaning ascribed to it in section 4 of this act.

Sec. 20. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A contract for hospital, medical or dental services subject to the provisions of this chapter that provides coverage for a service rendered by a patient-centered medical home ~~(must)~~ *may* provide any applicable payment or incentive for which standards are adopted pursuant to section 6 of this act.

2. ~~[A contract for hospital, medical or dental services subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by this section, and any provision of the contract for hospital, medical or dental services which is in conflict with this section is void.~~

~~—3.—~~ As used in this section, "patient-centered medical home" has the meaning ascribed to it in section 4 of this act.

Sec. 21. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health care plan of a health maintenance organization that provides coverage for a service rendered by a patient-centered medical home ~~(must)~~ *may* provide any applicable payment or incentive for which standards are adopted pursuant to section 6 of this act.

2. ~~[A health care plan of a health maintenance organization subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by this section, and any provision of the health care plan which is in conflict with this section is void.~~

~~—3.—~~ As used in this section, "patient-centered medical home" has the meaning ascribed to it in section 4 of this act.

Sec. 22. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1735 to 695C.1755, inclusive, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695, 695C.1708, 695C.1731, 695C.17345 and 695C.1757 *and section 21 of this act* apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 23. ~~[NRS 695C.190 is hereby amended to read as follows:
695C.190 The Commissioner may require the submission of whatever relevant information the Commissioner deems necessary in determining whether to approve or disapprove a filing made pursuant to NRS 695C.170 to 695C.200, inclusive [], or section 21 of this act.] (Deleted by amendment.)~~

Sec. 24. ~~[NRS 695C.330 is hereby amended to read as follows:
695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:~~

~~(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;~~

~~—(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, section 21 of this act or 695C.207;~~

~~—(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;~~

~~—(d) The Commissioner certifies that the health maintenance organization:~~

~~—(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or~~

~~—(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;~~

~~—(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;~~

~~—(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;~~

~~—(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:~~

~~—(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and~~

~~—(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695C.241 to 695C.310, inclusive;~~

~~—(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;~~

~~—(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;~~

~~—(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or~~

~~—(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.~~

~~—2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.~~

~~—3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.~~

~~—4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in~~

~~the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.] (Deleted by amendment.)~~

Sec. 25. Chapter 695D of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A plan for dental care that provides coverage for a service rendered by a patient-centered medical home ~~must~~ may provide any applicable payment or incentive for which standards are adopted pursuant to section 6 of this act.*

2. ~~[A plan for dental care subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by this section, and any provision of the plan for dental care which is in conflict with this section is void.]~~

~~3.]~~ As used in this section, "patient-centered medical home" has the meaning ascribed to it in section 4 of this act.

Sec. 26. NRS 695F.090 is hereby amended to read as follows:

695F.090 Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:

1. NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.

2. NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.

3. The requirements of NRS 679B.152.

4. The fees imposed pursuant to NRS 449.465.

5. NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.

6. The assessment imposed pursuant to NRS 679B.700.

7. Chapter 683A of NRS.

8. To the extent applicable, the provisions of NRS 689B.340 to 689B.580, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

9. NRS 689A.035, 689A.0463, 689A.410, 689A.413 and 689A.415 ~~[-]~~ and section 13 of this act.

10. NRS 680B.025 to 680B.039, inclusive, concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this subsection, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "prepaid limited health service organization."

11. Chapter 692C of NRS, concerning holding companies.

12. NRS 689A.637, concerning health centers.

Sec. 27. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A health care plan issued by a managed care organization for group coverage that provides coverage for a service rendered by a patient-centered*

medical home ~~must~~ may provide any applicable payment or incentive for which standards are adopted pursuant to section 6 of this act.

2. ~~[A health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by this section, and any provision of the health care plan which is in conflict with this section is void.]~~

~~3.]~~ As used in this section, "patient-centered medical home" has the meaning ascribed to it in section 4 of this act.

Sec. 28. ~~[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.]~~
(Deleted by amendment.)

Sec. 29. 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.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 107 revises the provisions of Senate Bill No. 139 to authorize, rather than require, the Director of the Department of Health and Human Services to adopt regulations prescribing standards concerning payments to and incentives for patient-centered medical homes.

The amendment also authorizes, rather than requires, the inclusion of such payments in the State Plan for Medicaid.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 291.

Bill read second time.

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

Amendment No. 122.

SUMMARY—Revises provisions relating to health care records.
(BDR 54-350)

AN ACT relating to health care records; requiring a custodian of health care records to perform certain duties; ~~[limiting fees that may be charged for a digital copy of certain health care records;]~~ revising the civil and criminal penalties for a custodian who violates certain requirements; authorizing the Board of Medical Examiners to take possession of the health care records of a licensee's patients under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a physician or other provider of health care to: (1) retain the health care records of patients for at least 5 years; (2) make available to investigators certain health care records of a patient who is suspected of having operated a motor vehicle while intoxicated; (3) maintain a record of information provided by a patient relating to health insurance coverage; and (4) provide to the Department of Corrections the health care

records of an offender confined at the state prison. (NRS 629.051, 629.065, 629.066, 629.068) Sections 4 and 7-9 of this bill require the custodian of the relevant health care records to perform those duties. Section 1 of this bill defines the custodian of health care records as any person having primary custody of those records or a facility that maintains the health care records of patients.

Existing law requires a provider of health care to make health care records available for inspection by a patient, certain representatives of a patient and certain government officials. (NRS 629.061) Section 5 of this bill requires the custodian of health care records to make the records available for inspection, and includes in the definition of "health care records," for the purposes of that section, any records that reflect the amount charged for medical services or care provided to a patient. ~~[Section 5 also limits the amount of the fee that may be charged for a digital copy of certain health care records.]~~

A custodian of the health care records of a provider of health care is prohibited by existing law from preventing the provider from inspecting or obtaining copies of the records. If the custodian ceases to do business in this State, the custodian must deliver the records or copies of the records to the provider. Any violation of those requirements is a gross misdemeanor and subjects the custodian to a potential civil penalty of not less than \$10,000, to be recovered in a civil action. (NRS 629.063) Section 6 of this bill provides that only a custodian of health care records who is not licensed under certain provisions of NRS and who violates the foregoing requirements is guilty of a gross misdemeanor. Section 6 also revises the civil penalty provisions so that \$10,000 is the maximum penalty that may be collected. Finally, section 6 provides that any action to recover a civil penalty must be brought by the district attorney of the county in which the action is brought.

Existing law requires certain providers of health care to retain the health care records of patients for 5 years after their receipt or production. (NRS 629.051) Section 9.5 of this bill authorizes the Board of Medical Examiners to take possession of the health care records of a licensee's patients in the event of the licensee's death, disability, incarceration or other incapacitation that renders the licensee unable to continue his or her practice. Section 9.5 further authorizes the Board to provide a patient's records to the patient or to the patient's subsequent provider of health care. Section 9.5 also requires that certain disclosures regarding such records be provided to patients.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *"Custodian of health care records" or "custodian" means:*

(a) Any person having primary custody of health care records pursuant to this chapter; or

(b) Any facility that maintains the health care records of patients.

2. *For the purposes of this section, a provider of health care shall not be deemed to have primary custody of health care records or to be the operator of a facility that maintains the health care records of patients:*

(a) Solely by reason of the status of the provider as a member of a group of providers of health care; or

(b) If another person is employed or retained to maintain custody of the health care records of the provider.

Sec. 2. NRS 629.011 is hereby amended to read as follows:

629.011 As used in this chapter, unless the context otherwise requires, *the words and terms defined in NRS 629.021, 629.026 and 629.031 and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

- (a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;
- (b) A physician assistant;
- (c) A dentist;
- (d) A licensed nurse;
- (e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;
- (f) A dispensing optician;
- (g) An optometrist;
- (h) A speech-language pathologist;
- (i) An audiologist;
- (j) A practitioner of respiratory care;
- (k) A registered physical therapist;
- (l) An occupational therapist;
- (m) A podiatric physician;
- (n) A licensed psychologist;
- (o) A licensed marriage and family therapist;
- (p) A licensed clinical professional counselor;
- (q) A music therapist;
- (r) A chiropractor;
- (s) An athletic trainer;
- (t) A perfusionist;
- (u) A doctor of Oriental medicine in any form;
- (v) A medical laboratory director or technician;
- (w) A pharmacist;
- (x) A licensed dietitian;
- (y) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
- (z) An alcohol and drug abuse counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

(aa) An alcohol and drug abuse counselor or a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS; or

(bb) A medical facility as the employer of any person specified in this subsection.

2. ~~For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.~~

~~3.~~ For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 4. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each ~~provider~~ *custodian* of health care *records* shall retain the health care records of ~~his or her~~ patients as part of ~~his or her~~ *the* regularly maintained records *of the custodian* for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records may be created, authenticated and stored in a computer system which meets the requirements of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

2. A provider of health care shall post, in a conspicuous place in each location at which the provider of health care performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.

3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.

4. If a provider of health care fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider of health care next performs health care services for the patient.

5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.

6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.

7. A ~~{provider}~~ *custodian* of health care *records* shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

8. The provisions of this section do not apply to a pharmacist.

9. The State Board of Health shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the signs and written statements required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

Sec. 5. NRS 629.061 is hereby amended to read as follows:

629.061 1. Each ~~{provider}~~ *custodian* of health care *records* shall make the health care records of a patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) Any trustee of a living trust created by a deceased patient;

(d) The parent or guardian of a deceased patient who died before reaching the age of majority;

(e) An investigator for the Attorney General or a grand jury investigating an alleged violation of NRS 200.495, 200.5091 to 200.50995, inclusive, or 422.540 to 422.570, inclusive;

(f) An investigator for the Attorney General investigating an alleged violation of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive, or any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of benefits for industrial insurance; or

(g) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

2. The records described in subsection 1 must be made available at a place within the depository convenient for physical inspection. Except as otherwise provided in subsection 3, if the records are located:

(a) Within this State, the ~~{provider}~~ *custodian of health care records* shall make any records requested pursuant to this section available for inspection within 10 working days after the request.

(b) Outside this State, the ~~{provider}~~ *custodian of health care records* shall make any records requested pursuant to this section available in this State for inspection within 20 working days after the request.

3. If the records described in subsection 1 are requested pursuant to paragraph (e), (f) or (g) of subsection 1 and the investigator, grand jury or authorized representative, as applicable, declares that exigent circumstances exist which require the immediate production of the records, the ~~{provider}~~ *custodian of health care records* shall make any records which are located:

(a) Within this State available for inspection within 5 working days after the request.

(b) Outside this State available for inspection within 10 working days after the request.

4. Except as otherwise provided in ~~this subsection and~~ subsection 5, the ~~provider~~ *custodian* of health care *records* shall also furnish a copy of the records to each person described in subsection 1 who requests it and pays the actual cost of postage, if any, the costs of making the copy, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes. ~~The custodian of health care records may charge a fee of not more than \$5 for a digital copy of the records, which must not be calculated based on the number of pages requested.~~ No administrative fee or additional service fee of any kind may be charged for furnishing such a copy.

5. The ~~provider~~ *custodian* of health care *records* shall also furnish a copy of any records that are necessary to support a claim or appeal under any provision of the Social Security Act, 42 U.S.C. §§ 301 et seq., or under any federal or state financial needs-based benefit program, without charge, to a patient, or a representative with written authorization from the patient, who requests it, if the request is accompanied by documentation of the claim or appeal. ~~Except as otherwise provided in this subsection, a~~ copying fee, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes, may be charged by the ~~provider of health care~~ *custodian* for furnishing a second copy of the records to support the same claim or appeal. ~~The custodian of health care records may charge a fee of not more than \$5 for a second copy of the records in digital form to support the same claim or appeal, which must not be calculated based on the number of pages requested.~~ No administrative fee or additional service fee of any kind may be charged for furnishing such a copy. The ~~provider of health care~~ *custodian* shall furnish the copy of the records requested pursuant to this subsection within 30 days after the date of receipt of the request, and the ~~provider of health care~~ *custodian* shall not deny the furnishing of a copy of the records pursuant to this subsection solely because the patient is unable to pay the fees established in this subsection.

6. Each person who owns or operates an ambulance in this State shall make the records regarding a sick or injured patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) Any trustee of a living trust created by a deceased patient;

(d) The parent or guardian of a deceased patient who died before reaching the age of majority; or

(e) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

↪ The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. ~~The *Except as otherwise provided in this subsection, the* person who owns or operates an ambulance shall also furnish a copy of the records to each person described in this subsection who requests it and pays the actual cost of postage, if any, and the costs of making the copy, not to exceed 60 cents per page for photocopies. *[The person who owns or operates an ambulance may charge a fee of not more than \$5 for a digital copy of the records, which must not be calculated based on the number of pages requested.]*~~ No administrative fee or additional service fee of any kind may be charged for furnishing a copy of the records.

7. Records made available to a representative or investigator must not be used at any public hearing unless:

(a) The patient named in the records has consented in writing to their use; or

(b) Appropriate procedures are utilized to protect the identity of the patient from public disclosure.

8. Subsection 7 does not prohibit:

(a) A state licensing board from providing to a provider of health care or owner or operator of an ambulance against whom a complaint or written allegation has been filed, or to his or her attorney, information on the identity of a patient whose records may be used in a public hearing relating to the complaint or allegation, but the provider of health care or owner or operator of an ambulance and the attorney shall keep the information confidential.

(b) The Attorney General from using health care records in the course of a civil or criminal action against the patient or provider of health care.

9. A provider of health care, *custodian of health care records* or owner or operator of an ambulance and his or her agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

10. For the purposes of this section:

(a) "Guardian" means a person who has qualified as the guardian of a minor pursuant to testamentary or judicial appointment, but does not include a guardian ad litem.

(b) "*Health care records*" has the meaning ascribed to it in NRS 629.021, but also includes any billing statement, ledger or other record of the amount charged for medical services or care provided to a patient.

(c) "Living trust" means an inter vivos trust created by a natural person:

(1) Which was revocable by the person during the lifetime of the person; and

(2) Who was one of the beneficiaries of the trust during the lifetime of the person.

~~{{(e)}}~~ (d) "Parent" means a natural or adoptive parent whose parental rights have not been terminated.

~~{{(d)}}~~ (e) "Personal representative" has the meaning ascribed to it in NRS 132.265.

Sec. 6. NRS 629.063 is hereby amended to read as follows:

629.063 1. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any other federal law or regulation:

(a) A custodian of health care records having custody of any health care records of a provider of health care pursuant to this chapter shall not prevent the provider of health care from physically inspecting the health care records or receiving copies of those records upon request by the provider of health care in the manner specified in NRS 629.061.

(b) If a custodian of health care records specified in paragraph (a) ceases to do business in this State, the custodian of health care records shall, within 10 days after ceasing to do business in this State, deliver the health care records ~~to~~ *created by* the provider of health care, or copies thereof, to the provider of health care.

2. A custodian of health care records who *is not otherwise licensed pursuant to title 54 of NRS and* violates a provision of this section is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than \$25,000 for each violation, or by both fine and imprisonment.

3. In addition to any criminal penalties imposed pursuant to subsection 2, a custodian of health care records who violates a provision of this section is subject to a civil penalty of not ~~less~~ *more* than \$10,000 for each violation, to be recovered in a civil action brought in the district court in the county in which the provider of health care's principal place of business is located or in the district court of Carson City. *Any such action must be brought by the district attorney of the county in which the action is brought.*

4. As used in this section, "custodian of health care records" ~~means any person having custody of any health care records pursuant to this chapter. The term~~ does not include:

- (a) A facility for hospice care, as defined in NRS 449.0033;
- (b) A facility for intermediate care, as defined in NRS 449.0038;
- (c) A facility for skilled nursing, as defined in NRS 449.0039;
- (d) A hospital, as defined in NRS 449.012; or
- (e) A psychiatric hospital, as defined in NRS 449.0165.

Sec. 7. NRS 629.065 is hereby amended to read as follows:

629.065 1. Each ~~provider~~ *custodian* of health care *records* shall, upon request, make available to a law enforcement agent or district attorney the health care records of a patient which relate to a test of the blood, breath or urine of the patient if:

(a) The patient is suspected of having violated NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and

(b) The records would aid in the related investigation.

➔ To the extent possible, the ~~{provider of health care}~~ *custodian* shall limit the inspection to the portions of the records which pertain to the presence of alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood, breath or urine of the patient.

2. The records must be made available at a place within the depository convenient for physical inspection. Inspection must be permitted at all reasonable office hours and for a reasonable length of time. The ~~{provider}~~ *custodian* of health care *records* shall also furnish a copy of the records to each law enforcement agent or district attorney described in subsection 1 who requests the copy and pays the costs of reproducing the copy.

3. Records made available pursuant to this section may be presented as evidence during a related administrative or criminal proceeding against the patient.

4. A ~~{provider}~~ *custodian* of health care *records* and his or her agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

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

Sec. 8. NRS 629.066 is hereby amended to read as follows:

629.066 1. After a patient provides to a provider of health care, and the provider of health care accepts from the patient, any information regarding a health care plan for the purpose of paying for a service which has been or may be rendered to the patient:

(a) The ~~{provider}~~ *custodian* of health care *records of the patient* shall maintain a record of the information provided by the patient; and

(b) If the provider of health care fails to submit any claim for payment of any portion of any charge pursuant to the terms of the health care plan, the provider of health care shall not request or require payment from the patient of any portion of the charge beyond the portion of the charge which the patient would have been required to pay pursuant to the terms of the health care plan if the provider of health care had submitted the claim for payment pursuant to the terms of the health care plan.

2. The provisions of paragraph (b) of subsection 1 do not apply to a claim if the patient provides information to the provider of health care which is inaccurate, outdated or otherwise causes the provider of health care to submit the claim in a manner which violates the terms of the health care plan.

3. Any provision of any agreement between a patient and a provider of health care which conflicts with the provisions of this section is void.

4. As used in this section, "health care plan" has the meaning ascribed to it in NRS 679B.520.

Sec. 9. NRS 629.068 is hereby amended to read as follows:

629.068 1. A ~~[provider]~~ *custodian* of health care *records* shall, upon request of the Director of the Department of Corrections or the designee of the Director, provide the Department of Corrections with a complete copy of the health care records of an offender confined at the state prison.

2. Records provided to the Department of Corrections must not be used at any public hearing unless:

(a) The offender named in the records has consented in writing to their use; or

(b) Appropriate procedures are utilized to protect the identity of the offender from public disclosure.

3. A ~~[provider]~~ *custodian* of health care *records* and ~~[an]~~ any agent or employee of ~~[a provider of health care]~~ *the custodian* are immune from civil liability for a disclosure made in accordance with the provisions of this section.

Sec. 9.5. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a licensee becomes unable to practice because of death, disability, incarceration or any other incapacitation, the Board may take possession of the health care records of patients of the licensee kept by the custodian of health care records pursuant to NRS 629.051 to:

(a) Make the health care records of a patient available to the patient either directly or through a third-party vendor; or

(b) Forward the health care records of a patient to the patient's subsequent provider of health care.

2. A licensee shall post, in a conspicuous place in each location at which the licensee provides health care services, a sign which discloses to patients that their health care records may be accessed by the Board pursuant to subsection 1.

3. When a licensee provides health care services for a patient for the first time, the licensee shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be accessed by the Board pursuant to subsection 1.

4. The Board shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the sign and written statement required by this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

5. As used in this section:

(a) "Custodian of health care records" has the meaning ascribed to it in section 1 of this act.

(b) "Health care records" has the meaning ascribed to it in NRS 629.021.

Sec. 10. NRS 630.3062 is hereby amended to read as follows:

630.3062 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

~~{1-}~~ (a) Failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

~~{2-}~~ (b) Altering medical records of a patient.

~~{3-}~~ (c) Making or filing a report which the licensee knows to be false, failing to file a record or report as required by law or knowingly or willfully obstructing or inducing another to obstruct such filing.

~~{4-}~~ (d) Failure to make the medical records of a patient available for inspection and copying as provided in NRS 629.061 ~~†~~

~~—5-}~~ , if the licensee is the custodian of health care records with respect to those records.

(e) Failure to comply with the requirements of NRS 630.3068.

~~{6-}~~ (f) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

~~{7-}~~ (g) Failure to comply with the requirements of NRS 453.163 or 453.164.

2. As used in this section, "custodian of health care records" has the meaning ascribed to it in section 1 of this act.

Sec. 11. NRS 631.3485 is hereby amended to read as follows:

631.3485 1. The following acts, among others, constitute unprofessional conduct:

~~{1-}~~ (a) Willful or repeated violations of the provisions of this chapter;

~~{2-}~~ (b) Willful or repeated violations of the regulations of the State Board of Health, the State Board of Pharmacy or the Board of Dental Examiners of Nevada;

~~{3-}~~ (c) Failure to pay the fees for a license; or

~~{4-}~~ (d) Failure to make the health care records of a patient available for inspection and copying as provided in NRS 629.061 ~~†~~ , if the dentist or dental hygienist is the custodian of health care records with respect to those records.

2. As used in this section, "custodian of health care records" has the meaning ascribed to it in section 1 of this act.

Sec. 12. NRS 633.131 is hereby amended to read as follows:

633.131 1. "Unprofessional conduct" includes:

(a) Knowingly or willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice osteopathic medicine or to practice as a physician assistant, or in applying for the renewal of a license to practice osteopathic medicine or to practice as a physician assistant.

(b) Failure of a person who is licensed to practice osteopathic medicine to identify himself or herself professionally by using the term D.O., osteopathic physician, doctor of osteopathy or a similar term.

(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or otherwise inducing a person to

communicate with an osteopathic physician in his or her professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.

(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine or in practice as a physician assistant, or the aiding or abetting of any unlicensed person to practice osteopathic medicine or to practice as a physician assistant.

(e) Advertising the practice of osteopathic medicine in a manner which does not conform to the guidelines established by regulations of the Board.

(f) Engaging in any:

(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or

(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.

(h) Habitual drunkenness or habitual addiction to the use of a controlled substance.

(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body, other than the use of silicone oil to repair a retinal detachment.

(j) Knowingly or willfully disclosing a communication privileged pursuant to a statute or court order.

(k) Knowingly or willfully disobeying regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or knowingly or willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061 ~~+~~, *if the licensee is the custodian of health care records with respect to those records.*

(r) Providing false, misleading or deceptive information to the Board in connection with an investigation conducted by the Board.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each person; or

(c) For a person licensed to practice osteopathic medicine pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

3. *As used in this section, "custodian of health care records" has the meaning ascribed to it in section 1 of this act.*

Sec. 13. This act becomes effective on July 1, 2017.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 122 makes two changes to Senate Bill No. 291. The amendment deletes references to the amount of the fee that may be charged for a digital copy of certain health-care records. It also adds a new section authorizing the Board of Medical Examiners to take possession of the health-care records of a licensee's patients in the event of the licensee's death, disability, incarceration or other incapacitation that would render the licensee unable to continue his or her practice. The Board may provide such records to the patient or the patient's subsequent provider of health care.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 324.

Bill read second time.

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

Amendment No. 283.

SUMMARY—Authorizes employees of certain facilities and organizations to check vital signs and provide related services. (BDR 40-372)

AN ACT relating to health care; requiring the State Board of Health to adopt regulations authorizing an employee of a residential facility for groups, an agency to provide personal care services in the home, a facility for the care of adults during the day or an intermediary service organization to check vital signs and perform certain related tasks for a person receiving services from the facility, agency or organization; exempting such tasks from provisions governing respiratory care and medical laboratories; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2 and 3 of this bill require the State Board of Health to adopt regulations authorizing an employee of a residential facility for groups, an agency to provide personal care services in the home, a facility for the care of adults during the day or an intermediary service organization to check vital signs, administer insulin and perform a blood glucose test. Sections 16 and 17 of this bill exempt any tasks performed in accordance with those regulations from the scope of provisions relating to respiratory care and the licensing of medical laboratories, respectively.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The Board shall adopt regulations authorizing an employee of a residential facility for groups, an agency to provide personal care services in the home or a facility for the care of adults during the day, with the consent of the person receiving services, to:*

(a) *Check, record and report the temperature, blood pressure, apical or radial pulse, respiration or oxygen saturation of a person receiving services from the facility or agency;*

(b) *Using an auto-injection device approved by the Food and Drug Administration for use in the home, administer to a person receiving services from the facility or agency insulin furnished by a registered pharmacist as directed by a physician or assist such a person with the self-administration of such insulin; and*

(c) *Using a device for monitoring blood glucose approved by the Food and Drug Administration for use in the home, conduct a blood glucose test on a person receiving services from the facility or agency or assist such a person to conduct a blood glucose test on himself or herself.*

2. *The regulations adopted pursuant to this section:*

(a) *Must require the tasks described in subsection 1 to be performed in conformance with the Clinical Laboratory Improvement Amendments of 1988, Public Law No. 100-578, 42 U.S.C. § 263a, if applicable, and any other applicable federal law or regulation;*

(b) *Must prohibit the use of a device for monitoring blood glucose on more than one person; and*

(c) *May require a person to receive training before performing any task described in subsection 1.*

Sec. 3. 1. *The Board shall adopt regulations authorizing an employee of an intermediary service organization, with the consent of the person receiving services, to:*

(a) *Check, record and report the temperature, blood pressure, apical or radial pulse, respiration or oxygen saturation of a person receiving services from the organization;*

(b) *Using an auto-injection device approved by the Food and Drug Administration for use in the home, administer to a person receiving services from the organization insulin furnished by a registered pharmacist as directed by a physician or assist such a person with the self-administration of such insulin; and*

(c) *Using a device for monitoring blood glucose approved by the Food and Drug Administration for use in the home, perform a blood glucose test on a person receiving services from the organization or assist such a person to perform a blood glucose test on himself or herself.*

2. *The regulations adopted pursuant to this section:*

(a) *Must require the tasks described in subsection 1 to be performed in conformance with the Clinical Laboratory Improvement Amendments of 1988, Public Law No. 100-578, 42 U.S.C. § 263a, if applicable, and any other applicable federal law or regulation;*

(b) *Must prohibit the use of a device for monitoring blood glucose on more than one person; and*

(c) *May require a person to receive training before performing any task described in subsection 1.*

Sec. 4. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.030 to 449.2428, inclusive, *and section 2 of this act* do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof.

Sec. 4.5. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.030 to 449.2428, inclusive, and section 2 of this act, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or

449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.030 to 449.2428, inclusive ~~[1]~~, and section 2 of this act.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

↪ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) ~~[The]~~ Except as otherwise authorized by the regulations adopted pursuant to section 2 of this act, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is

authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

- (a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and
- (b) The exception, if granted, would not:
 - (1) Cause substantial detriment to the health or welfare of any resident of the facility;
 - (2) Result in more than two residents sharing a toilet facility; or
 - (3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

- (a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;
- (b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;
- (c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and
- (d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

- (a) Facilities that only provide a housing and living environment;
- (b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and
- (c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➤ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 5. NRS 449.0306 is hereby amended to read as follows:

449.0306 1. Money received from licensing medical facilities and facilities for the dependent must be forwarded to the State Treasurer for deposit in the State General Fund.

2. The Division shall enforce the provisions of NRS 449.030 to 449.245, inclusive, *and section 2 of this act*, and may incur any necessary expenses not

in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 6. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.030 to 449.2428, inclusive, *and section 2 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, *and section 2 of this act*, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, *and section 2 of this act*, and 449.435 to 449.965, inclusive, if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

↪ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 7. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, *and section 2 of this act*, or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) 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; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (d) of subsection 1 must be in a total amount of not less than \$1,000 and not more than \$10,000 for each patient who was harmed or at risk of harm as a result of the violation.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Division may require any facility that violates any provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, *and section 2 of this act*, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and section 2 of this act*, and 449.435 to 449.965, inclusive, to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 8. NRS 449.220 is hereby amended to read as follows:

449.220 1. 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 facility within the meaning of NRS 449.030 to 449.2428, inclusive ~~to~~, *and section 2 of this act*:

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 9. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.030 to 449.245, inclusive ~~to~~, *and section 2 of this act*.

Sec. 10. NRS 449.4304 is hereby amended to read as follows:

449.4304 As used in NRS 449.4304 to 449.4339, inclusive, *and section 3 of this act*, unless the context otherwise requires, "intermediary service organization" means a nongovernmental entity that provides services authorized pursuant to NRS 449.4308 for a person with a disability or other responsible person.

Sec. 11. NRS 449.4321 is hereby amended to read as follows:

449.4321 The Division may deny an application for a certificate to operate an intermediary service organization or may suspend or revoke any certificate issued under the provisions of NRS 449.4304 to 449.4339, inclusive, *and section 3 of this act* upon any of the following grounds:

1. Violation by the applicant or the holder of a certificate of any of the provisions of NRS 449.4304 to 449.4339, inclusive, *and section 3 of this act*, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

2. Aiding, abetting or permitting the commission of any illegal act.

3. Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the operation of an intermediary service organization.

4. Conduct or practice detrimental to the health or safety of a person under contract with or employees of the intermediary service organization.

Sec. 12. NRS 449.4325 is hereby amended to read as follows:

449.4325 1. Money received from the certification of intermediary service organizations:

(a) Must be forwarded to the State Treasurer for deposit in the State Treasury;

(b) Must be accounted for separately in the State General Fund; and

(c) May only be used to carry out the provisions of NRS 449.4304 to 449.4339, inclusive ~~[-]~~, *and section 3 of this act*.

2. The Division shall enforce the provisions of NRS 449.4304 to 449.4339, inclusive, *and section 3 of this act*, and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 13. NRS 449.4335 is hereby amended to read as follows:

449.4335 1. If an intermediary service organization violates any provision related to its certification, including, without limitation, any provision of NRS 449.4304 to 449.4339, inclusive, *and section 3 of this act*, or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.4336, may, as it deems appropriate:

(a) Prohibit the intermediary service organization from providing services pursuant to NRS 449.4308 until it determines that the intermediary service organization has corrected the violation;

(b) 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; and

(c) Appoint temporary management to oversee the operation of the intermediary service organization and to ensure the health and safety of the persons for whom the intermediary service organization performs services, until:

(1) It determines that the intermediary service organization has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the intermediary service organization fails to pay any administrative penalty imposed pursuant to paragraph (b) of subsection 1, the Division may:

(a) Suspend the certificate to operate an intermediary service organization which is held by the intermediary service organization until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any intermediary service organization that violates any provision of NRS 449.4304 to 449.4339, inclusive, *and section 3 of this act*, or any condition, standard or regulation adopted by the Board, to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the persons for whom the intermediary service organization performs services in accordance with applicable federal standards.

Sec. 14. NRS 449.4338 is hereby amended to read as follows:

449.4338 1. Except as otherwise provided in subsection 2 of NRS 449.431, the Division may bring an action in the name of the State to enjoin any person from operating or maintaining an intermediary service organization within the meaning of NRS 449.4304 to 449.4339, inclusive ~~[-]~~, *and section 3 of this act*:

(a) Without first obtaining a certificate to operate an intermediary service organization; or

(b) After the person's certificate has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the intermediary service organization without a certificate.

Sec. 15. NRS 449.4339 is hereby amended to read as follows:

449.4339 The district attorney of the county in which an intermediary service organization operates shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provision of NRS 449.4304 to 449.4339, inclusive ~~[-]~~, *and section 3 of this act*.

Sec. 16. NRS 630.024 is hereby amended to read as follows:

630.024 1. "Respiratory care" means the treatment, management, diagnostic testing, control and care of persons with deficiencies and abnormalities associated with the cardiopulmonary system. The term includes inhalation and respiratory therapy.

2. *The term does not include any task performed in accordance with the regulations adopted by the State Board of Health pursuant to section 2 or 3 of this act.*

Sec. 17. NRS 652.074 is hereby amended to read as follows:

652.074 The provisions of this chapter do not apply to any : ~~test or examination;~~

1. ~~Conducted~~ *Test or examination conducted* by a law enforcement officer or agency; ~~for~~

2. ~~Required~~ *Test or examination required* by a court as a part of or in addition to a program of treatment and rehabilitation pursuant to NRS 453.580 ~~[-]~~ ; or

3. *Task performed in accordance with the regulations adopted by the Board pursuant to section 2 or 3 of this act.*

Sec. 18. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than \$10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on

the license of, and place on probation or impose any combination of the foregoing on any nursing facility administrator or administrator of a residential facility for groups who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.030 to 449.2428, inclusive, *and section 2 of this act*, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for nursing facility administrators or administrators of residential facilities for groups, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the nursing facility administrator or administrator of a residential facility for groups and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

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

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 19. 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. 20. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 283 to Senate Bill No. 324 makes conforming changes to exempt employees of a residential facility for groups, a personal-care service agency or adult-day-care facility from certain prohibitions related to administering certain medications.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 342.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 160.

SUMMARY—Revises provisions relating to the collection of certain taxes on passenger carriers. (BDR 32-1116)

AN ACT relating to taxation; revising provisions relating to the collection of the excise tax imposed upon 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; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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) This bill requires 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 passenger or passengers pay a fare. This bill also imposes a similar tax on contract motor carriers.

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

Section 1. ~~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 producer or seller:~~

~~(a) Pays to the State; and~~

~~(b) May recover from or shift to a consumer or buyer.~~

~~3. "Executive Director" means the Executive Director of the Department~~
~~of Taxation.] (Deleted by amendment.)~~

Sec. 2. 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.

Sec. 3. 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 2 of this act* have the meanings ascribed to them in those sections.

Sec. 4. 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.

Sec. 5. 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.*

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.

Sec. 6. 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}~~ *between the* 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 each passenger at the time the passenger pays a fare and remit the excise tax imposed by this subsection { } to 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*, ~~for contract motor carrier.~~

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.

Sec. 7. 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 each passenger at the time the passenger pays a fare and remit the excise tax imposed by this subsection to 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.

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

Senator Farley moved the adoption of the amendment.

Remarks by Senator Farley.

Amendment No. 160 to Senate Bill No. 342 deletes section 1 of the bill which contains a definition of "excise tax," as that definition is not needed for the purposes of the bill. The amendment also removes a "contract motor carrier" from provisions of the bill that provide an exemption from the passenger-carrier excise tax for certain transportation services because a "contract motor carrier" is prohibited from providing such services.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 354.

Bill read second time.

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

Amendment No. 259.

SUMMARY—Authorizes the issuance of a license by endorsement to practice certain professions in this State. (BDR 54-870)

AN ACT relating to professions; authorizing certain qualified professionals who hold a license in the District of Columbia or another state or territory of the United States to apply for a license by endorsement to practice in this State; establishing requirements for applications for such a license; repealing

provisions authorizing certain qualified professionals who hold a license in the District of Columbia or another state or territory of the United States to apply for the issuance of an expedited license by endorsement to practice in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for the licensing and regulation of professions in this State. (Title 54 of NRS) Section 1 of this bill authorizes certain qualified professionals who are licensed in the District of Columbia or another state or territory of the United States to apply for and receive a license by endorsement to practice their respective professions in this State. To obtain a license by endorsement, an applicant must submit an application to the regulatory body, pay the fees imposed by the regulatory body for the application for and issuance of a license and submit his or her fingerprints for the purpose of obtaining a criminal background check. A person who receives a license by endorsement pursuant to section 1 is entitled to a 50 percent reduction in the fee for the initial issuance of a license if the person is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the spouse or surviving spouse of a veteran.

Existing law authorizes certain qualified providers of health care and professionals to obtain an expedited license or certificate by endorsement to practice their respective professions in this State if the provider of health care or professional holds a valid and unrestricted license or certificate, as applicable, to practice in the District of Columbia or another state or territory of the United States and meets certain other requirements. Existing law also provides similar provisions for the issuance of such an expedited license or certificate by endorsement if the person is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran. (NRS ~~632.161, 632.162, 632.281, 632.282,~~ 635.066, 635.0665, 636.206, 636.207, 637B.203, 637B.204, 639.136, 639.1365, 639.2315, 639.2316, 640.145, 640.146, 640A.165, 640A.166, 640C.425, 640C.426, 641.195, 641.196, 641A.241, 641A.242, 641B.271, 641B.272) ~~), 641C.3305, 641C.3306, 641C.355, 641C.356, 641C.395, 641C.396, 641C.432, 641C.433)~~ Sections 2-46 of this bill repeal these provisions, as well as other provisions authorizing licensure or certification by endorsement or reciprocity, as such provisions are either duplicative or more stringent than the application requirements for licensure or certification set forth in section 1. However, because the provisions of section 1 do not apply to accountants, physicians, dentists, nurses, osteopathic physicians, alcohol, drug and gambling counselors or certain real estate ~~and mortgage~~ professionals, this bill does not affect any provisions of existing law governing such persons.

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto a

new section to read as follows:

1. *Except as otherwise provided in subsection 8, notwithstanding the applicable provisions for obtaining a license pursuant to this title, a regulatory body may issue a license by endorsement to practice the profession regulated by the regulatory body to an applicant who meets the requirements set forth in this section. An applicant may submit to the regulatory body an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice his or her respective profession in the District of Columbia or any state or territory of the United States.*

2. *An applicant for a license by endorsement pursuant to this section must submit to the applicable regulatory body with his or her application:*

(a) *Proof satisfactory to the regulatory body that the applicant:*

(1) *Satisfies the requirements of subsection 1; and*

(2) *Is a citizen of the United States or otherwise has the legal right to work in the United States;*

(b) *The application and initial license fees imposed by the regulatory body;*

(c) *An affidavit stating that the information contained in the application and any accompanying material is true and correct;*

(d) *If the regulatory body requires the applicant to submit fingerprints for the purpose of obtaining a report on the applicant's background, a complete set of fingerprints and written permission authorizing the regulatory body 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; and*

(e) *Any other information required by the regulatory body.*

3. *Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, a regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. Unless the regulatory body establishes that good cause exists to deny the application, the regulatory body shall approve the application and issue the license by endorsement to the applicant not later than:*

(a) *Thirty days after receiving all the additional information required by the regulatory body to complete the application; or*

(b) *If applicable, 10 days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints,*

➤ *whichever occurs later.*

4. *A license by endorsement may be issued at a meeting of the regulatory body or between its meetings by the chief executive officer of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.*

5. *At any time before or after making a final decision on an application for a license by endorsement, a regulatory body may request from the applicant or the licensing board of another state any information regarding any complaints filed against the applicant with a licensing board of another*

state, or any information regarding any discipline imposed on him or her by a licensing board of another state.

6. At any time before making a final decision on an application for a license by endorsement, a regulatory body may grant a provisional license authorizing an applicant to practice his or her respective profession in accordance with regulations adopted by the regulatory body.

7. Notwithstanding any applicable provision of this title, if the applicant for a license by endorsement pursuant to this section is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the spouse or surviving spouse of a veteran, a regulatory body shall not collect more than one-half of the fee specified for the initial issuance of the license.

8. This section does not apply to an applicant seeking a license issued pursuant to chapter 624, 628, 630, 631, 632, 633, 641C, ~~645A~~ 645 to 645H, inclusive, or 649 of NRS.

9. A license issued by a regulatory body pursuant to this section shall be deemed a license issued pursuant to the chapter which creates the regulatory body that issued the license.

10. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 2. NRS 623.220 is hereby amended to read as follows:

623.220 1. The Board shall issue a certificate of registration as an architect or a residential designer, upon payment of a registration fee pursuant to the provisions of subsection 2 of NRS 623.180 or NRS 623.310, to any applicant who:

(a) Complies with the provisions of NRS 623.190 and passes the examinations ; ~~[- or in lieu thereof, brings himself or herself within the provisions of NRS 623.210;-]~~ and

(b) Submits all information required to complete an application for a certificate of registration.

2. The Board shall issue a certificate of registration to practice as a registered interior designer, upon payment of a registration fee pursuant to the provisions of NRS 623.180 or 623.310, to any applicant who:

(a) Complies with the provisions of NRS 623.192 and 623.200 ; ~~[- or in lieu thereof, brings himself or herself within the provisions of NRS 623.215;-]~~ and

(b) Submits all information required to complete an application for a certificate of registration.

3. Certificates of registration must include the full name of the registrant, have a serial number and be signed by the Chair and the Secretary of the Board under seal of the Board. The issuance of a certificate of registration by the Board is evidence that the person named therein is entitled to all the rights and privileges of an architect, registered interior designer or residential designer while the certificate remains unsuspended, unrevoked and unexpired.

Sec. 3. NRS 625.382 is hereby amended to read as follows:

625.382 1. The Board may issue a license to practice professional engineering or land surveying to an applicant, upon presentation of evidence that the applicant is licensed to practice professional engineering or land surveying, respectively, and in good standing in a ~~[state, territory, possession of the United States or]~~ country that maintains standards of engineering or land-surveying licensure, equivalent to those in this state, if the applicant, in the judgment of the Board, has the necessary qualifications pursuant to the provisions of this chapter.

2. The Board may require an applicant for licensure as a professional engineer or professional land surveyor pursuant to subsection 1 to pass a written or oral examination conducted by not less than three professional engineers or professional land surveyors.

Sec. 4. ~~[NRS 632.140 is hereby amended to read as follows:~~

~~632.140 [Except as otherwise provided in NRS 632.161 and 632.162:]~~

~~1. Every applicant for a license to practice as a professional nurse in the State of Nevada must submit to the Board written evidence under oath that the applicant:~~

~~(a) Is of good moral character;~~

~~(b) Is in good physical and mental health;~~

~~(c) Has completed a course of study in:~~

~~(1) An accredited school of professional nursing and holds a diploma therefrom; or~~

~~(2) An approved school of professional nursing in the process of obtaining accreditation and holds a diploma therefrom;~~

~~(d) Meets such other reasonable preliminary qualification requirements as the Board may from time to time prescribe.~~

~~2. Each applicant must remit the fee required by this chapter with the application for a license to practice as a professional nurse in this State.]~~
(Deleted by amendment.)

Sec. 5. ~~[NRS 632.150 is hereby amended to read as follows:~~

~~632.150 1. [Except as otherwise provided in NRS 632.160, 632.161, 632.162 and 632.237, each] Each applicant who is otherwise qualified for a license to practice nursing as a professional nurse shall be required to write and pass an examination on such subjects and in such form as the Board may from time to time determine. Such written examination may be supplemented by an oral or practical examination in the discretion of the Board.~~

~~2. The Board shall issue a license to practice nursing as a professional nurse in the State of Nevada to each applicant who successfully passes such examination or examinations.]~~ (Deleted by amendment.)

Sec. 6. ~~[NRS 632.237 is hereby amended to read as follows:~~

~~632.237 1. The Board may issue a license to practice as an advanced practice registered nurse to a registered nurse:~~

~~(a) Who [is licensed by endorsement pursuant to NRS 632.161 or 632.162 and holds a corresponding valid and unrestricted license to practice as an~~

~~advanced practice registered nurse in the District of Columbia or any other state or territory of the United States; or~~

~~— (b) Who:~~

~~— (1) Has] *has* completed an educational program designed to prepare a registered nurse to:~~

~~— [(I)] (1) Perform designated acts of medical diagnosis;~~

~~— [(II)] (2) Prescribe therapeutic or corrective measures; and~~

~~— [(III)] (3) Prescribe controlled substances, poisons, dangerous drugs and devices;~~

~~— [(2)] (b) Except as otherwise provided in subsection 6, submits proof that he or she is certified as an advanced practice registered nurse by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and~~

~~— [(3)] (c) Meets any other requirements established by the Board for such licensure.~~

~~— 2. An advanced practice registered nurse may:~~

~~— (a) Engage in selected medical diagnosis and treatment; and~~

~~— (b) If authorized pursuant to NRS 639.2351 and subject to the limitations set forth in subsection 3, prescribe controlled substances, poisons, dangerous drugs and devices.~~

~~— An advanced practice registered nurse shall not engage in any diagnosis, treatment or other conduct which the advanced practice registered nurse is not qualified to perform.~~

~~— 3. An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:~~

~~— (a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or~~

~~— (b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.~~

~~— 4. An advanced practice registered nurse may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics, including, without limitation, through telehealth, as defined in NRS 629.515, from within or outside this State or the United States.~~

~~— 5. The Board shall adopt regulations:~~

~~— (a) Specifying any additional training, education and experience necessary for licensure as an advanced practice registered nurse.~~

~~— (b) Delineating the authorized scope of practice of an advanced practice registered nurse.~~

~~— (c) Establishing the procedure for application for licensure as an advanced practice registered nurse.~~

~~6. The provisions of [subparagraph (2) of] paragraph (b) of subsection 1 do not apply to an advanced practice registered nurse who obtains a license before July 1, 2014.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 632.270 is hereby amended to read as follows:~~

~~632.270 [Except as otherwise provided in NRS 632.281 and 632.282, each] Each applicant for a license to practice as a practical nurse must submit to the Board written evidence, under oath, that the applicant:~~

- ~~1. Is of good moral character.~~
- ~~2. Has a high school diploma or its equivalent as determined by the State Board of Education.~~
- ~~3. Is at least 18 years of age.~~
- ~~4. Has:~~
 - ~~(a) Successfully completed the prescribed course of study in an accredited school of practical nursing or an accredited school of professional nursing, and been awarded a diploma by the school;~~
 - ~~(b) Successfully completed the prescribed course of study in an approved school of practical nursing in the process of obtaining accreditation or an approved school of professional nursing in the process of obtaining accreditation, and been awarded a diploma by the school; or~~
 - ~~(c) Been registered or licensed as a registered nurse under the laws of another jurisdiction.~~
- ~~5. Meets any other qualifications prescribed in regulations of the Board.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 632.2852 is hereby amended to read as follows:~~

~~632.2852 1. An applicant for a certificate to practice as a nursing assistant must submit to the Board written evidence under oath that the applicant:~~

- ~~(a) Is of good moral character;~~
- ~~(b) Is in good physical and mental health;~~
- ~~(c) Is at least 16 years of age; and~~
- ~~(d) Meets such other reasonable requirements as the Board prescribes.~~
- ~~2. An applicant may be certified by examination if the applicant:~~
 - ~~(a) Submits a completed written application and the fee required by this chapter;~~
 - ~~(b) Completes a training program approved by the Board and supplies a certificate of completion from the program;~~
 - ~~(c) Passes the certification examination approved by the Board; and~~
 - ~~(d) Has not committed any acts which would be grounds for disciplinary action if committed by a nursing assistant, unless the Board determines that sufficient restitution has been made or the act was not substantially related to nursing.~~
- ~~3. [An applicant who is licensed or certified as a nursing assistant in another state may be certified by endorsement if the applicant:~~
 - ~~(a) Submits a completed written application and the fee required by this chapter;~~

~~—(b) Submits proof of successful completion of a training program approved by the appropriate agency of another state;~~

~~—(c) Has passed a certification examination approved by the Board to be equivalent to the examination required in this State; and~~

~~—(d) Has not committed any acts which would be grounds for disciplinary action if committed by a nursing assistant, unless the Board determines that sufficient restitution has been made or the act was not substantially related to nursing.~~

~~—4.] The Board shall issue a certificate to practice as a nursing assistant to each applicant who meets the requirements of this section.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 632.292 is hereby amended to read as follows:~~

~~632.292 1. An applicant for a certificate to practice as a medication aide certified must submit proof satisfactory to the Board that the applicant:~~

~~—(a) Holds a certificate to practice as a nursing assistant in this State;~~

~~—(b) Has completed at least 1 year of continuous full time employment as a nursing assistant in a medical facility in this State and is currently employed at a medical facility;~~

~~—(c) Has a high school diploma or its equivalent;~~

~~—(d) Has successfully completed a literacy and reading comprehension screening process approved by the Board;~~

~~—(e) Has successfully completed a training course for medication aides certified of at least 100 hours that is approved by the Board;~~

~~—(f) Has passed an examination on such subjects as are required by the Board; and~~

~~—(g) Meets such other reasonable requirements as the Board prescribes by regulation.~~

~~2. [An applicant who is licensed or certified as a medication aide in another state or territory of the United States may be certified in this State by endorsement if the applicant submits proof satisfactory to the Board that the applicant:~~

~~—(a) Holds a certificate to practice as a nursing assistant in another state or territory of the United States;~~

~~—(b) Has completed at least 1 year of continuous full time employment as a nursing assistant in a medical facility in another state or territory of the United States and is currently employed at a medical facility;~~

~~—(c) Has a high school diploma or its equivalent;~~

~~—(d) Has passed an examination determined by the Board to be equivalent to the examination required by paragraph (f) of subsection 1;~~

~~—(e) Has completed training determined by the Board to be equivalent to the training required by paragraph (c) of subsection 1; and~~

~~—(f) Meets such other reasonable requirements as the Board prescribes by regulation.~~

~~3.] The Board shall issue a certificate to practice as a medication aide certified to each applicant who meets the requirements of this section.]~~
 (Deleted by amendment.)

Sec. 10. ~~[NRS 632.345 is hereby amended to read as follows:~~

~~632.345 1. The Board shall establish and may amend a schedule of fees and charges for the following items and within the following ranges:~~

	Not less	Not more
	Than	than
Application for license to practice professional nursing (registered nurse), including a license by endorsement.....	\$45	\$100
Application for license to practice practical nursing, including a license by endorsement	30	90
Application for temporary license to practice professional nursing or practical nursing pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular license, if the applicant applies for a license.....	15	50
Application for a certificate to practice as a nursing assistant or medication aide	15	50
Application for a temporary certificate to practice as a nursing assistant pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular certificate, if the applicant applies for a certificate	5	40
Biennial fee for renewal of a license	40	100
Biennial fee for renewal of a certificate	20	50
Fee for reinstatement of a license	10	100
Application for a license to practice as an advanced practice registered nurse, including a license by endorsement	50	200
Application for recognition as a certified registered nurse anesthetist	50	200
Biennial fee for renewal of a license to practice as an advanced practice registered nurse or certified registered nurse anesthetist	50	200
Examination fee for license to practice professional nursing	20	100
Examination fee for license to practice practical nursing	10	90
Rewriting examination for license to practice professional nursing	20	100

Rewriting examination for license to practice		
 practical nursing.....	\$10.....	\$90.....
Duplicate license.....	5.....	30.....
Duplicate certificate.....	5.....	30.....
Proctoring examination for candidate from		
 another state.....	25.....	150.....
Fee for approving one course of continuing		
 education.....	10.....	50.....
Fee for reviewing one course of continuing		
 education which has been changed since		
 approval.....	5.....	30.....
Annual fee for approval of all courses of		
 continuing education offered.....	100.....	500.....
Annual fee for review of training program.....	60.....	100.....
Certification examination.....	10.....	90.....
Approval of instructors of training programs.....	50.....	100.....
Approval of proctors for certification		
 examinations.....	20.....	50.....
Approval of training programs.....	150.....	250.....
Validation of licensure or certification.....	5.....	25.....

~~2. [If an applicant submits an application for a license by endorsement pursuant to NRS 632.162 or 632.282, the Board shall collect not more than one half of the fee set forth in subsection 1 for the initial issuance of the license.]~~

~~3.] The Board may collect the fees and charges established pursuant to this section, and those fees or charges must not be refunded.] (Deleted by amendment.)~~

Sec. 11. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.

2. ~~[Except as otherwise provided in NRS 635.066 and 635.0665, a]~~ A license to practice podiatry may be issued by the Board to any person who:

- (a) Is of good moral character.
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.
- (c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.
- (d) Has completed a residency approved by the Board.
- (e) Has passed the examination given by the National Board of Podiatric Medical Examiners.

(f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

(a) The fee for an application for a license, including a license by endorsement, of not more than \$600;

(b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and

(c) All other information required by the Board to complete an application for a license.

➤ The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.

4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

5. The Board may require such further documentation or proof of qualification as it may deem proper.

6. The provisions of this section do not apply to a person who applies for:

(a) A limited license to practice podiatry pursuant to NRS 635.075; or

(b) A provisional license to practice podiatry pursuant to NRS 635.082.

Sec. 12. NRS 636.143 is hereby amended to read as follows:

636.143 ~~{1-}~~ The Board shall establish within the limits prescribed a schedule of fees for the following purposes:

	Not less than	Not more than
Examination	\$100	\$500
Reexamination	100	500
Issuance of each license or duplicate license, including a license by endorsement	35	75
Renewal of each license or duplicate license	100	500
Issuance of a license for an extended clinical facility	100	500
Issuance of a replacement renewal card for a license.....	10	50

~~{2.— If an applicant submits an application for a license by endorsement pursuant to NRS 636.207, the Board shall collect not more than one half of the fee established pursuant to subsection 1 for the initial issuance of the license.}~~

Sec. 13. NRS 636.150 is hereby amended to read as follows:

636.150 ~~{Except as otherwise provided in NRS 636.206 and 636.207, any}~~
Any person applying for a license to practice optometry in this State must:

1. File proof of his or her qualifications;

2. Make application for an examination;

3. Take and pass the examination;

4. Pay the prescribed fees; and

5. Verify that all the information he or she has provided to the Board or to any other entity pursuant to the provisions of this chapter is true and correct.

Sec. 14. NRS 636.155 is hereby amended to read as follows:

636.155 ~~Except as otherwise provided in NRS 636.206 and 636.207, an~~
An applicant must file with the Executive Director satisfactory proof that the applicant:

1. Is at least 21 years of age;
2. Is a citizen of the United States or is lawfully entitled to reside and work in this country;
3. Is of good moral character;
4. Has been certified or recertified as completing a course of cardiopulmonary resuscitation within the 12-month period immediately preceding the examination for licensure; and
5. Has graduated from a school of optometry accredited by the established professional agency and the Board, maintaining a standard of 6 college years, and including, as a prerequisite to admission to the courses in optometry, at least 2 academic years of study in a college of arts and sciences accredited by the Association of American Universities or a similar regional accrediting agency.

Sec. 15. NRS 636.215 is hereby amended to read as follows:

636.215 The Board shall execute a license for each person who has satisfied the requirements of NRS 636.150 ~~[, 636.206 or 636.207]~~ and submitted all information required to complete an application for a license. A license must:

1. Certify that the licensee has been examined and found qualified to practice optometry in this State; and
2. Be signed by each member of the Board.

Sec. 16. NRS 637B.160 is hereby amended to read as follows:

637B.160 Except as otherwise provided in NRS 637B.195, 637B.200 ~~[, and 637B.201, 637B.203 and 637B.204,]~~ to be eligible for licensing by the Board, an applicant for a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids must:

1. Be a natural person of good moral character;
2. Pass an examination prescribed by the Board pursuant to NRS 637B.191 or 637B.194, as applicable;
3. Pay the fees provided for in this chapter; and
4. Submit all information required to complete an application for a license.

Sec. 17. NRS 637B.175 is hereby amended to read as follows:

637B.175 1. The Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

Application fee	\$150
License fee	100
Fee for the renewal of a license	100
Reinstatement fee	100
Examination fee	300
Fee for converting to a different type of license	50
Fee for each additional license or endorsement	50

Fee for obtaining license information \$50

2. ~~If an applicant submits an application for a license by endorsement pursuant to NRS 637B.204, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.~~

~~3.]~~ All fees are payable in advance and may not be refunded.

Sec. 18. NRS 638.127 is hereby amended to read as follows:

638.127 1. On or before November 15 of each year, the Executive Director shall mail to each person licensed under the provisions of this chapter an application form for renewal of the license.

2. Each applicant for renewal must complete the form and return it to the Executive Director, accompanied by all information required to complete the renewal, the renewal fee and full payment of all fines which the applicant owes to the Board, on or before January 1 of each year. Each application for renewal must be signed by the applicant. The renewal fee for licensees and persons on inactive status must be in an amount determined by the Board.

3. Upon receipt of the application and all required information and payment of the renewal fee and all fines owed, the Board shall issue to that person a certificate of renewal.

4. Any person who fails to renew a license on or before March 1 of each year forfeits the license.

5. When a person has forfeited his or her license in the manner provided in subsection 4, the Board may reinstate the license and issue a certificate of renewal upon receipt of all information required to complete the renewal and payment of:

(a) The renewal fee;

(b) All fines owed; and

(c) A delinquency penalty of \$50 for each month or fraction thereof the license was not renewed after January 1.

6. If a licensee does not practice for more than 12 consecutive months, the Board may require the licensee to take an examination to determine his or her competency before renewing the license.

7. If a licensee does not renew his or her license and is licensed to practice in another state or territory of the United States, the Board may not issue the licensee a license to practice in the State by reciprocity ~~or endorsement~~. Such a licensee must reinstate the license in the manner prescribed by the Board.

Sec. 19. NRS 639.015 is hereby amended to read as follows:

639.015 "Registered pharmacist" means:

1. A person registered in this State as such on July 1, 1947;

2. A person registered in this State as such in compliance with the provisions of paragraph (c) of section 3 of chapter 195, Statutes of Nevada 1951; or

3. A person who has complied with the provisions of NRS 639.120 ~~639.134, 639.136 or 639.1365~~ and whose name has been entered in the registry of pharmacists of this State by the Executive Secretary of the Board

and to whom a valid certificate or certificate by endorsement as a registered pharmacist or valid renewal thereof has been issued by the Board.

Sec. 20. NRS 639.120 is hereby amended to read as follows:

639.120 1. ~~{Except as otherwise provided in NRS 639.134, 639.136 and 639.1365, an}~~ An applicant to become a registered pharmacist in this State must:

(a) Be of good moral character.

(b) Be a graduate of a college of pharmacy or department of pharmacy of a university accredited by the Accreditation Council for Pharmacy Education or Canadian Council for Accreditation of Pharmacy Programs and approved by the Board or a graduate of a foreign school who has passed an examination for foreign graduates approved by the Board to demonstrate that his or her education is equivalent.

(c) Except as otherwise provided in NRS 622.090 ~~{:~~

~~—(1) Pass}~~, pass an examination approved and given by the Board with a grade of at least 75 on the examination as a whole and a grade of at least 75 on the examination on law.

~~{(2) If he or she is an applicant for registration by reciprocity, pass the examination on law with at least a grade of 75.}~~

(d) Complete not less than 1,500 hours of practical pharmaceutical experience as an intern pharmacist under the direct and immediate supervision of a registered pharmacist.

2. The practical pharmaceutical experience required pursuant to paragraph (d) of subsection 1 must relate primarily to the selling of drugs, poisons and devices, the compounding and dispensing of prescriptions, preparing prescriptions and keeping records and preparing reports required by state and federal statutes.

3. The Board may accept evidence of compliance with the requirements set forth in paragraph (d) of subsection 1 from boards of pharmacy of other states in which the experience requirement is equivalent to the requirements in this State.

Sec. 21. NRS 639.127 is hereby amended to read as follows:

639.127 1. An applicant for registration as a pharmacist in this State must submit an application to the Executive Secretary of the Board on a form furnished by the Board and must pay the fee fixed by the Board. The fee must be paid at the time the application is submitted and is compensation to the Board for the investigation and the examination of the applicant. Under no circumstances may the fee be refunded.

2. Proof of the qualifications of any applicant must be made to the satisfaction of the Board and must be substantiated by affidavits, records or such other evidence as the Board may require.

3. An application is only valid for 1 year after the date it is received by the Board unless the Board extends its period of validity.

4. A certificate of registration as a pharmacist must be issued to each person who the Board determines is qualified pursuant to the provisions of

NRS 639.120 . [~~639.134, 639.136 or 639.1365.~~] The certificate entitles the person to whom it is issued to practice pharmacy in this State.

Sec. 22. NRS 639.170 is hereby amended to read as follows:

639.170 1. The Board shall charge and collect not more than the following fees for the following services:

For the examination of an applicant for registration as a pharmacist	Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist, including a certificate by endorsement	\$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity	300
For the investigation or issuance of an original license to conduct a retail pharmacy, including a license by endorsement	600
For the biennial renewal of a license to conduct a retail pharmacy	500
For the investigation or issuance of an original license to conduct an institutional pharmacy, including a license by endorsement	600
For the biennial renewal of a license to conduct an institutional pharmacy	500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist, including a certificate by endorsement	50
For the biennial renewal of registration as a registered pharmacist	200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse)	100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the investigation or registration of an intern pharmacist	50
For the biennial renewal of registration as an intern pharmacist	40
For investigation or issuance of an original license to a manufacturer or wholesaler	500

For the biennial renewal of a license for a manufacturer or wholesaler.....	\$500
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon	100
For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both	300
For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both.....	300

2. ~~If an applicant submits an application for a certificate or license by endorsement pursuant to NRS 639.136 or 639.2315, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1, respectively, for:~~

~~—(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.~~

~~—(b) The issuance of an original license to conduct a retail or an institutional pharmacy.~~

~~3. If an applicant submits an application for a certificate or license by endorsement pursuant to NRS 639.1365 or 639.2316, as applicable, the Board shall collect not more than one half of the fee set forth in subsection 1, respectively, for:~~

~~—(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.~~

~~—(b) The issuance of an original license to conduct a retail or an institutional pharmacy.~~

~~4.} If a person requests a special service from the Board or requests the Board to convene a special meeting, the person must pay the actual costs to the Board as a condition precedent to the rendition of the special service or the convening of the special meeting.~~

~~5.} 3. All fees are payable in advance and are not refundable.~~

~~6.} 4. The Board may, by regulation, set the penalty for failure to pay the fee for renewal for any license, permit, authorization or certificate within the statutory period, at an amount not to exceed 100 percent of the fee for renewal for each year of delinquency in addition to the fees for renewal for each year of delinquency.~~

Sec. 23. NRS 639.231 is hereby amended to read as follows:

639.231 1. An application to conduct a pharmacy must be made on a form furnished by the Board and must state the name, address, usual occupation and professional qualifications, if any, of the applicant. If the applicant is other than a natural person, the application must state such information as to each person beneficially interested therein.

2. As used in subsection 1, and subject to the provisions of subsection 3, the term "person beneficially interested" means:

(a) If the applicant is a partnership or other unincorporated association, each partner or member.

(b) If the applicant is a corporation, each of its officers, directors and stockholders, provided that no natural person shall be deemed to be beneficially interested in a nonprofit corporation.

3. If the applicant is a partnership, unincorporated association or corporation and the number of partners, members or stockholders, as the case may be, exceeds four, the application must so state, and must list each of the four partners, members or stockholders who own the four largest interests in the applicant entity and state their percentages of interest. Upon request of the Executive Secretary of the Board, the applicant shall furnish the Board with information as to partners, members or stockholders not named in the application or shall refer the Board to an appropriate source of such information.

4. The completed application form must be returned to the Board with the fee prescribed by the Board, which may not be refunded. ~~{Except as otherwise provided in NRS 639.2315 or 639.2316, any}~~ Any application which is not complete as required by the provisions of this section may not be presented to the Board for consideration.

5. ~~{Except as otherwise provided in NRS 639.2315 or 639.2316, upon}~~ Upon compliance with all the provisions of this section and upon approval of the application by the Board, the Executive Secretary shall issue a license to the applicant to conduct a pharmacy. Any other provision of law notwithstanding, such a license authorizes the holder to conduct a pharmacy and to sell and dispense drugs and poisons and devices and appliances that are restricted by federal law to sale by or on the order of a physician.

Sec. 24. NRS 640.080 is hereby amended to read as follows:

640.080 ~~{Except as otherwise provided in NRS 640.145 and 640.146, to}~~ To be eligible for licensure by the Board as a physical therapist, an applicant must:

1. Be of good moral character;
2. Have graduated from a school in which he or she completed a curriculum of physical therapy approved by the Board; and
3. Pass to the satisfaction of the Board an examination designated by the Board, unless he or she is entitled to licensure without examination as provided in NRS 640.120 . ~~{or 640.140.}~~

Sec. 25. NRS 640.090 is hereby amended to read as follows:

640.090 ~~{1.}~~ Unless he or she is entitled to licensure under NRS 640.120, ~~{640.140, 640.145 or 640.146,}~~ a person who desires to be licensed as a physical therapist must:

- ~~{(a)}~~ 1. Apply to the Board, in writing, on a form furnished by the Board;

~~{{(b)}}~~ 2. Include in the application evidence, under oath, satisfactory to the Board, that the person possesses the qualifications required by NRS 640.080 other than having passed the examination;

~~{{(c)}}~~ 3. Pay to the Board at the time of filing the application a fee set by a regulation of the Board in an amount not to exceed \$300;

~~{{(d)}}~~ 4. Submit to the Board with the application a complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

~~{{(e)}}~~ 5. Submit other documentation and proof the Board may require; and

~~{{(f)}}~~ 6. Submit all other information required to complete the application.

~~{2. If an applicant submits an application for a license by endorsement pursuant to NRS 640.146, the Board shall collect not more than one half of the fee specified in paragraph (c) of subsection 1 for the initial issuance of the license.}~~

Sec. 26. NRS 640A.120 is hereby amended to read as follows:

640A.120 ~~{Except as otherwise provided in NRS 640A.165 and 640A.166, to}~~ To be eligible for licensing by the Board as an occupational therapist or occupational therapy assistant, an applicant must:

1. Be a natural person of good moral character.

2. Except as otherwise provided in NRS 640A.130, have satisfied the academic requirements of an educational program approved by the Board. The Board shall not approve an educational program designed to qualify a person to practice as an occupational therapist or an occupational therapy assistant unless the program is accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Inc., or its successor organization.

3. Except as otherwise provided in NRS 640A.130, have successfully completed:

(a) If the application is for licensing as an occupational therapist, 24 weeks; or

(b) If the application is for licensing as an occupational therapy assistant, 16 weeks,

➔ of supervised fieldwork experience approved by the Board. The Board shall not approve any supervised experience unless the experience was sponsored by the American Occupational Therapy Association, Inc., or its successor organization, or the educational institution at which the applicant satisfied the requirements of subsection 2.

4. Except as otherwise provided in NRS 640A.160 and 640A.170, pass an examination approved by the Board.

Sec. 27. NRS 640A.140 is hereby amended to read as follows:

640A.140 1. ~~{Except as otherwise provided in NRS 640A.165 and 640A.166, a}~~ A person who desires to be licensed by the Board as an occupational therapist or occupational therapy assistant must:

(a) Submit an application to the Board on a form furnished by the Board; and

(b) Provide evidence satisfactory to the Board that he or she possesses the qualifications required pursuant to subsections 1, 2 and 3 of NRS 640A.120.

2. The application must include all information required to complete the application.

Sec. 28. NRS 640A.190 is hereby amended to read as follows:

640A.190 1. The Board may by regulation establish reasonable fees for:

- (a) The examination of an applicant for a license;
- (b) The initial issuance of a license, including a license by endorsement;
- (c) The issuance of a temporary license;
- (d) The renewal of a license; and
- (e) The late renewal of a license.

2. ~~If an applicant submits an application for a license by endorsement pursuant to NRS 640A.166, the Board shall collect not more than one-half of the fee established pursuant to subsection 1 for the initial issuance of the license.~~

~~3. Except as otherwise provided in subsection 2, the~~ The fees must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter.

Sec. 29. NRS 640C.400 is hereby amended to read as follows:

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

- (a) Be at least 18 years of age;
- (b) ~~Except as otherwise provided in NRS 640C.425 and 640C.426, submit~~

Submit to the Board:

- (1) A completed application on a form prescribed by the Board;
- (2) The fees prescribed by the Board pursuant to NRS 640C.520;
- (3) Proof that the applicant has successfully completed a program of massage therapy recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and

(II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending;

(5) Except as otherwise provided in NRS 640C.440, a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(6) The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;

(7) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(8) If required by the Board, a financial questionnaire; and

(c) In addition to any examination required pursuant to NRS 640C.320 ~~and except as otherwise provided in NRS 640C.425 and 640C.426;~~

(1) Except as otherwise provided in subsection 3, pass a nationally recognized examination for testing the education and professional competency of massage therapists that is approved by the Board; or

(2) At the applicant's discretion and in lieu of a written examination, pass an oral examination prescribed by the Board.

3. If the Board determines that the examinations being administered pursuant to subparagraph (1) of paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.

4. The Board shall recognize a program of massage therapy that is:

(a) Approved by the Commission on Postsecondary Education; or

(b) Offered by a public college in this State or any other state.

↪ The Board may recognize other programs of massage therapy.

5. ~~Except as otherwise provided in NRS 640C.425 and 640C.426, the~~
The Board or its designee shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant;

(b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;

(c) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320; and

(d) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or

employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 30. NRS 640C.410 is hereby amended to read as follows:

640C.410 1. The Board may issue a temporary license to practice massage therapy.

2. An applicant for a temporary license issued pursuant to this section must:

- (a) Be at least 18 years of age; and
- (b) Submit to the Board:
 - (1) A completed application on a form prescribed by the Board;
 - (2) The fees prescribed by the Board pursuant to NRS 640C.520;
 - (3) Proof that the applicant has successfully completed a program of massage therapy recognized by the Board pursuant to NRS 640C.400;
 - (4) Proof that the applicant:
 - (I) Has taken the examination required pursuant to NRS 640C.400; or
 - (II) Is scheduled to take such an examination within 90 days after the date of application;
 - (5) An affidavit indicating that the applicant has not committed any of the offenses for which the Board may refuse to issue a license pursuant to NRS 640C.700;
 - (6) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:
 - (I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and
 - (II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending; and
 - (7) Except as otherwise provided in NRS 640C.440, a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. A temporary license issued pursuant to this section expires 90 days after the date the Board issues the temporary license. The Board shall not renew the temporary license.

4. A person who holds a temporary license:

- (a) May practice massage therapy only under the supervision of a fully licensed massage therapist and only in accordance with the provisions of this chapter and the regulations of the Board;
- (b) Must comply with any other conditions, limitations and requirements imposed on the temporary license by the Board;
- (c) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a fully licensed massage therapist; and

(d) Remains subject to the regulatory and disciplinary authority of the Board after the expiration of the temporary license for all acts relating to the practice of massage therapy which occurred during the period of temporary licensure.

5. As used in this section, "fully licensed massage therapist" means a person who holds a license to practice massage therapy issued pursuant to NRS 640C.400 ~~for 640C.420,~~ or section 1 of this act.

Sec. 31. NRS 640C.520 is hereby amended to read as follows:

640C.520 1. The Board shall establish a schedule of fees and charges. The fees for the following items must not exceed the following amounts:

An examination established by the Board pursuant to this chapter	\$600
An application for a license	300
An application for a license without an examination	300
A background check of an applicant	600
The issuance of a license	400
The renewal of a license	200
The restoration of an expired license	500
The reinstatement of a suspended or revoked license	500
The issuance of a replacement license	75
The restoration of an inactive license	300

2. ~~{If an applicant submits an application for a license by endorsement pursuant to NRS 640C.426, the Board shall collect not more than one half of the fee specified in subsection 1 for the initial issuance of the license.~~

~~—3.—~~ The total fees collected by the Board pursuant to this section must not exceed the amount of money necessary for the operation of the Board and for the maintenance of an adequate reserve.

Sec. 32. NRS 641.170 is hereby amended to read as follows:

641.170 1. ~~{Except as otherwise provided in NRS 641.195 and 641.196, each}~~ Each application for licensure as a psychologist must be accompanied by evidence satisfactory to the Board that the applicant:

- (a) Is at least 21 years of age.
- (b) Is of good moral character as determined by the Board.
- (c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a doctorate in psychology from an accredited educational institution approved by the Board, or has other doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training.

(e) Has at least 2 years of experience satisfactory to the Board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the Board.

2. ~~{Except as otherwise provided in NRS 641.195 and 641.196, each}~~ Each application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

- (a) Is at least 21 years of age.
- (b) Is of good moral character as determined by the Board.
- (c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a master's degree from an accredited college or university in a field of social science or special education and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.

(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

3. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

- (a) Is at least 21 years of age.
- (b) Is of good moral character as determined by the Board.
- (c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a bachelor's degree from an accredited college or university in a field of social science or special education approved by the Board and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.

(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

4. ~~[Except as otherwise provided in NRS 641.195 and 641.196, within]~~
Within 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

- (a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure; and
- (b) Issue a written statement to the applicant of its determination.

5. The written statement issued to the applicant pursuant to subsection 4 must include:

(a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.

(b) If the applicant for licensure as a psychologist has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that the doctorate-level training from an accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.

Sec. 33. NRS 641.180 is hereby amended to read as follows:

641.180 1. ~~{Except as otherwise provided in NRS 641.180 to 641.196, inclusive, each}~~ Each applicant for a license as a psychologist must pass the national examination. In addition to the national examination, the Board may require an examination in whatever applied or theoretical fields it deems appropriate.

2. The Board shall notify each applicant of the results of the national examination and any other examination required pursuant to subsection 1.

~~{3. The Board may waive the requirement of the national examination for a person who:~~

~~—(a) Is licensed in another state;~~

~~—(b) Has at least 10 years' experience; and~~

~~—(c) Is a diplomate in the American Board of Professional Psychology or a fellow in the American Psychological Association, or who has other equivalent status as determined by the Board.]~~

Sec. 34. NRS 641.228 is hereby amended to read as follows:

641.228 1. The Board shall charge and collect not more than the following fees respectively:

For the national examination, in addition to the actual
cost to the Board of the examination\$100

For any other examination required pursuant to the
provisions of subsection 1 of NRS 641.180, in
addition to the actual costs to the Board of the
examination..... 100

For the issuance of an initial license, including a license
by endorsement 25

For the biennial renewal of a license of a psychologist 500

For the biennial renewal of a license of a licensed
behavior analyst 400

For the biennial renewal of a license of a licensed
assistant behavior analyst..... 275

For the restoration of a license suspended for the
nonpayment of the biennial fee for the renewal of a
license 100

For the registration of a firm, partnership or corporation
which engages in or offers to engage in the practice of
psychology 300

For the registration of a nonresident to practice
as a consultant..... 10

2. An applicant who passes the national examination and any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who is eligible for a license as a psychologist shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

3. An applicant who passes the examination and is eligible for a license as a behavior analyst or assistant behavior analyst shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

4. ~~{Except as otherwise provided in subsections 5 and 6 and NRS 641.195, in}~~ In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

~~{5. If an applicant submits an application for a license by endorsement pursuant to NRS 641.195, the Board shall charge and collect not more than the fee specified in subsection 1 for the issuance of an initial license.}~~

~~— 6. If an applicant submits an application for a license by endorsement pursuant to NRS 641.196, the Board shall collect not more than one half of the fee set forth in subsection 1 for the initial issuance of the license.}~~

Sec. 35. NRS 641A.220 is hereby amended to read as follows:

641A.220 ~~{Except as otherwise provided in NRS 641A.241 and 641A.242, each}~~ Each applicant for a license to practice as a marriage and family therapist must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;
2. Is of good moral character;
3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;
4. Has completed residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;
5. Has:
 - (a) At least 2 years of postgraduate experience in marriage and family therapy; and
 - (b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and
6. Holds an undergraduate degree from an accredited institution approved by the Board.

Sec. 36. NRS 641A.230 is hereby amended to read as follows:

641A.230 1. Except as otherwise provided in subsection 2, ~~{and NRS 641A.241 and 641A.242,}~~ each qualified applicant for a license to practice as a marriage and family therapist must pass a written examination given by the Board on his or her knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine.

2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the Association of Marital and Family Therapy Regulatory Boards in lieu of requiring a written examination pursuant to subsection 1.

3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine applicants in whatever applied or theoretical fields it deems appropriate.

Sec. 37. NRS 641A.231 is hereby amended to read as follows:

641A.231 ~~{Except as otherwise provided in NRS 641A.241 and 641A.242, each}~~ *Each* applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;
2. Is of good moral character;
3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has:

(a) Completed residency training in psychiatry from an accredited institution approved by the Board;

(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or

(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and

5. Has:

- (a) At least 2 years of postgraduate experience in professional counseling;
- (b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:

(1) At least 1,500 hours of direct contact with clients; and

(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and

(c) Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.

Sec. 38. NRS 641A.290 is hereby amended to read as follows:

641A.290 ~~{4.}~~ The Board shall charge and collect not more than the following fees, respectively:

For application for a license	\$75
For examination of an applicant for a license	200
For issuance of a license	50
For annual renewal of a license.....	150
For reinstatement of a license revoked for nonpayment of the fee for renewal	100

For an inactive license \$150

~~[2. If an applicant submits an application for a license by endorsement pursuant to NRS 641A.242, the Board shall collect not more than one half of the fee set forth in subsection 1 for the initial issuance of the license.]~~

Sec. 39. NRS 641B.250 is hereby amended to read as follows:

641B.250 1. Except as otherwise provided in NRS ~~[641B.270 to]~~ 641B.275, ~~[inclusive,]~~ before the issuance of a license, each applicant, otherwise eligible for licensure, who has paid the fee and presented the required credentials, other than an applicant for a license to engage in social work as an associate in social work, must appear personally and pass an examination concerning his or her knowledge of the practice of social work.

2. Any such examination must be fair and impartial, practical in character with questions designed to discover the applicant's fitness.

3. The Board may employ specialists and other professional consultants or examining services in conducting the examination.

4. The member of the Board who is the representative of the general public shall not participate in the grading of the examination.

5. The Board shall examine applicants for licensure at least twice a year.

Sec. 40. NRS 641B.300 is hereby amended to read as follows:

641B.300 ~~[1.]~~ The Board shall charge and collect fees not to exceed the following amounts for:

Initial application \$40

Provisional license 75

Initial issuance of a license, including a license by endorsement..... 100

Annual renewal of a license 150

Restoration of a suspended license or reinstatement of a revoked license 150

Restoration of an expired license 200

Renewal of a delinquent license..... 100

Reciprocal license without examination 100

~~[2. If an applicant submits an application for a license by endorsement pursuant to NRS 641B.271, the Board shall charge and collect not more than the fees specified in subsection 1 for the initial application for and initial issuance of a license.]~~

~~[3. If an applicant submits an application for a license by endorsement pursuant to NRS 641B.272, the Board shall collect not more than one half of the fee set forth in subsection 1 for the initial issuance of the license.]~~

Sec. 41. ~~[NRS 641C.290 is hereby amended to read as follows:]~~

~~641C.290 1. [Except as otherwise provided in NRS 641C.300, 641C.3305 and 641C.3306, each] Each applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the clinical practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.~~

~~2. [Except as otherwise provided in NRS 641C.300, 641C.355, 641C.356, 641C.395 and 641C.396, each] Each applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.~~

~~3. [Except as otherwise provided in NRS 641C.432 and 641C.433, each] Each applicant for a certificate as a problem gambling counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.~~

~~4. The Board shall:~~

~~(a) Examine applicants at least two times each year.~~

~~(b) Establish the time and place for the examinations.~~

~~(c) Provide such books and forms as may be necessary to conduct the examinations.~~

~~(d) Except as otherwise provided in NRS 622.090, establish, by regulation, the requirements for passing the examination.~~

~~5. The Board may employ other persons to conduct the examinations.]~~
(Deleted by amendment.)

Sec. 42. [NRS 641C.470 is hereby amended to read as follows:

~~641C.470 1. The Board shall charge and collect not more than the following fees:~~

For the initial application for a license or certificate,	
including a license or certificate by endorsement	\$150
For the issuance of a provisional license or certificate	125
For the issuance of an initial license or certificate,	
including a license or certificate by endorsement	60
For the renewal of a license or certificate as an	
alcohol and drug abuse counselor, a license as a	
clinical alcohol and drug abuse counselor or a	
certificate as a problem gambling counselor	300
For the renewal of a certificate as a clinical alcohol and drug	
abuse counselor intern, an alcohol and drug abuse	
counselor intern or a problem gambling counselor intern	75
For the renewal of a delinquent license or certificate	75
For the restoration of an expired license or certificate	150
For the restoration or reinstatement of a suspended or	
revoked license or certificate	300
For the issuance of a license or certificate without	
examination	150
For an examination	150
For the approval of a course of continuing education	150

~~2. [If an applicant submits an application for a license or certificate by endorsement pursuant to NRS 641C.3305, 641C.355, 641C.395 or 641C.432, the Board shall charge and collect not more than the fees specified in subsection 1 for the initial application for and issuance of an initial license or certificate, as applicable.~~

~~3. If an applicant submits an application for a license or certificate by endorsement pursuant to NRS 641C.3306, 641C.356, 641C.396 or 641C.433, as applicable, the Board shall collect not more than one half of the fee specified in subsection 1 for the initial issuance of the license.~~

~~4.] The fees charged and collected pursuant to this section are not refundable.) (Deleted by amendment.)~~

Sec. 43. NRS 642.080 is hereby amended to read as follows:

642.080 ~~[Except as otherwise provided in NRS 642.100, an]~~ An applicant for a license to practice the profession of embalming in the State of Nevada shall:

1. Have attained the age of 18 years.
2. Be of good moral character.
3. Be a high school graduate and have completed 2 academic years of instruction by taking 60 semester or 90 quarter hours at an accredited college or university. Credits earned at an embalming college or school of mortuary science do not fulfill this requirement.
4. Have completed 12 full months of instruction in an embalming college or school of mortuary science which is accredited by the American Board of Funeral Service Education and approved by the Board, and have not less than 1 year's practical experience under the supervision of an embalmer licensed in the State of Nevada.
5. Have actually embalmed at least 50 bodies under the supervision of a licensed embalmer prior to the date of application.
6. Present to the Board affidavits of at least two reputable residents of the county in which the applicant proposes to engage in the practice of an embalmer to the effect that the applicant is of good moral character.

Sec. 44. NRS 643.120 is hereby amended to read as follows:

643.120 Except as otherwise provided in NRS 643.130, any person who has a license or certificate as a barber or an apprentice from ~~{another state, the District of Columbia or}~~ a country which has substantially the same requirements for licensing barbers and apprentices as are required by the provisions of this chapter must be admitted to practice as a licensed barber or apprentice pursuant to the regulations adopted by the Board.

Sec. 45. ~~[NRS 645.330 is hereby amended to read as follows:~~

~~645.330 1. Except as otherwise provided by a specific statute, the Division may approve an application for a license for a person who meets all the following requirements:~~

- ~~(a) Has a good reputation for honesty, trustworthiness and integrity and who offers proof of those qualifications satisfactory to the Division.~~
- ~~(b) Has not made a false statement of material fact on his or her application.~~

~~— (c) Is competent to transact the business of a real estate broker, broker salesperson or salesperson in a manner which will safeguard the interests of the public.~~

~~— (d) Has passed the examination.~~

~~— (e) Has submitted all information required to complete the application.~~

~~— 2. The Division:~~

~~— (a) May deny a license to any person who has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, engaging in a real estate business without a license, possessing for the purpose of sale any controlled substance or any crime involving moral turpitude, in any court of competent jurisdiction in the United States or elsewhere; and~~

~~— (b) Shall not issue a license to such a person until at least 3 years after:~~

~~— (1) The person pays any fine or restitution ordered by the court; or~~

~~— (2) The expiration of the period of the person's parole, probation or sentence;~~

~~→ whichever is later.~~

~~— 3. Suspension or revocation of a license pursuant to this chapter or any prior revocation or current suspension in this or any other state, district or territory of the United States or any foreign country before the date of the application is grounds for refusal to grant a license.~~

~~— 4. [Except as otherwise provided in NRS 645.332, a] A person may not be licensed as a real estate broker unless the person has been actively engaged as a full time licensed real estate broker salesperson or salesperson in this State, or actively engaged as a full time licensed real estate broker, broker salesperson or salesperson in another state or the District of Columbia, for at least 2 of the 4 years immediately preceding the issuance of a broker's license.] (Deleted by amendment.)~~

Sec. 46. NRS 623.210, 623.215, 623A.193, 625.382, 630A.280, ~~[632.160, 632.161, 632.162, 632.281, 632.282,]~~ 635.065, 635.066, 635.0665, 636.206, 636.207, 637B.203, 637B.204, 639.134, 639.136, 639.1365, 639.2315, 639.2316, 640.140, 640.145, 640.146, 640A.165, 640A.166, 640C.420, 640C.425, 640C.426, 641.190, 641.195, 641.196, 641A.241, 641A.242, 641B.270, 641B.271, 641B.272, ~~[641C.300, 641C.3305, 641C.3306, 641C.355, 641C.356, 641C.395, 641C.396, 641C.432, 641C.433,]~~ 642.100, ~~[645.332,]~~ 648.115 and 654.180 are hereby repealed.

Sec. 47. This act becomes effective:

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

2. On January 1, 2018, for all other purposes.

LEADLINES OF REPEALED SECTIONS

623.210 Board authorized to accept registration in other jurisdiction in lieu of examinations for certificate of registration to practice architecture or residential design.

623.215 Board authorized to accept evidence of registration in other jurisdiction as interior designer; examination required.

623A.193 Certificate of registration: Issuance without examination.

625.382 Licenses: Issuance to licensee of another state or country.

630A.280 Reciprocity.

~~632.160 Admission to practice without examination.~~

~~632.161 Expedited license by endorsement: Requirements; procedure for issuance.~~

~~632.162 Expedited license by endorsement to practice as professional nurse for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.~~

~~632.281 Expedited license by endorsement: Requirements; procedure for issuance.~~

~~632.282 Expedited license by endorsement for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.]~~

635.065 Requirements for applicants licensed in another jurisdiction.

635.066 Expedited license by endorsement to practice podiatry: Requirements; procedure for issuance.

635.0665 Expedited license by endorsement to practice podiatry: Requirements; procedure for issuance; provisional license pending action on application.

636.206 Expedited license by endorsement: Requirements; procedure for issuance.

636.207 Expedited license by endorsement for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.

637B.203 Expedited license by endorsement to practice audiology or speech-language pathology: Requirements; procedure for issuance.

637B.204 Expedited license by endorsement to practice audiology or speech-language pathology for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.

639.134 Registration of pharmacist without examination; reciprocity.

639.136 Expedited certificate by endorsement as registered pharmacist: Requirements; procedure for issuance.

639.1365 Expedited certificate by endorsement as registered pharmacist for active member of Armed Forces, member's spouse, veteran or veteran's

surviving spouse: Requirements; procedure for issuance; provisional certificate pending action on application.

639.2315 Expedited license by endorsement to conduct pharmacy: Requirements; procedure for issuance.

639.2316 Expedited license by endorsement to conduct pharmacy for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.

640.140 Licensing of physical therapist licensed in another state or territory.

640.145 Expedited license by endorsement: Requirements; procedure for issuance.

640.146 Expedited license by endorsement for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.

640A.165 Expedited license by endorsement as occupational therapist: Requirements; procedure for issuance.

640A.166 Expedited license by endorsement as occupational therapist for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.

640C.420 Licensure of persons who are licensed in other jurisdictions.

640C.425 Expedited license by endorsement: Requirements; procedure for issuance.

640C.426 Expedited license by endorsement for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.

641.190 Licensing of psychologist licensed or certified in another state.

641.195 Expedited license by endorsement as psychologist or behavior analyst: Requirements; procedure for issuance.

641.196 Expedited license by endorsement as psychologist or behavior analyst for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.

641A.241 Expedited license by endorsement: Requirements; procedure for issuance.

641A.242 Expedited license by endorsement for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.

641B.270 Licensing of person licensed in another state.

641B.271 Expedited license by endorsement: Requirements; procedure for issuance.

641B.272 Expedited license by endorsement for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.

~~{641C.300 Waiver of examination for person who holds license or certificate as clinical alcohol and drug abuse counselor or alcohol and drug abuse counselor in another jurisdiction.~~

~~641C.3305 Expedited license by endorsement: Requirements; procedure for issuance.~~

~~641C.3306 Expedited license by endorsement for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.~~

~~641C.355 Expedited license by endorsement: Requirements; procedure for issuance.~~

~~641C.356 Expedited license by endorsement for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.~~

~~641C.395 Expedited certificate by endorsement: Requirements; procedure for issuance.~~

~~641C.396 Expedited certificate by endorsement for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.~~

~~641C.432 Expedited certificate by endorsement: Requirements; procedure for issuance.~~

~~641C.433 Expedited certificate by endorsement for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.}~~

642.100 Requirements for licensing embalmer licensed in another state.

~~{645.332 Applicants licensed in another jurisdiction: Exemption from certain examination requirements; issuance of license as broker or broker salesperson by reciprocity.}~~

648.115 Licenses: Person licensed as polygraphic examiner in another state.

654.180 Reciprocal licensing without examination.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 259 makes one change to Senate Bill No. 354. The amendment exempts Chapters 631 "Dentistry and Dental Hygiene," 632 "Nursing," 641C "Alcohol, Drug and Gambling Counselors" and 645 "Real Estate Brokers and Salespersons" of *Nevada Revised Statutes* from the provisions of this bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 432.

Bill read second time.

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

Amendment No. 286.

SUMMARY—Authorizes the filing of a motion for the termination of parental rights as part of a proceeding relating to the abuse or neglect of a child. (BDR 38-475)

AN ACT relating to public welfare; authorizing the filing of a motion for the termination of parental rights as part of a proceeding relating to the abuse or neglect of a child; establishing provisions concerning the process for the termination of parental rights following the filing of such a motion; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes procedures governing the termination of parental rights. (Chapter 128 of NRS) Existing law also establishes procedures governing the protection of children from abuse and neglect. (Chapter 432B of NRS) Section 2 of this bill provides that if a juvenile court determines that a child is in need of protection, an agency which provides child welfare services is authorized to file a motion for the termination of parental rights as part of the proceeding concerning the abuse or neglect of the child. Section 2 also requires an agency which provides child welfare services to file such a motion if a child has been placed outside of his or her home for a period of not less than 12 months. Sections 2 and 10 of this bill provide that the provisions of existing law governing the termination of parental rights apply to all proceedings concerning the termination of parental rights that are commenced by an agency which provides child welfare services, but only to the extent they do not conflict with the provisions established in this bill.

Section 3 of this bill establishes provisions concerning notice of the hearing on the motion for the termination of parental rights. ~~It~~ and requires the court to ensure that any prospective adoptive parent is provided a copy of the notice. Section 3 also provides that the name and address of a prospective adoptive parent generally must be kept confidential. Section 4 of this bill authorizes a party who has been informed of the allegations set forth in the motion to contest such allegations and request an evidentiary hearing or voluntarily relinquish his or her parental rights. Section 5 of this bill authorizes the court to order the parties to the proceeding, any prospective adoptive parent and a representative from an agency which provides child welfare services to participate in mediation for the purpose of negotiating the terms of an open adoption agreement.

Section 6 of this bill establishes certain procedural provisions relating to an evidentiary hearing on a motion for the termination of parental rights.

Section 7 of this bill requires the court to use its best efforts to ensure that a final written decision on such a motion is rendered not later than 30 days after the conclusion of the evidentiary hearing, and section 8 of this bill requires the appellate court of competent jurisdiction to use its best efforts to ensure that any appeal is resolved not later than 6 months after the appeal is filed or, if the court orders full briefings on the matter, not later than 12 months after the appeal is filed. Section 9 of this bill requires that a petition for the restoration of parental rights be filed as part of a proceeding concerning the abuse or neglect of a child in certain circumstances.

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. 1. *The provisions of chapter 128 of NRS, to the extent they do not conflict with the provisions of sections 2 to 9, inclusive, of this act, apply to all proceedings concerning the termination of parental rights that are commenced pursuant to this section by an agency which provides child welfare services.*

2. *Except as otherwise provided in subsection 3, if a child is determined to be a child in need of protection pursuant to NRS 432B.550, an agency which provides child welfare services may, at any stage of a proceeding held pursuant to this chapter, file a motion for the termination of parental rights as part of the proceeding.*

3. *If a child has been placed outside of his or her home pursuant to this chapter for a period of not less than 12 months, an agency which provides child welfare services shall file a motion for the termination of parental rights as part of a proceeding held pursuant to this chapter.*

Sec. 3. 1. *After a motion for the termination of parental rights is filed pursuant to section 2 of this act, unless a party to be served voluntarily appears and consents to the hearing, and except as otherwise provided in subsection 3, a copy of the motion and notice of the hearing must be served, either together or separately, upon all parties to the proceeding by ~~using any of the following methods:~~*

~~—(a) Personal service;~~

~~—(b) First class mail to the last known address of the person; or~~

~~—(c) If or, if the whereabouts of the person are unknown, obtaining an order from the court that service may be made by publication in accordance with the procedure set forth in subsections 1, 3, 4 and 5 of NRS 128.070 and subsection 2.~~

2. *If a court orders that service be made by publication pursuant to ~~paragraph (c) of~~ subsection 1 ~~and the person to be served by publication has a last known address~~, personal service must also be attempted before service of the notice is deemed to be complete. The court order must direct the publication to be made in a newspaper designated by the court at least once every week for a period of 4 weeks. If personal service is also attempted,*

service of the notice shall be deemed to be complete at the expiration of such a period. The provisions of this subsection and subsection 1 must not be construed to preclude personal service and service by publication from being attempted simultaneously.

3. *Service shall be deemed to be complete if a party to be served appears in court for a hearing held pursuant to this chapter and the court provides the party with a copy of the motion, notifies the party of the date of the hearing on the motion and records such service.*

4. *Except as otherwise provided in subsection 5, a copy of the motion and notice of the hearing on the motion must be sent by certified mail to:*

(a) *The attorneys and any guardians ad litem for the child and the parent of the child who is the subject of the motion;*

(b) ~~*[Any prospective adoptive parent]*~~ *If applicable, each Indian tribe of the child who is the subject of the motion ~~++~~, in accordance with NRS 128.023; and*

(c) *Any known relative of the child who is the subject of the motion within the fifth degree of consanguinity who is residing in this State.*

5. *If an attorney has consented to electronic service, a copy of the motion and notice of the hearing on the motion may be sent to the attorney electronically instead of by certified mail.*

6. *The court shall ensure that any prospective adoptive parent of the child who is the subject of the motion is provided with a copy of the notice of the hearing on the motion. Except as otherwise provided in section 5 of this act or another provision of law, the name and address of the prospective adoptive parent must be kept confidential.*

7. *Any party to the proceeding may file a written response to the motion.*

Sec. 4. 1. *At the time stated in the notice of the hearing, or at the earliest time thereafter to which the hearing may be postponed, the parties to the proceeding shall, except as otherwise provided in this subsection, appear in person before the court and must be informed of the specific allegations set forth in the motion for the termination of parental rights. The court may allow a party to participate in the proceeding by telephone or videoconference if he or she is unable to appear in person because he or she is incarcerated outside this State or hospitalized and cannot be transported to the court.*

2. *After a party has been informed of the allegations set forth in the motion, he or she may:*

(a) *Contest such allegations and request an evidentiary hearing, in which case an evidentiary hearing must be scheduled; or*

(b) *Voluntarily relinquish his or her parental rights with or without the possibility of an open adoption agreement established through mediation pursuant to section 5 of this act, in which case a hearing must be scheduled for the purpose of confirming such voluntary relinquishment.*

3. *If an evidentiary hearing is scheduled pursuant to paragraph (a) of subsection 2, the court may also order a party to the proceeding to participate in mediation pursuant to section 5 of this act.*

4. If a party to the proceeding does not appear at the time stated in the notice and the court determines that he or she was given proper notice pursuant to section 3 of this act, the court may proceed to hear evidence and render its decision or postpone hearing any evidence until an evidentiary hearing is conducted concerning any other party to the proceeding.

5. If the court postpones hearing evidence pursuant to subsection 4 ~~4.1~~ ~~(a) Not~~, no further notice to the absent party is required. ~~4.1 and~~ ~~(b) All parties to the proceeding, other than the absent party, who are not present or represented in court at the time of the postponement must be served notice of the postponement in the manner prescribed by Rule 5 of the Nevada Rules of Civil Procedure.~~

Sec. 5. 1. The court may, upon its own motion or the motion of a party to the proceeding, order the parties, any prospective adoptive parent and a representative from an agency which provides child welfare services to participate in mediation for the purpose of negotiating the terms of an open adoption agreement.

2. A party to the proceeding may make a motion for mediation at any time after the commencement of a proceeding for the termination of parental rights but not less than 5 judicial days before a scheduled evidentiary hearing.

3. Persons ordered to participate in mediation pursuant to subsection 1 shall complete such mediation not later than 20 calendar days after the court issues the order for mediation.

4. If the persons ordered to participate in mediation agree to the terms of an open adoption, the terms must be set forth in a written agreement at the time of mediation.

Sec. 6. 1. During an evidentiary hearing, any oral or written reports or information contained in a report filed pursuant to this chapter that are received by the court may be relied upon to the extent of the probative value thereof. The court shall afford the parties and their attorneys an opportunity to examine and controvert each written report that is received into evidence and to cross-examine each person who made the written report, when reasonably available.

2. At the request of a party to the proceeding, the court may permit a witness to testify by telephone or videoconference if the court determines that it is able to adequately assess witness credibility. Except as otherwise permitted by the court, a party to the proceeding may not testify by telephone or videoconference unless he or she is incarcerated outside this State or hospitalized and cannot be transported to the court.

Sec. 7. The court shall use its best efforts to ensure that a final written decision on a motion for the termination of parental rights which includes detailed findings of ~~facts~~ fact is rendered not later than 30 days after the conclusion of the evidentiary hearing. Such a decision ~~must~~ may be rendered orally in court ~~and subsequently~~ before being set forth in a written order. The order of the court must include a notice of the right of a party to appeal the decision of the court.

Sec. 8. *Except as otherwise provided in this subsection, if a party appeals the decision of the court pursuant to section 7 of this act, the appellate court of competent jurisdiction shall use its best efforts to ensure that the matter is resolved not later than 6 months after the appeal is filed. If the appellate court orders full briefings on the matter, it shall use its best efforts to ensure that the matter is resolved not later than 12 months after the appeal is filed.*

Sec. 9. *If a person seeks to restore the parental rights of a natural parent or parents pursuant to NRS 128.170 to 128.190, inclusive, and the child whose natural parent or parents have had their parental rights terminated or have relinquished their parental rights is subject to the jurisdiction of the juvenile court pursuant to this chapter, the petition for the restoration of parental rights must be filed as part of a proceeding held pursuant to this chapter.*

Sec. 10. Chapter 128 of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this chapter, to the extent they do not conflict with the provisions of sections 2 to 9, inclusive, of this act, apply to all proceedings concerning the termination of parental rights that are commenced pursuant to section 2 of this act by an agency which provides child welfare services.

Sec. 11. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455,

388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 3 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Amendment No. 286 revises the provisions of Senate Bill No. 432 to require a court to ensure that any prospective adoptive parent is provided a copy of notice of the hearing on the motion for the termination of parental rights. A final decision on such a motion may be rendered orally in court, and the final written decision must be provided within 30 days of the conclusion of the evidentiary hearing.

In addition, the name and address of a prospective adoptive parent must be kept confidential.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 483.

Bill read second time.

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

Amendment No. 289.

SUMMARY—Creates a procedure for the establishment of paternity in proceedings concerning a child in need of protection. (BDR 38-344)

AN ACT relating to children; creating a procedure for the establishment of paternity in proceedings concerning a child in need of protection; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing proceedings concerning a child who is or may be in need of protection. (NRS 432B.410-432B.590) Section 2 of this bill provides that if a petition alleging that a child is or may be in need of protection is filed with a court and the paternity of the child has not been legally established, a motion to establish paternity may be filed with the court. Such a motion must include certain information and be served by

personal service upon the alleged father of the child. Section 3 of this bill provides that if the alleged father of the child is personally served with a motion to establish paternity and he does not appear at the hearing to consider the motion or does not file with the court a written response denying paternity, the court may enter a recommendation or order, as applicable, that declares and establishes the alleged father as the natural father of the child.

Section 4 of this bill authorizes a court to enter a recommendation or order, as applicable, establishing the legal paternity of a child during any proceeding concerning a child who is or may be in need of protection if both parents sign an affidavit or other sworn statement indicating that paternity of the child has not been legally established and the father is presumed to be the natural father of the child pursuant to applicable provisions of law.

Section 5 of this bill requires a court to order tests for the typing of blood or taking of specimens for genetic identification of a child, the natural mother of the child and the alleged father of the child in certain circumstances. Section 5 provides that after receipt of the results of such tests showing a probability of 99 percent or more that the alleged father is the natural father of the child, if a written objection to the result of such tests is not timely filed, the court may enter a recommendation or order, as applicable, establishing the legal paternity of the child. Section 5 further requires the ~~{Division of Welfare and Supportive Services of the Department of Health and Human Services}~~ agency which provides child welfare services in the county in which the court is located to pay the costs of such tests except for any additional tests conducted for the purpose of contesting the results of a test.

Section 6 of this bill provides that any approved recommendation or order establishing the legal paternity of a child establishes legal paternity for all purposes and is excluded from certain confidentiality requirements. Section 6 also requires that such a recommendation or order provide for the issuance of a new birth certificate that includes the name of the natural father if necessary.

Sections 7-13 of this bill make conforming changes.

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *If a petition alleging that a child is or may be in need of protection is filed with a court and the paternity of the child has not been legally established, a motion to establish paternity may be filed with the court. Such a motion must:*

1. *Be in writing.*
2. *Be scheduled for a hearing to establish legal paternity.*
3. *Include, without limitation:*
 - (a) *The name of the alleged father of the child.*
 - (b) *Facts which support the alleged father being the natural father of the child, including, without limitation:*

(1) *Whether the natural mother of the child was married to or cohabiting with the alleged father at the time of the conception or birth of the child;*

(2) *Whether the natural mother of the child receives or has received any payment or promise for payment for the support of the child or costs relating to her pregnancy with the child from the alleged father; and*

(3) *Whether the alleged father has formally or informally acknowledged or declared his possible paternity.*

(c) *A statement that if the alleged father does not appear at the hearing to consider the motion or file with the court a written response denying paternity, the court may, without any further notice to the alleged father, enter a recommendation or order, as applicable, that declares and establishes the alleged father as the natural father of the child.*

4. *Be served on the alleged father by personal service.*

Sec. 3. *If the alleged father of a child is personally served with a motion pursuant to section 2 of this act and he does not appear at the hearing to consider the motion or does not file with the court a written response denying paternity, the court may, without any further notice to the alleged father, enter a recommendation or order, as applicable, that declares and establishes the alleged father as the natural father of the child.*

Sec. 4. *If the paternity of a child has not been legally established, regardless of whether a motion to establish paternity has been filed pursuant to section 2 of this act, a court may, during any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, and sections 2 to 6, inclusive, of this act, enter a recommendation or order, as applicable, establishing the legal paternity of the child if both parents sign an affidavit or other sworn statement indicating that the paternity of the child has not been legally established and the father is presumed to be the natural father of the child pursuant to NRS 126.051.*

Sec. 5. 1. *If a motion to establish paternity is filed with a court pursuant to section 2 of this act, the court shall order tests for the typing of blood or taking of specimens for genetic identification of the child, the natural mother of the child and the alleged father of the child pursuant to NRS 126.121 if:*

(a) *The alleged father submits a written response or gives sworn testimony to the court denying paternity;*

(b) *Any person alleges that more than one person could be the natural father of the child and none of the persons who could be the natural father of the child acknowledges paternity;*

(c) *The child, the natural mother or the alleged father submits a written statement signed under oath or gives sworn testimony which:*

(1) *Alleges paternity and sets forth facts establishing that the natural mother and the alleged father had sexual intercourse at or about the probable time of conception; or*

(2) *Denies paternity and sets forth facts establishing that the natural mother and the alleged father did not have sexual intercourse at or about the probable time of conception; or*

(d) *The court determines that there is a valid issue concerning the paternity of the child.*

2. *There is a conclusive presumption that the alleged father of a child is the natural father of the child if the results of tests for the typing of blood or taking of specimens for genetic identification show a probability of 99 percent or more that he is the natural father of the child. Such a presumption may be rebutted if the alleged father establishes that he has an identical sibling who could be the natural father of the child.*

3. *After receipt of the results of tests for the typing of blood or taking of specimens for genetic identification showing a probability of 99 percent or more that the alleged father of a child is the natural father of the child, if a written objection to the results of such tests is not filed pursuant to NRS 126.121, the court may enter a recommendation or order, as applicable, establishing the legal paternity of the child.*

4. *Except as otherwise provided in this subsection, the ~~Division of Welfare and Supportive Services of the Department of Health and Human Services~~ agency which provides child welfare services in the county in which the court is located shall pay the costs of any tests conducted pursuant to this section. If the natural mother or alleged father objects to the results of a test, the costs of any additional tests must be paid by the person contesting the results.*

Sec. 6. 1. *Any recommendation by a master of the juvenile court declaring and establishing an alleged father of a child as the natural father of the child pursuant to sections 2 to 6, inclusive, of this act which is approved by the juvenile court, and any order establishing the legal paternity of a child entered pursuant to sections 2 to 6, inclusive, of this act:*

(a) *Establishes the legal paternity of the child for all purposes; and*

(b) *Is not subject to the confidentiality requirements set forth in NRS 432B.280 and 432B.290.*

2. *If the birth certificate of a child does not contain the name of the natural father of the child, as determined by the court pursuant to sections 2 to 6, inclusive, of this act, the recommendation or order establishing legal paternity of the child must direct that a new birth certificate which includes the name of the natural father be issued as provided in NRS 440.270 to 440.340, inclusive.*

3. *A court that enters a recommendation or order, as applicable, establishing the legal paternity of a child shall ensure that the social security numbers of the natural mother and natural father are:*

(a) *Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services; and*

(b) *Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.*

Sec. 7. NRS 432B.280 is hereby amended to read as follows:

432B.280 1. *Except as otherwise provided in NRS 239.0115, 432B.165, 432B.175 and 439.538 and section 6 of this act and except as otherwise authorized or required pursuant to NRS 432B.290, information maintained by*

an agency which provides child welfare services, including, without limitation, reports and investigations made pursuant to this chapter, is confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases or disseminates such information, except:

- (a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;
- (b) As otherwise authorized pursuant to NRS 432B.165 and 432B.175;
- (c) As otherwise authorized or required pursuant to NRS 432B.290;
- (d) As otherwise authorized or required pursuant to NRS 439.538; or
- (e) As otherwise required pursuant to NRS 432B.513,

➔ is guilty of a gross misdemeanor.

Sec. 8. 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, *and section 6 of this act*, 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 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 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. 9. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive ~~and~~, *and sections 2 to 6, inclusive, of this act*. Except as otherwise provided in subsection 2, if the person is indigent, the court may appoint an attorney to represent the person. The court may, if it finds it appropriate, appoint an attorney to represent the child. The child may be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive ~~and~~, *and sections 2 to 6, inclusive, of this act*. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.

2. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

- (a) Shall appoint an attorney to represent the parent;
- (b) May appoint an attorney to represent the Indian child; and
- (c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

☛ as provided in the Indian Child Welfare Act.

3. Each attorney, other than a public defender, if appointed under the provisions of subsection 1, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime. Except as otherwise provided in NRS 432B.500, an attorney appointed to represent a child may also be appointed as guardian ad litem for the child.

Sec. 10. NRS 126.041 is hereby amended to read as follows:

126.041 The parent and child relationship between a child and:

1. A woman may be established by:

(a) Except as otherwise provided in NRS 126.710 to 126.810, inclusive, proof of her having given birth to the child;

(b) An adjudication of the woman's maternity pursuant to this chapter, or NRS 125B.150 or 130.402;

(c) Proof of adoption of the child by the woman;

(d) An un rebutted presumption of the woman's maternity;

(e) The consent of the woman to assisted reproduction pursuant to NRS 126.670 and 126.680 which resulted in the birth of the child; or

(f) An adjudication confirming the woman as a parent of a child born to a gestational carrier if the gestational agreement is enforceable under the provisions of NRS 126.710 to 126.810, inclusive, or any other provision of law.

2. A man may be established:

(a) Under this chapter, NRS 125B.150, 130.402, or 425.382 to 425.3852, inclusive ~~and~~, *or chapter 432B of NRS*;

(b) By proof of adoption of the child by the man;

(c) By the consent of the man to assisted reproduction pursuant to NRS 126.670 and 126.680 which resulted in the birth of the child; or

(d) By an adjudication confirming the man as a parent of a child born to a gestational carrier if the gestational agreement was validated pursuant to the provisions of NRS 126.710 to 126.810, inclusive, or other provision of law.

Sec. 11. NRS 126.091 is hereby amended to read as follows:

126.091 1. Each district court has jurisdiction of an action brought under this chapter. The action may be joined with an action for divorce, annulment, separate maintenance or support ~~and~~ *or with a proceeding held pursuant to chapter 432B of NRS*.

2. A person who has sexual intercourse in this state thereby submits to the jurisdiction of the courts of this state as to an action brought under this chapter with respect to a child who may have been conceived by that act of intercourse. In addition to any other method provided by law, personal jurisdiction may be acquired by personal service of summons outside this state or by certified mail, restricted delivery, with return receipt requested.

3. The action may be brought in the county in which the child, the mother or the alleged father resides or is found or, if the father is deceased, in which proceedings for probate of the father's estate have been or could be commenced. The court has jurisdiction whether or not the plaintiff resides in this state.

4. If an action to establish paternity is transferred from one judicial district in this state to another judicial district in this state, the district court to which the action is transferred shall not require the petitioner to file additional documents with the court or provide additional service of process upon the respondent to maintain jurisdiction over the parties.

Sec. 12. NRS 126.121 is hereby amended to read as follows:

126.121 1. The court may, and shall upon the motion of a party, order the mother, child, alleged father or any other person so involved to submit to one or more tests for the typing of blood or taking of specimens for genetic identification to be made by a designated person, by qualified physicians or by other qualified persons, under such restrictions and directions as the court or judge deems proper. Whenever such a test is ordered and made, the results of the test must be received in evidence and must be made available to a judge, master or referee conducting a hearing pursuant to NRS 126.111 ~~or~~ *section 5 of this act*. The results of the test and any sample or specimen taken may be used only for the purposes specified in this chapter ~~or chapter 432B of NRS~~. Unless a party files a written objection to the result of a test at least 30 days before the hearing at which the result is to be received in evidence, the result is admissible as evidence of paternity without foundational testimony or other proof of authenticity or accuracy. The order for such a test also may direct that the testimony of the experts and of the persons so examined may be taken by deposition or written interrogatories.

2. If any party refuses to submit to or fails to appear for a test ordered pursuant to subsection 1, the court may presume that the result of the test would be adverse to the interests of that party or may enforce its order if the rights of others and the interests of justice so require.

3. The court, upon reasonable request by a party, shall order that independent tests for determining paternity be performed by other experts or qualified laboratories.

4. In all cases, the court shall determine the number and qualifications of the experts and laboratories.

5. As used in this section:

(a) "Designated person" means a person who is:

(1) Properly trained to take samples or specimens for tests for the typing of blood and genetic identification; and

(2) Designated by an enforcing authority to take such samples or specimens.

(b) "Enforcing authority" means the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative, a district attorney or the Attorney General when acting pursuant to NRS 425.380.

Sec. 13. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163,

126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285,

679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 6 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 13.5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 14. This act becomes effective on July 1, 2017.

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Amendment No. 289 revises Senate Bill No. 483 to require an agency which provides child-welfare services in the county in which the court is located, rather than the Division of Welfare and Supportive Services of the Department of Health and Human Services, to pay the costs of certain tests used in helping to determine paternity.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 484.

Bill read second time.

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

Amendment No. 290.

SUMMARY—Revises provisions relating to the licensing of foster homes. (BDR 38-348)

AN ACT relating to foster care; revising provisions relating to investigations of the background and personal history of certain persons associated with a foster home or foster care agency; revising provisions concerning the denial, suspension or revocation of a license to conduct a foster home; authorizing the issuance of a special license to conduct a foster home to a relative or fictive kin of a child under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to be licensed to conduct a foster home. (NRS 424.030) Existing law requires each applicant for a license to conduct a foster home, each person who is licensed to conduct a foster home, each employee of that applicant or licensee, certain residents of a foster home who are 18 years of age or older and each person who is 18 years of age or older who routinely supervises a child in a foster home to: (1) submit a complete set of fingerprints and certain documentation to the licensing authority that licenses foster homes; and (2) have a child abuse and neglect screening conducted by the licensing authority or its approved designee. If the licensing authority determines that the applicant or licensee has committed a certain crime, existing law authorizes the licensing authority to deny, suspend or revoke the license. If the licensing authority determines that an employee, a resident who is 18 years of age or older or a person who is 18 years of age or older who routinely supervises a child in the foster home has committed a certain crime, the licensee is required to terminate the employment of that person, remove that person from the residence or prevent that person from being present in the foster home and may be subject to discipline for failing to do so. (NRS 424.033) Existing federal law prohibits the approval of a person as a foster parent if the person has been convicted of certain felonies. (42 U.S.C. § 671(a)(20))

Sections 1-3 of this bill revise provisions relating to the denial, suspension or revocation of a license to conduct a foster home as a result of an investigation of the background of an applicant for a license to conduct a foster home, a person who is licensed to conduct a foster home, an employee of that applicant or licensee, certain residents of a foster home who are 18 years of age or older or a person who is 18 years of age or older who routinely supervises a child in a foster home. Section 1 of this bill removes: (1) the

requirement that the licensing authority or a person designated by the licensing authority determine whether such a person has been arrested for, has charges pending for or has been convicted of contributing to the delinquency of a child; and (2) the authority of the licensing authority to deny, suspend or revoke a license to conduct a foster home if certain persons have been convicted of contributing to the delinquency of a child. Section 2 of this bill requires the licensing authority to deny, suspend or revoke a license to conduct a foster home if the licensing authority determines that an applicant for such a license or a licensee has: (1) been convicted of any crime for which federal law prohibits the applicant or licensee from being approved as a foster parent; or (2) failed to terminate an employee, remove certain residents or prevent certain other persons from being present in the foster home if the employee, resident or other person has been convicted of such a crime. Section 2 authorizes a licensing authority to issue a special license to a relative or fictive kin of a child under certain circumstances if that person otherwise would have had his or her application denied or license suspended or revoked because he or she was convicted of a certain crime. Section 2 also: (1) authorizes the licensing authority to deny, suspend or revoke a license to conduct a foster home if the licensing authority determines that an applicant for such a license or a licensee has had a substantiated report of child abuse or neglect made against him or her or has failed to comply with the requirement set forth in section 3 of this bill to terminate an employee, remove certain residents or prevent certain other persons from being present in the foster home if the employee, resident or other person has had such a substantiated report against him or her; and (2) requires the licensing authority to deny, suspend or revoke such a license if the substantiated report of child abuse or neglect involves the sexual exploitation, sexual abuse or death of a child.

Under existing law, the Division of Child and Family Services of the Department of Health and Human Services is required to adopt regulations relating to the licensure and operation of foster homes and foster care agencies. (NRS 424.020, 424.093) Existing law requires the licensing authority that licenses foster care agencies or its designee to obtain certain information on the background and personal history of each applicant for or holder of such a license and each owner, member of the governing body, employee, paid consultant, contractor, volunteer and vendor of the applicant or licensee. (NRS 424.145) Section 4 of this bill removes the requirement that the licensing authority or its designee obtain such information to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of contributing to the delinquency of a child.

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

Section 1. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a

license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use or threatened use of force or violence against the victim or 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 or a felony relating to prostitution;
- (e) Abuse or neglect of a child ; ~~for 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;
- (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;
- (i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
- (j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;
- (k) A crime involving domestic violence that is punishable as a felony;
- (l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;
- (m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;
- (n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or
- (o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. A licensing authority or a person or entity designated by the licensing authority may conduct an investigation of the background and personal history

of a person who is 18 years of age or older who routinely supervises a child in a foster home in the same manner as described in subsection 1.

3. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

4. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to subsection 1 shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

5. The licensing authority or its designee:

(a) Shall conduct an investigation of each licensee, employee and resident pursuant to this section at least once every 5 years after the initial investigation; and

(b) May conduct an investigation of any person who is 18 years of age or older who routinely supervises a child in a foster home at such times as it deems appropriate.

Sec. 2. NRS 424.033 is hereby amended to read as follows:

424.033 1. Each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, resident of a foster home 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 person who is 18 years of age or older who routinely supervises a child in a foster home for whom an investigation is conducted pursuant to subsection 2 of NRS 424.031, must submit to the licensing authority or its approved designee:

(a) A complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the licensing authority or its approved designee to conduct an investigation pursuant to NRS 424.031; and

(b) Written permission to conduct a child abuse and neglect screening.

2. For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.

3. The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

4. The Division shall assist the licensing authority of another state that is conducting a child abuse and neglect screening of a person who has resided in this State by providing information which is necessary to conduct the screening if the person who is the subject of the screening has signed a written

permission authorizing the licensing authority to conduct a child abuse and neglect screening. The Division may charge a fee for providing such information in an amount which does not exceed the actual cost to the Division to provide the information.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.

6. Upon receiving a report pursuant to this section, the licensing authority or its approved designee shall determine whether the person has been convicted of a crime listed in NRS 424.031.

7. The licensing authority shall immediately inform the applicant for a license to conduct a foster home or the person who is licensed to conduct a foster home whether an employee or resident of the foster home, or any other person who is 18 years of age or older who routinely supervises a child in the foster home for whom an investigation was conducted pursuant to subsection 2 of NRS 424.031, has been convicted of a crime listed in NRS 424.031. The information provided to the applicant for a license to conduct a foster home or the person who is licensed to conduct a foster home must not include specific information relating to any such conviction, including, without limitation, the specific crime for which the person was convicted.

8. ~~The~~ Except as otherwise provided in subsections 9 and 10, the licensing authority may deny an application for a license to operate a foster home or may suspend or revoke such a license if the licensing authority determines that the applicant or licensee has ~~been~~:

- (a) Been convicted of a crime listed in NRS 424.031 ;
- (b) Had a substantiated report of child abuse or neglect made against him or her; or ~~has failed~~
- (c) Failed to terminate an employee, remove a resident of the foster home who is 18 years of age or older or prevent a person for whom an investigation was conducted pursuant to subsection 2 of NRS 424.031 from being present in the foster home, if such a person has been convicted of any crime listed in NRS 424.031 ~~or~~ or has had a substantiated report of child abuse or neglect made against him or her.

9. ~~The~~ Except as otherwise provided in subsection 10, the licensing authority shall deny an application for a license to operate a foster home or shall suspend or revoke such a license if the licensing authority determines that the applicant or licensee has:

- (a) Been convicted of:
 - (1) Abuse or neglect of a child that is punishable as a felony;
 - (2) A crime involving domestic violence that is punishable as a felony;
 - (3) Sexual assault;
 - (4) Any offense listed in NRS 424.031 that is punishable as a felony if the victim of the offense was less than 18 years of age when the offense was committed; or

(5) Any offense, other than assault or battery, listed in NRS 424.031 that involves the use or threatened use of force or violence against the victim and is punishable as a felony;

(b) Within the immediately preceding 5 years, been convicted of:

(1) Assault or battery that is punishable as a felony ~~[if the victim of the offense was 18 years of age or older when the offense was committed,]; or~~

(2) 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 that is punishable as a felony; ~~for~~

~~(3) Any offense involving driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct,;~~

(c) Had a substantiated report of child abuse or neglect made against him or her that involves the sexual exploitation, sexual abuse or death of a child; or

(d) Failed to terminate an employee, remove a resident of the foster home who is 18 years of age or older or prevent a person for whom an investigation was conducted pursuant to subsection 2 of NRS 424.031 from being present in the foster home, if such a person has been convicted of an offense listed in paragraph (a), convicted of an offense listed in paragraph (b) within the immediately preceding 5 years or had a substantiated report of child abuse or neglect made against him or her that involves the sexual exploitation, sexual abuse or death of a child.

10. The licensing authority may issue a special license pursuant to subsection 4 of NRS 424.030 to a relative or fictive kin of a child if a license to operate a foster home for such a relative or fictive kin would have been denied, suspended or revoked pursuant to subsection 8 or 9.

11. As used in this section:

(a) "Fictive kin" means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

(b) "Sexual abuse" has the meaning ascribed to it in NRS 432B.100.

~~[(b)]~~ (c) "Sexual exploitation" has the meaning ascribed to it in NRS 432B.110.

Sec. 3. NRS 424.0335 is hereby amended to read as follows:

424.0335 1. Upon receiving information from the licensing authority or its designee pursuant to NRS 424.033 or evidence from any other source that an employee of an applicant for a license to conduct a foster home, a person who is licensed to conduct a foster home or a resident of an applicant or licensee who is 18 years of age or older, or any other person who is 18 years of age or older who routinely supervises a child in a foster home for whom an investigation was conducted pursuant to subsection 2 of NRS 424.031, has been convicted of a crime listed in NRS 424.031 ~~[-] or has had a substantiated report of child abuse or neglect made against him or her,~~ the applicant or licensee shall terminate the employment of the employee, remove the resident from the foster home or prevent the person who is 18 years of age or older who

routinely supervises a child in the foster home from being present in the home after allowing the employee, resident or other person time to correct the information as required pursuant to subsection 2.

2. If an employee, resident or other person who is 18 years of age or older who routinely supervises a child in a foster home believes that the information provided pursuant to subsection 1 is incorrect, the employee, resident or other person must inform the applicant or licensee immediately. An applicant or licensee that is so informed shall give the employee, resident or other person 30 days to correct the information.

3. During the period in which an employee, resident or other person who is 18 years of age or older who routinely supervises a child in a foster home seeks to correct information pursuant to subsection 2, it is within the discretion of the applicant or licensee whether to allow the employee, resident or other person to continue to work for, reside at or provide supervision of a child in the foster home, as applicable, except that the employee, resident or other person shall not have contact with a child in the foster home without supervision during any such period.

Sec. 4. NRS 424.145 is hereby amended to read as follows:

424.145 1. The licensing authority or a person designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for or holder of a license to conduct a foster care agency and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care agency, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use or threatened use of force or violence against the victim or 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 or a felony relating to prostitution;
- (e) Abuse or neglect of a child ; ~~for 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;
- (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor, including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person is completed.

3. The licensing authority or its designee shall conduct an investigation of each holder of a license to conduct a foster care agency and each owner, member of a governing body, employee, paid consultant, contractor, volunteer or vendor who may come into direct contact with a child placed by the foster care agency pursuant to this section at least once every 5 years after the initial investigation.

Sec. 5. This act becomes effective on July 1, 2017.

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Amendment No. 290 revises Senate Bill No. 484 to authorize a licensing agency to issue a special license to a relative or fictive kin of a child under certain circumstances if that person otherwise would have had his or her application denied or license suspended or revoked because of conviction of certain crimes. The amendment further revises the reasons for which a license to operate a foster home may be denied, suspended or revoked.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bills Nos. 69, 97, 126, 139 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Farley, the privilege of the floor of the Senate Chamber for this day was extended to Nancy Hughes and Tom Hughes.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to Elysia Teruya.

On request of Senator Settlemeyer, the privilege of the floor of the Senate Chamber for this day was extended to Christopher Amato, Luke Amato, Ben Bake, Jacob Bake, Zane Bogdanowicz, Clark Burns, Lucas Ellis, Preston Embortsky, Cory Enke, Zachary Forrest, Nicolas Mahler, Zachary Mahler, Patrick Riegel, Nicholas Schroetlin, Ryan Soulier, Adolfas Stankus, Dragan Welton, Keaton Williams and Alexander Wood.

Senator Ford moved that the Senate adjourn until Wednesday, April 19, 2017, at 11:00 a.m.

Motion carried.

Senate adjourned at 5:58 p.m.

Approved:

MARK A. HUTCHISON

President of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate