THE ONE HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 29, 2017

Senate called to order at 3:58 p.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by Senator Hammond.

Our Heavenly Father, we are grateful to be here together gathered as a body, to memorialize on this day those who have given their lives in the defense of their Country and the ideals they represent. We appreciate all they have done for us and we pray, Father, as a collective body of individuals, we might continue to fulfill the responsibility we have been given that these individuals have laid their lives down in order for us to do.

May we continue our conversations, and may we continue to work for the people of the State of Nevada and our own individual constituents. We are thankful, Father, for all of those who are here and we pray we will have the stamina to continue through next week until the end.

We pray this in the Name of Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which was referred Senate Bill No. 527, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

Also, your Committee on Finance, to which was referred Senate Bill No. 522, 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 Finance, to which were re-referred Senate Bills Nos. 126, 225, 355, 373, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

Mr. President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Revenue and Economic Development, to which was referred Assembly Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JULIA RATTI, *Chair*

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

MAY 25, 2017

THE HONORABLE AARON D. FORD, *Nevada Legislature*
THE HONORABLE JASON FRIERSON, *Nevada Legislature*
401 South Carson Street, Carson City, Nevada 89701

DEAR MAJORITY LEADER FORD AND SPEAKER FRIERSON:

I am returning Senate Bill No. 140 to the 79th Session of the Nevada Legislature accompanied by my letter of objection.

Sincerely,
BRIAN SANDOVAL
Governor of Nevada

MAY 26, 2017

THE HONORABLE AARON D. FORD, *Nevada Legislature*
THE HONORABLE JASON FRIERSON, *Nevada Legislature*
401 South Carson Street, Carson City, Nevada 89701

DEAR MAJORITY LEADER FORD AND SPEAKER FRIERSON:

I am returning Senate Bill No. 173 to the 79th Session of the Nevada Legislature accompanied by my letter of objection.

Sincerely,
BRIAN SANDOVAL
Governor of Nevada

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 26, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 3, 25, 41, 138, 324, 369, 501, 512; Senate Joint Resolutions Nos. 8, 12, 13; Assembly Bills Nos. 23, 512, 514.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 7, 52, 122, 124, 159, 280, 296, 354, 362, 421, 440.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 65, Amendment No. 816; Senate Bill No. 84, Amendment No. 840; Senate Bill No. 144, Amendment No. 892; Senate Bill No. 149, Amendments Nos. 767, 938, 984; Senate Bill No. 162, Amendment No. 725; Senate Bill No. 199, Amendment No. 728; Senate Bill No. 232, Amendments Nos. 815, 929, 959; Senate Bill No. 251, Amendment No. 834; Senate Bill No. 259, Amendment No. 948; Senate Bill No. 268, Amendment No. 663; Senate Bill No. 270, Amendment No. 835; Senate Bill No. 283, Amendment No. 690; Senate Bill No. 291, Amendments Nos. 888, 985; Senate Bill No. 320, Amendment No. 768; Senate Bill No. 350, Amendment No. 828; Senate Bill No. 352, Amendment No. 879; Senate Bill No. 357, Amendments Nos. 934, 971; Senate Bill No. 398, Amendment No. 681; Senate Bill No. 399, Amendment No. 688; Senate Bill No. 400, Amendment No. 989; Senate Bill No. 415, Amendment No. 878; Senate Bill No. 452, Amendments Nos. 689, 978; Senate Bill No. 460, Amendment No. 687; Senate Bill No. 468,

Amendment No. 733; Senate Bill No. 516, Amendment No. 941; Senate Joint Resolution No. 1, Amendment No. 792; Senate Joint Resolution No. 3, Amendment No. 764; Senate Joint Resolution No. 17 of the 78th Session, Amendment No. 894, and respectfully requests your honorable body to concur in said amendments.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, May 29, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 137, 496, 518, 524.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 127, 291, 326, 328, 414, 468.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 849 to Assembly Bill No. 77; Senate Amendment No. 703 to Assembly Bill No. 150; Senate Amendment No. 855 to Assembly Bill No. 161; Senate Amendment No. 674 to Assembly Bill No. 234; Senate Amendment No. 851 to Assembly Bill No. 320; Senate Amendment No. 695 to Assembly Bill No. 321; Senate Amendment No. 795 to Assembly Bill No. 379; Senate Amendment No. 952 to Assembly Bill No. 384; Senate Amendment No. 740 to Assembly Bill No. 415; Senate Amendments Nos. 806, 907 to Assembly Bill No. 418; Senate Amendment No. 783 to Assembly Bill No. 431; Senate Amendment No. 930 to Assembly Bill No. 447; Senate Amendment No. 860 to Assembly Bill No. 457; Senate Amendment No. 739 to Assembly Bill No. 461; Senate Amendment No. 812 to Assembly Bill No. 485; Senate Amendment No. 804 to Assembly Joint Resolution No. 5.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate Amendment No. 953 to Assembly Bill No. 45; Senate Amendment No. 697 to Assembly Bill No. 454.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

May 26, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 226.

CINDY JONES
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Assemblyman Frierson
For: Senate Bill No. 492.
To Waive:

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Monday, May 29, 2017.

AARON D. FORD
Senate Majority Leader

JASON FRIERSON
Speaker of the Assembly

A Waiver requested by Assemblyman Frierson
For: Senate Bill No. 268, 270, 324, 369, 400, 448.
To Waive:

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Monday, May 29, 2017.

AARON D. FORD
Senate Majority Leader

JASON FRIERSON
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 7.

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

Motion carried.

Assembly Bill No. 23.

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

Motion carried.

Assembly Bill No. 52.

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

Motion carried.

Assembly Bill No. 122.

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

Motion carried.

Assembly Bill No. 124.

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

Motion carried.

Assembly Bill No. 159.

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

Motion carried.

Assembly Bill No. 280.

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

Motion carried.

Assembly Bill No. 296.

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

Motion carried.

Assembly Bill No. 354.

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

Motion carried.

Assembly Bill No. 362.

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

Motion carried.

Assembly Bill No. 421.

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

Motion carried.

Assembly Bill No. 440.

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

Motion carried.

Assembly Bill No. 512.

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

Motion carried.

Assembly Bill No. 514.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ford moved that Senate Bill No. 487 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. 538.

Bill read third time.

Remarks by Senators Ford and Settelmeyer.

SENATOR FORD:

Senate Bill No. 538 requires operators of certain commercial Internet websites or online services make available a notice containing certain information relating to the privacy of personally identifiable information about consumers collected by the operator through its Internet website or online service. An operator may remedy any failure relating to making such a notice available within 30 days after being informed of the failure. Further, an operator is prohibited from knowingly and willfully failing to remedy such a failure within 30 days after being informed or making a knowing and material misrepresentation or omission in such a notice that is likely to mislead a consumer to the detriment of the consumer. Finally, the Attorney General is authorized to seek an injunction or a civil penalty against an operator who engages in such an act.

SENATOR SETTELMEYER:

I would like to apologize to the Committee Chair. I have changed my opinion on the bill from what it was when we heard it in Committee. I am still worried the bill will be problematic to enforce, as trying to enforce anything on the Internet across state lines seems troublesome. However, I would rather err on the side of protecting personal privacy, and I will be voting in favor of the bill.

SENATOR FORD:
I appreciate the comments of my colleague from District No. 17. I would like to confirm that this bill only addresses Internet privacy issues within the State, hence the reason for the bill including the international shoe reference to interstate commerce and things of that sort.

Roll call on Senate Bill No. 538:
YEAS—21.
NAYS—None.

Senate Bill No. 538 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 106.
Bill read third time.
Remarks by Senators Parks, Kieckhefer and Gustavson.

SENATOR PARKS:
Assembly Bill No. 106 requires the Administrator of the Purchasing Division to, within the limits of available resources, establish by regulation a program to certify that vendors pay their employees equal pay for equal work without regard to gender. If the Administrator certifies a vendor under the program, the Division must include the certification in its records or make it available on the Internet. The vendor may also include the certification in its advertising or promotional materials. The bill also, among other provisions, contains certain penalties for fraudulent acts related to self-certifying; creates a report to be delivered to the Governor and the Legislature regarding the activities of the program; and provides a 5-percent bidding preference for certified vendors under certain circumstances.

SENATOR KIECKHEFER:
I rise in opposition to Assembly Bill No. 106. The entire program is predicated on the idea of self-certification for these vendors. They are required to self-certify that they pay their employees equal pay for equal work, saying that they do not violate the law and thus becoming certified. They should not violate the law. The law also creates a bidder's preference for out-of-state companies, which I fundamentally object to, so I will be opposed to this bill.

SENATOR GUSTAVSON:
I agree that employees should receive equal pay for equal work regardless of gender. If you sweat and toil for doing the same labor, you deserve to receive the same pay and benefits as the person who sweats and toils next to you. However, this bill does not ensure pay equality; it only serves to add another layer of bureaucracy and place another burden on those employers who already provide pay equality. For that reason, I have to oppose this bill.

Roll call on Assembly Bill No. 106:
YEAS—16.
NAYS—Gustavson, Hammond, Kieckhefer, Roberson, Settelmeyer—5.

Assembly Bill No. 106 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 141.
Bill read third time.
Remarks by Senator Manendo.
Assembly Bill No. 141 changes the name of the Office of Minority Health in the Office for Consumer Health Assistance in the Department of Health and Human Services (DHHS) to the

Office of Minority Health and Equity and converts it to an office within DHHS. The bill clarifies that the Manager of the Office serves at the pleasure of the Director of DHHS in the unclassified service of the State and will provide administrative support to the Advisory Committee on Minority Health.

The bill also expands the definition of "minority group" to include persons with disabilities, persons who share the same sexual orientation and transgender persons. The measure gives the Office of Minority Health and Equity authority to make policy recommendations and to engage in advocacy on behalf of minority groups with respect to certain health issues.

Assembly Bill No. 141 requires the Director of DHHS and the State Board of Health to appoint nine voting members to a restructured Advisory Committee on Minority Health with staggered two-year terms. The terms of the current Advisory Committee members are set by the bill to expire on July 1, 2017. Finally, the Legislative Commission must appoint a Legislator to serve as an ex-officio, nonvoting member on the Advisory Committee.

Roll call on Assembly Bill No. 141:

YEAS—21.

NAYS—None.

Assembly Bill No. 141 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 473.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 473 extends the prospective expiration of the requirement to exclude certain atypical and typical antipsychotic medications, anticonvulsant medications and antidiabetic medications from the restrictions that are imposed on drugs that are on the list of preferred prescription drugs. This extension has the effect of continuing the inclusion of those types of medications in the restrictions that are imposed on drugs that are on the list of preferred prescription drugs until June 30, 2019.

Roll call on Assembly Bill No. 473:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 480.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 480 authorizes the Administrator of the Purchasing Division of the Department of Administration to assess an administrative fee, not to exceed 4 percent of the total cost, to be paid by vendors from whom the Administrator has obtained supplies, materials, equipment and services. The bill also authorizes the Purchasing Division to use this fee to offset operating expenses, including the cost of establishing and maintaining an online bidding system or a computer system to assist with the procurement process.

Roll call on Assembly Bill No. 480:

YEAS—20.

NAYS—Gustavson.

Assembly Bill No. 480 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 60.

The following Assembly amendment was read:

Amendment No. 802.

SUMMARY—Revises provisions governing Medicaid payments for ground emergency medical transportation services. (BDR 38-411)

AN ACT relating to Medicaid; authorizing the Director of the Department of Health and Human Services to include in ~~[the State Plan for]~~ Medicaid managed care plans a voluntary ~~[programs]~~ program through which certain governmental entities and Indian tribes may obtain supplemental payments for providing ground emergency medical transportation services to recipients of Medicaid; ~~[requiring a participating governmental entity or Indian tribe to reimburse the Department for the costs of implementing and administering any such program;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law requires the Federal Government to pay to each state for which the Federal Government has approved a State Plan for Medicaid a certain percentage of the total amount expended as medical assistance under the State Plan. The states are responsible for the remaining share of such expenditures. (42 U.S.C. § 1396b(a)) Federal law also allows certain governmental entities and federally recognized Indian tribes to receive supplemental reimbursements in addition to the federal payments discussed above for certain health care services, including ground emergency medical transportation services, pursuant to a State Plan for Medicaid. (42 U.S.C. §§ 1396a and 1396b; 42 C.F.R. §§ 433.50-433.74)

~~[Section 10 of this bill authorizes the Director of the Department of Health and Human Services to include in the State Plan for Medicaid a voluntary program whereby such a governmental entity or Indian tribe may receive supplemental reimbursements, in addition to the payments the governmental entity or Indian tribe would otherwise receive from Medicaid, for ground emergency medical transportation services which are provided to recipients of Medicaid. In order to receive such reimbursements, the governmental entity or Indian tribe must: (1) hold a permit to operate an ambulance or vehicle of a fire-fighting agency; (2) participate in the State Plan for Medicaid; (3) enter into an agreement with the Department to reimburse the Department for the costs of implementing and administering the program; (4) pay the nonfederal share of the expenditures arising from providing such services; (5) certify that the claimed expenditures are eligible for federal financial participation; (6) submit to the Department any required evidence of~~

~~the claimed expenditures; and (7) maintain any records required by the Department.]~~

Section 11 of this bill authorizes the Director of the Department of Health and Human Services to ~~[include in the State Plan]~~ develop a voluntary program to provide increased "capitation" (per patient) payments to ~~[a governmental entity or Indian tribe]~~ Medicaid managed care plans for ground emergency medical transportation services which are ~~[rendered]~~ provided by a governmental entity or Indian tribe pursuant to a contract or other arrangement with ~~[a]~~ such Medicaid managed care ~~[plan.]~~ plans. In order to participate in such a program, a governmental entity, Indian tribe or managed care plan is required to enter into an agreement with the Department to ~~[: (1)]~~ comply with any request made by the Department to provide any information or data necessary to claim federal money or obtain federal approval . ~~[; and (2) reimburse the Department for the administrative costs of the Department for implementing and administering the program. A]~~ Such a program would require the governmental entity or Indian tribe to : (1) make intergovernmental transfers of money to the Department in an amount corresponding with the amount of money spent rendering ground emergency medical transportation services ~~[.]~~ ; or (2) pay the nonfederal share of expenditures on the program. The Department would then use that money and money from the Federal Government to make increased capitation payments. ~~[If a program to provide increased capitation payments is established, section 11 requires the Department to collect from each intergovernmental transfer a fee of 20 percent of the nonfederal share paid to the Department.~~

~~Sections 10 and]~~ Section 11 also ~~[provide]~~ provides that supplemental reimbursements and increased capitation payments will be paid only to the extent approved by the Federal Government.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. *As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Advanced emergency medical technician" has the meaning ascribed to it in NRS 450B.025.*

Sec. 4. *"Ambulance" has the meaning ascribed to it in NRS 450B.040.*

Sec. 5. *"Emergency medical technician" has the meaning ascribed to it in NRS 450B.065.*

Sec. 6. *"Fire-fighting agency" has the meaning ascribed to it in NRS 450B.072.*

Sec. 7. *"Governmental provider" means a provider of ground emergency medical transportation services that is owned or operated by a state or local governmental entity or federally recognized Indian tribe.*

Sec. 8. *"Ground emergency medical transportation services" means emergency medical transportation services provided by an ambulance or a vehicle of a fire-fighting agency, including, without limitation, services provided by emergency medical technicians, advanced emergency medical technicians and paramedics in prestabilizing patients and preparing patients for transport.*

Sec. 9. *"Paramedic" has the meaning ascribed to it in NRS 450B.095.*

Sec. 10. [~~*1. The Director may include in the State Plan for Medicaid a voluntary program to provide supplemental reimbursements for ground emergency medical transportation services which are provided to recipients of Medicaid. If such a program is included in the State Plan for Medicaid, the program must:*~~

~~*(a) Provide that a governmental provider receive, in addition to the rate of payment that the governmental entity or Indian tribe would otherwise receive for ground emergency medical transportation services provided to recipients of Medicaid, supplemental reimbursements for such services if the governmental provider meets the requirements of subsection 2; and*~~

~~*(b) Be implemented without money from the State General Fund.*~~

~~*2. A governmental provider is not required to participate in a program established pursuant to this section. If a program is established pursuant to this section, a governmental provider that wishes to participate and receive the supplemental reimbursements described in subsection 1 must:*~~

~~*(a) Hold a permit to operate an ambulance or a permit to operate a vehicle of a fire-fighting agency at the scene of an emergency issued pursuant to NRS 450B.200;*~~

~~*(b) Participate as a provider in the State Plan for Medicaid;*~~

~~*(c) Enter into an agreement with the Department to reimburse the Department for the costs of implementing and administering the program;*~~

~~*(d) Submit to the Department documentation supporting the amount claimed as expenditures for ground emergency medical transportation services provided to recipients of Medicaid and certifying that the claimed expenditures are eligible for federal financial participation in accordance with 42 C.F.R. § 433.51;*~~

~~*(e) Submit to the Department any evidence required by the Department to support the certification required by paragraph (d) and any data required by the Department to determine the appropriate amount to claim as expenditures that qualify for federal financial participation in accordance with the requirements of 42 C.F.R. § 433.51; and*~~

~~*(f) Prepare and maintain any records required by the Department in an easily accessible manner.*~~

~~*3. The nonfederal share of the amount claimed as expenditures pursuant to paragraph (d) of subsection 2 must be absorbed by the governmental provider.*~~

~~*4. If a program is established pursuant to this section, the Department shall:*~~

~~*(a) Evaluate the information submitted pursuant to subsection 2 and submit claims for reimbursement to the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services for the expenditures that the Department determines qualify for federal financial participation in accordance with the requirements of 42 C.F.R. § 433.51.*~~

~~*(b) Obtain prior approval from the Centers for Medicare and Medicaid Services of the manner in which supplemental reimbursements will be calculated and distributed pursuant to this section.*~~

~~*(c) Calculate and distribute supplemental reimbursements in the manner approved by the Centers for Medicare and Medicaid Services.*~~

~~*(d) Cooperate with the Centers for Medicare and Medicaid Services in carrying out the program established pursuant to this section and comply with all requirements of the Centers for Medicare and Medicaid Services, including, without limitation, those prescribed by 42 C.F.R. § 433.74, and any other applicable federal law.*~~

~~*(e) Carry out the program established pursuant to this section only to the extent approved by the Centers for Medicare and Medicaid Services.*~~

~~*(f) Annually submit any necessary materials to the Centers for Medicare and Medicaid Services to ensure that claims for federal financial participation include only expenditures authorized under federal law.*~~

~~*5. Supplemental reimbursements for ground emergency medical transportation services paid to a governmental provider pursuant to this section:*~~

~~*(a) Must not exceed the amount of federal financial participation received for claimed expenditures submitted pursuant to paragraph (d) of subsection 2; and*~~

~~*(b) Must not, when combined with all other payments received for the ground emergency medical transportation services pursuant to the State Plan for Medicaid, exceed the costs of the governmental provider for providing the ground emergency medical transportation services.]*~~ (Deleted by amendment.)

Sec. 11. *1. The Director may, in consultation with governmental providers and Medicaid managed care plans, develop* ~~*[and include in the State Plan for Medicaid a voluntary]*~~ *a program to* ~~*[provide]*~~ *include in the managed care organization rate certification for the Medicaid managed care plans increased capitation payments to* ~~*[governmental providers and]*~~ *the Medicaid managed care plans for ground emergency medical transportation services which are* ~~*[rendered]*~~ *provided by a governmental provider pursuant to a contract or other arrangement between* ~~*[a]*~~ *the governmental provider and a Medicaid managed care plan.* ~~*[Any]*~~ *Participation in such a program* ~~*[must be implemented without money from]*~~ *by a governmental provider is voluntary and, if a governmental provider elects to participate in such a program, the governmental provider must pay the* ~~*[State General Fund.]*~~ *nonfederal share of the expenditures on the program.*

2. If a program is established pursuant to this section, a governmental provider or Medicaid managed care plan that wishes to participate in the program must enter into an agreement with the Department to ~~[:~~

~~*(a) Comply]*~~ *comply with any request by the Department for information or data necessary to claim federal money or obtain federal approval in connection with the program.* ~~*[; and*~~

~~*(b) Reimburse the Department as provided in subsection 7 for the administrative costs incurred by the Department in implementing and administering the program.]*~~

3. ~~*[A governmental provider is not required to participate in a program established pursuant to this section.]*~~ *In addition to complying with* ~~*[the requirements of]*~~ *subsection 2, a governmental provider that wishes to participate in a program established pursuant to this section must:*

(a) Hold a permit to operate an ambulance or a permit to operate a vehicle of a fire-fighting agency at the scene of an emergency issued pursuant to NRS 450B.200; and

(b) Provide ground emergency medical services to recipients of Medicaid pursuant to a contract or other arrangement with a Medicaid managed care plan.

4. If a program is established pursuant to this section, a governmental provider that meets the requirements of subsections 2 and 3 and wishes to receive increased capitation payments must make an intergovernmental transfer of money to the Department in an amount corresponding with the amount that the governmental provider has spent on ground emergency medical transportation services ~~*[.]*~~ *or pay the nonfederal share of expenditures on the program. To the extent that such* ~~*[intergovernmental transfers of]*~~ *money* ~~*[are made by and]*~~ *is accepted from a governmental provider, the Department shall make increased capitation payments to the applicable Medicaid managed care plan. To the extent permissible under federal law, the increased capitation payments must be in amounts actuarially equivalent to or greater than the supplemental cost based payments available under* ~~*[the]*~~ *a program* ~~*[established pursuant to section 10 of this act]*~~ *of supplemental reimbursements for governmental providers who provide services on a fee-for-service basis.*

5. Except as otherwise provided in subsection 6, all money associated with intergovernmental transfers or the nonfederal share of expenditures made and accepted pursuant to subsection 4 must be used to make additional payments to governmental providers under ~~*[the]*~~ *a program established pursuant to this section. A Medicaid managed care plan shall pay all of any increased capitation payments made pursuant to subsection 4 to a governmental provider for ground emergency medical transportation services pursuant to a contract or other arrangement with the Medicaid managed care plan.*

6. The Department may implement the program described in this section only to the extent that the program is approved by the Centers for Medicare

and Medicaid Services and federal financial participation is available. To the extent authorized by federal law, the Department may implement the program for ground emergency medical transportation services provided before the effective date of this section.

7. ~~If a program is established pursuant to this section, the Department shall collect from each intergovernmental transfer of money made under the provisions of this section an administrative fee of 20 percent of the nonfederal share paid to the Department. The payment of such a fee is an allowable cost for Medicaid reimbursement purposes.~~

~~8.~~ If the Director determines that payments made under the provisions of this section do not comply with federal requirements relating to Medicaid, the Director may:

(a) Return or refuse to accept an intergovernmental transfer; or

(b) Adjust any payment made under the provisions of this section to comply with federal requirements relating to Medicaid.

~~9.~~ 8. As used in this section, "Medicaid managed care plan" means a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 12. 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 sections 2 to 11, inclusive, 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. 13. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 12, inclusive, of this act become effective upon passage and approval for the purpose of performing any tasks necessary to obtain the approval of the Centers for Medicare and Medicaid Services for a program established pursuant to section ~~[10 or]~~ 11 of this act.

3. For all other purposes:

(a) Sections 1 to ~~[9,]~~ 10, inclusive, and 12 of this act become effective on the date ~~[:~~

~~(1) That a program to provide supplemental reimbursements for ground emergency medical transportation services established pursuant to section 10 of this act is approved by the Centers for Medicare and Medicaid Services; or~~

~~(2) On]~~ on which a program to provide increased capitation payments to governmental providers for ground emergency medical transportation services established pursuant to section 11 of this act is approved by the Centers for Medicare and Medicaid Services ~~[,~~

~~" whichever is earlier;]~~ ; and

(b) ~~[Section 10 of this act becomes effective on the date that a program to provide supplemental reimbursements for ground emergency medical transportation services established pursuant to that section is approved by the Centers for Medicare and Medicaid Services; and~~

~~(c)]~~ Section 11 of this act becomes effective on the date that a program to provide increased capitation payments to governmental providers for ground emergency medical transportation services established pursuant to that section is approved by the Centers for Medicare and Medicaid Services.

Senator Spearman moved that the Senate concur in Assembly Amendment No. 802 to Senate Bill No. 60.

Remarks by Senator Spearman.

Amendment No. 802 makes two changes to Senate Bill No. 60. It clarifies the voluntary program may be included in Medicaid managed-care plans, not the State plan for Medicaid; and it removes the requirement that a participating governmental entity or Indian tribe reimburse the Department for the cost of implementing and administrating the cost of such a program and instead, provides an option for the entity or tribe to pay the non-federal share of expenditures on the program.

Motion carried by a constitutional majority.

Bill ordered enrolled.

SECOND READING AND AMENDMENT

Senate Bill No. 373.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 992.

SUMMARY—Requires the appointment of a Minority Affairs Management Analyst in the Office of the Director of the Department of Business and Industry. (BDR 18-1108)

AN ACT relating to the Department of Business and Industry; requiring the Director of the Department of Business and Industry to appoint a Minority Affairs Management Analyst within the Office of the Director; establishing the duties of the Minority Affairs Management Analyst; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Ombudsman of Consumer Affairs for Minorities as a permanent position within the Office of the Director of the Department of Business and Industry and requires the Ombudsman to provide for educational, outreach and service programs for minority groups pertaining to consumer fraud and assist the Nevada Commission on Minority Affairs. (NRS 232.845) ~~[This]~~ Section 1 of this bill creates a Minority Affairs Management Analyst position within the Office of the Director of the Department and requires the Minority Affairs Management Analyst to: (1) collect data and perform statistical analysis to support the Nevada Commission on Minority Affairs; and (2) perform such investigation, data collection and statistical analysis as is necessary to determine whether discrimination on the basis of race is occurring in state or local purchasing,

public works or other areas. Section 2.5 of this bill appropriates money to the Department to pay the costs of employing the Minority Affairs Management Analyst.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director shall employ a Minority Affairs Management Analyst within the Office of the Director. The Minority Affairs Management Analyst shall:

1. Collect data and perform statistical analysis to support the Nevada Commission on Minority Affairs created by NRS 232.852; and

2. Perform such investigation, data collection and statistical analysis as is necessary to determine whether discrimination on the basis of race is occurring in state or local purchasing, public works or any other area.

Sec. 2. NRS 232.505 is hereby amended to read as follows:

232.505 As used in NRS 232.505 to 232.845, inclusive, *and section 1 of this act,* unless the context requires otherwise:

1. "Department" means the Department of Business and Industry.

2. "Director" means the Director of the Department.

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Department of Business and Industry to pay the costs of employing a Minority Affairs Management Analyst pursuant to section 1 of this act:

For the Fiscal Year 2017-2018..... $71,306

For the Fiscal Year 2018-2019..... $87,828

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 992 to Senate Bill No. 373 adds General Fund appropriations of $71,306 in FY 2018 and $87,828 in FY 2019 to fund the Minority Affairs Management Analyst position within the Office of the Director of the Department of Business and Industry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 486.

Bill read second time.

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

Amendment No. 983.

SUMMARY—Provides for collective bargaining by state employees. (BDR 23-1040)

AN ACT relating to state employees; authorizing collective bargaining for certain state employees; renaming , revising the membership of and expanding the duties of the Local Government Employee-Management Relations Board; providing for bargaining units of state employees and their representatives; establishing procedures for collective bargaining and for making and amending collective bargaining agreements; prohibiting certain unfair labor practices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Title 23 of NRS governs public employment. This bill authorizes collective bargaining between the State and certain state employees. Sections 25, 26 and 45 of this bill expand the powers and duties of the Local Government Employee-Management Relations Board to include hearing and deciding disputes between the State and certain state employees. Section 44 of this bill : (1) changes the name of the Local Government Employee-Management Relations Board to the Government Employee-Management Relations Board to conform to this change in duties [.] ; and (2) revises the membership of the Board to include representation of employee organizations. Existing law requires the Local Government Employee-Management Relations Board annually to assess a fee for the support of the Board against each local government employer. (NRS 288.105) Section 21.5 of this bill additionally requires the newly created Government Employee-Management Relations Board annually to assess a similar fee against each agency or other unit of the Executive Department of the State Government. Section 22 of this bill authorizes certain state employees to organize and join employee organizations, or refrain from engaging in that activity, and, as applicable, to engage in collective bargaining through exclusive representatives. Section 23 of this bill establishes requirements concerning collective bargaining agreements. Section 24 of this bill prohibits certain unfair labor practices in the context of collective bargaining. Section 27 of this bill provides for the creation and organization of bargaining units of [state] employees [.] of the Executive Department. Sections 28-31 of this bill provide for the election or designation of exclusive representatives of bargaining units. Section 32 of this bill requires the exclusive representative of a bargaining unit to engage in collective bargaining with the Executive Department [of the State Government] on behalf of the employees within the unit. Section 34 of this bill sets forth the term of a collective bargaining agreement.

Section 36 of this bill requires the Executive Department and an exclusive representative of a bargaining unit to begin negotiations regarding a collective bargaining agreement within 60 days after one party notifies the other of a desire to negotiate or before November 1 of each even-numbered year, whichever is earlier. Sections 37-39 of this bill provide for the mediation and arbitration of disputes between the Executive Department and a bargaining unit. Section 40 of this bill authorizes supplemental collective bargaining between the Executive Department and the exclusive representative of a bargaining unit over any terms and conditions of employment that do not affect all the employees of the bargaining unit. Sections 42 and 46 of this bill provide that certain meetings convened for the purpose of collective bargaining and resolving disputes relating to collective bargaining are exempt from the provisions of existing law requiring open and public meetings of public bodies. Sections 5-13, 43 and 49 of this bill reorganize certain definitions in chapter 288 of NRS to conform to changes made in this bill.

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

Section 1. NRS 281.129 is hereby amended to read as follows:

281.129 1. Any officer of the State, except the Legislative Fiscal Officer, who disburses money in payment of salaries and wages of officers and employees of the State:

(a) May, upon written requests of the officer or employee specifying amounts, withhold those amounts and pay them to:

(1) Charitable organizations;

(2) Employee credit unions;

(3) Except as otherwise provided in paragraph (c), insurers;

(4) The United States for the purchase of savings bonds and similar obligations of the United States; and

(5) ~~[Employee]~~ *Except as otherwise provided in section 33 of this act, employee* organizations and labor organizations.

(b) May, in accordance with an agreement entered into pursuant to NRS 701A.450 between the Director of the Office of Energy and the officer or employee specifying amounts, withhold those amounts and pay them to the Director of the Office of Energy for credit to the Renewable Energy Account created by NRS 701A.450.

(c) Shall, upon receipt of information from the Public Employees' Benefits Program specifying amounts of premiums or contributions for coverage by the Program, withhold those amounts from the salaries or wages of officers and employees who participate in the Program and pay those amounts to the Program.

2. The State Controller may adopt regulations necessary to withhold money from the salaries or wages of officers and employees of the Executive Department.

Sec. 2. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. To the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of sections 14 to 42, inclusive, of this act.

Sec. 3. NRS 287.015 is hereby amended to read as follows:

287.015 1. A local government employer and any employee organization that is recognized by the employer pursuant to chapter 288 of NRS may, by written agreement between themselves or with other local government employers and employee organizations, establish a trust fund to provide health and welfare benefits to active and retired employees of the participating employers and the dependents of those employees.

2. All contributions made to a trust fund established pursuant to this section must be held in trust and used:

(a) To provide, from principal or income, or both, for the benefit of the participating employees and their dependents, medical, hospital, dental,

vision, death, disability or accident benefits, or any combination thereof, and any other benefit appropriate for an entity that qualifies as a voluntary employees' beneficiary association under Section 501(c)(9) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(9), as amended; and

(b) To pay any reasonable administrative expenses incident to the provision of these benefits and the administration of the trust.

3. The basis on which contributions are to be made to the trust must be specified in a collective bargaining agreement between each participating local government employer and employee organization or in a written participation agreement between the employer and employee organization, jointly, and the trust.

4. The trust must be administered by a board of trustees on which participating local government employers and employee organizations are equally represented. The agreement that establishes the trust must:

(a) Set forth the powers and duties of the board of trustees, which must not be inconsistent with the provisions of this section;

(b) Establish a procedure for resolving expeditiously any deadlock that arises among the members of the board of trustees; and

(c) Provide for an audit of the trust, at least annually, the results of which must be reported to each participating employer and employee organization.

5. The provisions of paragraphs (b) and (c) of subsection 2 of NRS 287.029 apply to a trust fund established pursuant to this section by the governing body of a school district.

6. The provisions of NRS 287.0278 do not apply to a trust fund established pursuant to this section before October 1, 2013.

7. As used in this section:

(a) "Employee organization" has the meaning ascribed to it in ~~[NRS 288.040.]~~ *section 9 of this act.*

(b) "Local government employer" has the meaning ascribed to it in NRS 288.060.

Sec. 4. Chapter 288 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 42, inclusive, of this act.

Sec. 5. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.050 and 288.060 and sections 6 to 13, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 6. *"Board" means the Government Employee-Management Relations Board created by NRS 288.080.*

Sec. 7. *"Collective bargaining" means a method of determining conditions of employment by negotiation between representatives of the Executive Department or local government employer and an employee organization, entailing a mutual obligation of the Executive Department or local government employer, as applicable, and the representative of the state or local government employees to meet at reasonable times and bargain in good faith with respect to:*

1. Wages, hours and other terms and conditions of employment;

2. The negotiation of an agreement;

3. The resolution of any question arising under a negotiated agreement; or

4. The execution of a written contract incorporating any agreement reached if requested by either party,

➥ but this obligation does not compel either party to agree to a proposal or require the making of a concession.

Sec. 8. *"Commissioner" means the Commissioner appointed by the Board pursuant to NRS 288.090.*

Sec. 9. *"Employee organization" means an organization of any kind having as one of its purposes improvement of the terms and conditions of employment of state or local government employees.*

Sec. 10. *"Executive Department" means an agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department of the State Government.*

Sec. 11. *"Fact-finding" means the formal procedure by which an investigation of a labor dispute is conducted by a person at which:*

1. Evidence is presented; and

2. A written report is issued by the fact finder describing the issues involved and setting forth recommendations for settlement which may or may not be binding as provided in NRS 288.200.

Sec. 12. *"Mediation" means assistance by an impartial third party to reconcile differences between the Executive Department or a local government employer and an exclusive representative through interpretation, suggestion and advice.*

Sec. 13. *"Strike" means any concerted:*

1. Stoppage of work, slowdown or interruption of operations by employees of the State of Nevada or local government employees;

2. Absence from work by employees of the State of Nevada or local government employees upon any pretext or excuse, such as illness, which is not founded in fact; or

3. Interruption of the operations of the State of Nevada or any local government employer by any employee organization.

Sec. 14. *As used in sections 14 to 42, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 15 to 20, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 15. *"Arbitration" means a process of dispute resolution where the parties involved in an impasse or grievance dispute submit their dispute to a third party for a final and binding decision.*

Sec. 16. *"Bargaining unit" means a collection of employees that the Board has established as a bargaining unit pursuant to section 27 of this act.*

Sec. 17. *"Confidential employee" means an employee who provides administrative support to an employee who assists in the formulation, determination and effectuation of personnel policies or managerial policies concerning collective bargaining or supplemental bargaining.*

Sec. 18. *1. "Employee" means a person who:*

(a) Is employed in the classified service of the State pursuant to chapter 284 of NRS; or

(b) Is employed by the Public Employees' Retirement System and is required to be paid in accordance with the pay plan for the classified service of the State.

2. The term does not include:

(a) A managerial employee whose primary function, as determined by the Board, is to administer and control the business of any agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department and who is vested with discretion and independent judgment with regard to the general conduct and control of that agency, board, bureau, commission, department, division, elected officer or unit;

(b) An elected official or any person appointed to fill a vacancy in an elected office;

(c) A confidential employee;

(d) A temporary employee who is employed for a fixed period of 4 months or less;

(e) A commissioned officer or an enlisted member of the Nevada National Guard; or

(f) Any person employed by the Nevada System of Higher Education.

Sec. 19. *"Exclusive representative" means an employee organization that, as a result of its designation by the Board, has the exclusive right to represent all the employees within a bargaining unit and to engage in collective bargaining with the Executive Department pursuant to sections 14 to 42, inclusive, of this act concerning wages, hours and other terms and conditions of employment for those employees.*

Sec. 20. *"Grievance" means an act, omission or occurrence that an employee or an exclusive representative believes to be an injustice relating to any condition arising out of the relationship between an employer and an employee, including, without limitation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or agreement.*

Sec. 21. *1. The Legislature hereby finds and declares that there is a great need to:*

(a) Promote orderly and constructive relations between the State and its employees; and

(b) Increase the efficiency of the State Government.

2. It is therefore within the public interest that the Legislature enact provisions:

(a) Granting certain state employees the right to associate with others in organizing and choosing representatives for the purpose of engaging in collective bargaining;

(b) Requiring the State to recognize and negotiate wages, hours and other terms and conditions of employment with employee organizations that

represent state employees and to enter into written agreements evidencing the result of collective bargaining; and

(c) Establishing standards and procedures that protect the rights of state employees, the Executive Department and the people of the State.

Sec. 21.5. 1. On or before July 1 of each year, the Board shall charge and collect a fee from the Executive Department in an amount not to exceed $10 for each employee of the Executive Department who was employed by the Executive Department during the first pay period of the immediately preceding fiscal year.

2. The Executive Department shall pay the fee imposed pursuant to subsection 1 on or before July 31 of each year. The Executive Department shall not impose the fee against its employees.

3. If the Executive Department fails to pay the fee imposed pursuant to subsection 1 on or before July 31 of that year, the Board shall impose a civil penalty not to exceed $10 for each employee employed by the Executive Department for whom the fee was not paid.

4. The Executive Department may not receive a reduction in the amount of the fee imposed pursuant to subsection 1 or a refund of that amount if an employee is not employed for a full calendar year. The fee must be imposed whether or not the employee is a member of an employee organization.

5. Any money received from the fees collected pursuant to subsection 1 must be accounted for separately and may be used only to carry out the duties of the Board.

6. To carry out the provisions of this section, the Board may verify the identity and number of employees employed by the Executive Department by any reasonable means.

Sec. 22. *1. For the purposes of collective bargaining, supplemental bargaining and other mutual aid or protection, employees have the right to:*

(a) Organize, form, join and assist employee organizations, engage in collective bargaining and supplemental bargaining through exclusive representatives and engage in other concerted activities; and

(b) Refrain from engaging in such activity.

2. Collective bargaining and supplemental bargaining entail a mutual obligation of the Executive Department and an exclusive representative to meet at reasonable times and to bargain in good faith with respect to:

(a) Wages, hours and other terms and conditions of employment;

(b) The negotiation of an agreement;

(c) The resolution of any question arising under an agreement; and

(d) The execution of a written contract incorporating the provisions of an agreement, if requested by either party.

3. The Executive Department shall furnish to an exclusive representative data that is maintained in the ordinary course of business and which is relevant and necessary to the discussion of wages, hours and other terms and conditions of employment. This subsection shall not be construed to require the Executive Department to furnish to the exclusive representative any

advice or training received by representatives of the Executive Department concerning collective bargaining.

Sec. 23. *1. Each collective bargaining agreement must be in writing and must include, without limitation:*

(a) A procedure to resolve grievances which applies to all employees in the bargaining unit and culminates in final and binding arbitration. The procedure must be used to resolve all grievances relating to employment, including, without limitation, the administration and interpretation of the collective bargaining agreement, the applicability of any law, rule or regulation relating to the employment and appeal of discipline and other adverse personnel actions.

(b) A provision which provides that an officer of the Executive Department may, upon written authorization by an employee within the bargaining unit, withhold a sufficient amount of money from the salary or wages of the employee pursuant to NRS 281.129 to pay dues or similar fees to the exclusive representative of the bargaining unit. Such authorization may be revoked only in the manner prescribed in the authorization.

2. Except as otherwise provided in subsection 3, the procedure to resolve grievances required in a collective bargaining agreement pursuant to paragraph (a) of subsection 1 is the exclusive means available for resolving grievances described in that paragraph.

3. An employee in a bargaining unit who has been dismissed, demoted or suspended may pursue a grievance related to that dismissal, demotion or suspension through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 284.390,

➥ but, once the employee has properly filed a grievance in writing under the procedure described in paragraph (a) or requested a hearing under the procedure described in paragraph (b), the employee may not proceed in the alternative manner.

4. If there is a conflict between any provision of an agreement between the Executive Department and an exclusive representative and:

(a) Any regulation adopted by the Executive Department, the provision of the agreement prevails unless the provision of the agreement is outside of the lawful scope of collective bargaining.

(b) An existing statute, other than a statute described in paragraph (c), the provision of the agreement may not be given effect unless the Legislature amends the existing statute in such a way as to eliminate the conflict.

(c) A provision of chapter 284 or 287 of NRS or section 37, 38 or 39 of this act, the provision of the agreement prevails unless the Legislature is required to appropriate money to implement the provision.

Sec. 24. *1. It is a prohibited practice for the Executive Department or its designated representative willfully to:*

(a) Refuse to engage in collective bargaining or otherwise fail to bargain in good faith with an exclusive representative, including, without limitation, refusing to engage in mediation or arbitration.

(b) Interfere with, restrain or coerce an employee in the exercise of any right guaranteed pursuant to sections 14 to 42, inclusive, of this act.

(c) Dominate, interfere with or assist in the formation or administration of an employee organization.

(d) Discriminate in regard to hiring, tenure, wages, hours or other terms and conditions of employment to encourage or discourage membership in an employee organization.

(e) Discharge or otherwise discriminate against an employee because the employee has:

(1) Signed or filed an affidavit, petition or complaint or has provided any information or given any testimony pursuant to sections 14 to 42, inclusive, of this act; or

(2) Formed, joined or chosen to be represented by an employee organization.

(f) Deny any right accompanying a designation as an exclusive representative.

2. It is a prohibited practice for an employee organization or its designated agent willfully to:

(a) When acting as an exclusive representative, refuse to engage in collective bargaining or otherwise fail to bargain in good faith with the Executive Department, including, without limitation, refusing to engage in mediation or arbitration.

(b) Interfere with, restrain or coerce an employee in the exercise of any right guaranteed pursuant to sections 14 to 42, inclusive, of this act.

(c) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin, or political or personal reasons or affiliations.

Sec. 25. *1. To establish that a party committed a prohibited practice in violation of section 24 of this act, the party aggrieved by the practice must:*

(a) File a complaint with the Board not later than 6 months after the alleged prohibited practice occurred; and

(b) Send a copy of the complaint to the other party by certified mail, return receipt requested, or by any other method authorized by the Board.

2. Not later than 10 days after receiving a copy of a complaint pursuant to paragraph (b) of subsection 1, each party named as a respondent in the complaint shall file a response to the complaint with the Board.

3. The Board ~~[shall]~~ may conduct a preliminary investigation of the complaint. Based on ~~[its]~~ such an investigation:

(a) If the Board determines that the complaint has no basis in law or fact, the Board shall dismiss the complaint.

(b) If the Board determines that the complaint may have a basis in law or fact, the Board shall order a hearing to be conducted in accordance with:

(1) The provisions of chapter 233B of NRS that apply to a contested case; and

(2) Any rules adopted by the Board pursuant to NRS 288.110.

4. If the Board finds at the hearing that the party accused in the complaint has committed a prohibited practice, the Board:

(a) Shall order the party to cease and desist from engaging in the prohibited practice; and

(b) May order any other affirmative relief that is necessary to remedy the prohibited practice.

5. The Board or any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 4 may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

6. Any order or decision issued by the Board pursuant to this section concerning the merits of a complaint is a final decision in a contested case and may be appealed pursuant to the provisions of chapter 233B of NRS that apply to a contested case, except that a party aggrieved by the order or decision of the Board must file a petition for judicial review not later than 10 days after being served with the order or decision of the Board.

Sec. 26. *1. The Board may appoint a hearing officer to conduct a hearing that the Board is otherwise required to conduct pursuant to section 25 of this act.*

2. A decision of the hearing officer may be appealed to the Board.

3. On appeal to the Board, the Board may consider the record of the hearing or may conduct a hearing de novo. A hearing de novo conducted by the Board must be conducted in accordance with:

(a) The provisions of chapter 233B of NRS that apply to a contested case; and

(b) Any rules adopted by the Board pursuant to NRS 288.110.

4. If the Board finds at the hearing that the party accused in the complaint has committed a prohibited practice, the Board:

(a) Shall order the party to cease and desist from engaging in the prohibited practice; and

(b) May order any other affirmative relief that is necessary to remedy the prohibited practice.

5. The Board or any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 4 may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

6. Any order or decision issued by the Board pursuant to this section concerning the merits of a complaint is a final decision in a contested case and may be appealed pursuant to the provisions of chapter 233B of NRS that apply to a contested case, except that a party aggrieved by the order or decision of the Board must file a petition for judicial review not later than 10 days after being served with the order or decision of the Board.

Sec. 27. *1. The Board shall establish one bargaining unit for each of the following occupational groups* ~~*[:]*~~ *of employees of the Executive Department:*

(a) Labor, maintenance, custodial and institutional employees, including, without limitation, employees of penal and correctional institutions who are not responsible for security at those institutions.

(b) Administrative and clerical employees, including, without limitation, legal support staff and employees whose work involves general office work, or keeping or examining records and accounts.

(c) Technical aides to professional employees, including, without limitation, computer programmers, tax examiners, conservation employees and crew supervisors.

(d) Professional employees, including, without limitation, physical therapists and other employees in medical and other professions related to health.

(e) Employees, other than professional employees, who provide health care and personal care, including, without limitation, employees who provide care for children.

(f) Category I peace officers.

(g) Category II peace officers.

(h) Category III peace officers.

(i) Supervisory employees not otherwise included in other bargaining units.

(j) Firefighters.

2. The Board shall determine the classifications of employees within each bargaining unit. The parties to a collective bargaining agreement may assign a new classification to a bargaining unit based upon the similarity of the new classification to other classifications within the bargaining unit. If the parties to a collective bargaining agreement do not agree to the assignment of a new classification to a bargaining unit or an affected employee or employee organization objects to such an assignment, the Board must assign a new classification to a bargaining unit based upon the similarity of the new classification to other classifications within the bargaining unit.

3. As used in this section:

(a) "Category I peace officer" has the meaning ascribed to it in NRS 289.460.

(b) "Category II peace officer" has the meaning ascribed to it in NRS 289.470.

(c) "Category III peace officer" has the meaning ascribed to it in NRS 289.480.

(d) "Professional employee" means an employee engaged in work that:

(1) Is predominately intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;

(2) Involves the consistent exercise of discretion and judgment in its performance;

(3) Is of such a character that the result accomplished or produced cannot be standardized in relation to a given period; and

(4) Requires advanced knowledge in a field of science or learning customarily acquired through a prolonged course of specialized intellectual instruction and study in an institution of higher learning, as distinguished from general academic education, an apprenticeship or training in the performance of routine mental or physical processes.

(e) "Supervisory employee" ~~*[means an employee who has authority to:*~~

~~*(1) Hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or who has the responsibility to direct such employees; or*~~

~~*(2) Adjust the grievances of other employees or effectively recommend such an action, if the exercise of that authority requires the use of independent judgment and is not of a routine or clerical nature.*~~

~~*➡ The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday. Nothing in this paragraph shall be construed to mean that an employee who has been given incidental administrative duties is a supervisory employee.]*~~ *has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 288.075.*

Sec. 28. *If no employee organization is designated as the exclusive representative of a bargaining unit and an employee organization files with the Board a list of its membership or other evidence showing that the employee organization represents more than 50 percent of the employees within the bargaining unit, the Board shall designate the employee organization as the exclusive representative of the bargaining unit without ordering an election.*

Sec. 29. *1. If no employee organization is designated as the exclusive representative of a bargaining unit, the Board shall order an election to be conducted within the bargaining unit if:*

(a) An employee organization files with the Board a written request for an election which includes a list of its membership or other evidence showing that it represents at least 30 percent but not more than 50 percent of the employees within the bargaining unit; and

(b) No other election to choose, change or discontinue representation has been conducted within the bargaining unit during the immediately preceding 12 months.

2. If the Board designates an employee organization as the exclusive representative of a bargaining unit following an election pursuant to subsection 1 or pursuant to section 28 of this act, the Board shall order an election:

(a) If either:

(1) Another employee organization files with the Board a written request for an election which includes a list of its membership or other evidence showing that the employee organization represents at least 50 percent of the employees within the bargaining unit; or

(2) A group of employees within the bargaining unit files with the Board a written request for an election which includes a list or other evidence showing that more than 50 percent of the employees within the bargaining unit have requested that an election be conducted to change or discontinue representation;

(b) If applicable, the request filed pursuant to paragraph (a) is filed not more than 270 days and not less than 225 days before the date on which the current collective bargaining agreement in effect for the bargaining unit expires; and

(c) If no other election to choose, change or discontinue representation has been conducted within the bargaining unit during the immediately preceding 12 months.

Sec. 30. *1. If the Board orders an election within a bargaining unit pursuant to section 29 of this act, the Board shall order that each of the following be placed as a choice on the ballot for the election:*

(a) If applicable, the employee organization that requested the election pursuant to section 29 of this act;

(b) If applicable, the employee organization that is presently designated as the exclusive representative of the bargaining unit;

(c) Any other employee organization that, on or before the date that is prescribed by the rules adopted by the Board, files with the Board a written request to be placed on the ballot for the election and includes with the written request a list of its membership or other evidence showing that the employee organization represents at least 30 percent of the employees within the bargaining unit; and

(d) A choice for "no representation."

2. If a ballot for an election contains more than two choices and none of the choices on the ballot receives a majority of the votes cast at the initial election, the Board shall order a runoff election between the two choices on the ballot that received the highest number of votes at the initial election.

3. If the choice for "no representation" receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate the bargaining unit as being without representation.

4. If an employee organization receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate the employee organization as the exclusive representative of the bargaining unit.

Sec. 31. *1. The Board shall preside over all elections that are conducted pursuant to section 29 of this act and shall determine the eligibility requirements for employees to vote in any such election.*

2. An employee organization that is placed as a choice on the ballot for an election or any employee who is eligible to vote at an election may file

with the Board a written objection to the results of the election. The objection must be filed not later than 10 days after the date on which the notice of the results of the election is given by the Board.

3. In response to a written objection filed pursuant to subsection 2 or upon its own motion, the Board may invalidate the results of an election and order a new election if the Board finds that any conduct or circumstances raise substantial doubt that the results of the election are reliable.

Sec. 32. *1. Except as otherwise provided in subsection 2, an exclusive representative shall:*

(a) Act as the agent and exclusive representative of all employees within each bargaining unit that it represents; and

(b) In good faith and on behalf of each bargaining unit that it represents, individually or collectively, bargain with the Executive Department concerning the wages, hours and other terms and conditions of employment for the employees within each bargaining unit that it represents, including, without limitation, any terms and conditions of employment that are within the scope of supplemental bargaining pursuant to section 40 of this act.

2. If an employee is within a bargaining unit that has an exclusive representative, the employee has the right to present grievances to the Executive Department at any time and to have those grievances adjusted without the intervention of the exclusive representative if:

(a) The exclusive representative is given an opportunity to be present at any meetings or hearings related to the adjustment of the grievance and provided a copy of the adjustment of the grievance; and

(b) The adjustment of the grievance is not inconsistent with the provisions of the collective bargaining agreement or any supplemental bargaining agreement then in effect.

Sec. 33. *If the Board designates an employee organization as the exclusive representative of a bargaining unit pursuant to sections 14 to 42, inclusive, of this act, an officer of the Executive Department shall not, pursuant to NRS 281.129, withhold any amount of money from the salary or wages of an employee within the bargaining unit to pay dues or similar fees to an employee organization other than the employee organization that is the exclusive representative of the bargaining unit.*

Sec. 34. *Except as otherwise provided in this section, the term of a collective bargaining agreement must begin on July 1 of an odd-numbered year and must end on June 30 of the next odd-numbered year. If the parties cannot agree to a new collective bargaining agreement before the end of the term of a collective bargaining agreement, the terms of that collective bargaining agreement remain in effect until a new collective bargaining agreement takes effect.*

Sec. 35. *If a provision of a collective bargaining agreement:*

1. Does not require an act of the Legislature to be given effect, the provision becomes effective in accordance with the terms of the agreement.

2. Requires an act of the Legislature to be given effect:

(a) The Governor shall request the drafting of a legislative measure pursuant to NRS 218D.175 to effectuate the provision; and

(b) The provision becomes effective, if at all, on the date on which the act of the Legislature becomes effective.

Sec. 36. *The Executive Department and an exclusive representative shall begin negotiations concerning a collective bargaining agreement within 60 days after one party notifies the other party of the desire to negotiate or on or before November 1 of each even-numbered year, whichever is earlier.*

Sec. 37. *1. Either party may request a mediator from the Federal Mediation and Conciliation Service if the parties do not reach a collective bargaining agreement:*

(a) Within 120 days after the date on which the parties began negotiations or on or before February 1 of an odd-numbered year, whichever is earlier; or

(b) On or before any later date set by agreement of the parties.

2. The mediator shall bring the parties together as soon as possible after his or her appointment and shall attempt to settle each issue in dispute within 21 days after his or her appointment or any later date set by agreement of the parties.

Sec. 38. *1. If a mediator selected pursuant to section 37 of this act determines that his or her services are no longer helpful or if the parties do not reach a collective bargaining agreement through mediation within 21 days after the appointment of the mediator or on or before any later date set by agreement of the parties, the mediator shall discontinue mediation and the parties shall attempt to agree upon an impartial arbitrator.*

2. If the parties do not agree upon an impartial arbitrator within 5 days after the date on which mediation is discontinued pursuant to subsection 1 or on or before any later date set by agreement of the parties, the parties shall request from the Federal Mediation and Conciliation Service a list of seven potential arbitrators. The parties shall select an arbitrator from this list by alternately striking one name until the name of only one arbitrator remains, and that arbitrator must hear the dispute in question. The party who will strike the first name must be determined by a coin toss.

3. The arbitrator shall begin arbitration proceedings on or before March 1 or any later date set by agreement of the parties.

4. The arbitrator and the parties shall apply and follow the procedures for arbitration that are prescribed by any rules adopted by the Board pursuant to NRS 288.110. During arbitration, the parties retain their respective duties to negotiate in good faith.

5. The arbitrator may administer oaths or affirmations, take testimony and issue and seek enforcement of a subpoena in the same manner as the Board pursuant to NRS 288.120, and, except as otherwise provided in subsection 7, the provisions of section NRS 288.120 apply to any subpoena issued by the arbitrator.

6. The arbitrator shall render a decision on or before March 15 or any later date set by agreement of the parties.

7. The Executive Department and the exclusive representative shall each pay one-half of the cost of arbitration.

Sec. 39. *1. For each separate issue that is in dispute after arbitration proceedings are held pursuant to section 38 of this act, the arbitrator shall incorporate either the final offer of the Executive Department or the final offer of the exclusive representative into his or her decision. The arbitrator shall not revise or amend the final offer of either party on any issue.*

2. To determine which final offer to incorporate into his or her decision, the arbitrator shall assess the reasonableness of:

(a) The position of each party as to each issue in dispute; and

(b) The contractual terms and provisions contained in each final offer.

3. In assessing reasonableness pursuant to subsection 2, the arbitrator shall:

(a) Compare the wages, hours and other terms and conditions of employment for the employees within the bargaining unit with the wages, hours and other terms and conditions of employment for other employees performing similar services and for other employees generally:

(1) In public employment in comparable communities; and

(2) In private employment in comparable communities; and

(b) Consider, without limitation:

(1) The financial ability of the State to pay the costs associated with the proposed collective bargaining agreement, with due regard for the primary obligation of the State to safeguard the health, safety and welfare of the people of this State;

(2) The average prices paid by consumers for goods and services in geographic location where the employees work; and

(3) Such other factors as are normally or traditionally used as part of collective bargaining, mediation, arbitration or other methods of dispute resolution to determine the wages, hours and other terms and conditions of employment for employees in public or private employment.

4. Each provision that is included in the decision of the arbitrator is final and binding upon the parties.

Sec. 40. *1. Except as otherwise provided in this section, the Executive Department and the exclusive representative of a bargaining unit may engage in supplemental bargaining concerning any terms and conditions of employment which are peculiar to or which uniquely affect fewer than all the employees within the bargaining unit.*

2. The Executive Department and an exclusive representative may engage in supplemental bargaining pursuant to subsection 1 for fewer than all the employees within two or more bargaining units that the exclusive representative represents if the requirements of subsection 1 are met for each such bargaining unit. Supplemental bargaining must be conducted in the manner prescribed by sections 14 to 42, inclusive, of this act.

3. If the parties reach a supplemental bargaining agreement pursuant to this section, the provisions of the supplemental bargaining agreement:

(a) Must be in writing; and

(b) Shall be deemed to be incorporated into the provisions of each collective bargaining agreement then in effect between the Executive Department and the employees who are subject to the supplemental bargaining agreement if the provisions of the supplemental bargaining agreement do not conflict with the provisions of the collective bargaining agreement.

4. If any provision of the supplemental bargaining agreement conflicts with any provision of the collective bargaining agreement, the provision of the supplemental bargaining agreement is void and the provision of the collective bargaining agreement must be given effect.

5. The provisions of the supplemental bargaining agreement expire at the same time as the other provisions of the collective bargaining agreement into which they are incorporated.

6. The Executive Department and an exclusive representative may, during collective bargaining conducted pursuant to sections 14 to 42, inclusive, of this act, negotiate and include in a collective bargaining agreement any terms and conditions of employment that would otherwise be within the scope of supplemental bargaining conducted pursuant to this section.

Sec. 41. *1. Except as otherwise provided by specific statute, an employee organization and the Executive Department may sue or be sued as an entity pursuant to sections 14 to 42, inclusive, of this act.*

2. If any action or proceeding is brought by or against an employee organization pursuant to sections 14 to 42, inclusive, of this act, the district court in and for the county in which the employee organization maintains its principal office or the county in which the claim arose has jurisdiction over the claim.

3. A natural person and his or her assets are not subject to liability for any judgment awarded pursuant to sections 14 to 42, inclusive, of this act against the Executive Department or an employee organization.

Sec. 42. *The following proceedings, required by or conducted pursuant to this chapter, are not subject to any provision of NRS which requires a meeting to be open or public:*

1. Any negotiation or informal discussion between the Executive Department and an employee organization or employees as individuals.

2. Any meeting of a mediator with either party or both parties to a negotiation.

3. Any meeting or investigation conducted by an arbitrator.

4. Deliberations of the Board toward a decision on a complaint, appeal or petition for declaratory relief.

Sec. 43. NRS 288.020 is hereby amended to read as follows:

288.020 As used in ~~[this chapter,]~~ *NRS 288.140 to 288.220, inclusive, 288.270 and 288.280,* unless the context otherwise requires, the words and terms defined in NRS 288.025 to 288.075, inclusive, have the meanings ascribed to them in those sections.

Sec. 44. NRS 288.080 is hereby amended to read as follows:

288.080 1. The ~~[Local]~~ Government Employee-Management Relations Board is hereby created, consisting of three members . ~~[,]~~ *The Board must consist of:*

(a) One member appointed by the Governor who is broadly representative of the public and not closely allied with any employee organization . ~~[or]~~ *the Executive Department or any* local government employer ~~[, not]~~ ;

(b) One member appointed by the Governor from a list of recommendations submitted to the Governor by the American Federation of Labor and Congress of Industrial Organizations or its successor organization; and

(c) One member appointed by agreement of the members appointed pursuant to paragraphs (a) and (b).

2. Not more than two of ~~[whom]~~ *the members of the Board* may be members of the same political party. ~~[The]~~ *After the initial terms, the* term of office of each member is 4 years.

~~[2. The Governor shall appoint the members of the Board.]~~

Sec. 45. NRS 288.110 is hereby amended to read as follows:

288.110 1. The Board may make rules governing:

(a) Proceedings before it;

(b) Procedures for fact-finding;

(c) The recognition of employee organizations; and

(d) The determination of bargaining units.

2. The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by *the Executive Department,* any local government employer, *any employee, as defined in section 18 of this act, any* local government employee or employee organization. Except as otherwise provided in this subsection and NRS 288.280, *and section 25 of this act,* the Board shall conduct a hearing within 180 days after it decides to hear a complaint. If a complaint alleges a violation of paragraph (e) of subsection 1 of NRS 288.270 or paragraph (b) of subsection 2 of that section, the Board shall conduct a hearing not later than 45 days after it decides to hear the complaint, unless the parties agree to waive this requirement. The Board, after a hearing, if it finds that the complaint is well taken, may order any person *or entity* to refrain from the action complained of or to restore to the party aggrieved any benefit of which the party has been deprived by that action. The Board shall issue its decision within 120 days after the hearing on the complaint is completed.

3. Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such

a party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

4. The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.

5. The Board may decide without a hearing a contested matter:

(a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or

(b) Upon agreement of all the parties.

6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.

Sec. 46. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 239C.140, 281A.350, 281A.440, 281A.550, 284.3629, 286.150, 287.0415, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725 ~~[.]~~ *and section 42 of this act*, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 47. NRS 597.995 is hereby amended to read as follows:

597.995 1. Except as otherwise provided in subsection 3, an agreement which includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement must include specific authorization for the provision which indicates that the person has affirmatively agreed to the provision.

2. If an agreement includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement and the agreement fails to include the specific authorization required pursuant to subsection 1, the provision is void and unenforceable.

3. The provisions of this section do not apply to an agreement that is a collective bargaining agreement. As used in this subsection, "collective bargaining" has the meaning ascribed to it in ~~[NRS 288.033.]~~ *section 7 of this act.*

Sec. 47.5. 1. The terms of all members of the Local Government Employee-Management Relations Board created by NRS 288.080 who are serving on October 1, 2017, expire on that date.

2. As soon as practicable after the effective date of this act:

(a) The Governor shall appoint to the Government Employee-Management Relations Board the members described in paragraphs (a) and (b) of subsection 1 of NRS 288.080, as amended by section 44 of this act, to terms that begin on October 1, 2017, and expire on October 1, 2021; and

(b) The members of the Government Employee-Management Relations Board appointed pursuant to paragraph (a) shall appoint the member described in paragraph (c) of subsection 1 of NRS 288.080, as amended by section 44 of this act, to a term that begins on October 1, 2017, and expires on October 1, 2019.

Sec. 48. 1. As soon as practicable after ~~[the effective date of this act,]~~ October 1, 2017, the Government Employee-Management Relations Board created by NRS 288.080, as amended by section 44 of this act, shall:

(a) Establish bargaining units pursuant to section 27 of this act; and

(b) Designate exclusive representatives for those bargaining units in accordance with sections 28, 29 and 30 of this act.

2. As soon as practicable after the Board designates exclusive representatives pursuant to paragraph (b) of subsection 1, each exclusive representative shall engage in collective bargaining with the Executive Department as required by section 32 of this act to establish a collective bargaining agreement with a term ending on June 30, 2019.

3. As used in this section:

(a) "Bargaining unit" has the meaning ascribed to it in section 16 of this act.

(b) "Collective bargaining" has the meaning ascribed to it in section 7 of this act.

(c) "Executive Department" has the meaning ascribed to it in section 10 of this act.

Sec. 49. NRS 288.030, 288.033, 288.034, 288.040, 288.045, 288.063 and 288.070 are hereby repealed.

Sec. 50. 1. This section and section 47.5 of this act ~~[becomes]~~ become effective upon passage and approval.

2. Sections 1 to 47, inclusive, 48 and 49 of this act become effective on October 1, 2017.

LEADLINES OF REPEALED SECTIONS

288.030 "Board" defined.
288.033 "Collective bargaining" defined.
288.034 "Commissioner" defined.
288.040 "Employee organization" defined.
288.045 "Fact-finding" defined.
288.063 "Mediation" defined.
288.070 "Strike" defined.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 983 to Senate Bill No. 486 changes the membership of the Government Employee-Management Relations Board from three members appointed by the Governor to one member appointed by the Governor who is broadly representative of the public and not closely allied with any employee organization or the Executive Department or local government employer; one member appointed by the Governor from a list of recommendations submitted to the Governor by the American Federation of Labor and Congress of Industrial Organizations or its successor organization, and one member appointed by agreement of the other two members; changes the terms of the members of the Board so that all members serving on October 1, 2017, shall expire as of that date. The two members to be appointed by the Governor on that same date shall serve 4 years, and the member appointed by the other two members shall serve 2 years; and requires the Board to charge and collect a fee that is not more than $10 per employee from the Executive Department for the support of the Board.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 522.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 899.

SUMMARY—Makes a supplemental appropriation to the State Distributive School Account for ~~[a shortfall resulting from]~~ an unanticipated shortfall in local school support tax revenues and an increase in K-12 enrollment for the 2015-2016 and 2016-2017 school years. (BDR S-1175)

AN ACT making a supplemental appropriation to the State Distributive School Account for ~~[a shortfall resulting from]~~ an unanticipated shortfall in local school support tax revenues and an increase in K-12 enrollment for the 2015-2016 and 2016-2017 school years; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the State Distributive School Account created by NRS 387.030 the sum of ~~[$22,217,169]~~ $62,194,642 for ~~[a shortfall resulting from]~~ an unanticipated shortfall in local school support tax revenues and an increase in K-12 enrollment for the 2015-2016 and 2016-2017 school years. This

appropriation is supplemental to that made by section 7 of chapter 537, Statutes of Nevada 2015, at page 3740.

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 899 makes a change to section 1 of Senate Bill No. 522 to increase the amount of the supplemental appropriations from $22.2 million to $62.2 million as a result of a shortfall of Local School Support Tax revenues and an unanticipated increase in enrollment growth over the 2015-17 biennium. The total shortfall in Local School Support Tax revenues is projected at $60.3 million over the biennium, but is offset by other non-General Fund revenue increases and adjustments, resulting in a net revenue shortfall of $32.1 million. Enrollment growth includes an additional 3,012 students and a count of 2,234 students for purposes of hold harmless resulting in a combined additional cost of $30.1 million over the 2015-17 biennium.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 527.

Bill read second time and ordered to third reading.

Assembly Bill No. 492.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 88.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 88 authorizes a law enforcement agency in a county whose population is less than 100,000 and is required to mandate that its uniformed peace officers wear portable event recording devices while on duty, to request an allocation from the Contingency Account in the State General Fund to cover the cost of equipping its officers with such devices and other related expenses.

Roll call on Senate Bill No. 88:

YEAS—21.

NAYS—None.

Senate Bill No. 88 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 126.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 990.

SUMMARY—Establishes a program to provide loans to small 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 small 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))

This bill requires the Office of Economic Development to develop and carry into effect a program under which a business certified as a small business enterprise, minority-owned business enterprise, woman-owned business enterprise or disadvantaged business enterprise may obtain a loan to finance the expansion of 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. 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 business satisfies certain criteria established by the Office and 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 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 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, 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 small 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 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, 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 shall develop and carry into effect a program under which 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 obtain a loan of money distributed from the 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 or participate with private lending institutions in the making of loans to finance the expansion of 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.

3. 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;

(b) Encourage economic growth and maintain a stable economy;

(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; 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 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, 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 subsection 5 if the Office, or the person carrying out the program, finds that:

(a) The 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 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 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 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 or person deems necessary; and

(b) 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.

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, "Account" means the Small Business Enterprise Loan Account created by section 2.5 of this act.

Sec. 4. (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.]~~ $1,000,000.

Sec. 6. This act becomes effective on July 1, 2017.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 990 to Senate Bill No. 126 changes the General Fund appropriation to the Small Business Enterprise Loan Account from $2.0 million in FY 2018 to $1.0 million.

Amendment adopted.

Bill read third time.

Remarks by Senator Ford.

Senate Bill No. 126 requires the Office of Economic Development (GOED) to develop and implement a program under which a business certified as a small business enterprise, minority-owned business enterprise, woman-owned business enterprise or disadvantaged business enterprise may obtain a loan to finance the expansion of its business in this State. The bill also establishes the Small Business Enterprise Loan Account in the State General Fund as a revolving loan account, which must be administered by GOED, and provides a General Fund appropriation of $1,000,000 to the account.

Roll call on Senate Bill No. 126:

YEAS—20.

NAYS—Gustavson.

Senate Bill No. 126 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 225.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 961.

SUMMARY—Revises provisions relating to bullying and cyber-bullying. (BDR 34-753)

AN ACT relating to education; ~~[applying]~~ clarifying that the prohibition on bullying and cyber-bullying applies to all ~~[the]~~ public schools in this State ~~[;]~~ , including charter schools; authorizing a private school to comply with anti-bullying provisions; providing that certain requirements relating to reported incidents of bullying or cyber-bullying do not apply to pupils in prekindergarten, certain employees of a school or school district and certain adults; authorizing an administrator of a school to defer an investigation relating to bullying or cyber-bullying in certain circumstances; requiring certain training concerning the needs of persons with diverse gender identities or expressions ~~[; requiring all schools to establish a school safety team; requiring certain employees at all schools to report incidents of bullying or cyber-bullying and take certain action upon receiving such a report; providing a penalty;]~~ and the needs of pupils with disabilities or autism spectrum disorders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to prescribe a policy for all school districts and public schools to provide a safe and respectful learning environment and prohibits bullying and cyber-bullying. (NRS 388.133) Existing law also requires the board of trustees of each school district to adopt the policy prescribed by the Department and provide for the training of members of the board of trustees and certain other personnel employed by the board of trustees in accordance with such policies. (NRS 388.134) This bill ~~[applies]~~ clarifies that the prohibition on bullying and cyber-bullying applies to all ~~[schools in this State, including, without limitation,]~~ public schools, including, without limitation, charter schools ~~. [, and private schools.]~~

Section 4.3 of this bill authorizes a private school and its governing body and administrator to comply with anti-bullying provisions wholly or in part. Section 4.3 provides that such compliance is wholly voluntary, and no liability attaches to any failure on the part of a private school, governing body or administrator to comply.

Sections 9 and 12 of this bill require the policy prescribed by the Department for schools in this State to provide a safe and respectful learning environment to include training concerning the needs of : (1) persons with

diverse gender identities or expressions ~~[.]~~ ; and (2) pupils with disabilities and pupils with autism spectrum disorders.

Section 10 of this bill ~~[requires]~~ clarifies that all public schools, including charter schools, ~~[and all private schools in this State]~~ are required to adopt the policy prescribed by the Department and provide for the training of certain persons who are responsible for the operation of the school and certain employees.

Existing law requires the principal of each public school to establish a school safety team to develop and maintain a school environment which is free from bullying and cyber-bullying. (NRS 388.1343) Section 13 of this bill ~~[requires]~~ clarifies that all public schools, including charter schools, ~~[and private schools in this State]~~ are required to establish such a team.

Existing law requires certain employees at a school who witness bullying or cyber-bullying or receive information about an incident of bullying or cyber-bullying to report the violation to a principal. Existing law requires a principal who receives such a report to take certain action, and provides that a principal who fails to take the required action is subject to disciplinary action. (NRS 388.1351, 388.1354) Sections 16 and 18 of this bill ~~[apply]~~ clarify that these provisions apply to all public schools, including charter schools . ~~[, and private schools in this State.]~~

Existing law prohibits a member of the board of trustees of a school district and any employee of the board of trustees from engaging in bullying or cyber-bullying on the premises of any public school, at an activity sponsored by a public school or on any school bus and requires a principal or his or her designee who receives a report of bullying or cyber-bullying to: (1) conduct an investigation into the report; (2) complete the investigation within a prescribed period of time; and (3) take certain other action relating to the reported incident. (NRS 388.135, 388.1351) Section 16 of this bill provides a principal or designee with 1 additional school day to complete the investigation if extenuating circumstances prevent him or her from completing the investigation within the prescribed period of time. Section 4.5 of this bill provides that these requirements are not applicable to a report of bullying or cyber-bullying by: (1) a pupil who is enrolled in prekindergarten under certain circumstances; (2) an employee of a school or school district against another employee of a school or school district; or (3) an adult who is not a pupil or employee of a school or school district against another such adult.

Section 4.5 authorizes the administrator or his or her designee to defer an investigation of an alleged incident of bullying or cyber-bullying if a law enforcement agency is investigating the potential crime. If such an investigation is deferred, section 4.5 requires the administrator or his or her designee to: (1) develop a plan to protect the safety of each pupil involved in the reported incident; and (2) provide the parents or guardians of each pupil involved in the reported incident with any information available regarding

the projected date for completion of the investigation by the law enforcement agency.

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 4.5, inclusive, of this act.

Sec. 2. *"Administrator" means the principal, administrator or other person in charge of a school.*

Sec. 3. *"Governing body" means the board of trustees of a school district* ~~*[,]*~~ *or the governing body of a charter school* . ~~*[or, in the case of a private school, any person or group of persons who are responsible for the operation of the private school.]*~~

Sec. 4. *"School" means a public school, including, without limitation, a charter school* . ~~*[, and a private school as defined in NRS 394.103.]*~~

Sec. 4.3. A private school, as defined in NRS 394.103, and the governing body and administrator of the private school are authorized to comply with NRS 388.121 to 388.1395, inclusive, and sections 2 to 4.5, inclusive, of this act, wholly or in part. Any such compliance is wholly voluntary, and no liability attaches to any failure to comply on the part of the private school, governing body or administrator.

Sec. 4.5. *1. If a law enforcement agency is investigating a potential crime involving an alleged violation of NRS 388.135, the administrator or his or her designee may, after providing the notification required by paragraph (a) of subsection 3 of NRS 388.1351, defer the investigation required by that section until the completion of the criminal investigation by the law enforcement agency. If the administrator or his or her designee defers an investigation pursuant to this subsection, the administrator or designee shall:*

(a) Immediately develop a plan to protect the safety of each pupil directly involved in the alleged violation of NRS 388.135; and

(b) To the extent that the law enforcement agency has provided the administrator or designee with information about the projected date for completion of its investigation, provide the parents or guardians of each pupil directly involved in the alleged violation of NRS 388.135 with that information.

2. Except as otherwise provided in this section, the deferral authorized by subsection 1 does not affect the obligations of the administrator or designee pursuant to NRS 388.121 to 388.1395, inclusive, and sections 2 to 4.5, inclusive, of this act.

3. If the administrator or designee determines that a violation of NRS 388.135 was caused by the disability of the pupil who committed the violation:

(a) The provisions of NRS 388.1351 do not apply to the same or similar behavior if the behavior is addressed in the pupil's individualized education program; and

(b) The administrator or designee shall take any measures necessary to protect the safety of the victim of the violation.

4. The provisions of NRS 388.1351 do not apply to a violation of NRS 388.135 committed by:

(a) A pupil who is enrolled in prekindergarten if the behavior is addressed through measures intended to modify the behavior of the pupil.

(b) An employee of a school or school district against another employee of a school or school district.

(c) An adult who is not a pupil or employee of a school or school district against another such adult.

Sec. 5. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.1395, inclusive, *and sections 2 to 4.5, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS 388.122, 388.123 and 388.124 *and sections 2, 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 388.132 is hereby amended to read as follows:

388.132 The Legislature declares that:

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

2. A learning environment that is safe and respectful is essential for the pupils enrolled in the ~~[public]~~ schools in this State and is necessary for those pupils to achieve academic success and meet this State's high academic standards;

3. Every classroom, hallway, locker room, cafeteria, restroom, gymnasium, playground, athletic field, school bus, parking lot and other areas on the premises of a ~~[public]~~ school in this State must be maintained as a safe and respectful learning environment, and no form of bullying or cyber-bullying will be tolerated within the system of public education ~~*[or at a private school]*~~ in this State;

4. Any form of bullying or cyber-bullying seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;

5. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;

6. It will ensure that:

(a) The ~~[public]~~ schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, races, colors, national origins, ancestries, religions, gender identities or expressions, sexual orientations, physical or mental disabilities, sexes or any other distinguishing characteristics or backgrounds can realize their full academic and personal potential;

(b) All administrators, ~~[principals,]~~ teachers and other personnel of the school districts and ~~[public]~~ schools in this State demonstrate appropriate and professional behavior on the premises of any ~~[public]~~ school by treating other persons, including, without limitation, pupils, with civility and respect, by refusing to tolerate bullying and cyber-bullying, and by taking immediate

action to protect a victim or target of bullying or cyber-bullying when witnessing, overhearing or being notified that bullying or cyber-bullying is occurring or has occurred;

(c) The quality of instruction is not negatively impacted by poor attitudes or interactions among administrators, ~~[principals,]~~ teachers, coaches or other personnel of a school district ~~[;]~~ *or school;*

(d) All persons in ~~[public schools]~~ *a school* are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying or violence; and

(e) Any teacher, administrator, ~~[principal,]~~ coach or other staff member or pupil who tolerates or engages in an act of bullying or cyber-bullying or violates a provision of NRS 388.121 to 388.1395, inclusive, *and sections 2 to 4.5, inclusive, of this act* regarding a response to bullying or cyber-bullying *against a pupil* will be held accountable; and

7. By declaring this mandate that the ~~[public]~~ schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils be free from physical, emotional or mental abuse while ~~[in the care of the State]~~ *at school* and that pupils be provided with an environment that allows them to learn.

Sec. 7. NRS 388.1321 is hereby amended to read as follows:

388.1321 1. The Legislature hereby declares that the members of a ~~[board of trustees]~~ *governing body* and all administrators and teachers ~~[of a school district]~~ have a duty to create and provide a safe and respectful learning environment for all pupils that is free of bullying and cyber-bullying.

2. A parent or guardian of a pupil ~~[of the public school system of this State]~~ may petition a court of competent jurisdiction for a writ of mandamus to compel the performance of any duty imposed by the provisions of NRS 388.121 to 388.1395, inclusive ~~[.]~~ *, and sections 2 to 4.5, inclusive, of this act.*

3. Nothing in this section shall be deemed to preclude a parent or guardian of a pupil ~~[of the public school system of this State]~~ from seeking any remedy available at law or in equity.

Sec. 8. NRS 388.1323 is hereby amended to read as follows:

388.1323 1. The Office for a Safe and Respectful Learning Environment is hereby created within the Department.

2. The Superintendent of Public Instruction shall appoint a Director of the Office, who shall serve at the pleasure of the Superintendent.

3. The Director of the Office shall ensure that the Office:

(a) Maintains a 24-hour, toll-free statewide hotline and Internet website by which any person can report a violation of the provisions of NRS 388.121 to 388.1395, inclusive, *and sections 2 to 4.5, inclusive, of this act* and obtain information about anti-bullying efforts and organizations; and

(b) Provides outreach and anti-bullying education and training for pupils, parents and guardians, teachers, administrators, ~~[principals,]~~ coaches and other staff members and the members of a ~~[board of trustees of a school district.]~~ *governing body.* The outreach and training must include, without limitation:

(1) Training regarding methods, procedures and practice for recognizing bullying and cyber-bullying behaviors;

(2) Training regarding effective intervention and remediation strategies regarding bullying and cyber-bullying;

(3) Training regarding methods for reporting violations of NRS 388.135; and

(4) Information on and referral to available resources regarding suicide prevention and the relationship between bullying or cyber-bullying and suicide.

4. The Director of the Office shall establish procedures by which the Office may receive reports of bullying and cyber-bullying and complaints regarding violations of the provisions of NRS 388.121 to 388.1395, inclusive ~~[.]~~ *, and sections 2 to 4.5, inclusive, of this act.*

5. The Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, ~~[principal,]~~ coach or other staff member or member of a ~~[board of trustees of a school district]~~ *governing body* has violated a provision of NRS 388.121 to 388.1395, inclusive ~~[.]~~ *, and sections 2 to 4.5, inclusive, of this act.* If a complaint alleges criminal conduct or an investigation leads the Director of the Office or his or her designee to suspect criminal conduct, the Director of the Office may request assistance from the Investigation Division of the Department of Public Safety.

Sec. 8.5. NRS 388.1327 is hereby amended to read as follows:

388.1327 The State Board shall adopt regulations:

1. Establishing the process whereby school districts may apply to the ~~[State Board]~~ *Department* for a grant of money from the Bullying Prevention Account pursuant to NRS 388.1325.

2. As are necessary to carry out the provisions of NRS 388.121 to 388.1395, inclusive ~~[.]~~ *, and sections 2 to 4.5, inclusive, of this act.*

Sec. 9. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the ~~[boards of trustees of school districts,]~~ *governing bodies,* educational personnel, local associations and organizations of parents whose children are enrolled in ~~[public]~~ schools throughout this State, and individual parents and legal guardians whose children are enrolled in ~~[public]~~ schools throughout this State, prescribe by regulation a policy for all school districts and ~~[public]~~ schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, ~~[principals,]~~ coaches and other personnel of a school district ~~[,]~~ *or school;* ~~[and]~~

(b) *Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions; and*

(c) A policy for use by school districts *and schools* to train members of the ~~[board of trustees]~~ *governing body* and all administrators, ~~[principals,]~~ teachers and all other personnel employed by the ~~[board of trustees of a school district.]~~ *governing body*. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;

(3) *Training concerning the needs of persons with diverse gender identities or expressions;*

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

~~[(4) (5)]~~ *(6)* Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

~~[(5) (6)]~~ *(7)* Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 10. NRS 388.134 is hereby amended to read as follows:

388.134 ~~[The board of trustees of each school district]~~ *Each governing body* shall:

1. Adopt the policy prescribed pursuant to NRS 388.133 and the policy prescribed pursuant to subsection 2 of NRS 389.520. The ~~[board of trustees]~~ *governing body* may adopt an expanded policy for one or both of the policies if each expanded policy complies with the policy prescribed pursuant to NRS 388.133 or pursuant to subsection 2 of NRS 389.520, as applicable.

2. Provide for the appropriate training of members of the ~~[board of trustees]~~ *governing body* and all administrators, ~~[principals,]~~ teachers and all other personnel employed by the ~~[board of trustees]~~ *governing body* in accordance with the policies prescribed pursuant to NRS 388.133 and pursuant to subsection 2 of NRS 389.520. For members of the ~~[board of trustees]~~ *governing body* who have not previously ~~[been elected or appointed to the board of trustees]~~ *served on the governing body* or for employees of the school district *or school* who have not previously been employed by the district ~~[,]~~ *or school,* the training required by this subsection must be provided within 180 days after the member begins his or her ~~[term of office]~~ *service* or after the employee begins his or her employment, as applicable.

3. Post the policies adopted pursuant to subsection 1 on the Internet website maintained by the school district ~~[.]~~ *or school.*

4. Ensure that the parents and legal guardians of pupils enrolled in the school district *or school* have sufficient information concerning the availability of the policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district ~~[.]~~ *or school.* Upon the request of a parent or legal guardian, the school district *or school* shall provide the parent or legal guardian with a written copy of the policies.

5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the ~~[board of trustees of a school district]~~ *governing body* updates the policies, the ~~[board of trustees]~~ *governing body* must submit a copy of the updated policies to the Department within 30 days after the update.

Sec. 11. NRS 388.1341 is hereby amended to read as follows:

388.1341 1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in ~~[the public]~~ schools in this State in resolving incidents of bullying or cyber-bullying. If developed, the pamphlet must include, without limitation:

(a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.1395, inclusive ~~[;]~~ , *and sections 2 to 4.5, inclusive, of this act;*

(b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying and cyber-bullying; and

(c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by ~~[the board of trustees of the school district.]~~ *a governing body.*

2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

Sec. 12. NRS 388.1342 is hereby amended to read as follows:

388.1342 1. The Department, in consultation with persons who possess knowledge and expertise in bullying and cyber-bullying, shall ~~[:]~~ *establish a program of training:*

(a) ~~[Establish a program of training on]~~ *On* methods to prevent, identify and report incidents of bullying and cyber-bullying for members of the State Board.

(b) ~~[Establish a program of training on]~~ *On* methods to prevent, identify and report incidents of bullying and cyber-bullying for *the* members of ~~[the boards of trustees of school districts.]~~ *a governing body*.

(c) ~~[Establish a program of training for]~~ *For* school district and ~~[charter]~~ school personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.1395, inclusive ~~[.]~~ *, and sections 2 to 4.5, inclusive, of this act.*

(d) ~~[Establish a program of training for]~~ *For* administrators in the prevention of violence and suicide associated with bullying and cyber-bullying and appropriate methods to respond to incidents of violence or suicide.

(e) ~~*[Establish a program of training for]*~~ *For school district and school personnel concerning the needs of persons with diverse gender identities or expressions.*

(f) For school district and school personnel concerning the needs of pupils with disabilities and pupils with autism spectrum disorder.

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying and cyber-bullying established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. Except as otherwise provided in NRS 388.134, each member of a ~~[board of trustees of a school district]~~ *governing body* shall, within 1 year after the member ~~[is elected or appointed to the board of trustees,]~~ *begins his or her service on the governing body*, complete the program of training on bullying and cyber-bullying established pursuant to paragraph (b) of subsection 1 and undergo the training at least one additional time while the person is a member of the ~~[board of trustees.]~~ *governing body.*

4. Each administrator of a ~~[public]~~ school shall complete the program of training established pursuant to ~~[paragraph]~~ *paragraphs* (d) *,* ~~*[and]*~~ *(e) and (f)* of subsection 1:

(a) Within 90 days after becoming an administrator;

(b) Except as otherwise provided in paragraph (c), at least once every 3 years thereafter; and

(c) At least once during any school year within which the program of training is revised or updated.

5. Each program of training established pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

6. The ~~[board of trustees of a school district]~~ *governing body* may allow school ~~[district]~~ personnel to attend the program established pursuant to paragraph (c) , ~~[or]~~ (d) , ~~*[or]*~~ *(e)* *or (f)* of subsection 1 during regular school hours.

7. The Department shall review each program of training established pursuant to subsection 1 on an annual basis to ensure that the program contains current information.

Sec. 13. NRS 388.1343 is hereby amended to read as follows:

388.1343 The ~~[principal]~~ *administrator* of each ~~[public]~~ school or his or her designee shall:

1. Establish a school safety team to develop, foster and maintain a school environment which is free from bullying and cyber-bullying;

2. Conduct investigations of violations of NRS 388.135 occurring at the school; and

3. Collaborate with the ~~[board of trustees of the school district]~~ *governing body* and the school safety team to prevent, identify and address reported violations of NRS 388.135 at the school.

Sec. 14. NRS 388.1344 is hereby amended to read as follows:

388.1344 1. Each school safety team established pursuant to NRS 388.1343 must consist of the ~~[principal]~~ *administrator of the school* or his or her designee and the following persons appointed by the ~~[principal:]~~ *administrator:*

(a) A school counselor;

(b) At least one teacher who teaches at the school;

(c) At least one parent or legal guardian of a pupil enrolled in the school; and

(d) Any other persons appointed by the ~~[principal.]~~ *administrator.*

2. The ~~[principal]~~ *administrator of the school* or his or her designee shall serve as the chair of the school safety team.

3. The school safety team shall:

(a) Meet at least two times each year;

(b) Identify and address patterns of bullying or cyber-bullying;

(c) Review and strengthen school policies to prevent and address bullying or cyber-bullying;

(d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying and cyber-bullying; and

(e) To the extent money is available, participate in any training conducted by the school district *or school* regarding bullying and cyber-bullying.

Sec. 15. NRS 388.135 is hereby amended to read as follows:

388.135 A member of ~~[the board of trustees of a school district,]~~ *a governing body,* any employee of ~~[the board of trustees,]~~ *a governing body,*

including, without limitation, an administrator, ~~[principal,]~~ teacher or other staff member, a member of a club or organization which uses the facilities of any ~~[public]~~ school, regardless of whether the club or organization has any connection to the school, or any pupil shall not engage in bullying or cyber-bullying on the premises of any ~~[public]~~ school, at an activity sponsored by a ~~[public]~~ school or on any school bus.

Sec. 16. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. ~~[A]~~ *Except as otherwise provided in section 4.5 of this act, a* teacher, administrator, ~~[principal,]~~ coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the ~~[principal]~~ *administrator* or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, ~~[principal,]~~ coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. ~~[Upon]~~ *Except as otherwise provided in this subsection, upon* receiving a report required by subsection 1, the ~~[principal]~~ *administrator* or designee shall immediately take any necessary action to stop the bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the bullying or cyber-bullying and shall begin an investigation into the report. *If the administrator or designee does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.*

3. The investigation *required by subsection 2* must include, without limitation:

(a) Except as otherwise provided in subsection ~~[3,]~~ *4,* notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the bullying or cyber-bullying. The notification must be provided not later than:

(1) If the bullying or cyber-bullying is reported before the end of school hours on a school day, 6 p.m. on the day on which the bullying or cyber-bullying is reported; or

(2) If the bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, 6 p.m. on the school day following the day on which the bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

~~[3.]~~ *4.* If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection ~~[2.]~~ *3.*

~~[4.]~~ *5.* Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the ~~[principal]~~ *administrator* or designee receives a report required by subsection 1. If *extenuating circumstances prevent* the ~~[principal]~~ *administrator* or designee ~~[is not able to complete the interviews required by paragraph (b) of subsection 2]~~ *from completing the investigation required by this subsection* within 2 school days after making a good faith effort , ~~[because any of the persons to be interviewed is not available,]~~ 1 additional school day may be used to complete the investigation.

~~[5. A principal]~~

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred, the report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the ~~[board of trustees of the school district.]~~ *governing body.* Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection ~~[2]~~ *3* as part of the investigation.

~~[6.]~~ *If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.*

7. Not later than 10 school days after receiving a report required by subsection 1, the ~~[principal]~~ *administrator* or designee shall meet with each reported victim of the bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported bullying or cyber-bullying, as applicable, is not continuing.

~~[7.]~~ *8.* To the extent that information is available, the ~~[principal]~~ *administrator* or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost ~~[.]~~ *and may be provided in person or by electronic or regular mail.* If such a list is provided, the ~~[principal,]~~ *administrator,* his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

~~[8.]~~ *9.* The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the ~~[principal]~~ *administrator* or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the ~~[board of trustees of the school district.]~~ *governing body.* Not later than 30 days after receiving a response provided in

accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

10. School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.

Sec. 17. NRS 388.1352 is hereby amended to read as follows:

388.1352 ~~[The board of trustees of each school district,]~~ *A governing body,* in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district ~~[,]~~ *or school,* shall establish a policy for the procedures which must be followed by an employee of the school district *or school* when reporting a violation of NRS 388.135 to a school police officer or local law enforcement agency.

Sec. 18. NRS 388.1354 is hereby amended to read as follows:

388.1354 If an administrator ~~[, principal]~~ or ~~[the]~~ *his or her* designee ~~[of an administrator or principal of a school]~~ knowingly and willfully fails to comply with the provisions of NRS 388.1351, the superintendent of the school district ~~[:]~~ *or governing body, as applicable, or the designee of either:*

1. Shall take disciplinary action against the employee by written admonishment, demotion, suspension, dismissal or refusal to reemploy; and

2. If the employee is the holder of a license issued pursuant to chapter 391 of NRS, may recommend to the ~~[board of trustees of the school district]~~ *governing body* that the ~~[board]~~ *governing body* submit a recommendation to the State Board for the suspension or revocation of the license.

Sec. 19. NRS 388.136 is hereby amended to read as follows:

388.136 1. A school official shall not directly or indirectly interfere with or prevent the disclosure of information concerning a violation of NRS 388.135.

2. As used in this section, "school official" means:

(a) A member of ~~[the board of trustees of a school district;]~~ *a governing body;* or

(b) A licensed or unlicensed employee of a school district ~~[.]~~ *or school.*

Sec. 20. NRS 388.137 is hereby amended to read as follows:

388.137 1. No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

2. If ~~[a principal]~~ *an administrator* determines that a report of a violation of NRS 388.135 is false and that the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law, the ~~[principal]~~ *administrator* may recommend the imposition of disciplinary action or other measures against the person in

accordance with the policy governing disciplinary action adopted by the ~~[board of trustees of the school district.]~~ *governing body.*

Sec. 21. NRS 388.1395 is hereby amended to read as follows:

388.1395 The ~~[board of trustees of each school district and the]~~ governing body of each ~~[charter]~~ school shall determine the most effective manner for the delivery of information to the pupils of ~~[each public]~~ *the* school during the "Week of Respect" proclaimed by the Governor each year pursuant to NRS 236.073. The information delivered during the "Week of Respect" must focus on:

1. Methods to prevent, identify and report incidents of bullying and cyber-bullying;

2. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

3. Methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying.

Sec. 22. ~~[NRS 394.130 is hereby amended to read as follows:~~

~~394.130 1. In order to secure uniform and standard work for pupils in private schools in this State, instruction in the subjects required by law for pupils in the public schools shall be required of pupils receiving instruction in such private schools, either under the regular state courses of study prescribed by the Board or under courses of study prepared by such private schools and approved by the Board.~~

~~2. A course of study in health provided at a private secondary school must include, to the extent money is available for this purpose and for the grade levels determined by the private school, instruction in:~~

~~(a) The administration of hands only or compression only cardiopulmonary resuscitation, including a psychomotor skill-based component, according to the guidelines of the American Red Cross or American Heart Association; and~~

~~(b) The use of an automated external defibrillator.~~

~~3. If a course of study in health in a private secondary school includes instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator:~~

~~(a) A teacher who provides the instruction is not required to hold certification in the administration of cardiopulmonary resuscitation.~~

~~(b) The private school may collaborate with entities to assist in the provision of the instruction and the provision of equipment necessary for the instruction, including, without limitation, fire departments, hospitals, colleges and universities and public health agencies.~~

~~(c) A pupil who is enrolled in a course of study in health through a program of distance education or a pupil with a disability who cannot perform the tasks included in the instruction is not required to complete the instruction to pass the course of study in health.~~

~~4. Such private schools shall [be required to furnish] :~~

~~*(a) Furnish* from time to time such reports as the Superintendent of Public Instruction may find necessary as to enrollment, attendance and general progress within such schools [.] ; *and*~~

~~*(b) Comply with the provisions of NRS 388.121 to 388.1395, inclusive, and sections 2 to 4.5, inclusive, of this act.*~~

~~5. Nothing in this section shall be so construed as:~~

~~(a) To interfere with the right of the proper authorities having charge of private schools to give religious instruction to the pupils enrolled therein.~~

~~(b) To give such private schools any right to share in the public school funds apportioned for the support of the public schools of this State.]~~ (Deleted by amendment.)

Sec. 23. NRS 236.073 is hereby amended to read as follows:

236.073 1. The Governor shall annually proclaim the first week in October to be "Week of Respect."

2. The proclamation may call upon:

(a) News media, educators and appropriate government offices to bring to the attention of the residents of Nevada factual information regarding bullying and cyber-bullying, including, without limitation:

(1) Statistical information regarding the number of pupils who are bullied or cyber-bullied each year;

(2) The methods to identify and assist pupils who are at risk of bullying or cyber-bullying; and

(3) The methods to prevent bullying and cyber-bullying; and

(b) ~~[School districts]~~ *Governing bodies* to provide instruction on the ways in which pupils can prevent bullying and cyber-bullying during the Week of Respect and throughout the school year that is appropriate for the grade level of pupils who receive the instruction.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Governing body" has the meaning ascribed to it in section 3 of this act.

Sec. 24. This act becomes effective on July 1, 2017.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 961 to Senate Bill No. 225 authorizes private schools to voluntarily comply with the anti-bullying provisions contained in chapter 388 of *Nevada Revised Statutes* and requires the Department of Education to establish a policy and training program for school districts and public schools to train its staff concerning the needs of pupils with disabilities and pupils with autism spectrum disorder.

Amendment adopted.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 225 makes various changes to the anti-bullying provisions contained in chapter 388 of *Nevada Revised Statutes*, including allowing a school administrator to defer an investigation if a law enforcement agency is undertaking a related criminal investigation;

providing alternative measures when a bullying violation is caused by the disability of the student who committed the violation and the behavior is addressed in the student's individualized education program; clarifying the anti-bullying provisions do not apply to violations committed by a pupil enrolled in prekindergarten, violations committed by an employee of a school or school district against another employee of a school or school district, and violations committed by an adult who is not a pupil or employee of a school or school district against another adult; providing a school administrator with additional time to investigate a bullying incident if the reported victim of the alleged violation is inaccessible or extenuating circumstances prevent the administrator from completing the investigation, and allowing unfounded bullying allegation to be excluded from a student's record.

Senate Bill No. 225 also authorizes private schools to voluntarily comply with the anti-bullying provisions contained in chapter 388 of *Nevada Revised Statutes*. The bill also requires the Department of Education to establish a policy and training program for school districts and public schools to train its staff concerning the needs of pupils with diverse gender identities or expressions, pupils with disabilities and pupils with autism spectrum disorder.

Roll call on Senate Bill No. 225:

YEAS—15.

NAYS—Goicoechea, Gustavson, Hammond, Hardy, Kieckhefer, Settelmeyer—6.

Senate Bill No. 225 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 306.

Bill read third time.

Remarks by Senators Ford and Gansert.

SENATOR FORD:

Senate Bill No. 306 provides for the creation of a pilot program directed by the Board of State Prison Commissioners in consultation with the College of Southern Nevada (CSN) for 50 male and 50 female offenders who meet certain criteria to enhance educational and vocational programs for offenders who will soon be released from prison. A General Fund appropriation of $300,000 is appropriated to carry out the pilot program.

The bill also allows for the Director of the Department of Corrections to adopt regulations with the approval of the Board of State Prison Commissioners on the expanded use of telecommunication devices for offenders who are assigned to transitional housing, restitution centers or specific educational or vocational training programs.

SENATOR GANSERT:

Can the telecommunications devices be used from within the prison or just during the stay in transitional housing?

SENATOR FORD:

We heard testimony from the Department of Prisons and the Department of Corrections. The Department of Corrections requested this amendment. It was not in the original bill; they came to me and asked that it be added for use in those areas only, transitional housing and restitutional centers and for specific educational or vocational training programs.

SENATOR GANSERT:

Do the educational programs occur when they are in prison or when they are in the transitional housing?

SENATOR FORD:

They occur when they are in the transitional housing or restitutional centers. It is my understanding that the educational or vocational training programs are related to what CSN is

going to be working on with the 50 male and 50 female inmates who are getting ready to re-enter society.

Roll call on Senate Bill No. 306:
YEAS—21.
NAYS—None.

Senate Bill No. 306 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 355.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 962.

SUMMARY—Increases the fee for a certificate of death to fund grief support services. (BDR 40-114)

AN ACT relating to grief support; creating the Grief Support Trust Account in the State General Fund; requiring the Director of the Department of Health and Human Services to administer the Grief Support Trust Account; requiring the fee for the furnishing of a copy of a certificate of death to include ~~[$2]~~ 50 cents for credit to the Grief Support Trust Account; requiring the Grants Management Advisory Committee to establish ~~[standards of eligibility for]~~ a list of nonprofit community organizations eligible to receive awards of money from the Grief Support Trust Account to provide certain grief support services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill creates the Grief Support Trust Account in the State General Fund. Section 2 requires the money in the Account to be used to support nonprofit community organizations that provide grief support services to certain children, parents and adult caregivers. Section 3 of this bill requires the Director of the Department of Health and Human Services to administer the Account.

Existing law requires the State Registrar to charge and collect a fee for a certified copy of a record of death. (NRS 440.700) Section 5 of this bill requires such fee for a copy of a certificate of death to include ~~[$2]~~ 50 cents for credit to the Grief Support Trust Account.

Existing law also requires the Grants Management Advisory Committee to adopt policies that set forth criteria to determine which nonprofit organizations to recommend for an award of money by the Director from programs administered by the Department. (NRS 232.385) Section 6 of this bill : (1) requires the Committee to establish a list of nonprofit community organizations eligible to receive awards of money from the Grief Support Trust Account; and (2) establishes certain ~~[standards]~~ criteria that the Committee must ~~[incorporate into its policies for]~~ use to determine whether a nonprofit community organization ~~[to recommend]~~ is eligible for an award of

money from the Grief Support Trust Account. Under section 3, the Director is required to make awards of money from the Grief Support Trust Account to eligible nonprofit community organizations immediately as money in the Account becomes available.

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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. The Grief Support Trust Account is hereby created in the State General Fund. ~~[Except as otherwise provided in subsection 2, the]~~ The money in the Account must be used to support nonprofit community organizations that provide grief support services to children ~~[,]~~ who have experienced a loss of a relative or other person who had a significant emotional relationship with the child. Such grief support services may also be provided to parents and adult caregivers ~~[.]~~ who have experienced the loss of a child.*

2. ~~[Not more than 5 percent of the money credited to the Account each year may be used for the expenses:~~

~~(a) Of administering the Account; and~~

~~(b) For travel of members of the Grants Management Advisory Committee created by NRS 232.383 or members of a working group of the Grants Management Advisory Committee that is appointed pursuant to NRS 232.387.~~

~~3.]~~ The interest and income earned on the money in the Account ~~[, after deducting any applicable charges,]~~ must be credited to the Account.

~~[4.]~~ 3. Any money remaining in the Account at the end of each fiscal year does not revert to the State General Fund but must be carried over into the next fiscal year.

Sec. 3. *1. The Director is responsible for administering the Grief Support Trust Account created by section 2 of this act.*

2. The Director shall make awards of money, by contract or grant, from the Grief Support Trust Account to nonprofit community organizations which provide or will provide grief support services ~~[to children, parents or adult caregivers.]~~ as described in subsection 1 of section 2 of this act and which have been included in the list of organizations eligible to receive such awards by the Grants Management Advisory Committee pursuant to paragraph (d) of subsection 1 of NRS 232.385. The Director shall make such awards of money to eligible nonprofit community organizations immediately as money becomes available in the Account. The duration of an award made pursuant to this subsection must not exceed 3 years.

3. The Director shall report to each regular session of the Legislature regarding the nonprofit community organizations that have been awarded money from the Grief Support Trust Account, the amount and sources of money credited to the Account, the interest and income on the money in the

Account, any unexpended money in the Account and the general expenses of administering the Account.

4. Requests for awards of money from the Grief Support Trust Account must be reviewed at least annually by the Grants Management Advisory Committee created by NRS 232.383.

Sec. 4. NRS 440.690 is hereby amended to read as follows:

440.690 1. The State Registrar shall keep a true and correct account of all fees received under this chapter.

2. The money collected pursuant to subsection 2 of NRS 440.700 must be remitted by the State Registrar to the State Treasurer for credit to the Children's Trust Account created by NRS 432.131. The money collected pursuant to subsection 3 of NRS 440.700 must be remitted by the State Registrar to the State Treasurer for credit to the Review of Death of Children Account created by NRS 432B.409. *The money collected pursuant to subsection 4 of NRS 440.700 must be remitted by the State Registrar to the State Treasurer for credit to the Grief Support Trust Account created by section 2 of this act.* Any money collected pursuant to subsection ~~[5]~~ *6* of NRS 440.700 must be remitted by the State Registrar to the county treasurers of the various participating counties for credit to their accounts for the support of the offices of the county coroners created pursuant to NRS 259.025. Any other proceeds accruing to the State of Nevada under the provisions of this chapter may be used by the Division of Public and Behavioral Health of the Department of Health and Human Services to administer and carry out the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 5. NRS 440.700 is hereby amended to read as follows:

440.700 1. Except as otherwise provided in this section, the State Registrar shall charge and collect a fee in an amount established by the State Registrar by regulation:

(a) For searching the files for one name, if no copy is made.

(b) For verifying a vital record.

(c) For establishing and filing a record of paternity, other than a hospital-based paternity, and providing a certified copy of the new record.

(d) For a certified copy of a record of birth.

(e) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(f) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(g) For correcting a record on file with the State Registrar and providing a certified copy of the corrected record.

(h) For replacing a record on file with the State Registrar and providing a certified copy of the new record.

(i) For filing a delayed certificate of birth and providing a certified copy of the certificate.

(j) For the services of a notary public, provided by the State Registrar.

(k) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State.

(l) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State.

(m) For compiling data files which require specific changes in computer programming.

2. The fee collected for furnishing a copy of a certificate of birth or death must include the sum of $3 for credit to the Children's Trust Account created by NRS 432.131.

3. The fee collected for furnishing a copy of a certificate of death must include the sum of $1 for credit to the Review of Death of Children Account created by NRS 432B.409.

4. *The fee collected for furnishing a copy of a certificate of death must include the sum of* ~~[$2]~~ *50 cents for credit to the Grief Support Trust Account created by section 2 of this act.*

5. The State Registrar shall not charge a fee for furnishing a certified copy of a record of birth to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

~~[5.]~~ *6.* The fee collected for furnishing a copy of a certificate of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 must include the sum of $1 for credit to the account for the support of the office of the county coroner of the county in which the certificate originates.

~~[6.]~~ *7.* Upon the request of any parent or guardian, the State Registrar shall supply, without the payment of a fee, a certificate limited to a statement as to the date of birth of any child as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.

~~[7.]~~ *8.* The United States Bureau of the Census may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of a fee.

Sec. 6. NRS 232.385 is hereby amended to read as follows:

232.385 *1.* The Grants Management Advisory Committee created by NRS 232.383 shall:

~~[1.]~~ *(a)* Review all requests received by the Department for awards of money from agencies of the State or its political subdivisions and nonprofit community organizations or educational institutions which provide or will

provide services to persons served by the programs administered by the Department;

~~[2.]~~ *(b)* Submit recommendations to the Director concerning each request for an award of money that the Advisory Committee believes should be granted, including, without limitation, the name of the agency, nonprofit community organization or educational institution that submitted the request;

~~[3.]~~ *(c)* Adopt policies setting forth criteria to determine which agencies, organizations and institutions to recommend for an award of money;

(d) In accordance with subsection 2, establish a list of nonprofit community organizations eligible to receive awards of money from the Grief Support Trust Account created by section 2 of this act;

~~[4.]~~ *(e)* Monitor awards of money granted by the Department to agencies of the State or its political subdivisions, and nonprofit community organizations or educational institutions which provide or will provide services to persons served by the programs administered by the Department, including, without limitation, awards of money granted pursuant to NRS 439.630;

~~[5.]~~ *(f)* Assist the staff of the Department in determining the needs of local communities and in setting priorities for funding programs administered by the Department; and

~~[6.]~~ *(g)* Consider funding strategies for the Department, including, without limitation, seeking ways to avoid unnecessary duplication of the services for which awards of money to agencies of the State or its political subdivisions and nonprofit community organizations or educational institutions are granted, and make recommendations concerning funding strategies to the Director.

~~*[7. Any policies adopted pursuant to subsection 3 setting forth criteria to determine which]*~~

2. The Grants Management Advisory Committee may include a nonprofit community organization on the list of nonprofit community organizations ~~[to recommend for]~~ eligible to receive an award of money from the Grief Support Trust Account created by section 2 of this act ~~[must include, without limitation,]~~ only if the nonprofit community organization satisfies the following ~~[requirements:]~~ criteria:

(a) ~~[That the]~~ The Secretary of the Treasury has recognized the nonprofit community organization as tax exempt pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), for at least 3 years, and the organization is organized as a nonprofit corporation pursuant to chapter 82 of NRS.

(b) ~~[That the]~~ The nonprofit community organization has provided age-appropriate peer support groups for children between the ages of 3 years and 18 years for at least 2 years, and provides such peer support groups from September to May of each calendar year on a biweekly basis.

(c) ~~[That the]~~ The nonprofit community organization is a member of the National Alliance for Grieving Children or its successor organization.

(d) ~~[That the]~~ The nonprofit community organization must provide its grief support services free of charge.

(e) ~~[That the]~~ The nonprofit community organization keep and aggregate information relating to the number of children served by the organization and the demographic information of such children, including, without limitation, a child's age, gender, race, ethnicity, school attendance and family income.

(f) Any other criteria set forth in the policies adopted by the Committee pursuant to paragraph (c) of subsection 1.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective:

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, 2017, for all other purposes.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Senate Bill No. 355, as amended by Amendment No. 962, eliminates the limitation on the use of funds by the Department of Health and Human Services, Director's Office, to administer the Grief Support trust Account and to make grants to nonprofit organizations; allows distribution of funds as those funds become available, and reduces, from $2.00 to $0.50, the fee to be added to the cost of furnishing a certified copy of a death certificate.

Amendment adopted.

Bill read third time.

Remarks by Senator Segerblom.

Senate Bill No. 355 creates the Grief Support Trust Account in the State General Fund and requires the Director of the Department of Health and Human Services to administer the Grief Support Trust Account. Senate Bill No. 355 requires the fee for the furnishing of a copy of a certificate of death to be increased by $0.50 per certified copy and the funds be used to make awards to nonprofit community organizations for purposes of providing grief-support services to children who have experienced the loss of a relative or other significant person and parents and adult caregivers who have experienced the loss of a child.

Roll call on Senate Bill No. 355:

YEAS—20.

NAYS—Gustavson.

Senate Bill No. 355 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 10.

The following Assembly amendment was read:

Amendment No. 774.

SUMMARY—Revises provisions governing the publication of information concerning unclaimed and abandoned property. (BDR 10-407)

AN ACT relating to unclaimed property; revising provisions governing the publication of information concerning certain unclaimed and abandoned property and the sale of such property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Uniform Unclaimed Property Act, which sets forth various provisions relating to the disposition of certain abandoned property. (Chapter 120A of NRS) Under existing law, the State Treasurer acts as the Administrator of Unclaimed Property. (NRS 120A.025) Existing law requires the Administrator annually to publish a notice that lists the name of each person who appears to own certain kinds of property that has been abandoned by its owner and taken into custody by the Administrator. The notice must also contain a statement that information about such property may be obtained from the Administrator. The Administrator is required to provide this notice by purchasing an advertisement in a newspaper of the county of the last known address of each apparent owner of abandoned property that is in the custody of the Administrator. (NRS 120A.580) Section 1 of this bill revises the requirements that the notice include information concerning individual owners and instead provides among other things that: (1) in a county whose population is 700,000 or more (currently Clark County), such a notice must be published in a newspaper ~~[with the largest]~~ of general circulation with a circulation of more than 15,000 in the county at least six times per year , or more often under certain circumstances, and must provide certain instructions on how to search and access information relating to unclaimed property; and (2) in a county whose population is less than 700,000 (currently any county other than Clark County), such a notice must be published in a newspaper ~~[with the largest]~~ of general circulation in the county not less than once each year and must include the last known city of any person named in the notice. Section 1 also requires the Administrator to publish ~~[the notice at least 90 days before the date a holder of property must file certain reports.]~~ a notice in a newspaper of general circulation, not later than February 1 and August 1 of each year, that summarizes certain requirements relating to holders of unclaimed property. Finally, section 1 authorizes the Administrator to provide additional information concerning unclaimed or abandoned property at any time and in any manner that the Administrator selects.

Existing law requires the Administrator to sell certain abandoned property in his or her custody within 2 years after taking the property into custody. The Administrator is required to publish a notice in a newspaper of general circulation in the county in which the property is to be sold at least 3 weeks before the sale. (NRS 120A.610) Section 2 of this bill requires the Administrator to publish such a notice not less than 21 days before the sale.

Section 2 also authorizes the Administrator to provide additional notice of such sales at any time and in any manner that the Administrator selects.

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

Section 1. NRS 120A.580 is hereby amended to read as follows:

120A.580 1. The Administrator shall publish a notice not later than November 30 of the year next following the year in which abandoned property has been paid or delivered to the Administrator. The notice must ~~[be]~~ *:*

(a) In a county whose population is 700,000 or more:

(1) Be published *not less than six times per year, or more frequently as necessary to comply with the provisions of subparagraph (3),* in a newspaper of general ~~*[with the largest]*~~ circulation in the county ~~[of this State in which is located,]~~ *with a circulation of more than 15,000;*

(2) Include instructions on how to search and access information relating to unclaimed property; and

(3) Be not less than one full page in size. The Administrator may comply with the requirement in this subparagraph by publishing one or more versions of the notice that are less than one full page in size if the size of all the versions of the notice published during the year is cumulatively not less than six full pages.

(b) In a county whose population is less than 700,000:

(1) Be published not less than once each year in a newspaper ~~[with the largest]~~ of general circulation in the county; and

(2) Include the last known ~~[address]~~ *city* of any person named in the notice. ~~[If a holder does not report an address for the apparent owner or the address is outside this State, the notice must be published in a county that the Administrator reasonably selects.~~

~~(c) If a holder of property must file a report pursuant to NRS 120A.560:~~

~~(1) Be published in a newspaper of general circulation not less than 90 days before the date the holder must file the report; and~~

~~(2) Be not less than one full page in size.]~~

2. The ~~[advertisement]~~ *notice required ~~[in]~~ by subsection 1* must be in a form that, in the judgment of the Administrator, is likely to attract the attention of ~~[the apparent owner of the]~~ *persons who may have a legal or equitable interest in* unclaimed property ~~[.]~~ *or of the legal representatives of such persons.* The form must contain:

(a) The name ~~[of each person appearing to be the owner of the property, as set forth in the report filed by the holder;~~

~~(b) The city or town in which the last known address of each person appearing to be the owner of the property is located, if a city or town is set forth in the report filed by the holder;~~

~~(c)]~~ *, physical address, telephone number and Internet address of the website of the Administrator;*

(b) A statement explaining that *unclaimed* property ~~[of the owner]~~ is presumed to be abandoned and has been taken into the protective custody of the Administrator; and

~~[(d)]~~ *(c)* A statement that information about ~~[the]~~ property *taken into protective custody* and its return to the owner is available to *the owner or* a person having a legal or beneficial interest in the property, upon request to the Administrator ~~[.]~~ *, directed to the Deputy of Unclaimed Property.*

~~[2.]~~ *3.* ~~[The Administrator is not required to advertise the name and city or town of an owner of property having a total value less than $50 or information concerning a traveler's check, money order or similar instrument.]~~ *In addition to publishing the notice required by subsection 1, the Administrator shall publish a notice not later than February 1 and August 1 of each year summarizing the requirements of this chapter as they apply to the holders of unclaimed property. The notice must:*

(a) Be published in a newspaper of general circulation in this State; and

(b) Be not less than one full page in size. The Administrator may comply with the requirement of this paragraph by publishing one or more versions of the notice that are less than one full page in size if the size of all the versions of the notice published during the year is cumulatively not less than two full pages.

4. In addition to complying with the requirements of subsections 1, 2 and 3, the Administrator may advertise or otherwise provide information concerning unclaimed or abandoned property, including, without limitation, the information set forth in ~~[subsection 2,]~~ subsections 2 and 3, at any other time and in any other manner that the Administrator selects.

Sec. 2. NRS 120A.610 is hereby amended to read as follows:

120A.610 1. Except as otherwise provided in subsections 4 to 8, inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords, in his or her judgment, the most favorable market for the property. The Administrator may decline the highest bid and reoffer the property for sale if the Administrator considers the bid to be insufficient.

2. Any sale held under this section must be preceded by a single publication of notice, ~~[at least 3 weeks]~~ *not less than 21 days* before sale, in a newspaper of general circulation in the county in which the property is to be sold. *The Administrator may provide additional notice of any such sale at any time and in any manner that the Administrator selects.*

3. The purchaser of property at any sale conducted by the Administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of ownership.

4. Except as otherwise provided in subsection 5, the Administrator need not offer any property for sale if the Administrator considers that the

probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society.

➥ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. The Administrator shall transfer property to the Department of Veterans Services, upon its written request, if the property has military value.

6. Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

7. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.

8. All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Account in the State General Fund. At the end of each fiscal year, before any other money in the Abandoned Property Trust Account is transferred pursuant to NRS 120A.620, the balance in the subaccount created pursuant to this subsection, less any costs, service charges or claims chargeable to the subaccount, must be transferred to the Educational Trust Account, which is hereby created in the State General Fund. The money in the Educational Trust Account may be expended only as authorized by the Legislature, if it is in session, or by the Interim Finance Committee, if the Legislature is not in session, for educational purposes.

Sec. 3. This act becomes effective upon passage and approval.

Senator Segerblom moved that the Senate concur in Assembly Amendment No. 774 to Senate Bill No. 10.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 169.

The following Assembly amendment was read:

Amendment No. 883.

SUMMARY—Revises provisions relating to sexual offenses. (BDR 15-472)

AN ACT relating to crimes; ~~[requiring each law enforcement agency in this State to establish a sexual assault forensic evidence kit tracking program; requiring a law enforcement agency to submit sexual assault forensic evidence kits to a forensic laboratory within a certain period of time after receipt thereof; requiring a forensic laboratory, upon request of a victim, to test a sexual assault forensic evidence kit within a certain period after receipt thereof and to report certain information concerning sexual assault forensic evidence kits on an annual basis;]~~ prohibiting employees and contractors of and volunteers for certain entities from engaging in sexual conduct with children or young adults under the care, custody, control or supervision of the entity; ~~[making various changes to the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice;]~~ revising provisions prohibiting certain employees of or volunteers at a public or private school from engaging in sexual conduct with certain pupils; revising provisions prohibiting certain employees of a college or university from engaging in sexual conduct with certain students; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~— [Section 1.3 of this bill requires each law enforcement agency that receives sexual assault forensic evidence kits, also known as "SAFE kits," to: (1) establish a program to track SAFE kits; and (2) provide access to the program to certain victims and agencies. Section 1.3 also provides civil immunity to certain persons who participate in the program in good faith and without gross negligence.~~

~~— Section 1.7 of this bill requires a law enforcement agency to submit a SAFE kit to the applicable forensic laboratory responsible for conducting a genetic marker analysis not later than 30 days after receiving the SAFE kit. Section 1.7 also requires each forensic laboratory that receives a SAFE kit from a law enforcement agency to: (1) test the SAFE kit not later than 180 days after receiving the SAFE kit, if the victim of a sexual assault requests such testing; and (2) report annually to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice and to the Director of the Legislative Counsel Bureau, for transmittal to the next session of the Legislature, or to the Legislative Commission, as applicable. The report must include information concerning the number of SAFE kits that have been in the possession of the forensic laboratory for a period longer than 1 year and which have not been tested.~~

~~— Existing law establishes the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice and requires the Subcommittee to evaluate, review and submit a report to the Commission regarding certain issues relating to arrestee DNA. (NRS 176.01246) Section 10 of this bill: (1) revises the name of the Subcommittee to reflect the broader duties assigned pursuant to this bill; and (2) requires the Subcommittee to additionally evaluate, review and submit a report to the Commission regarding the submittal, storage and testing of SAFE kits.]~~

Existing law imposes criminal penalties on certain employees of or volunteers at a school who engage in sexual conduct with certain pupils. (NRS 201.540) Section 8 of this bill enacts similar provisions to impose criminal penalties on certain employees or contractors of and volunteers for certain entities who engage in sexual conduct with a child or young adult under the care, custody, control or supervision of the entity. Section 8 provides that a person is guilty of a category C felony if he or she: (1) is 25 years of age or older; (2) is in a position of authority as an employee or contractor of or volunteer for an agency which provides child welfare services, a department of juvenile justice services, foster home or the Youth Parole Bureau; and (3) engages in sexual conduct with a person who is 16 years of age or older but less than 18 years of age and who is under the care, custody, control or supervision of the agency, department or Bureau.

Sections 2-7 of this bill expand the prohibition on the public disclosure of the identity of a victim of a sexual assault to include a victim of an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.

Existing law provides that a person is guilty of a category C felony if he or she: (1) is 21 years of age or older; (2) is or was employed by or is or was volunteering at a public or private school; and (3) engages in sexual conduct with a pupil who is 16 years of age or older and who is or was enrolled at or attending the school. (NRS 201.540) Section 8.3 of this bill: (1) provides that this crime applies only to an employee of or volunteer at a school who is in a position of authority; and (2) clarifies that the exemption from this crime for an employee or volunteer who is married to the pupil applies only if the employee or volunteer and the pupil are married at the time the prohibited act is committed.

Similarly, existing law generally provides that a person is guilty of a category C felony if he or she: (1) is 21 years of age or older; (2) is employed in a position of authority by a college or university; and (3) engages in sexual conduct with a student who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and who is enrolled at or attending the college or university. (NRS 201.550) Section 8.7 of this bill clarifies that the exemption

from this crime for an employee who is married to the student applies only if the employee and the student are married at the time the prohibited act is committed.

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

Section 1. ~~[Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.]~~ (Deleted by amendment.)

Sec. 1.3. ~~[*1. Each law enforcement agency that receives sexual assault forensic evidence kits shall establish a program to track sexual assault forensic evidence kits. The law enforcement agency may contract with any appropriate public or private agency, organization or institution to carry out the provisions of this section, including, without limitation, entering into an interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive, with another law enforcement agency that has established a program to track sexual assault forensic evidence kits.*~~

~~*2. A program to track sexual assault forensic evidence kits must:*~~

~~*(a) Track the location and status of sexual assault forensic evidence kits, including, without limitation, the initial forensic medical examination, receipt by the law enforcement agency and receipt and genetic marker analysis at a forensic laboratory.*~~

~~*(b) Allow providers of health care who perform forensic medical examinations, law enforcement agencies, prosecutors, forensic laboratories and any other entities having sexual assault forensic evidence kits in their custody to track the status and location of sexual assault forensic evidence kits.*~~

~~*(c) Allow a victim of sexual assault to anonymously track or receive updates regarding the status and location of his or her sexual assault forensic evidence kit.*~~

~~*3. Any agency or person who acts pursuant to this section in good faith and without gross negligence is immune from civil liability for those acts.]*~~ (Deleted by amendment.)

Sec. 1.7. ~~[*1. Except as otherwise provided in this subsection, a law enforcement agency shall, not later than 30 days after receiving a sexual assault forensic evidence kit, submit the sexual assault forensic evidence kit to the applicable forensic laboratory responsible for conducting a genetic marker analysis. The provisions of this subsection do not apply to any noninvestigatory sexual assault forensic evidence kit associated with a victim who:*~~

~~*(a) Has chosen to remain anonymous; or*~~

~~*(b) Indicates that he or she is not a victim of sexual assault.*~~

~~*2. A forensic laboratory shall, not later than 180 days after receiving a sexual assault forensic evidence kit from a law enforcement agency, test the sexual assault forensic evidence kit.*~~

~~*3. Each forensic laboratory that receives a sexual assault forensic evidence kit from a law enforcement agency shall, on or before August 31 of each year, submit a report to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice created by NRS 176.01246 and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. The report must contain the total number of sexual assault forensic evidence kits which have:*~~

~~*(a) Been in the possession of the forensic laboratory for a period longer than 1 year; and*~~

~~*(b) Not been tested.]*~~ (Deleted by amendment.)

Sec. 2. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, ~~*[and sections 1.3 and 1.7 of this act,]*~~ unless the context otherwise requires:

1. ~~*["Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.*~~

~~*2. "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.*~~

~~*3. "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.*~~

~~*4.]*~~ "Offense involving a pupil ~~["]~~ *or child"* means any of the following offenses:

(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(c) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to section 8 of this act.

2. ~~*[5.]*~~ "Perpetrator" means a person who commits a sexual offense, an offense involving a pupil *or child* or sex trafficking.

3. ~~*[6.]*~~ "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

4. ~~*[7. "Sexual assault forensic evidence kit" means the forensic evidence obtained from a forensic medical examination.*~~

~~*8.]*~~ "Sexual offense" means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

5. ~~*[9.]*~~ "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. The term does not include any such conduct for medical purposes.

6. ~~[10.]~~ "Statutory sexual seduction" means ordinary sexual intercourse, anal intercourse or sexual penetration committed by a person 18 years of age or older with a person who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.

7. ~~[11.]~~ "Victim" means a person who is a victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking.

~~[12. "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.]~~

Sec. 3. NRS 200.377 is hereby amended to read as follows:

200.377 The Legislature finds and declares that:

1. This State has a compelling interest in assuring that the victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking:

(a) Reports the sexual offense, offense involving a pupil *or child* or sex trafficking to the appropriate authorities;

(b) Cooperates in the investigation and prosecution of the sexual offense, offense involving a pupil *or child* or sex trafficking; and

(c) Testifies at the criminal trial of the person charged with committing the sexual offense, offense involving a pupil *or child* or sex trafficking.

2. The fear of public identification and invasion of privacy are fundamental concerns for the victims of sexual offenses, offenses involving a pupil *or child* or sex trafficking. If these concerns are not addressed and the victims are left unprotected, the victims may refrain from reporting and prosecuting sexual offenses, offenses involving a pupil *or child* or sex trafficking.

3. A victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking may be harassed, intimidated and psychologically harmed by a public report that identifies the victim. A sexual offense, an offense involving a pupil *or child* or sex trafficking is, in many ways, a unique, distinctive and intrusive personal trauma. The consequences of identification are often additional psychological trauma and the public disclosure of private personal experiences.

4. Recent public criminal trials have focused attention on these issues and have dramatized the need for basic protections for the victims of sexual offenses, offenses involving a pupil *or child* or sex trafficking.

5. The public has no overriding need to know the individual identity of the victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking.

6. The purpose of NRS 200.3771 to 200.3774, inclusive, is to protect the victims of sexual offenses, offenses involving a pupil *or child* or sex trafficking from harassment, intimidation, psychological trauma and the unwarranted invasion of their privacy by prohibiting the disclosure of their identities to the public.

Sec. 4. NRS 200.3771 is hereby amended to read as follows:

200.3771 1. Except as otherwise provided in this section, any information which is contained in:

(a) Court records, including testimony from witnesses;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

➥ that reveals the identity of a victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.

2. A defendant charged with a sexual offense, an offense involving a pupil *or child* or sex trafficking and the defendant's attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and the defendant's attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.

3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;

(b) The disclosure will not place the victim at risk of personal harm; and

(c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

4. Nothing in this section prohibits:

(a) Any publication or broadcast by the media concerning a sexual offense, an offense involving a pupil *or child* or sex trafficking.

(b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:

(1) The organization or agency needs identifying information of victims to offer such services; and

(2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.

5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.

Sec. 5. NRS 200.3772 is hereby amended to read as follows:

200.3772 1. A victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual offense, offense involving a pupil *or child* or sex trafficking, including, without limitation, criminal intelligence and investigative reports, court records and media releases.

2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the sexual offense, offense involving a pupil *or child* or sex trafficking. The form must be provided by the law enforcement agency.

3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall make a good faith effort to:

(a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency's possession; and

(b) Notify the prosecuting attorney of the pseudonym.

➥ The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.

4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual offense, offense involving a pupil *or child* or sex trafficking.

5. The information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or the defendant's attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or the defendant's attorney is subject to the conditions and restrictions specified in subsection 2 of NRS 200.3771. A person who violates this subsection is guilty of a misdemeanor.

6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual offense, offense involving a pupil *or child* or sex trafficking, or the identity of the victim is at issue.

7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:

(a) Disclosing any information contained on the form filed by a victim pursuant to this section that reveals the identity of the victim; or

(b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.

Sec. 6. NRS 200.3773 is hereby amended to read as follows:

200.3773 1. A public officer or employee who has access to any records, files or other documents which include the photograph, likeness, name, address, telephone number or other fact or information that reveals the identity of a victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking shall not intentionally or knowingly disclose the identifying information to any person other than:

(a) The defendant or the defendant's attorney;

(b) A person who is directly involved in the investigation, prosecution or defense of the case;

(c) A person specifically named in a court order issued pursuant to NRS 200.3771; or

(d) A nonprofit organization or public agency approved to receive the information pursuant to NRS 200.3771.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 7. NRS 200.3774 is hereby amended to read as follows:

200.3774 The provisions of NRS 200.3771, 200.3772 and 200.3773 do not apply if the victim of the sexual offense, offense involving a pupil *or child* or sex trafficking voluntarily waives, in writing, the confidentiality of the information concerning the victim's identity.

Sec. 8. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person who:

(a) Is 25 years of age or older;

(b) Is in a position of authority as an employee or contractor of or volunteer for an entity which provides services to children; and

(c) Engages in sexual conduct with a person who is 16 years of age or older but less than 18 years of age and:

(1) Who is under the care, custody, control or supervision of the entity at which the person is employed or volunteering or of which the person is a contractor; and

(2) With whom the person has had contact in the course of performing his or her duties as an employee, contractor or volunteer,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. The provisions of this section do not apply to a person who is an employee or contractor of or volunteer for an entity which provides services to children and who is married to the person under the care, custody, control or supervision of the entity at the time an act prohibited by this section is committed.

3. A person convicted pursuant to this section is not subject to the registration or community notification requirements of chapter 179D of NRS.

4. As used in this section:

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

(b) "Department of juvenile justice services" means:

(1) In a county whose population is less than 100,000, the probation department of the juvenile court established pursuant to NRS 62G.010 to 62G.070, inclusive;

(2) In a county whose population is 100,000 or more but less than 700,000, the department of juvenile services established pursuant to NRS 62G.100 to 62G.170, inclusive; and

(3) In a county whose population is 700,000 or more, the department of juvenile justice services established by ordinance pursuant to NRS 62G.210

or, if a department of juvenile justice services has not been established by ordinance pursuant to NRS 62G.210, the department of juvenile justice services established pursuant to NRS 62G.300 to 62G.370, inclusive.

(c) "Entity which provides services to children" means:

(1) An agency which provides child welfare services;

(2) A department of juvenile justice services;

(3) A foster home; or

(4) The Youth Parole Bureau.

(d) "Foster home" has the meaning ascribed to it in NRS 424.014.

(e) "Youth Parole Bureau" has the meaning ascribed to it in NRS 62A.350.

Sec. 8.3. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection 2, a person who:

(a) Is 21 years of age or older;

(b) Is or was employed by a public school or private school *in a position of authority* or is or was volunteering at a public or private school ~~[:]~~ *in a position of authority;* and

(c) Engages in sexual conduct with a pupil who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and:

(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

➥ is guilty of a category C felony and shall be punished as provided in NRS.

2. The provisions of this section do not apply to a person who is married to the pupil ~~[.]~~ *at the time an act prohibited by this section is committed.*

3. The provisions of this section must not be construed to apply to sexual conduct between two pupils.

Sec. 8.7. NRS 201.550 is hereby amended to read as follows:

201.550 1. Except as otherwise provided in subsection 3, a person who:

(a) Is 21 years of age or older;

(b) Is employed in a position of authority by a college or university; and

(c) Engages in sexual conduct with a student who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and who is enrolled in or attending the college or university at which the person is employed,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. For the purposes of subsection 1, a person shall be deemed to be employed in a position of authority by a college or university if the person is employed as:

(a) A teacher, instructor or professor;

(b) An administrator; or

(c) A head or assistant coach.

3. The provisions of this section do not apply to a person who is married to the student ~~[.]~~ *at the time an act prohibited by this section is committed.*

4. The provisions of this section must not be construed to apply to sexual conduct between two students.

Sec. 9. (Deleted by amendment.)

Sec. 10. ~~[NRS 176.01246 is hereby amended to read as follows:~~

~~"176.01246 1. There is hereby created the Subcommittee to Review [Arrestee] DNA of the Commission.~~

~~2. The Chair of the Commission shall appoint the members of the Subcommittee which must include, without limitation:~~

~~(a) A member experienced in defending criminal actions.~~

~~(b) A member of a minority community organization whose mission includes the protection of civil rights for minorities.~~

~~3. The Chair of the Commission shall designate one of the members of the Subcommittee as Chair of the Subcommittee.~~

~~4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.~~

~~5. The Subcommittee shall consider issues relating to DNA [of arrested persons] and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues. The issues considered by the Subcommittee and the report submitted by the Subcommittee must include, without limitation:~~

~~(a) The costs and procedures relating to the methods, implementation and utilization of the provisions for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons; [and]~~

~~(b) The collection and review of information concerning the number of requests for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons and the number and percentage of such requests that are denied [.] ; *and*~~

~~*(c) The submittal, storage and testing of sexual assault forensic evidence kits, including, without limitation, the review of any report required pursuant to section 1.7 of this act.*~~

~~6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.~~

~~7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses as provided for state officers and employees generally.~~

~~8. As used in this section:~~

~~(a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.~~

~~(b) "DNA" has the meaning ascribed to it in NRS 176.09114.~~

~~(c) "DNA profile" has the meaning ascribed to it in NRS 176.09115.~~

~~(d) "DNA record" has the meaning ascribed to it in NRS 176.09116.~~

~~*(e) "Sexual assault forensic evidence kit" has the meaning ascribed to it in NRS 200.364.]*~~ (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 21.5. ~~[1. The amendatory provisions of section 1.7 of this act apply to any sexual assault forensic evidence kit received by a forensic laboratory from a law enforcement agency on or after July 1, 2017.~~

~~2. Each forensic laboratory shall, on or before August 31, 2017, submit its first report to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice.~~

~~3. As used in this section:~~

~~(a) "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.~~

~~(b) "Sexual assault forensic evidence kit" has the meaning ascribed to it in NRS 200.364 as amended by section 2 of this act.]~~ (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 22.5. ~~[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.]~~ (Deleted by amendment.)

Sec. 23. ~~[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. 24. 1. This section and sections 1.7 and 21 to 23, inclusive, of this act become effective on July 1, 2017.

2. Sections 2 to 9, inclusive, and 11 to 20, inclusive, of this act become effective on October 1, 2017.

3. Sections 1.3 and 10 of this act become effective on January 1, 2020.

Senator Segerblom moved that the Senate concur in Assembly Amendment No. 883 to Senate Bill No. 169.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 194.

The following Assembly amendment was read:

Amendment No. 897.

JOINT SPONSORS: ASSEMBLYMEN SWANK, EDWARDS, FRIERSON, CARRILLO ; ~~[~~, ~~HAMBRICK;]~~ BILBRAY-AXELROD, DALY, JAUREGUI AND JOINER

SUMMARY—Prohibits the sale of products derived from or containing certain animal species under certain circumstances. (BDR 52-664)

AN ACT relating to trade practices; prohibiting the sale of products derived from or containing certain animal species under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Endangered Species Act of 1973 and the African Elephant Conservation Act restrict importation to, exportation from and trade throughout the United States of certain items made of or containing certain animal parts. (16 U.S.C. §§ 1531 et seq.; 16 U.S.C. §§ 4201 et seq.) Section 2 of this bill prohibits the purchase, sale or possession with intent to sell any item in this State that is, wholly or partially, made of an animal part or byproduct derived from a shark fin , a lion of the species *Panthera leo* or any species of elephant, rhinoceros, tiger, ~~[lion,]~~ leopard, cheetah, jaguar, pangolin, sea turtle, ray, mammoth, narwhal, walrus or hippopotamus. Section 2 also designates the criminal and civil penalties to be imposed upon a person for violating these provisions. Section 3 of this bill exempts certain classes of sales from the provisions of section 2, including certain sales involving: (1) law enforcement; (2) antiques; (3) musical instruments; (4) knives and firearms; and (5) a scientific or educational institution. Section 3 also exempts sales of items specifically authorized for sale by federal law ~~[.]~~ or sport-hunted items legally obtained in accordance with federal law.

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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. Except as otherwise provided in section 3 of this act, a person shall not purchase, sell, offer for sale or possess with intent to sell any item that is, wholly or partially, made of an animal part or byproduct derived from a shark fin , a lion of the species Panthera leo or any species of elephant, rhinoceros, tiger, ~~[lion,]~~ leopard, cheetah, jaguar, pangolin, sea turtle, ray, mammoth, narwhal, walrus or hippopotamus.*

2. Any person who violates a provision of subsection 1:

(a) For the first offense, is guilty of a gross misdemeanor;

(b) For the second offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130; and

(c) For the third and any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. In addition to the criminal penalties set forth in this section, a person who violates a provision of this section, upon conviction, shall pay a civil penalty not to exceed $6,500 or an amount equal to four times the fair market value of the item which is the subject of the violation, whichever is greater.

4. As used in this section:

(a) "Sale" or "sell" means any act of selling, trading or bartering, for monetary or nonmonetary consideration, and includes any transfer of ownership that occurs in the course of a commercial transaction, but does not include a nonmonetary transfer of ownership to a legal beneficiary of a trust or to a person by way of gift, donation, inheritance or bequest.

(b) "Shark fin" means the fresh and uncooked, or cooked, frozen, dried or otherwise processed, detached fin or tail of a shark.

Sec. 3. *1. The provisions of section 2 of this act do not apply to:*

(a) Any activity undertaken by a law enforcement agency or officer pursuant to federal or state law.

(b) An antique that contains a de minimis quantity of an animal part or byproduct derived from any species listed in subsection 1 of section 2 of this act, provided that the animal part or byproduct is a fixed component of the antique and the owner or seller of the antique establishes with documentation evidencing provenance of the antique that the antique is at least 100 years old.

(c) A musical instrument, including, without limitation, piano, string instrument and bow, wind instrument and percussion instrument, that contains a de minimis quantity of an animal part or byproduct derived from any species listed in subsection 1 of section 2 of this act, provided that the owner or seller of the musical instrument:

(1) Possesses any certification or permit required by federal law for the sale of the musical instrument; and

(2) Establishes with documentation evidencing provenance that the musical instrument was legally acquired.

(d) A knife or firearm , or a component thereof, that contains an animal part or byproduct derived from any species listed in subsection 1 of section 2 of this act if:

(1) The animal part or byproduct:

(I) Is a fixed or integral part of the knife or firearm ~~[;]~~ , or the component thereof; and

(II) Originated in or was legally imported to the United States; and

(2) The owner or seller of the knife or firearm , or the component thereof, establishes with documentation evidencing provenance that the knife or firearm , or the component thereof, was legally acquired; and

(3) All the requirements for the sale of the knife or firearm , or the component thereof, set forth in federal and state law are met.

(e) Sales authorized by the Department of Business and Industry to a bona fide scientific or educational institution of an item that contains an

animal part or byproduct derived from any species listed in subsection 1 of section 2 of this act, provided that the owner or seller of the item:

(1) Possesses any certification or permit required by federal law for the sale of the item; and

(2) Establishes with documentation evidencing provenance that the item was legally acquired.

(f) Any item that contains an animal part or byproduct derived from any species listed in subsection 1 of section 2 of this act for which the owner or seller has obtained any certification or permit required by federal law for the sale of the item or that is specifically authorized for sale by federal law, provided that all the requirements for the sale of the item set forth in federal or state law have been met.

(g) Any sport-hunted item that is legally obtained in accordance with federal law.

2. As used in this section, "de minimis quantity" means:

(a) Less than 20 percent of an item by volume;

(b) Less than 200 grams in weight when examined as a separate component; and

(c) Less than 20 percent of the fair market value of an item or of the actual price paid for the item, whichever is greater.

Sec. 4. This act becomes effective on January 1, 2018.

Senator Atkinson moved that the Senate concur in Assembly Amendment No. 897 to Senate Bill No. 194.

Remarks by Senator Atkinson.

Amendment No. 897 to Senate Bill No. 194 clarifies that the bill applies to African lions; includes components within the provisions that relate to knives and firearms; clarifies that the bill does not affect sport hunting items legally obtained under federal law, and with those changes, it removes Assemblyman Hambrick as a sponsor.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 260.

The following Assembly amendment was read:

Amendment No. 932.

SUMMARY—Establishes requirements for engaging in the ~~[collaborate]~~ collaborative practice of pharmacy. (BDR 54-973)

AN ACT relating to pharmacists; authorizing a pharmacist who has entered into a valid collaborative practice agreement to engage in the collaborative practice of pharmacy and collaborative drug therapy management under certain conditions; requiring a pharmacist who engages in the collaborative practice of pharmacy to maintain certain records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a pharmacist to implement, monitor and modify drug therapy pursuant to written guidelines developed by the pharmacist in

collaboration with a practitioner. (NRS 639.2809) Section 4 of this bill authorizes a pharmacist to engage in the collaborative practice of pharmacy or collaborative drug therapy management pursuant to a collaborative practice agreement entered into with one or more practitioners who practice ~~[in the same geographic area as]~~ within 100 miles of the primary location where the pharmacist ~~[.]~~ practices in this State. Section 3 of this bill defines the term "collaborative practice of pharmacy" to mean the ~~[management of drug therapy and]~~ performance of tests to address chronic diseases and public health issues. Section 1.5 of this bill defines the term "collaborative drug therapy management" to mean the initiating, monitoring, modifying or discontinuing of a patient's drug therapy. Section 4 requires a practitioner to agree to obtain the informed, written consent of his or her patients that are referred to a pharmacist pursuant to a collaborative practice agreement for collaborative drug therapy management. Section 4 also requires a pharmacist who engages in the collaborative practice of pharmacy pursuant to a collaborative practice agreement to keep certain records and obtain the informed, written consent of his or her patients. Section 5 of this bill prescribes the contents and duration of a collaborative practice agreement. ~~[Section 6 of this bill additionally authorizes a pharmacist to engage in the collaborative practice of pharmacy in accordance with an agreement with the operator of an institutional pharmacy or his or her designee while providing treatment and care to patients of the medical facility in conjunction with which the institutional pharmacy is operated.]~~ Section 8 of this bill clarifies that the activities authorized by this bill constitute the practice of pharmacy. Sections 7 and 9-11 of this bill make conforming changes.

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 6, inclusive, of this act.

Sec. 1.5. *"Collaborative drug therapy management" means initiating, monitoring, modifying or discontinuing a patient's drug therapy by ~~[a pharmacist]~~ one or more pharmacists under the supervision of one or more practitioners in accordance with a collaborative practice agreement.*

Sec. 2. *"Collaborative practice agreement" means an agreement that meets the requirements of section 5 of this act between ~~[a pharmacist]~~ one or more pharmacists and one or more practitioners which authorizes ~~[the]~~ a pharmacist to engage in the collaborative practice of pharmacy or collaborative drug therapy management.*

Sec. 3. *"Collaborative practice of pharmacy" means the ~~[management]~~ performance of ~~[drug therapy and testing]~~ tests to address chronic diseases and public health issues, including, without limitation, outbreaks and occurrences of specific diseases and disorders, by one or more pharmacists in collaboration with one or more practitioners ~~[and]~~ in accordance with a collaborative practice agreement. ~~[or an agreement entered into pursuant to section 6 of this act.]~~*

Sec. 4. *1. Except as otherwise provided in subsection 5, a pharmacist who has entered into a valid collaborative practice agreement may engage in the collaborative practice of pharmacy or collaborative drug therapy management at any location in this State.* ~~*[Except as otherwise provided in section 6 of this act, a pharmacist shall not engage in the collaborative practice of pharmacy unless the pharmacist has entered into such an agreement.]*~~

2. To enter into a collaborative practice agreement, a practitioner must:

(a) Be licensed in good standing to practice his or her profession in this State;

(b) ~~*[Have]*~~ *Agree to maintain an ongoing relationship with* ~~*[the]*~~ *a patient* ~~*[;]*~~ *who is referred by the practitioner to a pharmacist pursuant to a collaborative practice agreement for collaborative drug therapy management;*

(c) ~~*[Obtain]*~~ *Agree to obtain the informed, written consent from* ~~*[the]*~~ *a patient who is referred by the practitioner to a pharmacist pursuant to* ~~*[subsection 4 and record such consent in the medical record of the patient;]*~~ *a collaborative practice agreement for collaborative drug therapy management; and*

(d) Except as otherwise provided in this paragraph, actively practice his or her profession within 100 miles of the primary location where the collaborating pharmacist practices ~~*[.]*~~ *in this State. A practitioner and pharmacist may submit a written request to the Board for an exemption from the requirements of this paragraph. The Board may grant such a request upon a showing of good cause.*

3. A pharmacist who engages in the collaborative practice of pharmacy shall:

(a) Except as otherwise provided in paragraph (b), document any treatment or care provided to a patient pursuant to a collaborative practice agreement ~~*[within 24 hours]*~~ *after providing such treatment or care in the medical record of the patient, on the chart of the patient or in a separate log book;*

(b) Document in the medical record of the patient , on the chart of the patient or in a separate log book any decision or action concerning the management of drug therapy ~~*[within 24 hours]*~~ *pursuant to a collaborative practice agreement after making such a decision or taking such an action;*

(c) Maintain all records concerning the care or treatment provided to a patient pursuant to a collaborative practice agreement in written or electronic form for at least 7 years; ~~*[and]*~~

(d) Comply with all provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the regulations adopted pursuant thereto, and all other federal and state laws and regulations concerning the privacy of information regarding health care ~~*[.]*~~ *; and*

(e) Provide a patient with written notification of:

(1) Any test administered by the pharmacist and the results of such a test;

(2) The name of any drug or prescription filled and dispensed by the pharmacist to the patient; and

(3) The contact information of the pharmacist.

4. A pharmacist shall obtain the informed, written consent of a patient before engaging in the collaborative practice of pharmacy on behalf of the patient. Such written consent must include, without limitation, a statement that the pharmacist:

(a) May initiate, modify or discontinue the medication of the patient pursuant to a collaborative practice agreement;

(b) Is not a physician, osteopathic physician, advanced practice registered nurse or physician assistant; and

(c) May not diagnose.

5. A practitioner may not enter into a collaborative practice agreement with a pharmacist for the management of controlled substances.

6. A pharmacy must not require a registered pharmacist, as a condition of employment, to enter into a collaborative practice agreement.

Sec. 5. *1. A collaborative practice agreement must be signed by each practitioner and pharmacist who enter into the agreement and submitted to the Board in written and electronic form. A collaborative practice agreement must include:*

(a) A description of the types of decisions concerning the management of drug therapy that the pharmacist is authorized to make, which may include a specific description of the diseases and drugs for which the pharmacist is authorized to manage drug therapy;

(b) A detailed explanation of the procedures that the pharmacist must follow when engaging in the collaborative practice of pharmacy, including, without limitation, the manner in which the pharmacist must document decisions concerning treatment and care in accordance with subsection 3 of section 4 of this act, report such decisions to the practitioner and receive feedback from the practitioner;

(c) The procedure by which the pharmacist will notify the practitioner of an adverse event concerning the health of the patient;

(d) The procedure by which the practitioner will provide the pharmacist with a diagnosis of the patient and any other medical information necessary to carry out the patient's drug therapy management.

(e) A description of the means by which the practitioner will monitor clinical outcomes of a patient and intercede when necessary to protect the health of the patient or accomplish the goals of the treatment prescribed for the patient;

(f) Authorization for the practitioner to override the agreement if necessary to protect the health of the patient or accomplish the goals of the treatment prescribed for the patient;

(g) Authorization for either party to terminate the agreement by written notice to the other party, which must include, without limitation, written notice to the patient that informs the patient of the procedures by which he or she may continue drug therapy;

(h) The effective date of the agreement;

(i) The date by which a review must be conducted pursuant to subsection 2 for the renewal of the agreement, which must not be later than the expiration date of the agreement;

(j) The address of the location where the records described in subsection 3 of section 4 of this act will be maintained; and

(k) The process by which the pharmacist will obtain the informed, written consent required by subsection 4 of section 4 of this act.

2. A collaborative practice agreement must expire not later than 1 year after the date on which the agreement becomes effective. The parties to a collaborative practice agreement may renew the agreement after reviewing the agreement and making any necessary revisions.

Sec. 6. ~~*[A pharmacist may engage in the collaborative practice of pharmacy in accordance with an agreement with the operator of an institutional pharmacy or his or her designee to provide treatment and care exclusively to patients of the medical facility in conjunction with which the institutional pharmacy is operated. Such a pharmacist is exempt from the requirements of sections 4 and 5 of this act while providing such treatment and care.]*~~ (Deleted by amendment.)

Sec. 7. NRS 639.001 is hereby amended to read as follows:

639.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 639.0015 to 639.016, inclusive, *and sections 1.5, 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 8. NRS 639.0124 is hereby amended to read as follows:

639.0124 "Practice of pharmacy" includes, but is not limited to, the:

1. Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

2. Interpretation and evaluation of prescriptions or orders for medicine.

3. Participation in drug evaluation and drug research.

4. Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

5. Selection of the source, storage and distribution of a drug.

6. Maintenance of proper documentation of the source, storage and distribution of a drug.

7. Interpretation of clinical data contained in a person's record of medication.

8. Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility or

in a setting that is affiliated with a medical facility where the patient is receiving care and which authorize ~~[the implementation, monitoring and modification of drug therapy.]~~ *collaborative drug therapy management.* The written guidelines and protocols must comply with NRS 639.2809.

9. Implementation and modification of drug therapy , *administering drugs and ordering and performing tests* in accordance with ~~[the authorization of the prescribing practitioner for a patient in a pharmacy in which drugs, controlled substances, poisons, medicines or chemicals are sold at retail.]~~ *a collaborative practice agreement* . ~~*[or an agreement entered into pursuant to section 6 of this act.]*~~

➥ The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583.

Sec. 9. NRS 639.230 is hereby amended to read as follows:

639.230 1. A person operating a business in this State shall not use the word "drug" or "drugs," "prescription" or "pharmacy," or similar words or words of similar import, without first having secured a license from the Board. A person operating a business in this State which is not otherwise subject to the provisions of this chapter shall not use the letters "Rx" or "RX" without the approval of the Board. The Board may deny approval of the use of the letters "Rx" or "RX" by any person if the Board determines that:

(a) The person is subject to the provisions of this chapter but has not secured a license from the Board; or

(b) The use of the letters "Rx" or "RX" by the person is confusing or misleading to or threatens the health or safety of the residents of this State.

2. Each license must be issued to a specific person and for a specific location and is not transferable. The original license must be displayed on the licensed premises as provided in NRS 639.150. The original license and the fee required for reissuance of a license must be submitted to the Board before the reissuance of the license.

3. If the owner of a pharmacy is a partnership or corporation, any change of partners or corporate officers must be reported to the Board at such a time as is required by a regulation of the Board.

4. Except as otherwise provided in subsection 6, in addition to the requirements for renewal set forth in NRS 639.180, every person holding a license to operate a pharmacy must satisfy the Board that the pharmacy is conducted according to law.

5. Any violation of any of the provisions of this chapter by a managing pharmacist or by personnel of the pharmacy under the supervision of the managing pharmacist is cause for the suspension or revocation of the license of the pharmacy by the Board.

6. The provisions of this section do not prohibit:

(a) A Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to

paragraph (i) of subsection 1 of NRS 223.560 from providing prescription drugs through mail order service to residents of Nevada in the manner set forth in NRS 639.2328 to 639.23286, inclusive; or

(b) A registered pharmacist or practitioner from collaborating in ~~[the implementation, monitoring and modification of *collaborative* drug therapy *management* pursuant to guidelines and protocols approved by the Board.~~ *,]* *a collaborative practice agreement* . ~~*[or an agreement entered into pursuant to section 6 of this act.]*~~

Sec. 9.5. NRS 639.2809 is hereby amended to read as follows:

639.2809 1. Written guidelines and protocols developed by a registered pharmacist in collaboration with a practitioner which authorize ~~[the implementation, monitoring and modification of]~~ *collaborative* drug therapy ~~[:]~~ *management:*

(a) May authorize a pharmacist to order and use the findings of laboratory tests and examinations.

(b) May provide for ~~[implementation, monitoring and modification of]~~ *collaborative* drug therapy *management* for a patient receiving care:

(1) In a licensed medical facility; or

(2) If developed to ensure continuity of care for a patient, in any setting that is affiliated with a medical facility where the patient is receiving care. A pharmacist who modifies a drug therapy of a patient receiving care in a setting that is affiliated with a medical facility shall, within 72 hours after ~~[implementing]~~ *initiating* or modifying the drug therapy, provide written notice of the ~~[implementation]~~ *initiation* or modification of the drug therapy to the collaborating practitioner or enter the appropriate information concerning the drug therapy in an electronic patient record system shared by the pharmacist and the collaborating practitioner.

(c) Must state the conditions under which a prescription of a practitioner relating to the drug therapy of a patient may be changed by the pharmacist without a subsequent prescription from the practitioner.

(d) Must be approved by the Board.

2. The Board may adopt regulations which:

(a) Prescribe additional requirements for written guidelines and protocols developed pursuant to this section; and

(b) Set forth the process for obtaining the approval of the Board of such written guidelines and protocols.

Sec. 10. NRS 453.026 is hereby amended to read as follows:

453.026 "Agent" means a pharmacist who cares for a patient of a prescribing practitioner in a medical facility or in a setting that is affiliated with a medical facility where the patient is receiving care in accordance with written guidelines and protocols developed and approved pursuant to NRS 639.2809 ~~[,]~~ *or a collaborative practice agreement, as defined in section 2 of this act,* ~~*[or an agreement entered into pursuant to section 6 of this act,]*~~ a licensed practical nurse or registered nurse who cares for a patient of a prescribing practitioner in a medical facility or an authorized person who

acts on behalf of or at the direction of and is employed by a manufacturer, distributor, dispenser or prescribing practitioner. The term does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

Sec. 11. NRS 454.213 is hereby amended to read as follows:

454.213 1. A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(o) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(p) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(q) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(r) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(s) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(t) A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809 ~~[.,]~~ *or a collaborative practice agreement, as defined in section 2 of this act* . ~~[, or an agreement entered into pursuant to section 6 of this act.]~~

(u) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(v) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 12. (Deleted by amendment.)

Sec. 13. This act becomes effective on July 1, 2017.

Senator Atkinson moved that the Senate concur in Assembly Amendment No. 932 to Senate Bill No. 260.

Remarks by Senator Atkinson.

Assembly Amendment No. 932 to Senate Bill No. 260 specifies that a pharmacy shall not require a registered pharmacist as a condition of appointment to enter into collaborative practice agreement.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 262.

The following Assembly amendment was read:

Amendment No. 744.

SUMMARY—Revises provisions concerning payments for treatment relating to mental illness or the abuse of alcohol or drugs. (BDR 57-455)

AN ACT relating to health care; requiring that payments for treatment relating solely to mental health or the abuse of alcohol or drugs be made directly to ~~[the provider]~~ certain providers of that treatment; requiring a licensed clinical alcohol and drug counselor to be directly reimbursed for providing treatment ~~[.]~~ under certain circumstances; revising provisions relating to the accreditation of medical facilities and facilities for the dependent for the purpose of determining whether an insured person is entitled to benefits for certain treatment provided at such facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for treatment relating to the abuse of alcohol or drugs to be covered by certain policies of health insurance and, under certain circumstances, provided by employers. (NRS 608.156, 689A.030, 689A.046, 689C.166, 689C.167) Existing law provides that under certain policies of health insurance, an insured party is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor. (NRS 689A.0493, 689B.0397, 695B.1955, 695C.1789) Existing law further requires certain policies of health insurance to cover treatment for mental illness. (NRS 687B.404, 689A.0455, 689C.169) Existing law does not prevent a person who is receiving treatment for mental illness or the abuse of alcohol or drugs from receiving the payments for such treatment.

Section 1 of this bill requires that ~~[every]~~ a payment made pursuant to a policy of health insurance ~~[, including, without limitation, a payment made to an out-of-network provider,]~~ for treatment relating solely to mental health or the abuse of alcohol or drugs must be made directly to the provider of the treatment rather than to the person receiving the treatment ~~[.]~~ if the provider is an out-of-network provider who has an assignment of benefits which meets certain qualifications. Section 1 also expressly ~~[allows]~~ requires such a provider to refund to a person ~~[receiving]~~ who pays such a provider directly for such treatment ~~[any]~~ certain amounts that the person paid to the provider. For example, a person may have prepaid the provider for treatment and, after the payment pursuant to the policy of health insurance is made to the provider, the provider may need to refund all or part of the prepaid amounts to the person receiving treatment. Section 9 of this bill extends the requirements of section 1 to benefits provided through self-insurance by the Board of the Public Employees' Benefits Program. (NRS 287.04335) Section 10 of this bill extends the requirements of section 1 to benefits provided by certain employers. (NRS 608.1555)

Sections 3, 4, 6 and 7 of this bill provide that a licensed clinical alcohol and drug abuse counselor must , if applicable, be directly reimbursed for treatment relating to the abuse of alcohol or drugs ~~[.]~~ in accordance with an applicable assignment of benefits.

Sections 2, 5 and 11 of this bill make conforming changes.

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

Section 1. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Every payment made pursuant to a policy of health insurance to pay for treatment relating solely to mental health or the abuse of alcohol or drugs [, including, without limitation, a payment made to an out-of-network provider,] must be made directly to the provider of health care that provides the treatment [.] if the provider:

(a) Is an out-of-network provider; and

(b) Has obtained and delivered to the insurer or an authorized representative of the insurer, including, without limitation, a third-party administrator, a written assignment of benefits pursuant to which the insured has assigned to the provider the insured's benefits under the policy of health insurance with regard to the treatment.

2. [A] An out-of-network provider that receives payment pursuant to subsection 1 [may] :

(a) Shall, if a person paid the provider directly for the treatment described in subsection 1, refund to the person [who receives the treatment not more than any] the amount that the person [who receives the treatment] paid directly to the provider for the treatment [.] , less any applicable deductible, copayment or coinsurance, not later than 45 days after the provider receives payment pursuant to subsection 1; and

(b) Must indemnify and hold harmless the insurer against any claim made against the insurer by the person who receives the treatment described in subsection 1 for any amount paid by the insurer to the provider in compliance with this section.

3. An assignment of benefits described in paragraph (b) of subsection 1 is irrevocable for the period:

(a) Beginning on the date the insured gives to the out-of-network provider the assignment of benefits; and

(b) Ending on the later of:

(1) The date on which the out-of-network provider receives from the insurer the final payment for the treatment; or

(2) The date of the final resolution, including, without limitation, by settlement or trial, of all claims relating to all payments which relate to the treatment.

4. Nothing in this section shall be construed to require an insurer to make a payment to an out-of-network provider:

(a) Who is not authorized by law to provide the treatment;

(b) Who provides the treatment in violation of any law; or

(c) In an amount which exceeds the amount required by the policy of health insurance to be paid for out-of-network treatment.

5. As used in this section:

(a) "Health care services" means services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease.

(b) "Insured" means a person who receives benefits pursuant to a policy of health insurance.

(c) "Insurer" means a person, including, without limitation, a governmental entity, who issues or otherwise provides a policy of health insurance.

(d) "Network plan" has the meaning ascribed to it in NRS 689B.570.

~~*[(c)]*~~ *(e) "Out-of-network provider" means a provider of health care who:*

(1) Provides health care services;

(2) Is paid, pursuant to a policy of health insurance, for providing the health care services; and

(3) Is not under contract to provide the health care services as part of any network plan associated with the policy of health insurance.

~~*[(d)]*~~ *(f) "Policy of health insurance" includes, without limitation, a policy, contract, certificate, plan or agreement, as applicable, issued pursuant to or otherwise governed by NRS 287.0402 to 287.049, inclusive, or chapter 608, 689A, 689B, 689C, 695A, 695B, 695C, 695F or 695G of NRS for the provision of, delivery of, arrangement for, payment for or reimbursement for any of the costs of health care services.*

~~*[(e)]*~~ *(g) "Provider of health care" has the meaning ascribed to it in NRS 695G.070.*

Sec. 2. NRS 689A.046 is hereby amended to read as follows:

689A.046 1. The benefits provided by a policy for health insurance for treatment of the abuse of alcohol or drugs must consist of:

(a) Treatment for withdrawal from the physiological effect of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. ~~[These]~~ *Except as otherwise provided in section 1 of this act, these* benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, accredited by ~~[the]~~ *The* Joint Commission ~~[on Accreditation of Healthcare Organizations]~~ *or CARF International* and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 3. NRS 689A.0493 is hereby amended to read as follows:

689A.0493 If any policy of health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS ~~[.]~~ *unless the clinical alcohol and drug abuse counselor must be directly reimbursed ~~[for providing such treatment.]~~ pursuant to:*

1. An assignment of benefits described in section 1 of this act; or

2. Any other applicable assignment of benefits.

Sec. 4. NRS 689B.0397 is hereby amended to read as follows:

689B.0397 If any policy of group health insurance provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS ~~[.]~~ *unless the clinical alcohol and drug abuse counselor must be directly reimbursed ~~[for providing such treatment.]~~ pursuant to:*

1. An assignment of benefits described in section 1 of this act; or

2. Any other applicable assignment of benefits.

Sec. 5. NRS 689C.167 is hereby amended to read as follows:

689C.167 1. The benefits provided by a group policy for health insurance, as required by NRS 689C.166, for the treatment of abuse of alcohol or drugs must consist of:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. ~~[~~These~~]~~ *Except as otherwise provided in section 1 of this act, these* benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by ~~[~~the~~]~~ *The* Joint Commission ~~[~~on Accreditation of Healthcare Organizations~~]~~ *or CARF International* and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 6. NRS 695B.1955 is hereby amended to read as follows:

695B.1955 If any contract for hospital or medical service provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS ~~[.]~~ *unless the clinical alcohol and drug abuse counselor must be directly reimbursed ~~[for providing such treatment.]~~ pursuant to:*

1. An assignment of benefits described in section 1 of this act; or

2. Any other applicable assignment of benefits.

Sec. 7. NRS 695C.1789 is hereby amended to read as follows:

695C.1789 If any evidence of coverage provides coverage for treatment of an illness which is within the authorized scope of practice of a licensed clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS ~~[.]~~ *unless the clinical alcohol and drug abuse counselor must be directly reimbursed ~~[for providing such treatment.]~~ pursuant to:*

1. An assignment of benefits described in section 1 of this act; or

2. Any other applicable assignment of benefits.

Sec. 8. (Deleted by amendment.)

Sec. 9. 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 1 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.

Sec. 10. NRS 608.1555 is hereby amended to read as follows:

608.1555 Any employer who provides benefits for health care to his or her employees shall provide the same benefits and pay providers of health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS ~~[.]~~ *, including, without limitation, as required by section 1 of this act.*

Sec. 11. NRS 608.156 is hereby amended to read as follows:

608.156 1. If an employer provides health benefits for his or her employees, the employer shall provide benefits for the expenses for the treatment of abuse of alcohol and drugs. The annual benefits provided by the employer must consist of:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a maximum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of $2,500 per calendar year.

2. The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection 1 is $39,000.

3. ~~[These]~~ *Except as otherwise provided in section 1 of this act, these* benefits must be paid in the same manner as benefits for any other illness covered by the employer are paid.

4. The employee is entitled to these benefits if treatment is received in any:

(a) Program for the treatment of abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, *is* accredited by The Joint Commission *or CARF International* and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 12. This act becomes effective on ~~[July 1, 2017.]~~ January 1, 2018.

Senator Atkinson moved that the Senate concur in Assembly Amendment No. 744 to Senate Bill No. 262.

Remarks by Senator Atkinson.

Assembly Amendment No. 744 to Senate Bill No. 262 clarifies that the provisions for direct payment to certain health-care providers apply solely to treatments related to mental health or the abuse of alcohol or drugs.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 337.

The following Assembly amendment was read:

Amendment No. 730.

SUMMARY—Authorizes registered pharmacists to collect specimens and perform certain laboratory tests. (BDR 54-945)

AN ACT relating to pharmacists; requiring the State Board of Pharmacy to adopt regulations pertaining to the collection of specimens and performance of certain laboratory tests by a registered pharmacist; authorizing a registered pharmacist to manipulate a person for the collection of specimens; authorizing a registered pharmacist to perform certain laboratory tests without obtaining certification as an assistant in a medical laboratory; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits persons other than certain licensed health care professionals from manipulating a person for the collection of specimens. In addition, existing law authorizes such licensed medical professionals to perform any laboratory test which is classified as a waived test pursuant to

Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory. (NRS 652.210) ~~[This]~~ Section 2 of this bill authorizes a registered pharmacist to manipulate a person for the collection of specimens and perform such laboratory tests without obtaining certification as an assistant in a medical laboratory.

Section 1 of this bill requires the State Board of Pharmacy to adopt regulations that are necessary to carry out the provisions of section 2 with regard to a registered pharmacist. Section 1 further specifies that such regulations must: (1) require a registered pharmacist to use only a fingerstick or oral or nasal swab to collect the specimens pursuant to section 2; and (2) set forth the procedures and requirements with which a registered pharmacist must comply when performing the duties authorized by section 2.

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall adopt such regulations as are necessary to carry out the provisions of NRS 652.210 with regard to a registered pharmacist, including, without limitation, regulations that:

(a) Require a registered pharmacist to use only a fingerstick or oral or nasal swab to collect the specimens pursuant to NRS 652.210; and

(b) Set forth the procedures and requirements with which a registered pharmacist shall comply when manipulating a person for the collection of specimens or performing any laboratory test pursuant to NRS 652.210.

2. As used in this section, "fingerstick" means a procedure in which a finger is pricked with a lancet, small blade or other instrument to obtain a small quantity of blood for any laboratory test pursuant to NRS 652.210.

~~[Section 1.]~~ *Sec. 2.* NRS 652.210 is hereby amended to read as follows:

652.210 1. Except as otherwise provided in subsection 2 and NRS 126.121 and 652.186, no person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a perfusionist, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a certified advanced emergency medical technician, a certified paramedic, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS , ~~[or]~~ a licensed dentist *or a registered pharmacist* may manipulate a person for the collection of specimens. The persons described in this subsection may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.

2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

~~[Sec. 2.]~~ *Sec. 3.* This act becomes effective on July 1, 2017.

Senator Atkinson moved that the Senate concur in Assembly Amendment No. 730 to Senate Bill No. 337.

Remarks by Senator Atkinson.

Assembly Amendment No. 730 to Senate Bill No. 337 establishes procedures and requirements of registered pharmacists when performing tests.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 360.

The following Assembly amendment was read:

Amendment No. 880.

JOINT SPONSORS: ASSEMBLYMEN JOINER, FRIERSON, BENITEZ-THOMPSON, CARRILLO, DIAZ; ARAUJO, CARLTON, FUMO, JAUREGUI, MONROE-MORENO, SWANK AND YEAGER

SUMMARY—Revises provisions relating to the protection of older persons, vulnerable persons and persons in need of a guardian. (BDR 15-965)

AN ACT relating to the protection of certain persons; revising ~~[the definitions of the terms "abuse" and "exploitation" as they relate to prohibited acts]~~ provisions relating to the imposition of an additional penalty upon a person who commits certain crimes or criminal violations of law against an older person or a vulnerable person; revising provisions relating to immunity from civil or criminal liability for certain acts; increasing the maximum term of imprisonment for a person who commits certain acts against an older person or a vulnerable person that result in substantial bodily or mental harm to or the death of the person; revising the penalties for ~~[committing certain subsequent acts against]~~ the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; establishing the Wards' Bill of Rights; requiring each court having jurisdiction of the persons and estates of minors, incompetent persons or persons of limited capacity to perform certain actions to ensure the Wards' Bill of Rights is available to the public; establishing provisions relating to certain arbitration clauses included in contracts used by facilities for long-term care; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[defines various terms for purposes of the provisions of law relating to the abuse, neglect, exploitation, isolation or abandonment of]~~ provides for the imposition of an additional penalty upon a person who commits certain crimes or criminal violations of law against an older person or a vulnerable person ~~[.]~~ , and provides that the sentence prescribed runs consecutively with the sentence prescribed by statute for the crime or criminal violation. (NRS ~~[200.5092)]~~ 193.167) Section ~~[1]~~ 1.5 of this bill ~~[revises the definitions of the terms "abuse" and "exploitation" to include additional acts which constitute an offense.]~~ additionally provides that the

sentence prescribed must not exceed the sentence imposed for the crime or criminal violation.

Existing law extends immunity from civil or criminal liability to every person who, in good faith: (1) participates in the making of a report concerning the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; (2) submits information contained in such a report to the licensing board; or (3) causes or conducts an investigation of alleged abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person. (NRS 200.5096) Section 2 of this bill provides that such immunity does not extend to any person who abused, neglected, exploited, isolated or abandoned the older person or vulnerable person who is the subject of the report or investigation or any person who committed certain other acts relating to the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person.

Existing law establishes the penalties to be imposed upon a person who abuses, neglects, exploits, isolates or abandons an older person or a vulnerable person. Any person who has assumed responsibility to care for an older person or a vulnerable person and who neglects the older person or vulnerable person or commits certain other related acts, thereby causing substantial bodily or mental harm to or the death of the older person or vulnerable person, is guilty of a category B felony and must be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years. (NRS 200.5099) Section 3 of this bill increases the maximum term of imprisonment for the commission of such acts from 6 years to 20 years. Section 3 also revises the penalties for ~~[certain offenses relating to]~~ the abuse, neglect ~~[or exploitation]~~ , isolation or abandonment of an older person or a vulnerable person and provides that : (1) the commission of a first offense is punishable as a category C felony or a gross misdemeanor, as determined by the court; and (2) the commission of a second or subsequent offense is punishable as a category B felony. Section 3 additionally revises the penalties for the exploitation of an older person or a vulnerable person and provides that a person who commits such an offense is guilty of: (1) either a category C felony or gross misdemeanor, as determined by the court, for the first offense, or if the monetary value involved is less than $650 or cannot be determined; or (2) a category B felony for the second and all subsequent offenses, or if the monetary value is $650 or more.

Existing law also establishes the penalties to be imposed upon a person who conspires with another to commit abuse, exploitation or isolation of an older person or a vulnerable person. Such a person must be punished for a gross misdemeanor for the first offense and for a category C felony for the second or subsequent offense. (NRS 200.50995) Section 3.5 of this bill increases the penalty for the commission of a second or subsequent offense to a category B felony punishable by imprisonment in the state prison for a

minimum term of not less than 2 years and a maximum term of not less than 20 years.

Existing law establishes provisions governing the appointment of a guardian for a ward. (Chapter 159 of NRS) Section 6 of this bill establishes the Wards' Bill of Rights, which sets forth certain specific rights of wards. Section 7 of this bill requires each court having jurisdiction of the persons and estates of minors, incompetent persons or persons of limited capacity to: (1) make the Wards' Bill of Rights readily available to the public; (2)maintain a copy of the Wards' Bill of Rights in the court for reproduction and distribution to the public; and (3) ensure that the Wards' Bill of Rights is posted in a conspicuous place in the court and on the court's Internet website.

Section 7.5 of this bill: (1) provides that if a facility for long-term care wishes to include as part of any contract relating to the provision of care a clause providing that the parties to the contract agree to resolve any dispute through arbitration, the clause must be included as an addendum to the contract; and (2) establishes requirements pertaining to the form and content of such an addendum.

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

Section 1. ~~[NRS 200.5092 is hereby amended to read as follows:~~

~~200.5092 As used in NRS 200.5091 to 200.50995, inclusive, unless the context otherwise requires:~~

~~1. "Abandonment" means:~~

~~(a) Desertion of an older person or a vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care; or~~

~~(b) Withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person.~~

~~2. "Abuse" means willful:~~

~~(a) Infliction of pain or injury on an older person or a vulnerable person;~~

~~(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person;~~

~~(c) Infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act, including, without limitation:~~

~~(1) Threatening, controlling or socially isolating the older person or vulnerable person;~~

~~(2) Disregarding the needs of the older person or vulnerable person; or~~

~~(3) Harming, damaging or destroying any property of the older person or vulnerable person, including, without limitation, pets;~~

~~(d) Nonconsensual sexual contact with an older person or a vulnerable person, including, without limitation:~~

~~(1) An act that the older person or vulnerable person is unable to understand or to which the older person or vulnerable person is unable to communicate his or her objection; or~~

~~(2) Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the older person or vulnerable person; or~~

~~(c) Permitting any of the acts described in paragraphs (a) to (d), inclusive, to be committed against an older person or a vulnerable person [.] ; or~~

~~*(f) Permitting an older person or a vulnerable person to be placed in a situation in which any of the acts described in paragraphs (a) to (d), inclusive, are likely to occur.*~~

~~3. "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:~~

~~(a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property; [or]~~

~~(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property [.] ; or~~

~~*(c) Deny adequate food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person.*~~

~~"As used in this subsection, "undue influence" means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term does not include the normal influence that one member of a family has over another.~~

~~4. "Isolation" means preventing an older person or a vulnerable person from having contact with another person by:~~

~~(a) Intentionally preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor;~~

~~(b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person; or~~

~~(c) Permitting any of the acts described in paragraphs (a) and (b) to be committed against an older person or a vulnerable person.~~

~~➥ The term does not include an act intended to protect the property or physical or mental welfare of the older person or vulnerable person or an act performed pursuant to the instructions of a physician of the older person or vulnerable person.~~

~~5. "Neglect" means the failure of a person or a manager of a facility who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person.~~

~~6. "Older person" means a person who is 60 years of age or older.~~

~~7. "Protective services" means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation, isolation and abandonment of older persons. The services may include:~~

~~(a) The investigation, evaluation, counseling, arrangement and referral for other services and assistance; and~~

~~(b) Services provided to an older person or a vulnerable person who is unable to provide for his or her own needs.~~

~~8. "Vulnerable person" means a person 18 years of age or older who:~~

~~(a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or~~

~~(b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.~~] (Deleted by amendment.)

Sec. 1.5. NRS 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery;

(g) Sexual assault;

(h) Embezzlement of, or attempting or conspiring to embezzle, money or property of a value of $650 or more;

(i) Obtaining, or attempting or conspiring to obtain, money or property of a value of $650 or more by false pretenses; or

(j) Taking money or property from the person of another,

➥ against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of

imprisonment prescribed by statute for the crime, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the criminal violation, be punished, if the criminal violation is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the criminal violation, and, if the criminal violation is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

3. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime or criminal violation;

(b) The criminal history of the person;

(c) The impact of the crime or criminal violation on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

4. The sentence prescribed by this section ~~[must run]~~ :

(a) Must not exceed the sentence imposed for the crime or criminal violation; and

(b) Must run consecutively with the sentence prescribed by statute for the crime or criminal violation.

5. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

6. As used in this section, "vulnerable person" has the meaning ascribed to it in NRS 200.5092.

Sec. 2. NRS 200.5096 is hereby amended to read as follows:

200.5096 ~~[Immunity]~~

1. Except as otherwise provided in subsection 2, immunity from civil or criminal liability extends to every person who, pursuant to NRS 200.5091 to 200.50995, inclusive, in good faith:

~~[1.]~~ *(a)* Participates in the making of a report;

~~[2.]~~ *(b)* Causes or conducts an investigation of alleged abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person; or

~~[3.]~~ *(c)* Submits information contained in a report to a licensing board pursuant to subsection 4 of NRS 200.5095.

2. The immunity provided in subsection 1 does not extend to any person who has:

(a) Abused, neglected, exploited, isolated or abandoned the older person or vulnerable person who is the subject of the report or investigation as prohibited by NRS 200.5099;

(b) Conspired with another to commit abuse, exploitation or isolation of the older person or vulnerable person who is the subject of the report or investigation as prohibited by NRS 200.50995; or

(c) Aided and abetted in or was an accessory to the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person who is the subject of the report or investigation or the conspiracy to commit abuse, exploitation or isolation of the older person or vulnerable person.

Sec. 3. NRS 200.5099 is hereby amended to read as follows:

200.5099 1. Except as otherwise provided in subsection 6, any person who abuses an older person or a vulnerable person is guilty:

(a) For the first offense, of ~~[a gross]~~ *either of the following, as determined by the court:*

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) 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 $2,000, or by both fine and imprisonment;* or

(b) For ~~[any]~~ *the second and all* subsequent ~~[offense]~~ *offenses* or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

↪ unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who ~~[:~~

~~(a) Neglects]~~ *neglects* the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering ~~[;~~

~~(b) Permits]~~ , *permits* or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering ~~[;]~~ or

~~[(c) Permits]~~ *permits* or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect ~~[,~~

↪ ~~]~~ is guilty *:*

(a) For the first offense, of ~~[a gross]~~ *either of the following, as determined by the court:*

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) 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 $2,000, or by both fine and imprisonment; or*

(b) For the second and all subsequent offenses, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

➥ unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished ~~[,]~~ *:*

(a) For the first offense, if the value of any money, assets and property obtained or used:

~~[(a)]~~ *(1)* Is less than $650, ~~[for a gross]~~ *of either of the following, as determined by the court:*

(I) A category C felony as provided in NRS 193.130; or

(II) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment;

~~[(b)]~~ *(2)* Is at least $650, but less than $5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment; or

~~[(c)]~~ *(3)* Is $5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment ~~[,]~~ *; or*

(b) For the second and all subsequent offenses, regardless of the value of any money, assets and property obtained or used, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished *:*

(a) For the first offense, ~~[for a gross]~~ *of either of the following, as determined by the court:*

(1) A category C felony as provided in NRS 193.130; or

(2) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment ~~[.]~~ *; or*

(b) For the second and all subsequent offenses, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

➥ *unless a more severe penalty is prescribed by law for the act which brought about the exploitation.*

5. Any person who isolates or abandons an older person or a vulnerable person is guilty:

(a) For the first offense, of ~~[a gross]~~ *either of the following, as determined by the court:*

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) 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 $2,000, or by both fine and imprisonment;* or

(b) For ~~[any]~~ *the second and all* subsequent ~~[offense,]~~ *offenses,* of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $5,000 ~~[.]~~ ,

➥ *unless a more severe penalty is prescribed by law for the act or omission which brings about the isolation or abandonment.*

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than ~~[6]~~ *20* years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.

Sec. 3.5. NRS 200.50995 is hereby amended to read as follows:

200.50995 *1.* A person who conspires with another to commit abuse, exploitation or isolation of an older person or a vulnerable person as prohibited by NRS 200.5099 shall be punished:

~~[1.]~~ *(a)* For the first offense, for a gross misdemeanor ~~[.~~ ~~2.]~~ *by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or*

(b) For the second and all subsequent offenses, for a category ~~[C]~~ *B* felony ~~[as provided in NRS 193.130.~~ ~~]~~ *by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.*

2. Each person found guilty of such a conspiracy is jointly and severally liable for the restitution ordered by the court pursuant to NRS 200.5099 with each other person found guilty of the conspiracy.

Sec. 4. Chapter 159 of NRS is hereby amended by adding thereto the provisions set forth as sections 5, 6 and 7 of this act.

Sec. 5. ~~*[Section]*~~ *This section and section 6 of this act may be cited as the Wards' Bill of Rights.*

Sec. 6. *1. The Legislature hereby declares that, except as otherwise specifically provided by law, each proposed ward has the right to have an attorney before a guardianship is imposed to ask the court for relief, and each ward has the right to:*

(a) Have an attorney at any time during a guardianship to ask the court for relief.

(b) Receive notice of all guardianship proceedings and all proceedings relating to a determination of capacity unless the court determines that the ward lacks the capacity to comprehend such notice.

(c) Receive a copy of all documents filed in a guardianship proceeding.

(d) Have a family member, an interested party , a person of natural affection, an advocate for the ward or a medical provider speak or raise any issues of concern on behalf of the ward during a court hearing, either orally or in writing, including, without limitation, issues relating to a conflict with a guardian. As used in this paragraph, "person of natural affection" means a person who is not a family member of a ward but who shares a relationship with the ward that is similar to the relationship between family members.

(e) Be educated about guardianships and ask questions and express concerns and complaints about a guardian and the actions of a guardian, either orally or in writing.

(f) Participate in developing a plan for his or her care, including, without limitation, managing his or her assets and personal property and determining his or her residence and the manner in which he or she will receive services.

(g) Have due consideration given to his or her current and previously stated personal desires, preferences for health care and medical treatment and religious and moral beliefs.

(h) Remain as independent as possible, including, without limitation, to have his or her preference honored regarding his or her residence and standard of living, either as expressed or demonstrated before a determination was made relating to capacity or as currently expressed, if the preference is reasonable under the circumstances.

(i) Be granted the greatest degree of freedom possible, consistent with the reasons for a guardianship, and exercise control of all aspects of his or her life that are not delegated to a guardian specifically by a court order.

(j) Engage in any activity that the court has not expressly reserved for a guardian, including, without limitation, voting, marrying or entering into a domestic partnership, traveling, working and having a driver's license.

(k) Be treated with respect and dignity.

(l) Be treated fairly by his or her guardian.

(m) Maintain privacy and confidentiality in personal matters.

(n) Receive telephone calls and personal mail and have visitors, unless his or her guardian and the court determine that particular correspondence or a particular visitor will cause harm to the ward.

(o) Receive timely, effective and appropriate health care and medical treatment that does not violate his or her rights.

(p) Have all services provided by a guardian at a reasonable rate of compensation and have a court review any requests for payment to avoid excessive or unnecessary fees or duplicative billing.

(q) Receive prudent financial management of his or her property and regular detailed reports of financial accounting, including, without limitation, reports on any investments or trusts that are held for his or her benefit and any expenditures or fees charged to his or her estate.

(r) Receive and control his or her salary, maintain a bank account and manage his or her personal money.

(s) Ask the court to:

(1) Review the management activity of a guardian if a dispute cannot be resolved.

(2) Continually review the need for a guardianship or modify or terminate a guardianship.

(3) Replace the guardian.

(4) Enter an order restoring his or her capacity at the earliest possible time.

2. The rights of a ward set forth in subsection 1 do not abrogate any remedies provided by law. All such rights may be addressed in a guardianship proceeding or be enforced through a private right of action.

Sec. 7. *Each court shall:*

1. Make the Wards' Bill of Rights readily available to the public;

2. Maintain a copy of the Wards' Bill of Rights in the court for reproduction and distribution to the public; and

3. Ensure that the Wards' Bill of Rights is posted:

(a) In a conspicuous place, in at least 12-point type, in the court; and

(b) On the Internet website of the court.

Sec. 7.5. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a facility for long-term care wishes to include as part of any contract relating to the provision of care a clause providing that the parties to the contract agree to resolve any dispute through arbitration, the clause must be included as an addendum to the contract and:

(a) Be printed in large font on a separate page with a separate signature line;

(b) Fully explain the effect of signing the addendum, including, without limitation, that any dispute will be resolved through the arbitration process instead of in court; and

(c) Clearly state that the person signing the contract is not required to sign the addendum.

2. As used in this section, "facility for long-term care" means:

(a) A residential facility for groups;

(b) A facility for intermediate care;

(c) A facility for skilled nursing;

(d) A home for individual residential care; and

(e) Any unlicensed establishment that provides food, shelter, assistance and limited supervision to a resident.

Sec. 8. 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. 9. 1. This section becomes effective upon passage and approval.

2. Sections 4 to ~~[8,]~~ 7, inclusive, and 8 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On January 1, 2018, for all other purposes.

3. Sections 1 ~~[, 2 and 3]~~ to 3.5, inclusive, and 7.5 of this act become effective on October 1, 2017.

Senator Segerblom moved that the Senate concur in Assembly Amendment No. 880 to Senate Bill No. 360.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 406.

The following Assembly amendment was read:

Amendment No. 731.

SUMMARY—Revises provisions relating to court reporters and court reporting firms. (BDR 54-949)

AN ACT relating to court reporters; ~~[authorizing the issuance and renewal of a temporary certificate of registration to engage in the practice of court reporting in certain circumstances; prescribing a fee for the issuance and renewal of such a temporary certificate of registration;]~~ revising the qualifications for a certificate of registration as a court reporter; authorizing the Certified Court Reporters' Board of Nevada to take additional actions against certain unlicensed practices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes a person who meets certain requirements to practice court reporting on a temporary basis, with the approval of the Certified Court Reporters' Board of Nevada, if there is an acknowledged shortage of court reporters. (NRS 656.145) Section 2 of this bill authorizes a natural person to obtain a temporary certificate of registration from the Board to engage in the practice of court reporting on a temporary basis if there is such an acknowledged shortage or the applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States and meets certain other requirements. Section 19 of this bill sets forth the fee for the issuance and renewal of such a temporary certificate of registration.]~~

Existing law provides that willfully altering a transcript of stenographic notes taken at any proceedings is a grounds for disciplinary action against a court reporter or court reporting firm. (NRS 656.250) Section 4 of this bill further prohibits, with limited exceptions, a court reporter or a court reporting firm from altering the record of a proceeding after the transcript of the proceeding has been certified.

Sections 15, 20, 21, 24, 25, 29, 33 and 35 of this bill require licensed court reporting firms to comply with certain existing laws which apply to certified court reporters.

Existing law prohibits any person from putting out a sign or card or other device which indicates to members of the public that the person is entitled to engage in the practice of court reporting or conduct business as a court reporting firm. (NRS 656.145, 656.185) Sections 10 and 15 of this bill prohibit the use of any identifying term by a natural person or business entity that may indicate to the public that the natural person or business entity is entitled to: (1) practice as a court reporter; or (2) conduct business as a court reporting firm.

Existing law requires an applicant for a certificate of registration as a court reporter to pass an examination administered by the Certified Court Reporters' Board of Nevada that includes a practical demonstration portion. (NRS 656.160, 656.180) Section 12-14 of this bill: (1) eliminate the requirement for that portion of the examination and instead require such an applicant to receive a passing grade on one of two enumerated national examinations; (2) revise the requirements for admission to the examination administered by the Board; and (3) revise the qualifications of an applicant for a certificate of registration as a certified court reporter.

Existing law authorizes the Attorney General of the State of Nevada, the district attorney of any county in the State or any resident to maintain an action in the name of the State of Nevada to enjoin any person from unlawfully engaging in the practice of court reporting or unlawfully conducting business as a court reporting firm without first obtaining a certificate or license or with a suspended or revoked certificate or license. (NRS 656.300) Section 29 of this bill instead authorizes the Board to impose administrative fines against, issue citations to, and issue and serve orders to cease and desist on natural persons who and business entities that engage in such unlicensed practices or conduct.

Existing law provides that a person who violates any law or regulation governing court reporters and court reporting firms is subject to a civil penalty of not more than $5,000 for each violation. (NRS 656.360) Section 35 of this bill removes that provision and instead authorizes the Board, after notice and hearing, to impose upon a natural person or business entity who violates any law or regulation governing certified court reporters and court reporting firms an administrative fine of not more than $5,000 for each violation for which the administrative fine is imposed.

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

Section 1. Chapter 656 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ~~*[1. The Board may issue a temporary certificate of registration to a natural person who meets the requirements set forth in this section if:*~~

~~*(a) There is an acknowledged unavailability of a certified court reporter; or*~~

~~*(b) The applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States.*~~

~~*2. An applicant for a temporary certificate of registration must file an application with the Executive Secretary of the Board as required by NRS 656.150 and submit to the Board with his or her application, satisfactory evidence to the Board that he or she has:*~~

~~*(a) Satisfied the requirements set forth in subsections 1 to 5, inclusive, of NRS 656.180;*~~

~~*(b) At least one continuous year of experience working as a full-time court reporter;*~~

~~(c) Received one of the following:~~

~~(1) A certificate as a registered professional reporter issued to the applicant by the National Court Reporters Association;~~

~~(2) A certificate as a registered merit reporter issued to the applicant by the National Court Reporters Association;~~

~~(3) A certificate as a certified verbatim reporter issued to the applicant by the National Verbatim Reporters Association; or~~

~~(4) A valid certificate or license to practice court reporting issued to the applicant by the District of Columbia or any state or territory of the United States if the requirements for certification or licensure in that jurisdiction are substantially equivalent to the requirements of this State for obtaining a certificate;~~

~~(d) Paid the fee for a temporary certificate of registration set forth in NRS 656.220; and~~

~~(e) Submitted all information required to complete an application for a temporary certificate of registration.~~

~~3. A temporary certificate of registration issued pursuant to this section is valid for not more than 12 months and, except as otherwise provided in subsection 5, may be renewed on or before January 2 of the succeeding year by:~~

~~(a) Applying to the Board for renewal;~~

~~(b) Paying the fee for the annual renewal of a temporary certificate of registration set forth in NRS 656.220; and~~

~~(c) Submitting all information required to complete an application for renewal of a temporary certificate of registration, including, without limitation, proof of compliance with the provisions of paragraph (b) of subsection 4.~~

~~4. A natural person to whom a temporary certificate of registration is issued pursuant to this section may engage in the practice of court reporting and must:~~

~~(a) Comply with all the provisions of this chapter and all applicable laws, regulations and court and procedural rules governing the practice of court reporting in this State; and~~

~~(b) Except as otherwise provided in this paragraph, pay the applicable fees for examination and take the examinations administered by the Board pursuant to NRS 656.160 and one of the examinations described in paragraph (b) of subsection 2 of NRS 656.170 until he or she satisfactorily passes the examinations. In accordance with subsection 5, the holder of a temporary certificate of registration is not entitled to a temporary certificate of registration if the holder does not pass those examinations within a period of 36 months after the issuance of the original temporary certificate of registration.~~

~~5. A temporary certificate of registration must not be renewed more than twice.~~] (Deleted by amendment.)

Sec. 3. *1. The Board may maintain in any court of competent jurisdiction an action for an injunction against any natural person or business entity who violates any provision of this chapter.*

2. Such an injunction:

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

(b) Does not relieve such natural person or business entity from any criminal prosecution for the same violation.

Sec. 4. *1. Except as otherwise provided in subsection 2, a certified court reporter or licensee shall not alter the record of a proceeding after the transcript of the proceeding has been certified unless:*

(a) Each party to the proceeding stipulates to the alteration; or

(b) The judge or arbiter presiding over the proceeding orders the alteration.

2. A licensee may, upon receiving a transcript from a certified court reporter for the purposes of reproducing and distributing the transcript, make typographical, clerical or other similar nonsubstantive alterations to the transcript if the licensee notifies the certified court reporter who certified the transcript of the proposed alterations and receives the approval of the certified court reporter for each alteration.

Sec. 5. NRS 656.010 is hereby amended to read as follows:

656.010 This chapter is known and may be cited as the Nevada Certified Court Reporters' *and Licensed Court Reporting Firms'* Law.

Sec. 6. NRS 656.030 is hereby amended to read as follows:

656.030 As used in this chapter, unless the context otherwise requires:

1. "Board" means the Certified Court Reporters' Board of Nevada.

2. *"Business entity" means any form of business organization, including, without limitation, a corporation, partnership, sole proprietorship, limited-liability company or limited-liability partnership. The term does not include a natural person or governmental entity.*

3. "Certificate" means a certified court reporter's certificate issued under the provisions of this chapter.

~~[3.]~~ *4.* "Certified court reporter" ~~[or "court reporter"]~~ means a *natural* person who is technically qualified and registered under this chapter to practice court reporting.

~~[4.]~~ *5.* "Court reporting firm" means a ~~[person who,]~~ *business entity that,* for compensation, provides or arranges for the services of a *certified* court reporter or provides referral services for *certified* court reporters in this State.

~~[5.]~~ *6.* "Designated representative of a court reporting firm" means the *natural* person designated to act as the representative of a court reporting firm pursuant to NRS 656.186.

~~[6.]~~ *7.* "Distance education program" means a program that offers instruction which is delivered by the Internet in such a manner that the *natural* person supervising or providing the instruction and the *natural*

person receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.

~~[7.]~~ *8.* "License" means a license issued under the provisions of this chapter to conduct business as a court reporting firm.

~~[8.]~~ *9.* "Licensee" means a ~~[person]~~ *business entity* to ~~[whom]~~ *which* a license has been issued.

~~[9.]~~ *10.* "Practice of court reporting" means reporting, in this State, by the use of voice writing or any system of manual or mechanical shorthand writing:

(a) Grand jury proceedings;

(b) Court proceedings, with the exception of proceedings before a federal court;

(c) Pretrial examinations, depositions, motions and related proceedings of like character; or

(d) Proceedings of any agency if the final decision of the agency with reference thereto is subject to judicial review.

~~[10.]~~ *11.* "Stenographic notes" means:

(a) The original manually or mechanically produced notes in shorthand or shorthand writing taken by a *certified* court reporter while in attendance at a proceeding to report the proceeding; or

(b) The record produced by the use of voice writing by a *certified* court reporter while in attendance at a proceeding.

~~[11.]~~ *12.* ~~*["Temporary certificate of registration" means a certificate issued to a natural person under the provisions of section 2 of this act.*~~ ~~*13.]*~~ "Voice writing" means the making of a verbatim record of a proceeding by repeating the words of the speaker into a device that is capable of:

(a) Digitally translating the words into text; or

(b) Making a tape or digital recording of those words.

➥ The term includes, without limitation, stenomasking, verbatim reporting and other similar titles.

Sec. 7. NRS 656.050 is hereby amended to read as follows:

656.050 The members of the Board must be appointed by the Governor as follows:

1. One member of the Board must be an active member of the State Bar of Nevada.

2. Three members of the Board must be holders of certificates and must have been actively engaged as *certified* court reporters within this State for at least 5 years immediately preceding their appointment.

3. One member of the Board must be a representative of the general public. This member must not be:

(a) A *certified* court reporter; or

(b) The spouse or the parent or child, by blood, marriage or adoption, of a *certified* court reporter.

Sec. 8. NRS 656.105 is hereby amended to read as follows:

656.105 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a *natural* person *or business entity* are confidential, unless the *natural* person *or business entity* submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

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

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a *natural* person ~~[,]~~ *or business entity*, including, without limitation, a law enforcement agency.

Sec. 9. NRS 656.140 is hereby amended to read as follows:

656.140 The Board may aid in all matters pertaining to the advancement of the practice of court reporting, including but not limited to all matters that may advance the professional interests of certified court reporters *and licensees* and such matters as concern their relations with the public.

Sec. 10. NRS 656.145 is hereby amended to read as follows:

656.145 ~~[1. Except as otherwise provided in subsection 2, it]~~ *It* is unlawful for any *natural* person to practice court reporting or *to* advertise or ~~[put out any sign or card or other device which might]~~ *use any identifying term that may* indicate to the public that the *natural* person is entitled to practice as a court reporter ~~[without]~~ *unless the natural person holds* a certificate of registration ~~[, *including a temporary certificate of registration,*]~~ as a certified court reporter issued by the Board.

~~[2. Any person may, with the approval of the Board, practice court reporting on a temporary basis when there is an acknowledged unavailability of a certified court reporter. A person requesting the approval of the Board to practice court reporting on a temporary basis shall submit to the Board:~~

~~(a) Documentation or other proof that the person has at least one continuous year of experience working full-time in the practice of court reporting; and~~

~~(b) A copy of:~~

~~(1) The certification as a registered professional reporter issued to the person by the National Court Reporters Association;~~

~~(2) The certification as a registered merit reporter issued to the person by the National Court Reporters Association; or~~

~~(3) A valid certificate or license to practice court reporting issued to the person by another state.]~~

Sec. 11. NRS 656.150 is hereby amended to read as follows:

656.150 1. Each ~~*[Except as otherwise provided in section 2 of this act, each]*~~ applicant for a certificate must file an application with the Executive Secretary of the Board at least 30 days before the date fixed for examination. The application must be accompanied by the required fee and all information required to complete the application.

2. No ~~*[Except as otherwise provided in section 2 of this act, no]*~~ certificate may be issued until the applicant has ~~[passed]~~ *:*

(a) Passed the examination prescribed by the Board ~~[and paid]~~ *;*

(b) Passed one of the examinations described in paragraph (b) of subsection 2 of NRS 656.170; and

(c) Paid the fee as provided in NRS 656.220.

Sec. 12. NRS 656.160 is hereby amended to read as follows:

656.160 1. Every ~~*[Except as otherwise provided in section 2 of this act, every natural]*~~ person who files an application for an original certificate must personally appear before the Board for an examination and the answering of such questions as may be prepared by the Board to enable it to determine the trustworthiness of the applicant and his or her competency to engage in the practice of court reporting in such a manner as to safeguard the interests of the public.

2. In determining competency, the Board shall administer an examination to determine whether the applicant has:

(a) A good understanding of the English language, including reading, spelling, vocabulary, and medical and legal terminology; *and*

(b) ~~[Sufficient ability to report accurately any of the matters comprising the practice of court reporting consisting of material read at not less than 180 words per minute or more than 225 words per minute; and~~

~~(c)]~~ A clear understanding of the obligations owed by a court reporter to the parties in any reported proceedings and the obligations created by the provisions of this chapter and any regulation adopted pursuant to this chapter.

Sec. 13. NRS 656.170 is hereby amended to read as follows:

656.170 1. Examinations must be held not less than twice a year at such times and places as the Board may designate.

2. No *natural* person may be admitted to the examination unless the *natural* person first ~~[presents]~~ *applies to the Board as required by NRS 656.150. The application must include, without limitation,* satisfactory evidence to the Board that ~~[he or she has:~~

~~(a) Received]~~ *the applicant has, at the time of filing his or her application :* ~~*[, a valid temporary certificate of registration or has:]*~~

(a) Satisfied the requirements set forth in subsections 1 to 5, inclusive, of NRS 656.180;

(b) Received a passing grade on ~~[the]~~ *:*

(1) The National Court Reporters Association's examination for registered professional reporters ~~[, if the Board has approved the examination;~~

~~(b) Received a passing grade on the]~~ *; or*

(2) The National Verbatim Reporters Association's examination for certified verbatim reporters ~~[, if the Board has approved the examination;~~

~~(c) Completed course work at a school for court reporters or completed course work offered through a distance education program for court reporters in English grammar, reading, spelling and vocabulary, medical and legal terminology, transcription and computer aided transcription, reporting procedures and court reporting at 200 words per minute with an accuracy of 95 percent;~~

~~(d) A]~~ *;*

(c) Received one of the following:

(1) A certificate as a registered professional reporter ~~[, registered merit reporter, certified CART provider, certified broadcast captioner or certified realtime reporter from]~~ *issued to the applicant by* the National Court Reporters Association ~~[, if the Board has approved each such certificate;~~

~~(e)]~~ *;*

(2) A certificate as a registered merit reporter issued to the applicant by the National Court Reporters Association;

(3) A certificate as a certified verbatim reporter ~~[, realtime verbatim reporter, registered CART provider or registered broadcast captioner or a certificate of merit from]~~ *issued to the applicant by* the National Verbatim Reporters Association ~~[, if the Board has approved each such certificate;~~

~~(f)]~~ *; or*

(4) A valid certificate or license to practice court reporting issued *to the applicant* by another state ~~[; or]~~ *if the requirements for certification or licensure in that state are substantially equivalent to the requirements of this State for obtaining a certificate;*

~~[(g) One]~~

(d) Either:

(1) At least 1 year of continuous experience ~~[as a full-time court reporter using voice writing or any system of manual or mechanical shorthand writing.]~~ *within the 5 years immediately preceding the application, in the practice of court reporting or producing verbatim records of meetings and conferences by the use of voice writing or any system of manual or mechanical shorthand writing and transcribing those records; or*

(2) Obtained in the 12 months immediately preceding the application, a certificate of satisfactory completion of a prescribed course of study from a court reporting program that, as determined by the Board, evidences a proficiency substantially equivalent to subparagraph (1); and

(e) Paid the fee for filing an application for an examination set forth in NRS 656.220.

3. As used in this section, "practice of court reporting" includes reporting by use of voice writing or any system of manual or mechanical shorthand writing, regardless of the state in which the reporting took place.

Sec. 14. NRS 656.180 is hereby amended to read as follows:

656.180 An ~~*[Except as otherwise provided in section 2 of this act, an]*~~ applicant for a certificate of registration as a certified court reporter is entitled to a certificate if the applicant:

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

2. Is at least 18 years of age;

3. Is of good moral character;

4. *Has not been convicted of a felony relating to the practice of court reporting;*

5. Has a high school education or its equivalent;

~~[5.]~~ *6.* Satisfactorily passes ~~[an]~~ *:*

(a) An examination administered by the Board pursuant to NRS 656.160;

~~[6.]~~ *and*

(b) One of the examinations described in paragraph (b) of subsection 2 of NRS 656.170;

7. Pays the requisite fees; and

~~[7.]~~ *8.* Submits all information required to complete an application for a certificate of registration.

Sec. 15. NRS 656.185 is hereby amended to read as follows:

656.185 1. It is unlawful for any ~~[person]~~ *business entity* to conduct business as a court reporting firm or to advertise or ~~[put out any sign or card or other device which]~~ *use any identifying term that* may indicate to members of the public that ~~[he or she]~~ *the business entity* is entitled to conduct such a business without first obtaining a license from the Board.

2. Each applicant for a license as a court reporting firm must file an application with the Executive Secretary of the Board on a form prescribed by the Board.

3. The application must:

(a) Include the federal identification number of the applicant;

(b) Include the name of the *natural* person who will be appointed as the designated representative of the court reporting firm and such other identifying information about that *natural* person as required by the Board;

(c) Be accompanied by the required fee; and

(d) Include all information required to complete the application.

4. To obtain a license pursuant to this section, an applicant need not hold a certificate of registration as a certified court reporter.

Sec. 16. NRS 656.186 is hereby amended to read as follows:

656.186 1. Each court reporting firm shall appoint one *natural* person affiliated with the court reporting firm to act as the designated representative for the firm. The *natural* person so appointed must:

(a) Hold a certificate; or

(b) Pass an examination administered by the Board pursuant to subsection 2.

2. The Board shall administer an examination to determine whether a designated representative of a court reporting firm understands:

(a) The ethics and professionalism required for the practice of court reporting; and

(b) The obligations owed by a *certified* court reporter to the parties in any reported proceedings and the obligations created by the provisions of this chapter and any regulation adopted thereto.

3. The Board may adopt regulations to carry out the provisions of this section and to establish additional subject areas to be included in the examination administered by the Board pursuant to this section.

Sec. 17. NRS 656.200 is hereby amended to read as follows:

656.200 ~~*[Except as otherwise provided in section 2 of this act:]*~~

1. To renew a certificate of registration a *certified* court reporter must:

(a) Apply to the Board for renewal;

(b) Pay the annual renewal fee prescribed by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education established by the Board; and

(d) Submit all information required to complete the renewal.

2. The Board shall adopt regulations requiring *certified* court reporters to participate in continuing education or training as a prerequisite to the renewal or restoration of a certificate. If a *certified* court reporter fails to comply with the requirements, the Board may suspend or revoke his or her certificate.

3. The failure of any *certified* court reporter to submit all information required to complete the renewal or pay in advance the annual renewal fee which may be fixed by the Board as necessary to defray the expense of administering the provisions of this chapter results in the suspension of the reporter's right to engage in the practice of court reporting. The suspension must not be terminated until all required information has been submitted and all delinquent fees have been paid.

4. A *certified* court reporter whose certificate of registration has been suspended because of failure to submit all required information or pay the renewal fee:

(a) May within 2 years thereafter have the certificate reinstated without examination upon submission of all required information and payment of the fees set forth in paragraph (e) of subsection 1 of NRS 656.220.

(b) While he or she was on active military duty or in training before induction, may have the certificate renewed without payment of any fee if he or she files an application for renewal, an affidavit of such service with the Board within 2 years after the termination of the service and all information required to complete the renewal.

Sec. 18. NRS 656.205 is hereby amended to read as follows:

656.205 1. The Board may:

(a) Develop and conduct programs of continuing education relating to the practice of court reporting.

(b) Charge and collect a reasonable fee from persons who attend such a program.

2. The Board shall not refuse to renew or restore the ~~[certificate]~~ *:*

(a) Certificate of a *certified* court reporter who does not attend such a program but who otherwise complies with the requirements for continuing education prescribed by the Board ~~[.]~~ *; or*

(b) License of a licensee whose designated representative does not attend such a program but who otherwise complies with the requirements for continuing education prescribed by the Board.

Sec. 19. ~~[NRS 656.220 is hereby amended to read as follows:~~

~~656.220 1. The fees required by this chapter are fixed by the following schedule:~~

~~(a) The fee for filing an application for an examination must be fixed by the Board annually at not more than $250 and not less than $90.~~

~~(b) The fee for the original issuance of a certificate must be fixed by the Board annually at not more than $250 and not less than $150.~~

~~(c) For a certificate issued after July 1, 1973, the fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that if the certificate will expire less than 1 year after its issuance, then the fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The Board may by regulation provide for the waiver or refund of the initial certificate fee if the certificate is issued less than 45 days before the date on which it will expire.~~

~~(d) The annual renewal fee for a certificate must be fixed by the Board annually at not more than $250 and not less than $150. Every holder of a certificate desiring renewal must pay the annual renewal fee to the Board on or before May 15 of each year.~~

~~(e) For the renewal of a certificate which was suspended for failure to renew, the fee is an amount equal to all unpaid renewal fees accrued plus a reinstatement fee that must be fixed by the Board annually at not more than $125 and not less than $75.~~

~~(f) *The fee for the original issuance of a temporary certificate of registration is $100.*~~

~~*(g) The fee for the annual renewal of a temporary certificate of registration is $100.*~~

~~*(h)* The fee for the original issuance of a license as a court reporting firm is $250.~~

~~[(g)] *(i)* The fee for the annual renewal of a license as a court reporting firm is $175.~~

~~[(h)] *(j)* The fee for the reinstatement of a license as a court reporting firm is $175.~~

~~2. 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 incurred by the Board to provide the service.]~~ (Deleted by amendment.)

Sec. 20. NRS 656.240 is hereby amended to read as follows:

656.240 The Board may refuse to issue or to renew or may suspend or revoke any certificate or license for any one or a combination of the following causes:

1. If the applicant ~~[or]~~ *, certified* court reporter *or licensee* has by false representation obtained or sought to obtain a certificate or license for himself *,* ~~[or]~~ herself *or itself* or any other *natural* person ~~[.]~~ *or business entity.*

2. If the applicant ~~[or]~~ *, certified* court reporter *or designated representative of a court reporting firm* has been found in contempt of court, arising out of ~~[his or her]~~ *the* conduct *of the applicant, court reporter or designated representative* in performing or attempting to perform any act as a *certified* court reporter.

3. If the applicant ~~[or]~~ *, certified* court reporter *or designated representative of a court reporting firm* has been convicted of a crime related to the qualifications, functions and responsibilities of a certified ~~[or licensed]~~ court reporter ~~[.]~~ *or licensee.*

4. If the applicant ~~[or]~~ *, certified* court reporter *or designated representative of a court reporting firm* has been convicted of any offense involving moral turpitude.

➥ The judgment of conviction or a certified copy of the judgment is conclusive evidence of conviction of an offense.

Sec. 21. NRS 656.250 is hereby amended to read as follows:

656.250 The Board may refuse to issue or renew or may suspend or revoke any certificate or license if the *certified* court reporter, including a *designative representative of a court reporting firm if he or she holds a certificate,* in performing or attempting to perform or pretending to perform any act as a *certified* court reporter has:

1. Willfully failed to take full and accurate stenographic notes of any proceedings;

2. Willfully altered any stenographic notes taken at any proceedings;

3. Willfully failed accurately to transcribe verbatim any stenographic notes taken at any proceedings;

4. Willfully altered a transcript of stenographic notes taken at any proceedings;

5. Affixed his or her signature to any transcript of his or her stenographic notes or certified to the correctness of such a transcript unless the transcript was prepared by the *certified* court reporter or was prepared under the *certified* court reporter's immediate supervision;

6. Demonstrated unworthiness or incompetency to act as a *certified* court reporter in such a manner as to safeguard the interests of the public;

7. Professionally associated with or loaned his or her name to another for the illegal practice by another of court reporting, or professionally associated with any natural person ~~[, firm, copartnership or corporation]~~ *or business entity* holding itself out in any manner contrary to the provisions of this chapter;

8. Habitually been intemperate in the use of intoxicating liquor or controlled substances;

9. Except as otherwise provided in subsection 10, willfully violated any of the provisions of this chapter or the regulations adopted by the Board to enforce this chapter;

10. Violated any regulation adopted by the Board relating to:

(a) Unprofessional conduct;

(b) Agreements for the provision of ongoing services as a *certified* court reporter or ongoing services which relate to the practice of court reporting;

(c) The avoidance of a conflict of interest; or

(d) The performance of the practice of court reporting in a uniform, fair and impartial manner and avoiding the appearance of impropriety;

11. Failed within a reasonable time to provide information requested by the Board as the result of a formal or informal complaint to the Board, which would indicate a violation of this chapter; or

12. Failed without excuse to transcribe stenographic notes of a proceeding and file or deliver to an ordering party a transcript of the stenographic notes:

(a) Within the time required by law or agreed to by verbal or written contract;

(b) Within a reasonable time required for filing the transcript; or

(c) Within a reasonable time required for delivery of the transcript.

Sec. 22. NRS 656.253 is hereby amended to read as follows:

656.253 The Board may refuse to issue or renew or may suspend or revoke a certificate or license if, after notice and a hearing as required by law, the Board determines that the *certified court reporter or* licensee ~~[or certificate holder]~~ has committed any of the acts set forth in NRS 656.240 or 656.250.

Sec. 23. NRS 656.255 is hereby amended to read as follows:

656.255 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a *natural* person who is the holder of a license or certificate issued pursuant to this chapter, the Board shall deem the license or certificate issued to that *natural* 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 or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or certificate 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 certificate 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 *natural* person whose license or certificate was suspended stating that the *natural* person whose license or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 24. NRS 656.257 is hereby amended to read as follows:

656.257 ~~[1.]~~ In addition to or in lieu of suspending, revoking or refusing to issue or renew the certificate of a *certified* court reporter or the license of a court reporting firm pursuant to NRS 656.240, 656.250 or 656.253, the Board may, by a majority vote:

~~[(a)]~~ *1.* Place the *certified* court reporter or ~~[court reporting firm]~~ *licensee* on probation for a period not to exceed 1 year; or

~~[(b)]~~ *2.* Impose an administrative fine against the *certified* court reporter or ~~[court reporting firm in an amount not to exceed $5,000 for each violation for which the administrative fine is imposed.~~

~~2. Any penalty imposed pursuant to this section must be imposed by the Board at a hearing conducted pursuant to chapter 622A of NRS.]~~ *licensee as provided in NRS 656.360.*

Sec. 25. NRS 656.260 is hereby amended to read as follows:

656.260 1. A ~~[holder of a license or certificate]~~ *licensee or certified court reporter* shall notify the Chair or Executive Secretary of the Board in writing within 30 days after ~~[changing his or her]~~ *a change in* name or address.

2. ~~[Any change of ownership]~~ *A licensee shall report any change of:*

(a) Ownership or corporate officers of a court reporting firm ~~[or of the]~~ *; and*

(b) The designated representative of the court reporting firm must be reported to the Chair or Executive Secretary within 30 days after the change.

3. The Board may suspend or revoke a license or certificate if the ~~[holder thereof]~~ *licensee or certified court reporter* fails so to notify the Board.

Sec. 26. NRS 656.270 is hereby amended to read as follows:

656.270 The entry of a decree by a court of competent jurisdiction establishing the mental illness of any *natural* person ~~[holding a license or certificate]~~ *who is a certified court reporter or a designated representative of a court reporting firm licensed* under this chapter operates as a suspension of the ~~[license or]~~ certificate ~~[.]~~ *or license.* Such a *natural* person may resume his or her business or practice only upon a finding by the Board that the ~~[holder of the license or certificate]~~ *natural person* has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Board's recommendation that the ~~[holder]~~ *certified court reporter or licensee* be permitted to resume his or her business or practice.

Sec. 27. NRS 656.280 is hereby amended to read as follows:

656.280 1. The Board may upon its own motion and shall upon the verified complaint in writing of any *natural* person *or business entity* setting forth facts which if proven would constitute grounds for refusal, suspension or revocation of a certificate or license or other disciplinary action as set forth in NRS 656.240 to 656.300, inclusive, investigate the actions of a current or former ~~[certificate holder]~~ *certified court reporter* or licensee, including a ~~[firm or any other]~~ *natural* person who *or business entity that* applies for, or holds or represents that he or she or the ~~[firm]~~ *business entity* holds a license or certificate.

2. The Board shall, before refusing to issue any license or certificate, notify the applicant in writing of the reasons for the refusal. The notice must be served by delivery personally to the applicant or by mailing by registered or certified mail to the last known place of business of the applicant.

3. The time set in the notice must not be less than 10 nor more than 30 days after delivery or mailing.

4. The Board may continue the hearing from time to time.

Sec. 28. NRS 656.290 is hereby amended to read as follows:

656.290 1. The Board may subpoena and bring before it any *natural* person *or business entity* in this State and take testimony orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in courts of this State.

2. Any district court, upon the application of the accused or complainant or of the Board may, by order, require the attendance of witnesses and the production of relevant books and papers before the Board in any hearing relative to the application for or refusal, recall, suspension or revocation of a license or certificate, and the court may compel obedience to its order by proceedings for contempt.

3. At any time after the suspension of any license or certificate, the Board may restore it to the accused without examination upon unanimous vote by the Board.

4. In a manner consistent with the provisions of chapter 622A of NRS, after the revocation of any license or certificate, the Board may reinstate the license or certificate without examination upon unanimous vote by the Board.

Sec. 29. NRS 656.300 is hereby amended to read as follows:

656.300 1. ~~[The practice of court reporting by any]~~ *A natural* person who has not been issued a certificate ~~[, *including a temporary certificate of registration,]*~~ or whose certificate has been suspended or revoked ~~[, or conducting a]~~ *shall not engage in the practice of court reporting.*

2. A business entity that has not been issued a license or whose license has been suspended or revoked shall not conduct business as a court reporting firm . ~~[without first obtaining a license therefor or with a suspended or revoked license, is hereby declared to be inimical to public health and welfare and to constitute a public nuisance. The Attorney General of the~~

~~State of Nevada, the district attorney of any county in the State or any resident may maintain an action in the name of the State of Nevada perpetually to enjoin any person from so unlawfully practicing court reporting, or unlawfully conducting business as a court reporting firm, and from doing, committing or continuing such an unlawful act.~~

~~2. In all proceedings under this section, the court may apportion the costs among the parties interested in the suit, including the costs of filing the complaint, service of process, witness fees and expenses, charges for a court reporter and reasonable attorney's fees.~~

~~3. The proceeding authorized by this section is in addition to and not in lieu of criminal prosecutions or proceedings to revoke or suspend licenses or certificates as authorized by this chapter.]~~

3. In addition to any other penalty prescribed by law, if the Board determines that a natural person or business entity has committed any act described in this section or NRS 656.145 or 645.185, the Board may:

(a) Issue and serve on the natural person or business entity an order to cease and desist until the natural person or business entity obtains from the Board the proper certificate or license or otherwise demonstrates that the natural person or business entity is no longer in violation of this section. An order to cease and desist must include a telephone number with which to contact the Board.

(b) Issue a citation to a natural person or business entity. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the natural person or business entity of the provisions of this paragraph. Each activity in which the natural person or business entity is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the natural person or business entity must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the natural person or business entity an administrative fine as provided in NRS 656.360.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 30. NRS 656.310 is hereby amended to read as follows:

656.310 1. Except as otherwise provided in subsection 2, each *natural* person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter:

(a) Must be designated as a certified court reporter;

(b) May, in connection with his or her practice of court reporting, use the abbreviation "C.C.R."; and

(c) Shall not, in connection with his or her practice of court reporting, use the abbreviation "C.C.R.-V."

2. Each *natural* person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter and who has

only passed the portion of the examination required pursuant to paragraph (b) of subsection 2 of NRS ~~[656.160]~~ *656.170* through the use of voice writing:

(a) Must be designated as a certified court reporter-voice writer;

(b) May, in connection with his or her practice of court reporting, use the abbreviation "C.C.R.-V.";

(c) Shall not, in connection with his or her practice of court reporting, use the abbreviation "C.C.R."; and

(d) Shall engage in the practice of court reporting only through the use of voice writing.

3. No *natural* person other than the holder of a valid existing certificate of registration under this chapter may use the title or designation of "certified court reporter," "certified court reporter-voice writer," "C.C.R." or "C.C.R.-V.," either directly or indirectly, in connection with his or her profession or business.

4. Every ~~[holder of a certificate]~~ *certified court reporter* shall place the number of the certificate:

(a) On the cover page and certificate page of all transcripts of proceedings; and

(b) On all business cards.

Sec. 31. NRS 656.315 is hereby amended to read as follows:

656.315 A *certified* court reporter may administer oaths and affirmations without being appointed as a notary public pursuant to chapter 240 of NRS.

Sec. 32. (Deleted by amendment.)

Sec. 33. NRS 656.330 is hereby amended to read as follows:

656.330 No action or suit may be instituted, nor recovery therein be had, in any court of this state by any *natural* person *or business entity* for compensation for any act done or service rendered, the doing or rendering of which is prohibited under the provisions of this chapter.

Sec. 34. NRS 656.335 is hereby amended to read as follows:

656.335 A *certified* court reporter shall retain his or her notes, whether or not transcribed, for 8 years if they concern any matter subject to judicial review. These notes must be kept in a manner which is reasonably secure against theft, tampering or accidental destruction.

Sec. 35. NRS 656.360 is hereby amended to read as follows:

656.360 In addition to any other penalty provided by law, *the Board may, after notice and a hearing, as required by law, impose upon* a *natural* person *or business entity* who violates any provision of this chapter or any regulation adopted ~~[by the Board is subject to a civil penalty]~~ *pursuant thereto an administrative fine* of not more than $5,000 for each violation ~~[. Any such penalty must be imposed by the Board:~~

~~1. If the person is a certified court reporter or court reporting firm, at a hearing conducted pursuant to the provisions of chapter 622A of NRS.~~

~~2. If the person is not a licensee, at a hearing for which written notice has been given not less than 30 days before the hearing.]~~ *for which the administrative fine is imposed.*

Sec. 36. This act becomes effective:

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

2. On January 1, 2018, for all other purposes.

Senator Atkinson moved that the Senate concur in Assembly Amendment No. 731 to Senate Bill No. 406.

Remarks by Senator Atkinson.

Assembly Amendment No. 731 to Senate Bill No. 406 removes section 2, as well as the references to temporary certification to registration provided by section 2, throughout the bill.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 407.

The following Assembly amendment was read:

Amendment No. 776.

SUMMARY—Creates the Nevada Clean Energy Fund. (BDR 58-1133)

AN ACT relating to energy; creating the Nevada Clean Energy Fund; creating the Board of Directors of the Fund to administer the Fund; setting forth the duties and powers of the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes the Nevada Clean Energy Fund to provide funding for and increase significantly the pace and amount of financing available for qualified clean energy projects in this State. Section 14 of this bill creates the Board of Directors of the Fund, whose responsibility it is to carry out the provisions of this bill. Section 16 of this bill sets forth certain duties of the Board relative to the responsibility of the Board to carry out the provisions of this bill.

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

Section 1. Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 1.5 to 42, inclusive, of this act.

Sec. 1.5. *The Legislature hereby finds and declares that it is in the interest of this State to establish and support in this State an independent corporation for public benefit, the Nevada Clean Energy Fund, for the purposes of:*

1. Promoting investments in qualified clean energy projects;

2. Increasing significantly the pace and amount of investments in qualified clean energy projects at the state and local levels;

3. Improving the standard of living of the residents of this State by promoting the more efficient and lower cost development of qualified clean energy projects and providing financing for qualified clean energy projects that will create high-paying, long-term jobs;

4. Fostering the development and consistent application of transparent underwriting standards, standard contractual terms, and measurement and verification protocols for qualified clean energy projects;

5. Promoting the creation of performance data that enables effective underwriting, risk management and pro forma modeling of financial performance of qualified clean energy projects to support primary financing markets and to stimulate the development of secondary investment markets for qualified clean energy projects; and

6. Achieving a level of financing support for qualified clean energy projects necessary to help abate climate change by increasing zero- or low-carbon electricity generation and transportation capabilities, realize energy efficiency potential in existing infrastructure, ease the economic effects of transitioning from a carbon-based economy to a clean-energy economy, achieve job creation through the construction and operation of qualified clean energy projects and complement and supplement other clean energy and energy efficiency programs and initiatives in this State.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2.5 to 13.6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 2.5. *"Alternative fuel vehicle project" means any project, technology, product, service, function or measure, or an aggregation thereof, which supports the development and deployment of alternative fuels used for electricity generation, alternative fuel vehicles and related infrastructure, including, without limitation, infrastructure for electric vehicle charging stations. The term does not include any technology that involves the combustion of fossil fuels, including, without limitation, petroleum and petroleum products.*

Sec. 3. *"Board" means the Board of Directors of the Nevada Clean Energy Fund.*

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.5. *"Demand response project" means any project, technology, product, service, function or measure, or an aggregation thereof, that changes the usage of electricity by retail customers in this State from the normal consumption patterns in response to:*

1. Changes in the price of electricity over time; or

2. Incentive payments designed to induce lower electricity use at times of high market prices or when system reliability is jeopardized.

Sec. 7. *"Energy efficiency project" means any project, technology, product, service, function or measure, or an aggregation thereof, that* : ~~[results in:]~~

1. ~~[The]~~ Results in the *reduction of energy use required to achieve the same level of service or output obtained before the application of such*

project, technology, product, service, function or measure, or aggregation thereof; or

2. Substantially reduces greenhouse gas emissions relative to emissions that would have produced before the application of such project, technology, product, service, function or measure, or aggregation thereof.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. *"Nevada Clean Energy Fund" or "Fund" means the independent, nonprofit corporation established pursuant to section 13.8 of this act to provide money to promote investments in and increase significantly the pace and amount of investment in qualified clean energy projects in this State and to carry out the provisions of this chapter.*

Sec. 12. (Deleted by amendment.)

Sec. 12.5. *"Qualified clean energy project" means any alternative fuel vehicle project, demand response project, energy efficiency project, renewable energy project or system efficiency project.*

Sec. 13. (Deleted by amendment.)

Sec. 13.2. *"Renewable energy" means energy produced by:*

1. Solar resources;

2. Wind resources;

3. Geothermal resources;

4. Nonhazardous, organic biomass;

5. Anaerobic digestion of organic waste streams;

6. Small-scale, advanced hydropower;

7. Tidal currents;

8. Fuel cells using renewable resources; and

9. Any other source that naturally replenishes over a human, rather than geological, time frame and that is ultimately derived from solar, water or wind resources.

Sec. 13.4. *"Renewable energy project" means the development, construction, deployment, alteration or repair of any project, technology, product, service, function or measure, or an aggregation thereof, that generates electric power from renewable energy.*

Sec. 13.6. *"System efficiency project" means the development, construction, deployment, alteration or repair of any distributed generation system, energy storage system, smart grid technology, advanced battery system, microgrid system, fuel cell system or combined heat and power systems.*

Sec. 13.8. *The Director of the Office of Energy shall cause to be formed in this State an independent, nonprofit corporation recognized as exempt from federal income taxation for the public benefit named the "Nevada Clean Energy Fund," the general purpose of which is to carry out the provisions of this chapter.*

Sec. 14. *1. There is hereby created the Board of Directors of the Nevada Clean Energy Fund, consisting of the following nine members:*

(a) The Director of the Office of Energy;

(b) The Executive Director of the Office of Economic Development or his or her designee;

(c) The Real Estate Administrator of the Department of Business and Industry or his or her designee;

(d) The Commissioner of Financial Institutions or his or her designee;

(e) One member appointed by the Governor from among a list of nominees submitted by the State Contractors' Board;

(f) One member appointed by the Governor from among a list of nominees submitted by labor organizations in this State;

(g) One member appointed by the Governor from among a list of nominees submitted by the board of county commissioners of the county in this State with the largest population;

(h) One member appointed by the Governor from among a list of nominees submitted by the board of county commissioners of the county in this State with the second largest population; and

(i) One member appointed by the Governor from among a list of nominees submitted by the boards of county commissioners of the counties in this State not described in paragraph (g) or (h).

2. The members appointed to the Board pursuant to paragraphs (e) to (i), inclusive, of subsection 1 should have expertise in matters relating to renewable energy, economic development, banking, law, finance or other matters relevant to the work of the Board. When appointing a member to the Board, consideration must be given to whether the members appointed to the Board reflect the ethnic and geographical diversity of this State.

3. The term of each member of the Board appointed pursuant to paragraphs (e) to (i), inclusive, of subsection 1 is 3 years. A member may be reappointed for additional terms of 3 years in the same manner as the original appointment. A vacancy occurring in the membership of the Board must be filled in the same manner as the original appointment.

4. The Board shall annually elect a Chair from among its members.

5. The Board shall meet regularly at least semiannually and may meet at other times upon the call of the Chair. Any five members of the Committee constitute a quorum for the purpose of voting. A majority vote of the quorum is required to take action with respect to any matter.

6. The Board shall adopt rules for its own management and government.

7. While engaged in the business of the Board, each member of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 15. (Deleted by amendment.)

Sec. 16. *1. To carry out the provisions of this chapter, the Board shall:*

(a) Annually develop and adopt a work program to serve and support the deployment of qualified clean energy projects in this State, including, without

limitation, projects benefitting single-family and multi-family residential property, commercial, industrial, educational and governmental property and hospitals and nonprofit property and any other projects which advance the purposes of this chapter;

(b) Develop rules, policies and procedures which specify the eligibility of borrowers and any other terms or conditions of the financial support to be provided by the Nevada Clean Energy Fund before financing support is provided for any qualified clean energy project;

(c) Develop and offer a range of financing structures, forms and techniques for qualified clean energy projects, including, without limitation, ~~[senior]~~ loans, ~~[subordinate loans,]~~ credit enhancements, guarantees, warehousing, securitization, and other financial products and structures;

(d) Leverage private investment in qualified clean energy projects through financing mechanisms that support, enhance and complement private investment;

(e) Develop consumer protection standards to be enforced on all investments to ensure the Nevada Clean Energy Fund and its partners are lending in a responsible and transparent manner that is in the financial interests of the borrowers;

(f) Assess reasonable fees for the financing support and risk management activities provided by the Nevada Clean Energy Fund in amounts sufficient to cover the reasonable costs of the Fund;

(g) Collect and make available to the public in a centralized database on an Internet website maintained by the Nevada Clean Energy Fund information regarding rates, terms and conditions of all financing support transactions, unless the disclosure of such information includes a trade secret, confidential commercial information or confidential financial information;

(h) Work with market and program participants to provide information regarding best practices for overseeing qualified clean energy projects and information regarding other appropriate consumer protections;

(i) Prepare an annual report for the public on the financing activities of the Nevada Clean Energy Fund; and

(j) Undertake such other activities as are necessary to carry out the provisions of this chapter.

2. In addition to any money available through gifts, grants, donations or legislative appropriation to carry out the purposes of this chapter, the Board shall identify any other sources of money which may, in the opinion of the Board, be used to provide money for the Fund.

3. The Fund may:

(a) Sue and be sued.

(b) Have a seal.

(c) Acquire real or personal property or any interest therein, by gift, purchase, foreclosure, deed in lieu of foreclosure, lease, option or otherwise.

(d) Prepare and enter into agreements with the Federal Government for the acceptance of grants of money for the purposes of this chapter.

(e) Enter into agreements or cooperate with third parties to provide for enhanced leveraging of money of the Fund, additional financing mechanisms or any other program or combination of programs for the purpose of expanding the scope of financial assistance available from the Fund.

(f) Bind the Fund and the Board to terms of any agreements entered into pursuant to this chapter.

(g) Apply for and accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this chapter.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. Notwithstanding the provisions of section 14 of this act, as soon as practicable on or after July 1, 2017, the Governor shall appoint the members of the Board of Directors of the Nevada Clean Energy Fund identified in:

1. Paragraphs (e), (g) and (i) of subsection 1 of section 14 of this act to initial terms of 2 years; and

2. Paragraphs (f) and (h) of subsection 1 of section 14 of this act to initial terms of 3 years.

Sec. 44. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any 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 Atkinson moved that the Senate concur in Assembly Amendment No. 776 to Senate Bill No. 407.

Remarks by Senator Atkinson.

Assembly Amendment No. 776 to Senate Bill No. 407 deletes senior and subordinate with regard to the types of loans specified in the bill.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 409.

The following Assembly amendment was read:

Amendment No. 885.

SUMMARY—Revises provisions relating to animals. (BDR 15-100)

AN ACT relating to animals; revising provisions which prohibit a person from allowing a ~~[cat or dog]~~ pet to remain unattended in a motor vehicle under certain circumstances; requiring an animal control officer to take possession of and provide shelter and care for an animal being treated cruelly under certain circumstances; authorizing an animal control officer to take possession of any animals or other property used in fights among animals under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from allowing a cat or dog to remain unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of the animal. Exceptions are provided for certain animals used by or in the possession of certain law enforcement, animal control or search and rescue personnel or certain persons who are actively engaged in hunting or related activities. Certain peace officers, animal control personnel and other public safety personnel are authorized to use any force that is reasonable and necessary under the circumstances to remove the cat or dog from the motor vehicle. A person who violates that prohibition is guilty of a misdemeanor. A cat or dog removed from a motor vehicle under these circumstances is deemed an animal being treated cruelly, and the law enforcement officer or other person rendering emergency services who removed the cat or dog is extended the same immunity from liability for his or her actions that is conferred upon law enforcement or animal control personnel who are required to seize animals which are being treated cruelly. (NRS 574.055, 574.195)

A similar existing law prohibits a parent, legal guardian or other person responsible for a child who is 7 years of age or younger from knowingly and intentionally leaving that child in a motor vehicle if: (1) the conditions

present a significant risk to the health and safety of the child; or (2) the engine of the motor vehicle is running or the keys are in the ignition. Exceptions are provided if: (1) the child is being supervised by and within the sight of a person who is at least 12 years of age; or (2) the person responsible for the child unintentionally locks a motor vehicle with the child in the vehicle. A person who violates that prohibition is guilty of a misdemeanor. A law enforcement officer or other person rendering emergency services may, without incurring civil liability, use any reasonable means necessary to protect the child and to remove the child from the motor vehicle. (NRS 202.575)

Section 5 of this bill repeals the provisions of existing law which prohibit a person from allowing a cat or dog to remain unattended in a motor vehicle. Section 3 of this bill reenacts those provisions to apply to a pet with certain revisions based upon the provisions of existing law related to leaving a child unattended in a motor vehicle, excepting the provision regarding leaving a ~~[cat or dog]~~ pet in the motor vehicle with the motor running. Section 3 also provides that certain persons are authorized, without incurring civil liability, to use any reasonable means necessary to protect the ~~[cat or dog]~~ pet and to remove the ~~[cat or dog]~~ pet from the motor vehicle. Section 2 of this bill adds a definition of the term "motor vehicle" to chapter 202 of NRS to apply to both the new section added by section 3 of this bill and the similar existing law that applies to children. Section 4 of this bill amends the existing law that applies to children to remove the definition made superfluous by section 2.

Existing law requires any peace officers and officers of a society for the prevention of cruelty to animals who are authorized to make arrests to take possession of animals being treated cruelly. (NRS 574.055) Section 4.3 of this bill requires animal control officers to take such possession, and removes that requirement for officers of a society for the prevention of cruelty to animals who are authorized to make arrests. Existing law also authorizes peace officers authorized to make arrests to take possession of any animals or other property being used in fights among animals under certain circumstances. (NRS 574.080) Section 4.7 of this bill extends that authority to animal control officers.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *As used in NRS 202.575 and section 3 of this act, unless the context otherwise requires, "motor vehicle" means every vehicle which is self-propelled but not operated upon rails.*

Sec. 3. *1. Except as otherwise provided in subsection 3, a person shall not allow a ~~[cat or dog]~~ pet to remain unattended in a parked or standing motor vehicle if conditions, including, without limitation, extreme heat or cold, present a significant risk to the health and safety of the ~~[cat or dog.]~~ pet.*

2. Any:

(a) Peace officer;

(b) Animal control officer;

(c) Governmental officer or employee whose primary duty is to ensure public safety;

(d) Employee or volunteer of any organized fire department; or

(e) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff,

➥ *who reasonably believes that a violation of this section has occurred may, without incurring civil liability, use any reasonable means necessary to protect the ~~[cat or dog]~~ pet and to remove the ~~[cat or dog]~~ pet from the motor vehicle.*

3. The provisions of subsection 1 do not apply to:

(a) A police animal or an animal that is used by:

(1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or

(2) A search and rescue organization in this State that is under the direction of a sheriff to assist the organization in carrying out the activities of the organization; or

(b) A dog that is under the possession or control of:

(1) An animal control officer; or

(2) A first responder during an emergency.

4. A ~~[cat or dog]~~ pet that is removed from a motor vehicle pursuant to subsection 2 shall be deemed to be an animal being treated cruelly for the purposes of NRS 574.055. A person required by NRS 574.055 to take possession of a ~~[cat or dog]~~ pet removed pursuant to this section may take any action relating to the ~~[cat or dog]~~ pet specified in NRS 574.055 and is entitled to any lien or immunity from liability that is applicable pursuant to that section.

5. The provisions of this section do not:

(a) Interfere with or prohibit any activity, law or right specified in NRS 574.200; or

(b) Apply to a person who unintentionally locks a motor vehicle with a ~~[cat or dog]~~ pet in the motor vehicle.

6. A person who violates a provision of subsection 1 is guilty of a misdemeanor.

7. As used in this section:

(a) "Animal" has the meaning ascribed to it in NRS 574.050.

(b) "First responder" has the meaning ascribed to it in NRS 574.050.

(c) "Pet" means a domesticated animal owned or possessed by a person for the purpose of pleasure or companionship and includes, without limitation, a cat or dog.

(d) "Police animal" has the meaning ascribed to it in NRS 574.050.

Sec. 4. NRS 202.575 is hereby amended to read as follows:

202.575 1. A parent, legal guardian or other person responsible for a child who is 7 years of age or younger shall not knowingly and intentionally leave that child in a motor vehicle if:

(a) The conditions present a significant risk to the health and safety of the child; or

(b) The engine of the motor vehicle is running or the keys to the vehicle are in the ignition,

➥ unless the child is being supervised by and within the sight of a person who is at least 12 years of age.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor. The court may suspend the proceedings against a person who is charged with violating subsection 1 and dismiss the proceedings against the person if the person presents proof to the court, within the time specified by the court, that the person has successfully completed an educational program satisfactory to the court. The educational program must include, without limitation, information concerning the dangers of leaving a child unattended or inadequately attended in a motor vehicle.

3. A law enforcement officer or other person rendering emergency services who reasonably believes that a violation of this section has occurred may, without incurring civil liability, use any reasonable means necessary to protect the child and to remove the child from the motor vehicle.

4. No person may be prosecuted under this section if the conduct would give rise to prosecution under any other provision of law.

5. The provisions of this section do not apply to a person who unintentionally locks a motor vehicle with a child in the vehicle.

~~[6. As used in this section, "motor vehicle" means every vehicle which is self-propelled but not operated upon rails.]~~

Sec. 4.3. NRS 574.055 is hereby amended to read as follows:

574.055 1. Any peace officer or *animal control* officer ~~[of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040]~~ shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.

2. If an officer takes possession of an animal, the officer shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a limited lien on the animal for the cost of shelter and care. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, the officer shall post the notice on the property from which the officer takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.

4. Upon proof that the owner has been notified in accordance with the provisions of subsection 2 or, if the owner has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit.

5. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

6. The provisions of this section do not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph (c) of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or the sheriff's designee, a licensed veterinarian and the district brand inspector or the district brand inspector's designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph (c) of subsection 1 of NRS 574.100 exists.

7. The owner of an animal impounded in accordance with the provisions of subsection 6 must, before the animal is released to the owner's custody, pay the charges approved by the sheriff as reasonably related to the impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the State Department of Agriculture shall sell the animal. The Department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.

Sec. 4.7. NRS 574.080 is hereby amended to read as follows:

574.080 1. Any *peace* officer *or animal control officer* authorized by law to make arrests may lawfully take possession of any animals, or implements, or other property used or employed, or about to be used or employed, in the violation of any provision of law relating to fights among animals.

2. The officer shall state to the person in charge thereof, at the time of such taking, his or her name and residence, and also the time and place at which the application provided for by NRS 574.090 will be made.

Sec. 5. NRS 574.195 is hereby repealed.

Sec. 6. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

574.195 Allowing cat or dog to remain unattended in motor vehicle during period of extreme heat or cold unlawful; removal of animal; exceptions; immunity from liability; penalty.

1. Except as otherwise provided in subsection 3, a person shall not allow a cat or dog to remain unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of the cat or dog.

2. Any:

(a) Peace officer;

(b) Officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040;

(c) Animal control officer;

(d) Governmental officer or employee whose primary duty is to ensure public safety;

(e) Employee or volunteer of any organized fire department; or

(f) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff,

➥ may use any force that is reasonable and necessary under the circumstances to remove from a motor vehicle a cat or dog that is allowed to remain in the motor vehicle in violation of subsection 1.

3. The provisions of subsection 1 do not apply to:

(a) A police animal or an animal that is used by:

(1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or

(2) A search and rescue organization specified in paragraph (f) of subsection 2 to assist the organization in carrying out the activities of the organization;

(b) A dog that is under the possession or control of:

(1) An animal control officer; or

(2) A first responder during an emergency;

(c) A dog that is under the possession or control of a person who:

(1) Is actively engaged in hunting a species of game mammal or game bird during the season for hunting that species of game mammal or game bird;

(2) Is using the dog for the purpose set forth in subparagraph (1); and

(3) Holds a license or tag to hunt that species of game mammal or game bird during that season; or

(d) A dog that is participating in:

(1) Training exercises relating to hunting; or

(2) Field trials relating to hunting.

4. A cat or dog that is removed from a motor vehicle pursuant to subsection 2 shall be deemed to be an animal being treated cruelly for the purposes of NRS 574.055. The person who removed the cat or dog may take

any action relating to the cat or dog specified in that section and is entitled to any lien or immunity from liability that is applicable pursuant to that section.

5. A person who violates a provision of subsection 1 is guilty of a misdemeanor.

Senator Segerblom moved that the Senate concur in Assembly Amendment No. 885 to Senate Bill No. 409.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 433.

The following Assembly amendment was read:

Amendment No. 790.

SUMMARY—Revises provisions relating to guardianships. (BDR 13-487)

AN ACT relating to guardianships; replacing the term "ward" with the term "protected person"; establishing provisions relating to the right of a protected person to communicate, visit or interact with certain persons; establishing provisions regarding certain notifications concerning a protected person that a guardian is required to give to certain persons; establishing provisions relating to guardians of the person; establishing provisions concerning sanctions that may be imposed upon and actions that may be taken against a guardian; revising provisions relating to the appointment of a guardian ad litem to represent a protected person; revising provisions relating to the appointment of counsel to represent a proposed protected person; removing the requirement that certain persons must inform a proposed protected person of his or her right to counsel; revising provisions relating to certain reports and accounts filed with the court by a guardian of the person and a guardian of the estate; revising the circumstances in which a court is authorized to remove a guardian; reducing the filing fee for a petition for a guardianship; prohibiting the charging or collecting of any other fee for the filing of such a petition; requiring a county recorder to charge and collect a fee for the recording of certain documents to be used for certain specified purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "ward" for purposes of the provisions of law governing guardianships as any person for whom a guardian has been appointed. (NRS 159.027) Section 20 of this bill replaces the term "ward" with the term "protected person."

Sections 4-11 of this bill establish provisions relating to the right of a protected person to communicate, visit or interact with his or her parent, child or sibling or a person of natural affection, which section 3 of this bill defines as a person who is not a family member of a protected person but who shares a relationship with the protected person that is similar to the relationship between family members. Section 5 generally prohibits a

guardian from restricting the right of a protected person to communicate, visit or interact with such persons except in certain circumstances.

Section 6 authorizes a guardian to petition a court to issue an order restricting the ability of a parent, child or sibling of a protected person or a person of natural affection to communicate, visit or interact with a protected person for good cause. Section 6 requires a court to consider certain factors when determining whether to issue such an order and requires a guardian to provide the court with documentation of any physical reactions or manifestations of agitation, distress or combative or overly emotional behavior by the protected person during or following any contact with any such person or opposition by the protected person to any communication, visitation or interaction with any such person if the protected person is unable to communicate verbally. Section 7 requires a court to consider imposing certain restrictions on communication, visitation or interaction between a protected person and any such person in a certain order of preference.

Section 8 authorizes any person who reasonably believes a guardian has violated a court order or committed an abuse of discretion in ~~[determining a protected person's consent to or refusal of]~~ restricting communication, visitation or interaction ~~[with]~~ between a protected person and his or her parent, child or sibling or a person of natural affection to petition the court to take certain action.

Section 9 requires the court to schedule a hearing on a petition filed by a guardian or person pursuant to section 6 or 8, respectively, not later than 63 days after the date the petition is filed. Section 9 also requires the court to conduct an emergency hearing as soon as practicable, but not later than 7 days after the date the petition is filed, if the petition states that that health of the protected person is in significant decline or the death of the protected person might be imminent.

Section 10 establishes provisions concerning who has the burden of proof in a proceeding held pursuant to sections 4-11, and section 11 sets forth certain sanctions.

Sections 12 and 13 of this bill establish provisions regarding certain notifications concerning a protected person that a guardian is required to give to certain interested persons. Section 12 generally requires a guardian to file with the court a notice of his or her intent to move a protected person and to serve notice upon such interested persons not less than 10 days before moving the protected person. If an objection to the move is not received from any interested person within 10 days after receiving the notice, the guardian is authorized to move the protected person without court permission. Section 12 further provides that if an emergency condition exists, the guardian is authorized to take any temporary action needed without court permission and is required to file notice with the court and serve notice upon all interested persons as soon as practicable after taking such action. Section 26 of this bill revises provisions of existing law governing the

authority of a guardian of the person to establish or change the residence of a protected person to conform with the provisions of section 12.

Section 13 requires a guardian to notify immediately all interested persons and persons of natural affection: (1) if the guardian believes, based on information from certain qualified persons, that the death of the protected person is likely to occur within the next 30 days; (2) upon the death of the protected person; and (3) upon obtaining any information relating to the burial or cremation of the protected person. If the guardian is providing notification of the death of the protected person, the guardian is required to provide such notification in a certain manner pursuant to section 13.

Section 12 also: (1) provides that any notification given by a guardian relating to moving a protected person or the death or impending death of a protected person must include the current location of the protected person unless an order of protection has been issued against an interested person or a person of natural affection on behalf of the protected person; and (2) establishes the circumstances in which a guardian is not required to provide notification to an interested person or person of natural affection.

Section 14 of this bill authorizes a guardian of the person to take certain actions if a guardian of the estate has not been appointed and provides that if a guardian of the estate has been appointed, a guardian of the person may receive reasonable sums for any room and board furnished to a protected person if the guardian presents a claim to the guardian of the estate.

Section 17 of this bill authorizes a court to take certain action if a guardian violates any right of a protected person and to impose twice the actual damages incurred by the protected person and attorney's fees and costs if any action by a guardian is deemed to be deliberately harmful or fraudulent or to have been committed with malice.

Existing law authorizes a court to appoint a person to represent a ward or proposed ward as a guardian ad litem. (NRS 159.0455) Section 22 of this bill revises provisions relating to such an appointment and authorizes a court to appoint a volunteer person who is not an attorney as a guardian ad litem to represent a protected person or proposed protected person if a court-approved volunteer advocate program for guardians ad litem is established in the judicial district.

Existing law provides that if an adult ward or proposed adult ward is unable to retain legal counsel and requests the appointment of counsel at any stage in a guardianship proceeding, the court is required to appoint an attorney who works for legal aid services or a private attorney to represent the adult ward or proposed adult ward. (NRS 159.0485) Section 23 of this bill provides that upon the filing of a petition for the appointment of a guardian for a proposed protected person who is an adult, the court is required to appoint an attorney to represent the proposed protected person unless the proposed protected person wishes to retain or has already retained an attorney. The court is required to appoint an attorney who works for an organization operating a program for legal services for the indigent which

provides legal services for protected persons and proposed protected persons who are adults if the county in which the proposed protected person lives has such a program that is able to accept the case. If the county in which the proposed protected person resides does not have such a program or the program is unable to accept the case, the court is required to determine whether the proposed protected person has the ability to pay the reasonable compensation and expenses of an attorney from his or her estate and, if so, order an attorney to represent the proposed protected person and require the compensation and expenses of the attorney to be paid from the estate. If the proposed protected person does not have the ability to pay, the court is authorized to use money set aside for the purpose of assisting such proposed protected persons to pay for an attorney to represent the proposed protected person.

Existing law requires a proposed ward who is found in this State to attend the hearing for the appointment of a guardian unless a certificate that includes certain information, including why the proposed ward cannot attend the hearing, is signed by a qualified person. If the proposed ward is an adult and cannot attend the hearing by videoconference, the person who signs the certificate or another qualified person is required to inform the proposed ward of certain rights of the proposed ward, including the right to counsel, and ask the proposed ward if he or she wishes to be represented by counsel (NRS 159.0535) Section 24 of this bill removes such a requirement.

Existing law requires a guardian of the person to file with the court a written report on the condition of the ward and the exercise of authority and performance of duties by the guardian at certain specified times. (NRS 159.081) Section 27 of this bill requires that certain information be included in such a report. Existing law also requires a guardian of the estate or special guardian who is authorized to manage the property of a ward to file with the court a verified account of the estate of the ward at certain specified times and requires the account to include certain information. (NRS 159.177, 159.179) Section 28 of this bill requires the account to be served on the protected person and the attorney of the protected person. ~~[, and section]~~ Section 29 of this bill revises the requirements relating to the account ~~[.]~~ and revises provisions relating to producing or filing with the court the receipts and vouchers for all expenditures included in the account. Section 16 of this bill authorizes a court to impose a penalty in an amount not to exceed $5,000 and order restitution of any money misappropriated from the estate of a protected person if a guardian is guilty of gross impropriety in handling the property of the protected person, makes a substantial misstatement in any such report or account or willfully fails to file such a report or account within a certain period after receiving written notice from the court of the failure to file.

Section 15 of this bill provides that a protected person or his or her attorney is entitled to receive copies of any accountings relating to any trusts created by or for the benefit of the protected person.

Section 31 of this bill revises the circumstances in which a court may remove a guardian. Section 32 of this bill provides that upon the filing of a petition for the termination or modification of a guardianship, the court is required to appoint an attorney to represent the protected person if: (1) the protected person is unable to retain an attorney; or (2) the court determines that the appointment is necessary to protect the interests of the protected person.

Existing law authorizes or requires the imposition of various fees in civil actions, including fees specific to the filing of a petition for a guardianship. (NRS 19.013-19.0335) Section 33 of this bill reduces the fee for filing a petition for a guardianship where the stated value of the estate is more than $2,500 from $72 to $5. Section 33 also specifies that no other fee may be charged or collected for the filing of a petition for a guardianship.

Existing law requires a county recorder to charge and collect a fee of $1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing other than an originally signed copy of a certificate of marriage, which the county treasurer is required to remit to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care. (NRS 247.305) Section 36 of this bill requires a county recorder to charge and collect an additional fee of $3 for the recording of such documents, which the county treasurer is required to remit: (1) to the organization operating the program for legal services for the indigent in the county, to be used to provide legal services for protected persons or proposed protected persons who are adults in guardianship proceedings and, if sufficient funding exists, protected persons and proposed protected persons who are minors in guardianship proceedings; or (2) if such an organization does not exist in the judicial district, to an account maintained by the county for the exclusive use of the district court to pay the reasonable compensation and expenses of attorneys to represent protected persons and proposed protected persons who are adults and do not have the ability to pay such compensation and expenses. Section 37 of this bill requires a county recorder to charge and collect an additional fee of $1 for the recording of such documents, which the county treasurer is required to remit to an account maintained by the county for the exclusive use of the district court to pay the compensation of certain investigators appointed by the court. Section 41 of this bill provides that section 37 becomes effective if, and only if, Assembly Bill No. 319 of this session is enacted by the Legislature and becomes effective.

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

Section 1. Chapter 159 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *"Interested person" means a person who is entitled to notice of a guardianship proceeding pursuant to NRS 159.034.*

Sec. 3. *"Person of natural affection" means a person who is not a family member of a protected person but who shares a relationship with the protected person that is similar to the relationship between family members.*

Sec. 4. *As used in sections 4 to 11, inclusive, of this act, "relative" means a parent, child or sibling of a protected person.*

Sec. 5. *1. A guardian shall not restrict the right of a protected person to communicate, visit or interact with a relative or person of natural affection, including, without limitation, by telephone, mail or electronic communication, unless:*

~~[1.]~~ *(a) The protected person expresses to the guardian and at least one other independent witness who is not affiliated with or related to the guardian or the protected person that the protected person does not wish to communicate, visit or interact with the relative or person of natural affection;*

~~[2.]~~ *(b) There is currently an investigation of the relative or person of natural affection by law enforcement or a court proceeding concerning the alleged abuse of the protected person and the guardian determines that it is in the best interests of the protected person to restrict the communication, visitation or interaction between the protected person and the relative or person of natural affection because of such an investigation or court proceeding; ~~[or~~*

~~3.]~~ (c) The restriction on the communication, visitation or interaction with the relative or person of natural affection is authorized by a court order ~~[.]~~ :

(d) Subject to the provisions of subsection 2, the guardian determines that the protected person is being physically, emotionally or mentally harmed by the relative or person of natural affection; or

(e) Subject to the provisions of subsection 3, a determination is made that, as a result of the findings in a plan for the care or treatment of the protected person, visitation, communication or interaction between the protected person and the relative or person of natural affection is detrimental to the health and well-being of the protected person.

2. Except as otherwise provided in this subsection, if a guardian restricts communication, visitation or interaction between a protected person and a relative or person of natural affection pursuant to paragraph (d) of subsection 1, the guardian shall file a petition pursuant to section 6 of this act not later than 10 days after restricting such communication, visitation or interaction. A guardian is not required to file such a petition if the relative or person of natural affection is the subject of an investigation or court proceeding pursuant to paragraph (b) of subsection 1 or a pending petition filed pursuant to section 6 of this act.

3. A guardian may consent to restricting the communication, visitation or interaction between a protected person and a relative or person of natural affection pursuant to paragraph (e) of subsection 1 if the guardian determines that such a restriction is in the best interests of the protected

person. If a guardian makes such a determination, the guardian shall file a notice with the court that specifies the restriction on communication, visitation or interaction not later than 10 days after the guardian is informed of the findings in the plan for the care or treatment of the protected person. The guardian shall serve the notice on the protected person, the attorney of the protected person and any person who is the subject of the restriction on communication, visitation or interaction.

Sec. 6. *1. For good cause, a guardian may petition a court to issue an order restricting the ability of a relative or person of natural affection to communicate, visit or interact with a protected person.*

2. After a petition is filed by a guardian pursuant to subsection 1, a court:

(a) May appoint a person to meet with the protected person to determine his or her wishes regarding communication, visitation or interaction with the relative or person of natural affection;

(b) Shall give notice and an opportunity to be heard to the guardian, the protected person and the relative or person of natural affection;

(c) Shall preserve the right of the protected person to be present at the hearing on the petition; and

(d) May order supervised communication, visitation or interaction between the protected person and the relative or person of natural affection before the hearing on the petition.

3. Upon a showing of good cause by a guardian, a court may issue an order restricting the communication, visitation or interaction between a protected person and a relative or person of natural affection pursuant to this section. When determining whether to issue an order, a court shall consider the following factors:

(a) Whether any protective order has been issued to protect the protected person from the relative or person of natural affection;

(b) Whether the relative or person of natural affection has been charged with abuse, neglect or financial exploitation of the protected person;

(c) Whether the protected person has expressed to the court or to the guardian and at least one other independent witness who is not affiliated with or related to the guardian or the protected person a desire to or a desire not to communicate, visit or interact with the relative or person of natural affection;

(d) If the protected person is unable to communicate, whether a properly executed living will, durable power of attorney or other written instrument contains a preference by the protected person regarding his or her communication, visitation or interaction with the relative or person of natural affection; and

(e) Any other factor deemed relevant by the court.

4. If a protected person is unable to communicate verbally, the guardian shall provide the court with documentation of any physical reactions or manifestations of agitation, distress or combative or overly emotional

behavior by the protected person during or following any contact with a relative or person of natural affection or any opposition by the protected person to any communication, visitation or interaction with a relative or person of natural affection for the purpose of allowing the court to consider whether the protected person has expressed a desire not to communicate, visit or interact with the relative or person of natural affection, as set forth in paragraph (c) of subsection 3. Such documentation may include, without limitation, any nursing notes, caregiver records, medical records or testimony of witnesses.

5. A guardian, protected person, relative or person of natural affection may petition the court to modify or rescind any order issued pursuant to this section.

Sec. 7. *1. Before issuing an order pursuant to section 6 of this act, a court shall consider imposing any restrictions on communication, visitation or interaction between a protected person and a relative or person of natural affection in the following order of preference:*

(a) Placing reasonable time, manner or place restrictions on communication, visitation or interaction between the protected person and the relative or person of natural affection based on the history between the protected person and the relative or person of natural affection or the wishes of the protected person;

(b) Requiring that any communication, visitation or interaction between the protected person and the relative or person of natural affection be supervised; and

(c) Denying communication, visitation or interaction between the protected person and the relative or person of natural affection.

2. If the court determines that the relative or person of natural affection poses a threat to the protected person, the court may order supervised communication, visitation or interaction pursuant to paragraph (b) of subsection 1 before denying any communication, visitation or interaction.

Sec. 8. *1. If any person, including, without limitation, a protected person, reasonably believes that a guardian has committed an abuse of discretion in making a determination pursuant to paragraph (b) of subsection ~~[2]~~ 1 or subsection 3 of section 5 of this act or has violated a court order issued pursuant to section 6 of this act, the person may petition the court to:*

(a) Require the guardian to grant the relative or person of natural affection access to the protected person;

(b) Restrict or further restrict the access of the relative or person of natural affection to the protected person;

(c) Modify the duties of the guardian; or

(d) Remove the guardian pursuant to NRS 159.185.

2. A guardian who violates any provision of sections 4 to 11, inclusive, of this act is subject to removal pursuant to NRS 159.185.

Sec. 9. *1. Except as otherwise provided in subsection 2, a court shall schedule a hearing on a petition filed pursuant to section 6 or 8 of this act not later than 63 days after the date the petition is filed.*

2. If a petition filed pursuant to section 6 or 8 of this act states that the health of the protected person is in significant decline or that the death of the protected person might be imminent, the court shall issue an order for an emergency hearing and conduct the emergency hearing as soon as practicable but not later than 7 days after the date the petition is filed.

3. If a court issues an order for an emergency hearing pursuant to subsection 2, the court may order supervised communication, visitation or interaction between the protected person and the relative or person of natural affection before the hearing.

4. Notice of the hearing, a copy of the petition and a copy of any order issued pursuant to subsection 2, if applicable, must be personally served upon the protected person and any person against whom the petition is filed. Nothing in this section affects the right of the protected person to appear and be heard in the proceedings.

Sec. 10. *In a proceeding held pursuant to sections 4 to 11, inclusive, of this act:*

1. The guardian has the burden of proof if he or she:

(a) Petitions the court to restrict the ability of a relative or person of natural affection to communicate, visit or interact with a protected person pursuant to subsection 1 of section 6 of this act;

(b) Petitions the court to modify or rescind an order pursuant to subsection 5 of section 6 of this act; or

(c) Opposes a petition filed pursuant to section 8 of this act.

2. A relative or person of natural affection has the burden of proof if he or she petitions the court to modify or rescind an order pursuant to subsection 5 of section 6 of this act.

Sec. 11. *1. In a proceeding held pursuant to sections 4 to 11, inclusive, of this act, if the court finds that:*

(a) A petition was filed frivolously or in bad faith, the court shall award attorney's fees to the party opposing the petition.

(b) A guardian is in contempt of court or has acted frivolously or in bad faith in prohibiting or restricting communication, visitation or interaction between the relative or person of natural affection and the protected person, the court may:

(1) Award attorney's fees to the prevailing party; and

(2) Impose sanctions against the guardian.

2. Any attorney's fees awarded pursuant to this section must not be paid by the protected person or the estate of the protected person.

Sec. 12. *1. Every protected person has the right, if possible, to:*

(a) Have his or her preferences followed; and

(b) Age in his or her own surroundings or, if not possible, in the least restrictive environment suitable to his or her unique needs and abilities.

2. Except as otherwise provided in subsection 5, a proposed protected person must not be moved until a guardian is appointed.

3. Except as otherwise provided in this section and subsections 5 and 6 of NRS 159.079, the guardian shall notify all interested persons in accordance with subsection 4 before the protected person:

(a) Is admitted to a secured residential long-term care facility;

(b) Changes his or her residence, including, without limitation, to or from one secured residential long-term care facility to another; or

(c) Will reside at a location other than his or her residence for more than 3 days. ~~[; or~~

~~(d) Will be admitted to a medical facility for acute care or emergency care.]~~

4. Except as otherwise provided in this section and subsections 5 and 6 of NRS 159.079, a guardian shall file with the court a notice of his or her intent to move the protected person and shall serve notice upon all interested persons not less than 10 days before moving the protected person. If no objection to the move is received from any interested person within 10 days after receiving the notice, the guardian may move the protected person without court permission.

5. If an emergency condition exists, including, without limitation, the health or safety of the protected person is at risk of imminent harm or the protected person has been hospitalized and ~~[is]~~ will be unable to return to his or her residence ~~[,]~~ for a period of more than 24 hours, the guardian may take any temporary action needed without the permission of the court and shall file notice with the court and serve notice upon all interested persons as soon as practicable after taking such action.

6. Except as otherwise provided in this subsection, any notice provided to a court, an interested person or person of natural affection pursuant to this section or section 13 of this act must include the current location of the protected person. The guardian shall not provide any contact information to an interested person or person of natural affection if an order of protection has been issued against the interested person or person of natural affection on behalf of the protected person.

7. A guardian is not required to provide notice to an interested person or person of natural affection in accordance with this section or section 13 of this act if:

(a) The interested person or person of natural affection informs the guardian in writing that the person does not wish to receive such notice; or

(b) The protected person or a court order has expressly prohibited the guardian from providing notice to the interested person or person of natural affection.

Sec. 13. *1. Except as otherwise provided in section 12 of this act, a guardian shall immediately notify all interested persons and persons of natural affection:*

(a) If the guardian reasonably believes that the death of the protected person is likely to occur within the next 30 days and such belief is based on information from a psychologist, physician or other health care provider of the protected person or a person otherwise qualified to provide such a medical opinion, including, without limitation, a health care provider employed by a hospice or by a hospital of the Department of Veterans Affairs.

(b) Upon the death of the protected person.

(c) Upon obtaining any information relating to the burial or cremation of the protected person.

2. The guardian shall provide notification pursuant to paragraph (b) of subsection 1:

(a) In person or by telephone to the family members of the protected person or, if the protected person does not have any family members or does not have a relationship with any family members, the person of natural affection designated to receive such notification;

(b) By electronic communication to any family member of the protected person or person of natural affection who has opted to receive notification by electronic communication; and

(c) In writing to all other interested persons and persons of natural affection not given notice pursuant to paragraph (a) or (b).

Sec. 14. *1. If a guardian of the estate has not been appointed, a guardian of the person may:*

(a) Institute proceedings to compel any person under a duty to support the protected person or to pay for the welfare of the protected person to perform that duty; and

(b) Receive money and tangible property deliverable to the protected person and apply such money and property for the support, care and education of the protected person. The guardian shall not use any money from the estate of the protected person to cover the cost of any room and board that the guardian or the spouse, parent or child of the guardian furnishes to the protected person unless a charge for the service is approved by a court order, after notice to at least one adult relative in the nearest degree of consanguinity to the protected person in which there is an adult. The guardian shall exercise care to conserve any excess money for the needs of the protected person.

2. If a guardian of the estate has been appointed, any money received by the guardian of the person that is in excess of the money expended to pay for the support, care and education of the protected person must be paid to the guardian of the estate for management of the estate. The guardian of the person shall account to the guardian of the estate for any money expended.

3. A guardian of the person of a protected person for whom a guardian of the estate also has been appointed may receive reasonable sums for any room and board furnished to the protected person if the guardian of the

person presents a claim to the guardian of the estate pursuant to NRS 159.107 and 159.109.

4. A guardian of the person may request the guardian of the estate to make a payment from the estate of the protected person to another person or entity for the care and maintenance of the protected person in accordance with NRS 159.107 and 159.109.

Sec. 15. *A protected person or his or her attorney is entitled to receive copies of any accountings relating to any trusts created by or for the benefit of the protected person. A protected person may submit any trust to the jurisdiction of a court if:*

1. The protected person, his or her spouse, or both the protected person and his or her spouse are grantors and sole beneficiaries of the income of the trust; or

2. The trust was created at the discretion of or with the consent of a court.

Sec. 16. *If a guardian:*

1. Is guilty of gross impropriety in handling the property of the protected person;

2. Makes a substantial misstatement in any report filed pursuant to NRS 159.081 or any account filed pursuant to NRS 159.177; or

3. Willfully fails to file a report required by NRS 159.081 or an account required by NRS 159.177 after receiving written notice from the court of the failure to file and a grace period of 2 months after such notification has elapsed,

➥ the court may impose a penalty in an amount not to exceed $5,000 and order restitution of any money misappropriated from the estate of a protected person, which must be paid by the guardian and must not be paid by the estate of the protected person.

Sec. 17. *1. If a guardian violates any right of a protected person that is set forth in this chapter, a court may take any appropriate action, including, without limitation:*

(a) Issuing an order that certain actions be taken or discontinued;

(b) Disallowing any fees payable to the guardian;

(c) After notice and a hearing, issuing an order compensating a protected person or the estate of a protected person for any injury, death or loss of money or property caused by the actions of the guardian or the failure of the guardian to take appropriate action;

(d) Removing the guardian pursuant to NRS 159.185; or

(e) Taking any other action that is proper under the circumstances.

2. If any action by a guardian is deemed to be deliberately harmful or fraudulent or to have been committed with malice, the court may also impose:

(a) Twice the actual damages incurred by the protected person; and

(b) Attorney's fees and costs.

Sec. 18. NRS 159.013 is hereby amended to read as follows:

159.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 159.014 to 159.027, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 19. NRS 159.025 is hereby amended to read as follows:

159.025 "Proposed ~~["ward"]~~ *protected person"* means any person for whom proceedings for the appointment of a guardian have been initiated in this State or, if the context so requires, for whom similar proceedings have been initiated in another state.

Sec. 20. NRS 159.027 is hereby amended to read as follows:

159.027 ~~["Ward"]~~ *"Protected person"* means any person for whom a guardian has been appointed.

Sec. 21. NRS 159.043 is hereby amended to read as follows:

159.043 1. All petitions filed in any guardianship proceeding must bear the title of the court and cause.

2. The caption of all petitions and other documents filed in a guardianship proceeding must read, "In The Matter of the Guardianship of..... (the person, the estate, or the person and estate),..... (the legal name of the person),..... (adult or minor) ~~[."]~~ *, Protected Person."*

Sec. 22. NRS 159.0455 is hereby amended to read as follows:

159.0455 1. On or after the date of the filing of a petition to appoint a guardian:

(a) The court may *, in any proceeding,* appoint a person to represent the ~~[ward]~~ *protected person* or proposed ~~[ward]~~ *protected person* as a guardian ad litem ~~[;]~~ *if the court believes that the protected person or proposed protected person will benefit from the appointment and the services of the guardian ad litem will be beneficial in determining the best interests of the protected person or proposed protected person;* and

(b) The guardian ad litem must represent the ~~[ward]~~ *protected person* or proposed ~~[ward]~~ *protected person* as a guardian ad litem until relieved of that duty by court order.

2. Upon the appointment of the guardian ad litem, the court shall set forth in the order of appointment the duties of the guardian ad litem.

3. ~~[The guardian ad litem is entitled to reasonable compensation from the estate of the ward or proposed ward. If the court finds that a person has unnecessarily or unreasonably caused the appointment of a guardian ad litem, the court may order the person to pay to the estate of the ward or proposed ward all or part of the expenses associated with the appointment of the guardian ad litem.]~~ *If a court-approved volunteer advocate program for guardians ad litem has been established in a judicial district, a court may appoint a person who is not an attorney to represent a protected person or proposed protected person as a guardian ad litem. If such a program has been established, all volunteers participating in the program must complete appropriate training, as determined by relevant national or state sources or*

as approved by the Supreme Court or the district court in the judicial district, before being appointed to represent a protected person or proposed protected person.

4. A guardian ad litem appointed pursuant to this section is an officer of the court and is not a party to the case. A guardian ad litem appointed pursuant to this section shall not offer legal advice to the protected person or proposed protected person but shall:

(a) Advocate for the best interests of the protected person or proposed protected person in a manner that will enable the court to determine the action that will be the least restrictive and in the best interests of the protected person or proposed protected person; and

(b) Provide any information required by the court.

Sec. 23. NRS 159.0485 is hereby amended to read as follows:

159.0485 1. ~~[At the first hearing]~~ *Upon the filing of a petition* for the appointment of a guardian for a proposed ~~[adult ward,]~~ *protected person who is an adult,* the court shall ~~[advise]~~ *appoint an attorney for* the proposed ~~[adult ward who is in attendance at the hearing or who is appearing by videoconference at the hearing of his or her right to counsel and determine whether]~~ *protected person unless* the proposed ~~[adult ward]~~ *protected person* wishes to ~~[be represented by counsel in the guardianship proceeding. If the proposed adult ward is not in attendance at the hearing because the proposed adult ward has been excused pursuant to NRS 159.0535 and is not appearing by videoconference at the hearing, the proposed adult ward must be advised of his or her right to counsel pursuant to subsection 2 of NRS 159.0535.]~~ *retain or has already retained an attorney of his or her own choice.*

2. ~~[If an adult ward or proposed adult ward is unable to retain legal counsel and requests the appointment of counsel at any stage in a guardianship proceeding and whether or not the adult ward or proposed adult ward lacks or appears to lack capacity, the]~~ *The* court ~~[shall, at or before the time of the next hearing,]~~ *shall:*

(a) If the proposed protected person resides in a county that has a program for legal services for the indigent which provides legal services for protected persons and proposed protected persons who are adults and the program is able to accept the case, appoint an attorney who works for ~~[legal aid services, if available, or a private]~~ *the organization operating the program to represent the proposed protected person. After such an appointment, if it is ascertained that the proposed protected person wishes to have another attorney represent him or her, the court shall appoint that* attorney to represent the ~~[adult ward or]~~ proposed ~~[adult ward. The appointed]~~ *protected person. An* attorney *appointed pursuant to this subsection* shall represent the ~~[adult ward or]~~ proposed ~~[adult ward]~~ *protected person* until relieved of the duty by court order.

~~[3. Subject to the discretion and approval of the court, the attorney for the adult ward or]~~

(b) If the proposed ~~[adult ward is entitled to reasonable compensation and expenses. Unless]~~ *protected person resides in a county that does not have a program for legal services for the indigent which provides legal services for protected persons and proposed protected persons who are adults, or if such a program exists but the program is unable to accept the case,* the court ~~[determines that the adult ward or]~~ *shall determine whether the* proposed ~~[adult ward does not have]~~ *protected person has* the ability to pay ~~[such]~~ *the reasonable* compensation and expenses ~~[or the court shifts the responsibility of payment to a third party,]~~ *of an attorney from his or her estate. If the proposed protected person:*

(1) Has the ability to pay the *reasonable* compensation and expenses ~~[must]~~ *of an attorney, the court shall order an attorney to represent the proposed protected person and require such compensation and expenses of the attorney to* be paid from the estate of the ~~[adult ward or]~~ proposed ~~[adult ward, unless]~~ *protected person.*

(2) Does not have the ability to pay the reasonable compensation and expenses of an attorney, the court may use the money retained pursuant to subparagraph (2) of paragraph (a) of subsection 3 of NRS 247.305 to pay for an attorney to represent the proposed protected person.

3. If an attorney is appointed pursuant to paragraph (a) of subsection 2 and the proposed protected person has the ability to pay the compensation and expenses ~~[are provided for or paid by another person or entity.]~~ *of an attorney, the organization operating the program for legal services may request that the court appoint a private attorney to represent the proposed protected person, to be paid by the proposed protected person.*

4. If the court finds that a person has unnecessarily or unreasonably caused the appointment of an attorney, the court may order the person to pay to the estate of the ~~[adult ward]~~ *protected person* or proposed ~~[adult ward]~~ *protected person* all or part of the expenses associated with the appointment of the attorney.

Sec. 24. NRS 159.0535 is hereby amended to read as follows:

159.0535 1. A proposed ~~[ward]~~ *protected person* who is found in this State must attend the hearing for the appointment of a guardian unless:

(a) A certificate signed by a physician or psychiatrist who is licensed to practice in this State or who is employed by the Department of Veterans Affairs specifically states the condition of the proposed ~~[ward,]~~ *protected person,* the reasons why the proposed ~~[ward]~~ *protected person* is unable to appear in court and whether the ~~[proposed ward's]~~ attendance *of the proposed protected person* at the hearing would be detrimental to the physical or mental health of the proposed ~~[ward;]~~ *protected person;* or

(b) A certificate signed by any other person the court finds qualified to execute a certificate states the condition of the proposed ~~[ward,]~~ *protected person,* the reasons why the proposed ~~[ward]~~ *protected person* is unable to appear in court and whether the ~~[proposed ward's]~~ attendance *of the proposed*

protected person at the hearing would be detrimental to the physical or mental health of the proposed ~~[ward.]~~ *protected person.*

2. A proposed ~~[ward]~~ *protected person* found in this State who cannot attend the hearing for the appointment of a general or special guardian as set forth in a certificate pursuant to subsection 1 may appear by videoconference. If the proposed ~~[ward]~~ *protected person* is an adult and cannot attend by videoconference, the person who signs the certificate described in subsection 1 or any other person the court finds qualified shall:

(a) Inform the proposed ~~[adult ward]~~ *protected person* that the petitioner is requesting that the court appoint a guardian for the proposed ~~[adult ward;]~~ *protected person;*

(b) Ask the proposed ~~[adult ward]~~ *protected person* for a response to the guardianship petition; *and*

(c) ~~[Inform the proposed adult ward of his or her right to counsel and ask whether the proposed adult ward wishes to be represented by counsel in the guardianship proceeding; and~~

~~(d)]~~ Ask the preferences of the proposed ~~[adult ward]~~ *protected person* for the appointment of a particular person as the guardian of the proposed ~~[adult ward.]~~ *protected person.*

3. If the proposed ~~[ward]~~ *protected person* is an adult, the person who informs the proposed ~~[adult ward]~~ *protected person* of the rights of the proposed ~~[adult ward]~~ *protected person* pursuant to subsection 2 shall state in a certificate signed by that person:

(a) ~~[That the proposed adult ward has been advised of his or her right to counsel and asked whether he or she wishes to be represented by counsel in the guardianship proceeding;~~

~~(b)]~~ The responses of the proposed ~~[adult ward]~~ *protected person* to the questions asked pursuant to subsection 2; and

~~[(c)]~~ *(b)* Any conditions that the person believes may have limited the responses by the proposed ~~[adult ward.]~~ *protected person.*

4. The court may prescribe the form in which a certificate required by this section must be filed. If the certificate consists of separate parts, each part must be signed by the person who is required to sign the certificate.

5. If the proposed ~~[ward]~~ *protected person* is not in this State, the proposed ~~[ward]~~ *protected person* must attend the hearing only if the court determines that the attendance of the proposed ~~[ward]~~ *protected person* is necessary in the interests of justice.

Sec. 25. NRS 159.073 is hereby amended to read as follows:

159.073 1. Every guardian, before entering upon his or her duties as guardian and before letters of guardianship may issue, shall:

(a) Take and subscribe the official oath which must:

(1) Be endorsed on the letters of guardianship; and

(2) State that the guardian will well and faithfully perform the duties of guardian according to law.

(b) File in the proceeding the appropriate documents which include, without limitation, the full legal name of the guardian and the residence and post office addresses of the guardian.

(c) Except as otherwise required in subsection 2, make and file in the proceeding a verified acknowledgment of the duties and responsibilities of a guardian. The acknowledgment must set forth:

(1) A summary of the duties, functions and responsibilities of a guardian, including, without limitation, the duty to:

(I) Act in the best interest of the ~~[ward]~~ *protected person* at all times.

(II) Provide the ~~[ward]~~ *protected person* with medical, surgical, dental, psychiatric, psychological, hygienic or other care and treatment as needed, with adequate food and clothing and with safe and appropriate housing.

(III) Protect, preserve and manage the income, assets and estate of the ~~[ward]~~ *protected person* and utilize the income, assets and estate of the ~~[ward]~~ *protected person* solely for the benefit of the ~~[ward.]~~ *protected person.*

(IV) Maintain the assets of the ~~[ward]~~ *protected person* in the name of the ~~[ward]~~ *protected person* or the name of the guardianship. Except when the spouse of the ~~[ward]~~ *protected person* is also his or her guardian, the assets of the ~~[ward]~~ *protected person* must not be commingled with the assets of any third party.

(V) ~~[Notify the court, all interested parties, the trustee, and named executor or appointed personal representative of the estate of the ward]~~ *Provide notification* of the death of the ~~[ward within 30 days after the death.]~~ *protected person in accordance with section 13 of this act.*

(2) A summary of the statutes, regulations, rules and standards governing the duties of a guardian.

(3) A list of actions regarding the ~~[ward]~~ *protected person* that require the prior approval of the court.

(4) A statement of the need for accurate recordkeeping and the filing of annual reports with the court regarding the finances and well-being of the ~~[ward.]~~ *protected person.*

2. The court may exempt a public guardian or private professional guardian from filing an acknowledgment in each case and, in lieu thereof, require the public guardian or private professional guardian to file a general acknowledgment covering all guardianships to which the guardian may be appointed by the court.

Sec. 26. NRS 159.079 is hereby amended to read as follows:

159.079 1. Except as otherwise ordered by the court, a guardian of the person has the care, custody and control of the person of the ~~[ward,]~~ *protected person,* and has the authority and, subject to subsection 2, shall perform the duties necessary for the proper care, maintenance, education and support of the ~~[ward,]~~ *protected person,* including, without limitation, the following:

(a) Supplying the ~~[ward]~~ *protected person* with food, clothing, shelter and all incidental necessaries, including locating an appropriate residence for the ~~[ward.]~~ *protected person based on the financial situation and needs of the protected person, including, without limitation, any medical needs or needs relating to his or her care.*

(b) *Taking reasonable care of any clothing, furniture, vehicles and other personal effects of the protected person and commencing a proceeding if any property of the protected person is in need of protection.*

(c) Authorizing medical, surgical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the ~~[ward.~~

~~(c)]~~ *protected person.*

(d) Seeing that the ~~[ward]~~ *protected person* is properly trained and educated and that the ~~[ward]~~ *protected person* has the opportunity to learn a trade, occupation or profession.

2. In the performance of the duties enumerated in subsection 1 by a guardian of the person, due regard must be given to the extent of the estate of the ~~[ward.]~~ *protected person.* A guardian of the person is not required to incur expenses on behalf of the ~~[ward]~~ *protected person* except to the extent that the estate of the ~~[ward]~~ *protected person* is sufficient to reimburse the guardian.

3. A guardian of the person is the ~~[ward's]~~ personal representative *of the protected person* for purposes of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations. The guardian of the person has authority to obtain information from any government agency, medical provider, business, creditor or third party who may have information pertaining to the ~~[ward's]~~ health care or health insurance ~~[.]~~ *of the protected person.*

4. ~~[Except as otherwise provided in subsection 6, a]~~ *A* guardian of the person may *, subject to the provisions of subsection 6 and section 12 of this act,* establish and change the residence of the ~~[ward]~~ *protected person* at any place within this State . ~~[without the permission of the court.]~~ The guardian shall select the least restrictive appropriate residence which is available and necessary to meet the needs of the ~~[ward]~~ *protected person* and which is financially feasible.

5. ~~[Except as otherwise provided in subsection 6, a]~~ *A* guardian of the person shall petition the court for an order authorizing the guardian to change the residence of the ~~[ward]~~ *protected person* to a location outside of this State. The guardian must show that the placement outside of this State is in the best interest of the ~~[ward]~~ *protected person* or that there is no appropriate residence available for the ~~[ward]~~ *protected person* in this State. The court shall retain jurisdiction over the guardianship unless the guardian files for termination of the guardianship pursuant to NRS 159.1905 or 159.191 or the jurisdiction of the guardianship is transferred to the other state.

6. A guardian of the person must file a ~~[petition]~~ *notice* with the court ~~[requesting authorization]~~ *of his or her intent* to move a ~~[ward]~~ *protected*

person to or place a ~~[ward]~~ *protected person* in a secured residential long-term care facility ~~[unless:]~~ *pursuant to subsection 4 of section 12 of this act unless the secured residential long-term care facility is in this State and:*

(a) *An emergency condition exists pursuant to subsection 5 of section 12 of this act;*

(b) The court has previously granted the guardian authority to move the ~~[ward]~~ *protected person* to or place the ~~[ward]~~ *protected person* in such a facility based on findings made when the court appointed the guardian; or

~~[(b)]~~ *(c)* The move or placement is made pursuant to a written recommendation by a licensed physician, a physician employed by the Department of Veterans Affairs, a licensed social worker or an employee of a county or state office for protective services.

7. This section does not relieve a parent or other person of any duty required by law to provide for the care, support and maintenance of any dependent.

8. As used in this section "protective services" has the meaning ascribed to it in NRS 200.5092.

Sec. 27. NRS 159.081 is hereby amended to read as follows:

159.081 1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the condition of the ~~[ward]~~ *protected person* and the exercise of authority and performance of duties by the guardian:

(a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian;

(b) Within 10 days of moving a ~~[ward]~~ *protected person* to a secured residential long-term care facility; and

(c) At such other times as the court may order.

2. A report filed pursuant to paragraph (b) of subsection 1 must:

(a) Include a copy of the written recommendation upon which the transfer was made; and

(b) Be served, without limitation, on the attorney for the ~~[ward,]~~ *protected person*, if any.

3. The court may prescribe the form ~~[and contents]~~ for filing a report described in subsection 1. *Such a report must include, without limitation:*

(a) The physical condition of the protected person;

(b) The place of residence of the protected person;

(c) The name of all other persons living with the protected person unless the protected person is residing at a secured residential long-term care facility, group home, supportive living facility, assisted living facility or other facility for long-term care; and

(d) Any other information required by the court.

4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.

5. The court is not required to hold a hearing or enter an order regarding the report.

6. As used in this section, "facility for long-term care" has the meaning ascribed to it in NRS 427A.028.

Sec. 28. NRS 159.177 is hereby amended to read as follows:

159.177 *1.* A guardian of the estate or special guardian who is authorized to manage the ~~[ward's]~~ property *of the protected person* shall make and file a verified account in the guardianship proceeding:

~~[1.]~~ *(a)* Annually, not later than 60 days after the anniversary date of the appointment of the guardian, unless the court orders such an account to be made and filed at a different interval upon a showing of good cause and with the appropriate protection of the interests of the ~~[ward.~~

~~2.]~~ *protected person.*

(b) Upon filing a petition to resign and before the resignation is accepted by the court.

~~[3.]~~ *(c)* Within 30 days after the date of his or her removal, unless the court authorizes a longer period.

~~[4.]~~ *(d)* Within 90 days after the date of termination of the guardianship or the death of the ~~[ward,]~~ *protected person,* unless the court authorizes a longer period.

~~[5.]~~ *(e)* At any other time as required by law or as the court may order.

2. An account filed pursuant to this section must be served on the attorney of the protected person and, if the protected person is living, on the protected person.

Sec. 29. NRS 159.179 is hereby amended to read as follows:

159.179 1. An account made and filed by a guardian of the estate or special guardian who is authorized to manage the ~~[ward's]~~ property *of a protected person* must include, without limitation, the following information:

(a) The period covered by the account.

(b) *The assets of the protected person at the beginning and end of the period covered by the account, including the beginning and ending balances of any accounts.*

(c) All cash receipts and disbursements during the period covered by the account ~~[.~~

~~(c)]~~ *, including, without limitation, any disbursements for the support of the protected person or other expenses incurred by the estate during the period covered by the account.*

(d) All claims filed and the action taken regarding the account.

~~[(d)]~~ *(e)* Any changes in the ~~[ward's]~~ property *of the protected person* due to sales, exchanges, investments, acquisitions, gifts, mortgages or other transactions which have increased, decreased or altered the ~~[ward's]~~ property holdings *of the protected person* as reported in the original inventory or the preceding account ~~[.~~

~~(e)]~~ *, including, without limitation, any income received during the period covered by the account.*

(f) Any other information the guardian considers necessary to show the condition of the affairs of the ~~[ward.]~~ *protected person.*

(g) Any other information required by the court.

2. *All expenditures included in the account must be itemized.*

3. If the account is for the estates of two or more ~~[wards,]~~ *protected persons,* it must show the interest of each ~~[ward]~~ *protected person* in the receipts, disbursements and property.

~~[3.]~~ *4.* Receipts or vouchers for all expenditures must be retained by the guardian for examination by the court or an interested person. ~~[Unless ordered by the court, the~~ *The]* *A public* guardian ~~[is not only required to]~~ *shall produce such receipts or vouchers upon the request of the court, the protected person to whom the receipt or voucher pertains, the attorney of such a protected person or any interested person. All other guardians shall* file such receipts or vouchers with the court ~~[.~~

~~4.]~~ *if:*

(a) The receipt or voucher is for an amount greater than $250, unless such a requirement is waived by the court; or

(b) The court orders the filing.

5. On the court's own motion or on ex parte application by an interested person which demonstrates good cause, the court may:

(a) Order production of the receipts or vouchers that support the account; and

(b) Examine or audit the receipts or vouchers that support the account.

~~[5.]~~ *6.* If a receipt or voucher is lost or for good reason cannot be produced on settlement of an account, payment may be proved by the oath of at least one competent witness. The guardian must be allowed expenditures if it is proven that:

(a) The receipt or voucher for any disbursement has been lost or destroyed so that it is impossible to obtain a duplicate of the receipt or voucher; and

(b) Expenses were paid in good faith and were valid charges against the estate.

Sec. 30. NRS 159.183 is hereby amended to read as follows:

159.183 1. Subject to the discretion and approval of the court and except as otherwise provided in subsection 4, a guardian must be allowed:

(a) Reasonable compensation for the guardian's services;

(b) Necessary and reasonable expenses incurred in exercising the authority and performing the duties of a guardian; and

(c) Reasonable expenses incurred in retaining accountants, attorneys, appraisers or other professional services.

2. Reasonable compensation and services must be based upon similar services performed for persons who are not under a legal disability. In determining whether compensation is reasonable, the court may consider:

(a) The nature of the guardianship;

(b) The type, duration and complexity of the services required; and

(c) Any other relevant factors.

3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the ~~[ward.]~~ *protected person.* In evaluating the ability of a ~~[ward]~~ *protected person* to pay such compensation and expenses, the court may consider:

(a) The nature, extent and liquidity of the ~~[ward's]~~ assets ~~[;]~~ *of the protected person;*

(b) The disposable net income of the ~~[ward;]~~ *protected person;*

(c) Any foreseeable expenses; and

(d) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159.079 or 159.083.

4. A private professional guardian is not allowed compensation or expenses for services incurred by the private professional guardian as a result of a petition to have him or her removed as guardian if the court removes the private professional guardian pursuant to the provisions of paragraph (b), (d), (e), (f) or ~~[(h)]~~ *(k)* of subsection 1 of NRS 159.185.

Sec. 31. NRS 159.185 is hereby amended to read as follows:

159.185 1. The court may remove a guardian if the court determines that:

(a) The guardian has become mentally incompetent, unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

(b) The guardian is no longer qualified to act as a guardian pursuant to NRS 159.0613 if the ~~[ward]~~ *protected person* is an adult or NRS 159.061 if the ~~[ward]~~ *protected person* is a minor;

(c) The guardian has filed for bankruptcy within the previous 5 years;

(d) The guardian of the estate has mismanaged the estate of the ~~[ward;]~~ *protected person;*

(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

(1) The negligence resulted in injury to the ~~[ward]~~ *protected person* or the estate of the ~~[ward;]~~ *protected person;* or

(2) There was a substantial likelihood that the negligence would result in injury to the ~~[ward]~~ *protected person* or the estate of the ~~[ward;]~~ *protected person;*

(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

(g) *The guardian has violated any right of the protected person that is set forth in this chapter;*

(h) The guardian has violated a court order or committed an abuse of discretion in making a determination pursuant to paragraph (b) of subsection ~~[2]~~ 1 or subsection 3 of section 5 of this act;

(i) The guardian has violated any provision of sections 4 to 11, inclusive, of this act or a court order issued pursuant to section 6 of this act;

(j) The best interests of the ~~[ward]~~ *protected person* will be served by the appointment of another person as guardian; or

~~[(h)]~~ *(k)* The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595.

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

Sec. 32. NRS 159.1905 is hereby amended to read as follows:

159.1905 1. A ~~[ward,]~~ *protected person,* the guardian or another person may petition the court for the termination or modification of a guardianship. The petition must state or contain:

(a) The name and address of the petitioner.

(b) The relationship of the petitioner to the ~~[ward.]~~ *protected person.*

(c) The name, age and address of the ~~[ward,]~~ *protected person,* if the ~~[ward]~~ *protected person* is not the petitioner, or the date of death of the ~~[ward]~~ *protected person* if the ~~[ward]~~ *protected person* is deceased.

(d) The name and address of the guardian, if the guardian is not the petitioner.

(e) The reason for termination or modification.

(f) Whether the termination or modification is sought for a guardianship of the person, of the estate, or of the person and estate.

(g) A general description and the value of the remaining property of the ~~[ward]~~ *protected person* and the proposed disposition of that property.

2. Upon the filing of the petition, the court ~~[may]~~ *shall* appoint an attorney to represent the ~~[ward]~~ *protected person* if:

(a) The ~~[ward]~~ *protected person* is unable to retain an attorney; ~~[and]~~ *or*

(b) The court determines that the appointment is necessary to protect the interests of the ~~[ward.]~~ *protected person.*

3. The petitioner has the burden of proof to show by clear and convincing evidence that the termination or modification of the guardianship of the person, of the estate, or of the person and estate is in the best interests of the ~~[ward.]~~ *protected person.*

4. The court shall issue a citation to the guardian and all interested persons requiring them to appear and show cause why termination or modification of the guardianship should not be granted.

5. If the court finds that the petitioner did not file a petition for termination or modification in good faith or in furtherance of the best interests of the ~~[ward,]~~ *protected person,* the court may:

(a) Disallow the petitioner from petitioning the court for attorney's fees from the estate of the ~~[ward;]~~ *protected person;* and

(b) Impose sanctions on the petitioner in an amount sufficient to reimburse the estate of the ~~[ward]~~ *protected person* for all or part of the expenses and for any other pecuniary losses which are incurred by the estate of the ~~[ward]~~ *protected person* and associated with the petition.

Sec. 33. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute, the county clerk or clerk of the court, as applicable, shall charge and collect the following fees:

On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer $56.00

On an appeal to the district court of any case from a justice court or a municipal court, or on the transfer of any case from a justice court or a municipal court 42.00

On the filing of a petition for letters testamentary, letters of administration ~~[,]~~ *or* setting aside an estate without administration, ~~[or a guardianship,]~~ which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:

Where the stated value of the estate is more than $2,500 ..... 72.00

Where the stated value of the estate is $2,500 or less, no fee may be charged or collected.

On the filing of a petition for a guardianship, to be paid by the petitioner:

Where the stated value of the estate is more than $2,500 ..... 5.00

Where the stated value of the estate is $2,500 or less, no fee may be charged or collected.

On the filing of a petition to contest any will or codicil, to be paid by the petitioner 44.00

On the filing of an objection or cross-petition to the appointment of an executor ~~[,]~~ *or* administrator , ~~[or guardian,]~~ or an objection to the settlement of account or any answer in an estate ~~[or guardianship]~~ matter 44.00

On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants 44.00

For filing a notice of appeal 24.00

For issuing a transcript of judgment and certifying thereto 3.00

For preparing any copy of any record, proceeding or paper, for each page, unless such fee is waived by the county clerk or clerk of the court 0.50

For each certificate of the clerk, under the seal of the court 3.00

For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for a certificate of the county clerk or clerk of the court 5.00

For filing all papers not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity..... $15.00
For issuing any certificate under seal, not otherwise provided for..... 6.00
For searching records or files in the office of the county clerk or clerk of the court, for each year, unless such fee is waived by the county clerk or clerk of the court, as applicable..... 0.50
For filing and recording a bond of a notary public, per name..... 15.00
For entering the name of a firm or corporation in the register of the county clerk..... 20.00

2. A county clerk may charge and collect, in addition to any fee that a county clerk is otherwise authorized to charge and collect, an additional fee not to exceed $5 for filing and recording a bond of a notary public, per name. On or before the fifth day of each month, the county clerk shall pay to the county treasurer the amount of fees collected by the county clerk pursuant to this subsection for credit to the account established pursuant to NRS 19.016.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk or clerk of the court, as applicable.

4. The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk or clerk of the court, as applicable, in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

5. No fee may be charged to any attorney at law admitted to practice in this State for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or the defendant's attorney in any criminal case or in habeas corpus proceedings.

6. *Notwithstanding any other provision of law, no fee may be charged or collected for the filing of a petition for a guardianship other than the fee established in subsection 1.*

7. Each county clerk and clerk of the court shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

Sec. 34. NRS 19.020 is hereby amended to read as follows:

19.020 1. At the time of the commencement of every civil action or other proceeding in the several district courts, the plaintiff shall pay the clerk of the court in which the action is commenced the sum of $3, except as otherwise provided by specific statute.

2. At the commencement of any proceeding in any district court for the purpose of procuring an appointment of administration upon the estate of any deceased person, ~~[or procuring an appointment as guardian,]~~ the party instituting the proceeding shall pay the clerk of the court the sum of $1.50.

3. Whenever any appeal is taken in a civil action or proceeding from the judgment or decision of a Justice Court, or other tribunal inferior to the

district court, the party appealing shall, before the return to the appeal may be filed in the appellate court, pay to the clerk of the appellate court the sum of $5.

4. The several fees provided for in this section are designated as court fees, and no such action may be deemed commenced, proceedings instituted, nor appeal perfected until the court fees are paid.

Sec. 35. NRS 19.0302 is hereby amended to read as follows:

19.0302 1. Except as otherwise provided by specific statute and in addition to any other fee required by law, the clerk of the court shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the district court, other than those listed in paragraphs (c), (e) and (f), or on the transfer of any action or proceeding from a district court of another county, to be paid by the party commencing the action, proceeding or transfer $99

(b) On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants $99

(c) On the filing of a petition for letters testamentary ~~[,]~~ *or* letters of administration , ~~[or a guardianship,]~~ which fee does not include the court fee prescribed by NRS 19.020, to be paid by the petitioner:

(1) Where the stated value of the estate is $200,000 or more $352

(2) Where the stated value of the estate is more than $20,000 but less than $200,000 ..... $99

(3) Where the stated value of the estate is $20,000 or less, no fee may be charged or collected.

(d) On the filing of a motion for summary judgment or a joinder thereto $200

(e) On the commencement of an action defined as a business matter pursuant to the local rules of practice and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding thereto $1,359

(f) On the commencement of:

(1) An action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or

(2) Any other action defined as "complex" pursuant to the local rules of practice,

➥ and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding $349

(g) On the filing of a third-party complaint, to be paid by the filing party $135

(h) On the filing of a motion to certify or decertify a class, to be paid by the filing party $349

(i) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court $10

2. Except as otherwise provided in subsection 4, fees collected pursuant to this section must be deposited into a special account administered by the county and maintained for the benefit of the district court. The money in that account must be used only:

(a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff;

(b) To reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature; and

(c) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraphs (a) and (b), to:

(1) Acquire land on which to construct additional facilities for the district court or a regional justice center that includes the district court;

(2) Construct or acquire additional facilities for the district court or a regional justice center that includes the district court;

(3) Renovate or remodel existing facilities for the district court or a regional justice center that includes the district court;

(4) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the district court or a regional justice center that includes the district court;

(5) Acquire advanced technology;

(6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the district court or a regional justice center that includes the district court;

(7) In a county whose population is less than 100,000, support court appointed special advocate programs for children, at the discretion of the judges of the judicial district;

(8) In a county whose population is less than 100,000, support legal services to the indigent and to be used by the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent; or

(9) Be carried forward to the next fiscal year.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the clerk of the court.

4. Each clerk of the court shall, on or before the fifth day of each month, account for and pay to the county treasurer:

(a) In a county whose population is 100,000 or more, an amount equal to $10 of each fee collected pursuant to paragraphs (a) and (b) of subsection 1 during the preceding month. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees

charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the clerk of the court pursuant to this paragraph.

(b) All remaining fees collected pursuant to this section during the preceding month.

Sec. 36. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

(a) For recording any document, for the first page..... $10

(b) For each additional page..... $1

(c) For recording each portion of a document which must be separately indexed, after the first indexing $3

(d) For copying any record, for each page $1

(e) For certifying, including certificate and seal $4

(f) For a certified copy of a certificate of marriage $10

(g) For a certified abstract of a certificate of marriage..... $10

(h) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of $5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of ~~[$1]~~ *$4* for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county

treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection *in the following amounts for each fee received:*

(a) Three dollars:

(1) To the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for:

(I) Protected persons or proposed protected persons who are adults in guardianship proceedings; and

(II) If sufficient funding exists, protected persons or proposed protected persons who are minors in guardianship proceedings, including, without limitation, any guardianship proceeding involving an allegation of financial mismanagement of the estate of a minor; or

(2) If the organization described in subparagraph (1) does not exist in the judicial district, to an account maintained by the county for the exclusive use of the district court to pay the reasonable compensation and expenses of attorneys to represent protected persons and proposed protected persons who are adults and do not have the ability to pay such compensation and expenses, in accordance with NRS 159.0485.

(b) One dollar to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children.

5. Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

6. Except as otherwise provided in subsection 7, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

(a) The county in which the county recorder's office is located.

(b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

7. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

8. If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by $5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than $5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

9. Except as otherwise provided in subsection 2, 3, 4 or 8 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

10. For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 37. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

(a) For recording any document, for the first page $10

(b) For each additional page $1

(c) For recording each portion of a document which must be separately indexed, after the first indexing $3

(d) For copying any record, for each page $1

(e) For certifying, including certificate and seal $4

(f) For a certified copy of a certificate of marriage $10

(g) For a certified abstract of a certificate of marriage $10

(h) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of $5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of ~~[$4]~~ *$5* for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection in the following amounts for each fee received:

(a) Three dollars:

(1) To the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for:

(I) Protected persons or proposed protected persons who are adults in guardianship proceedings; and

(II) If sufficient funding exists, protected persons or proposed protected persons who are minors in guardianship proceedings, including, without limitation, any guardianship proceeding involving an allegation of financial mismanagement of the estate of a minor; or

(2) If the organization described in subparagraph (1) does not exist in the judicial district, to an account maintained by the county for the exclusive use of the district court to pay the reasonable compensation and expenses of attorneys to represent protected persons and proposed protected persons who

are adults and do not have the ability to pay such compensation and expenses, in accordance with NRS 159.0485.

(b) One dollar to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

(c) One dollar to an account maintained by the county for the exclusive use of the district court to pay the compensation of investigators appointed by the court pursuant to section 28 of Assembly Bill No. 319 of this session.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children.

5. Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

6. Except as otherwise provided in subsection 7, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

(a) The county in which the county recorder's office is located.

(b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

7. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

8. If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by $5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than $5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

9. Except as otherwise provided in subsection 2, 3, 4 or 8 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

10. For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 38. NRS 628B.100 is hereby amended to read as follows:

628B.100 ~~["Ward"]~~ *"Protected person"* has the meaning ascribed to it in NRS 159.027.

Sec. 39. 1. When the next reprint of the Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall replace the term "ward" as it appears in the Nevada Revised Statutes with the term "protected person" in the manner provided in this act.

2. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, make such changes as necessary so that the term "ward" is replaced with the term "protected person" as provided for in this act.

3. To the extent that revisions are made to the Nevada Revised Statutes pursuant to subsection 1, the revisions shall be construed as nonsubstantive and it is not the intent of the Nevada Legislature to modify any existing interpretations of any statute which is so revised.

Sec. 40. The amendatory provisions of section 23 of this act apply to a petition for the appointment of a guardian for a proposed protected person that is filed on or after July 1, 2017.

Sec. 41. 1. This section and sections 1 to 36, inclusive, 38, 39 and 40 of this act become effective on July 1, 2017.

2. Section 37 of this act becomes effective on July 1, 2017, if, and only if, Assembly Bill No. 319 of this session is enacted by the Legislature and becomes effective.

Senator Segerblom moved that the Senate concur in Assembly Amendment No. 790 to Senate Bill No. 433.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 470.

The following Assembly amendment was read.

Amendment No. 912.

SUMMARY—Revises provisions governing the release of information relating to children. (BDR 5-347)

AN ACT relating to children; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a director of juvenile services and the Youth Parole Bureau to release certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. To release such information to a school district, a director of juvenile services or the Youth Parole Bureau must enter into a written agreement with the school district for the sharing of the information. (NRS 62H.025) This bill: (1) revises the list of persons to whom a director of juvenile services and the Youth Parole Bureau may release information to include a law enforcement agency engaged in a criminal investigation or delinquency proceeding or involved in a situation concerning a child who is a threat to himself or herself or to the safety of others; and (2) authorizes a director of juvenile services and the Youth Parole Bureau to release information to a school district only if the written agreement with the school district provides for the sharing of data from the educational record of the child.

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

Section 1. NRS 62H.025 is hereby amended to read as follows:

62H.025 1. Juvenile justice information is confidential and may only be released in accordance with the provisions of this section or as expressly authorized by other federal or state law.

2. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child or the safety of the public, a juvenile justice agency may release juvenile justice information to:

(a) A director of juvenile services or his or her designee;

(b) The Chief of the Youth Parole Bureau or his or her designee;

(c) A district attorney or his or her designee;

(d) An attorney representing the child;

(e) The director of a state agency which administers juvenile justice or his or her designee;

(f) A director of a state, regional or local facility for the detention of children or his or her designee;

(g) The director of an agency which provides child welfare services or his or her designee;

(h) A guardian ad litem or court appointed special advocate who represents the child;

(i) A parent or guardian of the child;

(j) The child to whom the juvenile justice information pertains if the child has reached the age of majority, or a person who presents a release that is signed by the child who has reached the age of majority and which specifies the juvenile justice information to be released and the purpose for the release;

(k) A school district, if the juvenile justice agency and the school district have entered into a written agreement to share juvenile justice information *and data from an educational record of a child maintained by the school district* for a purpose consistent with the purposes of this section;

(l) A person or organization who has entered into a written agreement with the juvenile justice agency to provide assessments or juvenile justice services;

(m) A person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services if the juvenile justice information is provided in the aggregate and without any personal identifying information; ~~[or]~~

(n) A person who is authorized by a court order to receive the juvenile justice information, if the juvenile justice agency was provided with notice and opportunity to be heard before the issuance of the order ~~[.]~~ *; or*

(o) A law enforcement agency in the course of a criminal investigation, a delinquency proceeding conducted pursuant to the provisions of this title or a situation involving a child who is subject to the jurisdiction of the juvenile court and who poses a threat to himself or herself or to the safety or well-being of others.

3. A juvenile justice agency may deny a request for juvenile justice information if:

(a) The request does not, in accordance with the purposes of this section, demonstrate good cause for the release of the information; or

(b) The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.

➥ A denial pursuant to this subsection must be made in writing to the person requesting the information not later than 5 business days after receipt of the request.

4. Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:

(a) Educational services;

(b) Social services;

(c) Mental health services;

(d) Medical services; or

(e) Legal services.

5. Except as otherwise provided in this subsection, any person who is provided with juvenile justice information pursuant to this section and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney who uses the information solely for the purpose of initiating legal proceedings; or

(b) A person or organization described in subsection 2 who provides a report concerning juvenile justice information to a court or other party pursuant to this title or chapter 432B of NRS.

6. As used in this section:

(a) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

(b) "Juvenile justice information" means any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

Sec. 2. This act becomes effective ~~[on July 1, 2017.]~~ upon passage and approval.

Senator Segerblom moved that the Senate do not concur in Assembly Amendment No. 912 to Senate Bill No. 470.

Remarks by Senator Segerblom.

We are concerned about the changes and are not sure what they were trying to do.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 472.

The following Assembly amendment was read.

Amendment No. 911.

SUMMARY—Revises provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses. (BDR 5-345)

AN ACT relating to crimes; revising provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a child who is adjudicated delinquent for committing certain sexual offenses and who was 14 years of age or older at the time of the commission of the sexual offense is required to register as a sex offender in the same manner as an adult and is subject to community notification. (NRS 62F.220, 179D.0559, 179D.095) In addition, existing law prohibits the sealing of records relating to a child while the child is subject to registration and community notification as a juvenile sex offender. (NRS 62F.260) Sections 18, 19 and 22 of this bill remove and repeal those provisions, and sections 4-14 of this bill enact provisions governing the registration and community notification of juvenile sex offenders.

Sections 5 and 8 include certain offenses, called "aggravated sexual offenses," in the list of sexual offenses for which registration and community notification as a juvenile sex offender is required. Section 9 provides that a child who is adjudicated delinquent for committing certain sexual offenses and who was 14 years of age or older at the time of the commission of the

sexual offense must: (1) register as a sex offender with the juvenile court, the juvenile probation department or the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services, whichever entity is determined to be the appropriate entity by the juvenile court; and (2) update his or her registration information not later than 48 hours after certain changes to that information. Section 9 also requires: (1) the juvenile court to order the parent or guardian of the child to ensure that the child complies with the requirements for registration as a sex offender; and (2) the parent or guardian of the child to notify the entity with which the child is registered as a sex offender and, if appropriate, the local law enforcement agency if the child runs away or otherwise leaves the placement for the child approved by the juvenile court.

Under section 10, the juvenile court is required to: (1) notify the Central Repository for Nevada Records of Criminal History when a child is adjudicated delinquent for certain sexual offenses so that the Central Repository may carry out the provisions of law governing the registration of the child as a sex offender; and (2) inform the child and his or her parent or guardian that the child is subject to certain requirements for registration and community notification applicable to sex offenders. Section 10 further prohibits the juvenile court from terminating its jurisdiction over the child until the juvenile court relieves the child from the requirement to register as a sex offender or orders that the child continue to be subject to registration and community notification after the child becomes 21 years of age.

Section 11 provides that upon a motion by a child, a judge of the juvenile court may exempt the child from the requirements for community notification applicable to sex offenders or exclude the child from placement on the community notification website, or both. Under section 11, the judge may not exempt a child from community notification or exclude the child from the community notification website if the child is adjudicated delinquent for certain aggravated sexual offenses. The judge must hold a hearing on such a motion and must not exempt the child from community notification or exclude the child from the community notification website unless, at the hearing, the judge finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others. Section 11 further authorizes the judge to reconsider its decision on a motion after considering certain factors. Finally, if the judge exempts a child from community notification or excludes the child from placement on the community notification website, or both, the judge must notify the Central Repository and the child must not be subject to community notification or be placed on the community notification website.

Section 12 requires a judge of the juvenile court to hold a hearing when the child reaches 21 years of age or on a date reasonably near that date. If the judge finds by clear and convincing evidence that the child has been rehabilitated and does not pose a threat to the safety of others, the judge must relieve the child from the requirement for registration and community

notification as a sex offender. However, if the judge determines that the child has not been rehabilitated or poses a threat to the safety of others, the judge must order that the child is subject to registration and community notification in the manner provided for adult sex offenders.

Section 13 provides that the juvenile court may not refer to a master any finding, determination or other act required to be made by the juvenile court pursuant to sections 11 and 12.

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

Section 1. NRS 62A.030 is hereby amended to read as follows:

62A.030 1. "Child" means:

(a) A person who is less than 18 years of age;

(b) A person who is less than 21 years of age and subject to the jurisdiction of the juvenile court for an unlawful act that was committed before the person reached 18 years of age; or

(c) A person who is otherwise subject to the jurisdiction of the juvenile court as a juvenile sex offender pursuant to the provisions of ~~[NRS 62F.200, 62F.220 and 62F.260.]~~ *sections 4 to 14, inclusive, of this act.*

2. The term does not include:

(a) A person who is excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330;

(b) A person who is transferred to the district court for criminal proceedings as an adult pursuant to NRS 62B.335; or

(c) A person who is certified for criminal proceedings as an adult pursuant to NRS 62B.390 or 62B.400.

Sec. 2. NRS 62B.410 is hereby amended to read as follows:

62B.410 Except as otherwise provided in NRS 62F.110 and ~~[62F.220,]~~ *sections 10 and 12 of this act,* if a child is subject to the jurisdiction of the juvenile court, the juvenile court:

1. May terminate its jurisdiction concerning the child at any time, either on its own volition or for good cause shown; or

2. May retain jurisdiction over the child until the child reaches 21 years of age.

Sec. 3. Chapter 62F of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 14, inclusive, of this act.

Sec. 4. *As used in sections 4 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5. *"Aggravated sexual offense" means:*

1. Battery with intent to commit sexual assault pursuant to NRS 200.400;

2. An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is listed in NRS 179D.097;

3. An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime

of violence pursuant to NRS 200.408, if the crime of violence is listed in NRS 179D.097;

4. An offense listed in NRS 179D.097, if the offense is subject to the additional penalty set forth in NRS 193.165;

5. An offense listed in NRS 179D.097, if the offense results in substantial bodily harm to the victim;

6. Any sexual offense if the juvenile has previously been adjudicated delinquent, or placed under the supervision of the juvenile court pursuant to NRS 62C.230, for a sexual offense; or

7. An attempt or conspiracy to commit an offense listed in this section.

Sec. 6. *"Community notification" means notification of a community pursuant to the provisions of NRS 179D.475.*

Sec. 7. *"Community notification website" has the meaning ascribed to it in NRS 179B.023.*

Sec. 8. *1. "Sexual offense" means:*

(a) Sexual assault pursuant to NRS 200.366;

(b) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(c) Lewdness with a child pursuant to NRS 201.230;

(d) An attempt or conspiracy to commit an offense listed in paragraph (a), (b) or (c), if punishable as a felony;

(e) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193; or

(f) An aggravated sexual offense.

2. The term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 9. *1. Notwithstanding any other provision of law, a child who is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult and who was 14 years of age or older at the time of the commission of the unlawful act shall:*

(a) Register initially, as required by NRS 179D.445, with the juvenile court, the director of juvenile services or the Youth Parole Bureau in the jurisdiction in which the child was adjudicated, as determined by the juvenile court; and

(b) Not later than 48 hours after a change of his or her name, residence or employment or student status, the issuance of or a change to the driver's license or identification card issued to the child by this State or any other jurisdiction or a change in the description of the motor vehicle registered to or frequently driven by the child, if any, update the juvenile court, the director of juvenile services or the Youth Parole Bureau, as applicable, of such a change.

2. The juvenile court shall order the parent or guardian of a child who is subject to the requirements of subsection 1 to:

(a) Ensure that while the child is subject to the jurisdiction of the juvenile court, the child complies with the requirements of subsection 1; and

(b) If the child runs away or otherwise leaves the placement for the child approved by the juvenile court, inform the juvenile court, the director of juvenile services or the Youth Parole Bureau, as applicable, that the child has run away or otherwise left the placement and, if appropriate, make a report to the local law enforcement agency of the jurisdiction in which the child was placed.

3. The juvenile court, director of juvenile services or Youth Parole Bureau, as applicable, shall immediately provide the information provided by a child or the parent or guardian of a child pursuant to subsection 1 or 2 to the Central Repository.

Sec. 10. *1. In addition to any other action authorized or required pursuant to the provisions of this title, if a child is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult and was 14 years of age or older at the time of the commission of the unlawful act, the juvenile court shall:*

(a) Notify the Central Repository of the adjudication so that the Central Repository may carry out the provisions for registration and community notification of the child pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 4 to 14, inclusive, of this act.

(b) Inform the child and the parent or guardian of the child that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 4 to 14, inclusive, of this act.

2. The juvenile court may not terminate its jurisdiction over the child for the purposes of carrying out the provisions of sections 4 to 14, inclusive, of this act until the juvenile court, pursuant to section 12 of this act, has relieved the child from being subject to the requirements for registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, or ordered that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

Sec. 11. *1. Notwithstanding any other provision of law and except as otherwise provided in this subsection, upon a motion by a child, the juvenile court may exempt the child from community notification or exclude the child from placement on the community notification website, or both, if the juvenile court finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others. The juvenile court shall not exempt a child from community notification or exclude the child from placement on the community notification website if the child is adjudicated delinquent for committing an aggravated sexual offense.*

2. At the hearing held on a motion pursuant to this section, the juvenile court may consider any evidence, reports, statements or other material which

the juvenile court determines is relevant and helpful to determine whether to grant the motion.

3. In determining at the hearing whether the child is likely to pose a threat to the safety of others, the juvenile court shall consider the following factors:

(a) The number, date, nature and gravity of the act or acts committed by the child, including, without limitation, whether the act or acts were characterized by repetitive and compulsive behavior.

(b) The family controls in place over the child.

(c) The plan for providing counseling, therapy or treatment to the child.

(d) The history of the child with the juvenile court, including, without limitation, reports concerning any unlawful acts which the child has admitted committing, any acts for which the juvenile court placed the child under a supervision and consent decree pursuant to NRS 62C.230 and any prior adjudication of delinquency or need of supervision.

(e) The results of any psychological or psychiatric profiles of the child and whether those profiles indicate a risk of recidivism.

(f) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness.

(g) The impact of the unlawful act on the victim and any statements made by the victim.

(h) The safety of the community and the need to protect the public.

(i) The impact that registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 4 to 14, inclusive, of this act will have on the treatment of the child.

(j) Any other factor that the juvenile court finds relevant to the determination of whether the child is likely to pose a threat to the safety of others.

4. If the juvenile court exempts a child from community notification or excludes a child from placement on the community notification website, or both, the juvenile court shall notify the Central Repository so that the Central Repository may carry out the determination of the juvenile court.

5. Upon good cause shown, the juvenile court may reconsider the granting or denial of a motion pursuant to this section, and reverse, modify or affirm its determination. In determining whether to reverse, modify or affirm its determination, the juvenile court:

(a) Shall consider:

(1) The factors set forth in subsection 3;

(2) The extent to which the child has received counseling, therapy or treatment and the response of the child to any such counseling, therapy or treatment; and

(3) The behavior of the child while subject to the jurisdiction of the juvenile court, including, without limitation, the behavior of the child during any period of confinement.

(b) Shall not exempt a child from community notification or exclude a child from placement on the community notification website unless the juvenile court finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others.

Sec. 12. *Except as otherwise provided in sections 4 to 14, inclusive, of this act:*

1. If a child has been adjudicated delinquent for a sexual offense, the juvenile court shall hold a hearing when the child reaches 21 years of age, or at a time reasonably near the date on which the child reaches 21 years of age, to determine whether the child should be subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

2. At the hearing pursuant to this section, the juvenile court may consider any evidence, reports, statements or other material which the juvenile court determines is relevant and helpful to determine whether to grant the motion.

3. If the juvenile court finds by clear and convincing evidence at the hearing that the child has been rehabilitated to the satisfaction of the juvenile court and that the child is not likely to pose a threat to the safety of others, the juvenile court may relieve the child from being subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

4. If the juvenile court does not find by clear and convincing evidence at the hearing that the child has been rehabilitated to the satisfaction of the juvenile court and that the child is not likely to pose a threat to the safety of others, the juvenile court shall:

(a) Order that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive;

(b) Notify the Central Repository of the adjudication of the child and the determination of the juvenile court that the child should be subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, so that the Central Repository may carry out the provisions for registration and community notification pursuant to those sections; and

(c) Inform the child that he or she is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

5. In determining at the hearing whether the child has been rehabilitated to the satisfaction of the juvenile court or is likely to pose a threat to the safety of others, the juvenile court shall consider the following factors:

(a) The number, date, nature and gravity of the act or acts committed by the child, including, without limitation, whether the act or acts were characterized by repetitive and compulsive behavior.

(b) The extent to which the child has received counseling, therapy or treatment, and the response of the child to any such counseling, therapy or treatment.

(c) Whether psychological or psychiatric profiles indicate a risk of recidivism.

(d) The behavior of the child while subject to the jurisdiction of the juvenile court, including, without limitation, the behavior of the child during any period of confinement.

(e) Whether the child has made any recent threats against a person or expressed any intent to commit any crimes in the future.

(f) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness.

(g) The impact of the unlawful act on the victim and any statements made by the victim.

(h) The safety of the community and the need to protect the public.

(i) Any other factor that the juvenile court finds relevant to the determination of whether the child has been rehabilitated to the satisfaction of the juvenile court and whether the child is likely to pose a threat to the safety of others.

6. The juvenile court shall file written findings of fact and conclusions of law setting forth the basis and legal support for any decision pursuant to this section.

7. If, pursuant to this section, the juvenile court orders that a child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, the jurisdiction of the juvenile court terminates, and the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, for the period specified in NRS 179D.490.

Sec. 13. *1. The juvenile court may not refer to a master any finding, determination or other act required to be made by the juvenile court pursuant to sections 11 and 12 of this act.*

2. As used in this section, "master" has the meaning ascribed to it in Rule 53 of the Nevada Rules of Civil Procedure.

Sec. 14. *The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.*

Sec. 15. NRS 62H.110 is hereby amended to read as follows:

62H.110 The provisions of NRS 62H.100 to 62H.170, inclusive, do not apply to:

1. Information maintained in the standardized system established pursuant to NRS 62H.200;

2. Information that must be collected by the Division of Child and Family Services pursuant to NRS 62H.220;

3. Records that are subject to the provisions of ~~[NRS 62F.260;]~~ *section 14 of this act;* or

4. Records relating to a traffic offense that would have been a misdemeanor if committed by an adult.

Sec. 16. NRS 62H.120 is hereby amended to read as follows:

62H.120 Any decree or order entered concerning a child within the purview of this title must contain, for the benefit of the child, an explanation of the contents of NRS 62H.100 to 62H.170, inclusive, and, if applicable, ~~[NRS 62F.260.]~~ *section 14 of this act.*

Sec. 17. NRS 179D.035 is hereby amended to read as follows:

179D.035 *1.* "Convicted" includes, but is not limited to, an adjudication of delinquency by a court having jurisdiction over juveniles if:

~~[1.]~~ *(a)* The adjudication of delinquency is for the commission of a sexual offense that is listed in ~~[NRS 62F.200;]~~ *section 8 of this act;* and

~~[2.]~~ *(b)* The offender was 14 years of age or older at the time of the offense.

2. The term does not include an adjudication of delinquency by a court having jurisdiction over juveniles if, pursuant to section 12 of this act, the court has relieved the juvenile from being subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

Sec. 18. NRS 179D.0559 is hereby amended to read as follows:

179D.0559 1. "Offender convicted of a crime against a child" or "offender" means a person who, after July 1, 1956, is or has been ~~[:~~

~~(a) Convicted]~~ *convicted* of a crime against a child that is listed in NRS 179D.0357 . ~~[; or~~

~~(b) Adjudicated delinquent by a court having jurisdiction over juveniles of a crime against a child that is listed in NRS 62F.200 if the offender was 14 years of age or older at the time of the crime.]~~

2. The term includes, without limitation, an offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.

Sec. 19. NRS 179D.095 is hereby amended to read as follows:

179D.095 1. "Sex offender" means a person who, after July 1, 1956, is or has been ~~[:~~

~~(a) Convicted]~~ *convicted* of a sexual offense listed in NRS 179D.097 . ~~[; or~~

~~(b) Adjudicated delinquent by a court having jurisdiction over juveniles of a sexual offense listed in NRS 62F.200 if the offender was 14 years of age or older at the time of the offense.]~~

2. The term includes, without limitation, a sex offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.

Sec. 20. NRS 179D.450 is hereby amended to read as follows:

179D.450 1. If the Central Repository receives notice from a court pursuant to NRS 176.0926 that an offender has been convicted of a crime against a child, pursuant to NRS 176.0927 that a sex offender has been convicted of a sexual offense or pursuant to ~~[NRS 62F.220]~~ *section 10 of this act* that a juvenile has been adjudicated delinquent for an offense for which the juvenile is subject to registration and community notification pursuant to

NRS 179D.010 to 179D.550, inclusive, *and sections 4 to 14, inclusive, of this act*, the Central Repository shall:

(a) If a record of registration has not previously been established for the offender or sex offender, notify the local law enforcement agency so that a record of registration may be established; or

(b) If a record of registration has previously been established for the offender or sex offender, update the record of registration for the offender or sex offender and notify the appropriate local law enforcement agencies.

2. If the offender or sex offender named in the notice is granted probation or otherwise will not be incarcerated or confined, the Central Repository shall:

(a) Immediately provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies and, if the offender or sex offender resides in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction; and

(b) ~~[Immediately]~~ *Except as otherwise provided in section 11 of this act, immediately* provide community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475.

3. If an offender or sex offender is incarcerated or confined and has previously been convicted of a crime against a child as described in NRS 179D.0357 or a sexual offense as described in NRS 179D.097, before the offender or sex offender is released:

(a) The Department of Corrections or a local law enforcement agency in whose facility the offender or sex offender is incarcerated or confined shall:

(1) Inform the offender or sex offender of the requirements for registration, including, but not limited to:

(I) The duty to register initially with the appropriate law enforcement agency in the jurisdiction in which the offender or sex offender was convicted if the offender or sex offender is not a resident of that jurisdiction pursuant to NRS 179D.445;

(II) The duty to register in this State during any period in which the offender or sex offender is a resident of this State or a nonresident who is a student or worker within this State and the time within which the offender or sex offender is required to register pursuant to NRS 179D.460;

(III) The duty to register in any other jurisdiction during any period in which the offender or sex offender is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

(IV) If the offender or sex offender moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

(V) The duty to notify the local law enforcement agency for the jurisdiction in which the offender or sex offender now resides, in person, and the jurisdiction in which the offender or sex offender formerly resided, in person or in writing, if the offender or sex offender changes the address at which the offender or sex offender resides, including if the offender or sex

offender moves from this State to another jurisdiction, or changes the primary address at which the offender or sex offender is a student or worker; and

(VI) The duty to notify immediately the appropriate local law enforcement agency if the offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's enrollment at an institution of higher education or if the offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's work at an institution of higher education; and

(2) Require the offender or sex offender to read and sign a form stating that the requirements for registration have been explained and that the offender or sex offender understands the requirements for registration, and to forward the form to the Central Repository.

(b) The Central Repository shall:

(1) Update the record of registration for the offender or sex offender;

(2) ~~[Provide]~~ *Except as otherwise provided in section 11 of this act, provide* community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475; and

(3) Provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies and, if the offender or sex offender will reside upon release in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

4. The failure to provide an offender or sex offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the offender or sex offender to register and to comply with all other provisions for registration.

5. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that an offender or sex offender is now residing or is a student or worker within this State, the Central Repository shall:

(a) Immediately provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies;

(b) Establish a record of registration for the offender or sex offender; and

(c) Immediately provide community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475.

Sec. 21. NRS 179D.490 is hereby amended to read as follows:

179D.490 1. An offender convicted of a crime against a child or a sex offender shall comply with the provisions for registration for as long as the offender or sex offender resides or is present within this State or is a nonresident offender or sex offender who is a student or worker within this State, unless the period of time during which the offender or sex offender has the duty to register is reduced pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3 ~~[,]~~ *and section 12 of this act*, the full period of registration is:

(a) Fifteen years, if the offender or sex offender is a Tier I offender;

(b) Twenty-five years, if the offender or sex offender is a Tier II offender; and

(c) The life of the offender or sex offender, if the offender or sex offender is a Tier III offender,

➥ exclusive of any time during which the offender or sex offender is incarcerated or confined.

3. If an offender or sex offender complies with the provisions for registration:

(a) For an interval of at least 10 consecutive years, if the offender or sex offender is a Tier I offender; or

(b) For an interval of at least 25 consecutive years, if the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender,

➥ during which the offender or sex offender is not convicted of an offense for which imprisonment for more than 1 year may be imposed, is not convicted of a sexual offense, successfully completes any periods of supervised release, probation or parole, and successfully completes a sex offender treatment program certified by the State or by the Attorney General of the United States, the offender or sex offender may file a petition to reduce the period of time during which the offender or sex offender has a duty to register with the district court in whose jurisdiction the offender or sex offender resides or, if he or she is a nonresident offender or sex offender, in whose jurisdiction the offender or sex offender is a student or worker. For the purposes of this subsection, registration begins on the date that the Central Repository or appropriate agency of another jurisdiction establishes a record of registration for the offender or sex offender or the date that the offender or sex offender is released, whichever occurs later.

4. If the offender or sex offender satisfies the requirements of subsection 3, the court shall hold a hearing on the petition at which the offender or sex offender and any other interested person may present witnesses and other evidence. If the court determines from the evidence presented at the hearing that the offender or sex offender satisfies the requirements of subsection 3, the court shall:

(a) If the offender or sex offender is a Tier I offender, reduce the period of time during which the offender or sex offender is required to register by 5 years; and

(b) If the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender, reduce the period of time during which the offender or sex offender is required to register from the life of the offender or sex offender to that period of time for which the offender or sex offender meets the requirements of subsection 3.

Sec. 22. NRS 62F.200, 62F.220 and 62F.260 are hereby repealed.

Sec. 23. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

62F.200 "Sexual offense" defined.

1. As used in this section and NRS 62F.220 and 62F.260, unless the context otherwise requires, "sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(c) Lewdness with a child pursuant to NRS 201.230; or

(d) An attempt or conspiracy to commit an offense listed in this section.

2. The term does not include an offense involving consensual sexual conduct if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

62F.220 Certain duties of juvenile court with respect to juvenile sex offenders; jurisdiction of juvenile court not terminated until child no longer subject to registration and community notification.

1. If a child who is 14 years of age or older is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult, the juvenile court shall:

(a) Notify the Central Repository of the adjudication of the child, so the Central Repository may carry out any provisions for registration of the child pursuant to NRS 179D.010 to 179D.550, inclusive; and

(b) Inform the child and the parent or guardian of the child that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

2. The juvenile court may not terminate its jurisdiction concerning the child for the purposes of carrying out the provisions of this section and NRS 62F.200 and 62F.260 until the child is no longer subject to registration and community notification as a juvenile sex offender pursuant to this section and NRS 62F.200 and 62F.260.

62F.260 Records not sealed during period of registration and community notification. The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to registration and community notification as a juvenile sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

Senator Segerblom moved that the Senate do not concur in Assembly Amendment No. 911 to Senate Bill No. 472.

Motion carried.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which were re-referred Senate Bills Nos. 402, 405, 438, 498, 500, 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 540, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NICOLE J. CANNIZZARO, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 500.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 925.

SUMMARY—Revises provisions relating to the Housing Division of the Department of Business and Industry. (BDR 18-909)

AN ACT relating to State Government; consolidating the Manufactured Housing Division of the Department of Business and Industry within the Housing Division of the Department; creating the Account for Housing Inspection and Compliance within the Housing Division; revising provisions governing the Account for Low-Income Housing; creating the position of Housing Advocate within the Housing Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Housing Division and the Manufactured Housing Division as divisions within the Department of Business and Industry. (NRS 232.510) The Director of the Department is required to appoint an Administrator of the Housing Division and an Administrator of the Manufactured Housing Division to serve as chiefs of each respective division. (NRS 232.520) Sections 1, 2, 12, 13, 44 and 45 of this bill remove provisions of existing law referencing the Manufactured Housing Division and consolidate the functions of the Manufactured Housing Division under the Housing Division of the Department. Sections 3-9, 14, 15, 21, 22, 29-33, 35, 36, 39, 41, 44, 45 and 53 of this bill make conforming changes.

~~[Existing law requires each owner of a manufactured home park to pay to the Manufactured Housing Division an annual fee that must not exceed $5 for each lot within that park. (NRS 118B.185) Section 17 of this bill instead requires each owner of a manufactured home park to pay to the Housing Division an annual fee that is established by the Administrator by regulation for each lot within that park.~~

~~Existing law requires the owner of a manufactured home park to also pay to the Manufactured Housing Division an annual fee of $12 for each lot within the park. (NRS 118B.213) Section 18 of this bill instead requires the owner of a manufactured home park to pay to the Housing Division an~~

~~annual fee that is established by the Administrator by regulation for each lot within the park.]~~

Section 24 of this bill creates the Account for Housing Inspection and Compliance and requires this Account to be administered by the Housing Division. Section 24 additionally requires the Administrator to adopt regulations concerning the management and operations of the Account. Sections 11, 16, 17, 20, 26, 27, 37, 38, 41-43, 46, 47 and 50-52 of this bill make conforming changes.

Existing law creates the Fund for Low-Income Owners of Manufactured Homes. (NRS 118B.215) Section 19 of this bill eliminates this Fund and directs the money from the Account for Low-Income Housing created by NRS 319.500 to be used for purposes provided for by the Fund under existing law. ~~[Section 19 additionally authorizes the Administrator to adopt regulations concerning the procedure by which the Division will determine a person's eligibility to receive assistance from the Account.]~~

Existing law creates the Account for Low-Income Housing and establishes the purposes for which the Account must be used. (NRS 319.500, 319.510) Section 28 of this bill ~~[includes a provision which]~~ requires that the Account for Low-Income Housing also be used to assist an eligible person by supplementing their monthly rent for the manufactured home lot on which their manufactured home is located ~~[. Section 28 further authorizes the Division to expend funds in an amount not to exceed $75,000 annually from the Account for Low-Income Housing to fund such supplementing of monthly rents.]~~ , but imposes a $75,000 annual limit on the use of proceeds from the real property transfer tax which are deposited in the Account for this purpose.

Existing law requires that all money collected from administrative fines imposed on persons involved in the manufacture, sale, distribution, alteration, transportation and installation of manufactured homes, mobile homes and factory-built housing to be deposited in the State General Fund. Section 46 of this bill requires all money collected from fees and administrative fines imposed on such persons to be deposited in the Account created in section 24.

Section 25 of this bill creates the position of Housing Advocate within the Housing Division and establishes the requirements a person must satisfy to be appointed to this office. Section 25 further provides the duties for which the Housing Advocate is responsible and that the Administrator may remove the Housing Advocate from office for any reason not prohibited by law.

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

Section 1. NRS 232.510 is hereby amended to read as follows:

232.510 1. The Department of Business and Industry is hereby created.

2. The Department consists of a Director and the following:

(a) Consumer Affairs Division.

(b) Division of Financial Institutions.

(c) Housing Division.

(d) ~~[Manufactured Housing Division.~~

~~(e)]~~ Real Estate Division.

~~[(f)]~~ *(e)* Division of Insurance.

~~[(g)]~~ *(f)* Division of Industrial Relations.

~~[(h)]~~ *(g)* Office of Labor Commissioner.

~~[(i)]~~ *(h)* Taxicab Authority.

~~[(j)]~~ *(i)* Nevada Athletic Commission.

~~[(k)]~~ *(j)* Office of the Nevada Attorney for Injured Workers.

~~[(l)]~~ *(k)* Nevada Transportation Authority.

~~[(m)]~~ *(l)* Division of Mortgage Lending.

~~[(n)]~~ *(m)* Any other office, commission, board, agency or entity created or placed within the Department pursuant to a specific statute, the budget approved by the Legislature or an executive order, or an entity whose budget or activities have been placed within the control of the Department by a specific statute.

Sec. 2. NRS 232.520 is hereby amended to read as follows:

232.520 The Director:

1. Shall appoint a chief or executive director, or both of them, of each of the divisions, offices, commissions, boards, agencies or other entities of the Department, unless the authority to appoint such a chief or executive director, or both of them, is expressly vested in another person, board or commission by a specific statute. In making the appointments, the Director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the Department, if any. The chief of the Consumer Affairs Division is the Commissioner of Consumer Affairs, the chief of the Division of Financial Institutions is the Commissioner of Financial Institutions, the chief of the Housing Division is the Administrator of the Housing Division, ~~[the chief of the Manufactured Housing Division is the Administrator of the Manufactured Housing Division,]~~ the chief of the Real Estate Division is the Real Estate Administrator, the chief of the Division of Insurance is the Commissioner of Insurance, the chief of the Division of Industrial Relations is the Administrator of the Division of Industrial Relations, the chief of the Office of Labor Commissioner is the Labor Commissioner, the chief of the Taxicab Authority is the Taxicab Administrator, the chief of the Nevada Transportation Authority is the Chair of the Authority, the chief of the Division of Mortgage Lending is the Commissioner of Mortgage Lending and the chief of any other entity of the Department has the title specified by the Director, unless a different title is specified by a specific statute.

2. Is responsible for the administration of all provisions of law relating to the jurisdiction, duties and functions of all divisions and other entities within the Department. The Director may, if he or she deems it necessary to carry out his or her administrative responsibilities, be considered as a member of the staff of any division or other entity of the Department for the purpose of

budget administration or for carrying out any duty or exercising any power necessary to fulfill the responsibilities of the Director pursuant to this subsection. This subsection does not allow the Director to preempt any authority or jurisdiction granted by statute to any division or other entity within the Department or to act or take on a function that would contravene a rule of court or a statute.

3. May:

(a) Establish uniform policies for the Department, consistent with the policies and statutory responsibilities and duties of the divisions and other entities within the Department, relating to matters concerning budgeting, accounting, planning, program development, personnel, information services, dispute resolution, travel, workplace safety, the acceptance of gifts or donations, the management of records and any other subject for which a uniform departmental policy is necessary to ensure the efficient operation of the Department.

(b) Provide coordination among the divisions and other entities within the Department, in a manner which does not encroach upon their statutory powers and duties, as they adopt and enforce regulations, execute agreements, purchase goods, services or equipment, prepare legislative requests and lease or use office space.

(c) Define the responsibilities of any person designated to carry out the duties of the Director relating to financing, industrial development or business support services.

4. May, within the limits of the financial resources made available to the Director, promote, participate in the operation of, and create or cause to be created, any nonprofit corporation, pursuant to chapter 82 of NRS, which he or she determines is necessary or convenient for the exercise of the powers and duties of the Department. The purposes, powers and operation of the corporation must be consistent with the purposes, powers and duties of the Department.

5. For any bonds which the Director is otherwise authorized to issue, may issue bonds the interest on which is not exempt from federal income tax or excluded from gross revenue for the purposes of federal income tax.

6. May, except as otherwise provided by specific statute, adopt by regulation a schedule of fees and deposits to be charged in connection with the programs administered by the Director pursuant to chapters 348A and 349 of NRS. Except as otherwise provided by specific statute, the amount of any such fee or deposit must not exceed 2 percent of the principal amount of the financing.

7. May designate any person within the Department to perform any of the duties or responsibilities, or exercise any of the authority, of the Director on his or her behalf.

8. May negotiate and execute agreements with public or private entities which are necessary to the exercise of the powers and duties of the Director or the Department.

9. May establish a trust account in the State Treasury for depositing and accounting for money that is held in escrow or is on deposit with the Department for the payment of any direct expenses incurred by the Director in connection with any bond programs administered by the Director. The interest and income earned on money in the trust account, less any amount deducted to pay for applicable charges, must be credited to the trust account. Any balance remaining in the account at the end of a fiscal year may be:

(a) Carried forward to the next fiscal year for use in covering the expense for which it was originally received; or

(b) Returned to any person entitled thereto in accordance with agreements or regulations of the Director relating to those bond programs.

Sec. 3. NRS 108.2679 is hereby amended to read as follows:

108.2679 "Registered owner" means:

1. A person whose name appears in the files of the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry as the person to whom the mobile home or manufactured home is registered, but does not include:

(a) A creditor who holds title to the mobile home or manufactured home; or

(b) The owner or holder of a lien encumbering the mobile home or manufactured home.

2. A person whose name appears in the files of the Department of Motor Vehicles as the person to whom the vehicle is registered.

Sec. 4. NRS 108.272 is hereby amended to read as follows:

108.272 1. Except as otherwise provided in subsection 2 and NRS 108.2723, the notice of a lien must be given by delivery in person or by registered or certified letter addressed to the last known place of business or abode of:

(a) The legal owner and registered owner of the property.

(b) Each person who holds a security interest in the property.

(c) If the lien is on a mobile home or manufactured home, each person who is listed in the records of the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry as holding an ownership or other interest in the home.

➥ If no address is known, the notice must be addressed to that person at the place where the lien claimant has his or her place of business.

2. Any person who claims a lien on aircraft, aircraft equipment or parts shall:

(a) Within 120 days after the person furnishes supplies or services; or

(b) Within 7 days after the person receives an order to release the property,

➥ whichever time is less, serve the legal owner by mailing a copy of the notice of the lien to the owner's last known address, or if no address is known, by leaving a copy with the clerk of the court in the county where the notice is filed.

3. Except as otherwise provided in NRS 108.2723, the notice must contain:

(a) An itemized statement of the claim, showing the sum due at the time of the notice and the date when it became due.

(b) A brief description of the motor vehicle, airplane, motorcycle, motor or airplane equipment, trailer, recreational vehicle, mobile home or manufactured home against which the lien exists.

(c) A demand that the amount of the claim as stated in the notice, and of any further claim as may accrue, must be paid on or before a day mentioned.

(d) A statement that unless the claim is paid within the time specified the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, trailer, recreational vehicle, mobile home or manufactured home will be advertised for sale, and sold by auction at a specified time and place.

4. The lienholder shall determine a day for the purposes of the demand in paragraph (c) of subsection 3. The day mentioned must be:

(a) Not less than 10 days after the delivery of the notice if it is personally delivered; or

(b) Not less than 10 days after the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail.

Sec. 5. NRS 108.273 is hereby amended to read as follows:

108.273 1. The ~~[Manufactured]~~ Housing Division of the Department of Business and Industry shall provide a notice of lien on a mobile home or manufactured home and a notice of a sale by auction of a mobile home or manufactured home that complies with the requirements of NRS 108.270 to 108.367, inclusive.

2. A notice of lien on a mobile home or manufactured home or a notice of a sale by auction of a mobile home or manufactured home must be made on a form provided by the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry.

Sec. 6. NRS 108.2735 is hereby amended to read as follows:

108.2735 A lien asserted against a mobile home or manufactured home expires 1 year after it is filed with the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry.

Sec. 7. NRS 108.310 is hereby amended to read as follows:

108.310 Subject to the provisions of NRS 108.2723 and 108.315, the lien created in NRS 108.270 to 108.367, inclusive, may be satisfied as follows:

1. The lien claimant shall give written notice to the person on whose account the storing, maintaining, keeping, repairing, labor, fuel, supplies, facilities, services or accessories were made, done or given, and to any other person known to have or to claim an interest in the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home, upon which the lien is asserted, and to the:

(a) ~~[Manufactured]~~ Housing Division of the Department of Business and Industry with regard to mobile homes, manufactured homes and commercial coaches as defined in chapter 489 of NRS; or

(b) Department of Motor Vehicles with regard to all other items included in this section.

2. In accordance with the terms of a notice so given, a sale by auction may be held to satisfy any valid claim which has become a lien on the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home. The sale must be held in the place where the lien was acquired or, if that place is manifestly unsuitable for the purpose, at the nearest suitable place.

3. After the time for the payment of the claim specified in the notice has elapsed, an advertisement of the sale, describing the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to be sold, and stating the name of the owner or person on whose account it is held, and the time and place of the sale, must be published once a week for 3 consecutive weeks in a newspaper published in the place where the sale is to be held, but if no newspaper is published in that place, then in a newspaper published in this State that has a general circulation in that place. The sale must not be held less than 22 days after the time of the first publication.

4. From the proceeds of the sale the lien claimant who furnished the services, labor, fuel, accessories, facilities or supplies shall satisfy the lien, including the reasonable charges of notice, advertisement and sale. The balance, if any, of the proceeds must be delivered, on demand, to the person to whom the lien claimant would have been bound to deliver, or justified in delivering, the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.

Sec. 8. NRS 108.315 is hereby amended to read as follows:

108.315 1. Any landlord who desires to enforce a lien for unpaid rent or rent and utilities under the provisions of NRS 108.270 to 108.367, inclusive, must within 15 days after the rent is 30 days past due, make a demand in writing upon the registered owner of the recreational vehicle, mobile home or manufactured home, for the amount due, stating that a lien is claimed on the recreational vehicle, mobile home or manufactured home. A copy of the demand must be sent to every holder of a security interest and every person who is listed in the records of the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry as holding an ownership or other interest in, and every tenant or subtenant of, the recreational vehicle, mobile home or manufactured home, and to the:

(a) ~~[Manufactured]~~ Housing Division of the Department of Business and Industry, with regard to mobile homes and manufactured homes; or

(b) Department of Motor Vehicles, with regard to recreational vehicles,

➥ by registered or certified mail.

2. To obtain the name and address of a holder of a security interest or a person who is listed in the records of the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry as holding an ownership or other interest in the recreational vehicle, mobile home or manufactured home, the landlord shall, before making the demand for payment, request that information from the:

(a) ~~[Manufactured]~~ Housing Division of the Department of Business and Industry, with regard to mobile homes, manufactured homes and commercial coaches as defined in chapter 489 of NRS; or

(b) Department of Motor Vehicles, with regard to all other vehicles,

➥ and the state agency shall supply that information from its records. If the recreational vehicle, mobile home or manufactured home is registered in another state, territory or country, the landlord shall, before making the demand for payment, obtain the information from the appropriate agency of that state, territory or country.

3. A landlord who enforces a lien for unpaid rent may recover an amount equal to:

(a) The amount of the unpaid rent;

(b) The cost of any advertising and notices required pursuant to NRS 108.270 to 108.367, inclusive;

(c) The cost and fees ordered by a court in any action contesting the validity of a lien; and

(d) The cost of a sale, if a sale by auction is made pursuant to the provisions of NRS 108.310.

4. No recreational vehicle, mobile home or manufactured home may be sold for delinquent rent or rent and utilities until 4 months have elapsed after the first default in payment, and a notice of lien has been served pursuant to subsection 1. At least 10 days but not more than 30 days before a sale, a written notice of sale by auction must be sent to the registered owner and tenant or subtenant and to every holder of a security interest and every person who is listed in the records of the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry as holding an ownership or other interest in the recreational vehicle, mobile home or manufactured home by registered or certified mail stating that a sale by auction of the recreational vehicle, mobile home or manufactured home is to be made pursuant to the provisions of NRS 108.310. The written notice of sale by auction must include the time and location of the sale, the amount necessary to satisfy the lien and a description of the legal proceeding available to contest the lien pursuant to NRS 108.350 and 108.355.

Sec. 9. NRS 108.355 is hereby amended to read as follows:

108.355 1. A person contesting the validity of a lien on a mobile home or manufactured home may file a notice of opposition to the lien in the justice court in whose jurisdiction the mobile home or manufactured home is located. The notice of opposition must be filed within 5 days after the person filing the notice receives the notice of sale by auction, must be made on a

form provided by the clerk of the justice court and must include the facts supporting the notice. The person filing the notice shall serve certified copies of it upon the lien claimant and the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry.

2. Upon the filing of the notice of opposition to the lien, the justice of the peace shall schedule a hearing on the notice, which must be held as soon as practicable but not sooner than 5 days after service of the notice. The justice of the peace shall affix the date of the hearing to the notice and order that a copy be served upon the lien claimant within 5 days after the date of the order.

3. The justice of the peace shall either dismiss the objections to the lien claim, declare the lien invalid or declare the amount of the lien if it is different from that described by the lien claimant.

4. After receipt of a notice of opposition to a lien or other notice pursuant to any proceeding to contest the validity of a lien, the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry shall not transfer the title to the mobile home or manufactured home that is the subject of the lien until the matter has been adjudicated.

5. This section does not affect the rights of a secured party pursuant to chapter 104 of NRS.

Sec. 10. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:

"Account" means the Account for Low-Income Housing created by NRS 319.500.

Sec. 11. NRS 118B.010 is hereby amended to read as follows:

118B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 118B.011 to 118B.0195, inclusive, *and section 10 of this act,* have the meanings ascribed to them in those sections.

Sec. 12. NRS 118B.011 is hereby amended to read as follows:

118B.011 "Administrator" means the ~~[chief]~~ *Administrator* of the Division.

Sec. 13. NRS 118B.012 is hereby amended to read as follows:

118B.012 "Division" means the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry.

Sec. 14. NRS 118B.070 is hereby amended to read as follows:

118B.070 1. The landlord shall deliver to:

(a) Each new tenant a copy of the current text of the provisions of this chapter with the rental agreement at the time the tenant signs the agreement.

(b) Each tenant a copy of each provision of this chapter which is added, amended or repealed within 180 days after the provision becomes effective.

2. When the landlord provides a tenant with a copy of any provision of this chapter pursuant to subsection 1, the copy must contain a legible and typewritten statement that contains the following contact information regarding the Division in substantially the following form:

TENANTS OF MANUFACTURED HOME PARKS ARE ENTITLED TO CERTAIN RIGHTS UNDER NEVADA REVISED STATUTES

To obtain information regarding your rights as a tenant under Nevada Revised Statutes, you may contact the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry as follows:

SOUTHERN NEVADA:

(The address of the Division in Southern Nevada)

(The local telephone number of the Division in Southern Nevada)

NORTHERN NEVADA:

(The address of the Division in Northern Nevada)

(The local telephone number of the Division in Northern Nevada)

INTERNET:

(The Internet address of the Division)

Sec. 15. NRS 118B.071 is hereby amended to read as follows:

118B.071 1. The landlord of a manufactured home park shall post in a conspicuous and readily accessible place in the community or recreational facility in the manufactured home park, at or near the entrance of the manufactured home park or in another common area in the manufactured home park, a legible and typewritten sign that contains the following contact information regarding the Division in substantially the following form:

TENANTS OF MANUFACTURED HOME PARKS ARE ENTITLED TO CERTAIN RIGHTS UNDER NEVADA REVISED STATUTES

To obtain information regarding your rights as a tenant under Nevada Revised Statutes, you may contact the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry as follows:

SOUTHERN NEVADA:

(The address of the Division in Southern Nevada)

(The local telephone number of the Division in Southern Nevada)

NORTHERN NEVADA:

(The address of the Division in Northern Nevada)

(The local telephone number of the Division in Northern Nevada)

INTERNET:

(The Internet address of the Division)

2. The Division shall notify each landlord if any of the contact information regarding the Division changes. Not later than 30 days after receiving such a notice from the Division, the landlord shall replace the existing sign with a new sign that contains the new contact information regarding the Division.

Sec. 16. NRS 118B.150 is hereby amended to read as follows:

118B.150 1. Except as otherwise provided in subsections 2 and 3, the landlord or his or her agent or employee shall not:

(a) Increase rent or additional charges unless:

(1) The rent charged after the increase is the same rent charged for manufactured homes of the same size or lots of the same size or of a similar location within the park, including, without limitation, manufactured homes

and lots which are held pursuant to a long-term lease, except that a discount may be selectively given to persons who:

(I) Are handicapped;

(II) Are 55 years of age or older;

(III) Are long-term tenants of the park if the landlord has specified in the rental agreement or lease the period of tenancy required to qualify for such a discount;

(IV) Pay their rent in a timely manner; or

(V) Pay their rent by check, money order or electronic means;

(2) Any increase in additional charges for special services is the same amount for each tenant using the special service; and

(3) Written notice advising a tenant of the increase is received by the tenant 90 days before the first payment to be increased and written notice of the increase is given to prospective tenants before commencement of their tenancy. In addition to the notice provided to a tenant pursuant to this subparagraph, if the landlord or his or her agent or employee knows or reasonably should know that the tenant receives assistance from the ~~[Fund for Low Income Owners of Manufactured Homes created pursuant to NRS 118B.215,]~~ *Account,* the landlord or his or her agent or employee shall provide to the Administrator written notice of the increase 90 days before the first payment to be increased.

(b) Require a tenant to pay for an improvement to the common area of a manufactured home park unless the landlord is required to make the improvement pursuant to an ordinance of a local government.

(c) Require a tenant to pay for a capital improvement to the manufactured home park unless the tenant has notice of the requirement at the time the tenant enters into the rental agreement. A tenant may not be required to pay for a capital improvement after the tenant enters into the rental agreement unless the tenant consents to it in writing or is given 60 days' notice of the requirement in writing. The landlord may not establish such a requirement unless a meeting of the tenants is held to discuss the proposal and the landlord provides each tenant with notice of the proposal and the date, time and place of the meeting not less than 60 days before the meeting. The notice must include a copy of the proposal. A notice in a periodic publication of the park does not constitute notice for the purposes of this paragraph.

(d) Require a tenant to pay the rent by check or money order.

(e) Require a tenant who pays the rent in cash to apply any change to which the tenant is entitled to the next periodic payment that is due. The landlord or his or her agent or employee shall have an adequate amount of money available to provide change to such a tenant.

(f) Prohibit or require fees or deposits for any meetings held in the park's community or recreational facility by the tenants or occupants of any manufactured home or recreational vehicle in the park to discuss the park's affairs, or any political meeting sponsored by a tenant, if the meetings are

held at reasonable hours and when the facility is not otherwise in use, or prohibit the distribution of notices of those meetings.

(g) Interrupt, with the intent to terminate occupancy, any utility service furnished the tenant except for nonpayment of utility charges when due. Any landlord who violates this paragraph is liable to the tenant for actual damages.

(h) Prohibit a tenant from having guests, but the landlord may require the tenant to register the guest within 48 hours after his or her arrival, Sundays and legal holidays excluded, and if the park is a secured park, a guest may be required to register upon entering and leaving.

(i) Charge a fee for a guest who does not stay with the tenant for more than a total of 60 days in a calendar year. The tenant of a manufactured home lot who is living alone may allow one other person to live in his or her home without paying an additional charge or fee, unless such a living arrangement constitutes a violation of chapter 315 of NRS. No agreement between a tenant and his or her guest alters or varies the terms of the rental contract between the tenant and the landlord, and the guest is subject to the rules and regulations of the landlord.

(j) Prohibit a tenant from erecting a fence on the tenant's lot if the fence complies with any standards for fences established by the landlord, including limitations established for the location and height of fences, the materials used for fences and the manner in which fences are to be constructed.

(k) Prohibit any tenant from soliciting membership in any association which is formed by the tenants who live in the park. As used in this paragraph, "solicit" means to make an oral or written request for membership or the payment of dues or to distribute, circulate or post a notice for payment of those dues.

(l) Prohibit a public officer, candidate for public office or the representative of a public officer or candidate for public office from walking through the park to talk with the tenants or distribute political material.

(m) If a tenant has voluntarily assumed responsibility to trim the trees on his or her lot, require the tenant to trim any particular tree located on the lot or dispose of the trimmings unless a danger or hazard exists.

2. The landlord is entitled to require a security deposit from a tenant who wants to use the manufactured home park's clubhouse, swimming pool or other park facilities for the tenant's exclusive use. The landlord may require the deposit at least 1 week before the use. The landlord shall apply the deposit to costs which occur due to damage or cleanup from the tenant's use within 1 week after the use, if any, and shall, on or before the eighth day after the use, refund any unused portion of the deposit to the tenant making the deposit. The landlord is not required to place such a deposit into a financial institution or to pay interest on the deposit.

3. The provisions of paragraphs (a), (b), (c), (j) and (m) of subsection 1 do not apply to a corporate cooperative park.

4. As used in this section, "long-term lease" means a rental agreement or lease the duration of which exceeds 12 months.

Sec. 17. NRS 118B.185 is hereby amended to read as follows:

118B.185 1. Each owner of a manufactured home park shall pay to the Division an annual fee established by ~~*[regulation of]*~~ the Administrator which must not exceed $5 for each lot within that park.

2. *The Administrator shall notify the owner of each manufactured home park on or before July 1 of each year of the fee imposed pursuant to this section.*

3. If an owner fails to pay the fee ~~[within 30 days after receiving written notice of its amount,]~~ *on or before August 1 of each year,* a penalty of 50 percent of the amount of the fee must be added. The owner is not entitled to any reimbursement of this penalty from his or her tenants.

~~[3.]~~ *4.* All fees collected by the Division pursuant to subsection 1 must be deposited in the State Treasury for credit to the Account ~~[for Regulating Manufactured Home Parks within the Fund for Manufactured Housing created pursuant to NRS 489.491.]~~ *for Housing Inspection and Compliance created by section 24 of this act.* All expenses related to the regulation of manufactured home parks must be paid from the Account ~~[. The Account must not be used for any other purpose. Claims against the Account must be paid as other claims against the State are paid.]~~ *for Housing Inspection and Compliance.*

Sec. 18. NRS 118B.213 is hereby amended to read as follows:

118B.213 1. In addition to the fee established pursuant to NRS 118B.185, ~~[except as otherwise provided in subsection 3,]~~ the owner of a manufactured home park that is operated for profit shall pay to the Division an annual fee of $12 ~~*[established by regulation of the Administrator]*~~ for each lot within the park. The owner shall not impose a fee or surcharge to recover from his or her tenants the costs resulting from the annual fee per lot paid pursuant to this subsection, or any related penalty.

2. The Administrator shall notify the owner of each manufactured home park that is operated for profit in this state on or before July 1 of each year of the fee imposed pursuant to this section.

3. ~~[If on May 15 of that year the balance in the Fund which is attributable to deposits pursuant to this section exceeds $1,000,000, the Administrator shall not charge or collect a fee pursuant to this section. The Administrator shall resume the collection in any year when the balance on May 15 is less than $750,000. The Administrator shall request the State Treasurer to inform the Administrator of the applicable balance of the Fund on May 15 of each year.~~

~~4.]~~ If an owner fails to pay the fee ~~[within 30 days after receiving written notice from the Administrator to do so,]~~ *on or before August 1 of each year,* a penalty of 50 percent of the amount of the fee must be added.

~~[5.]~~ *4.* All fees and penalties collected by the Division pursuant to this section must be deposited in the State Treasury for credit to the ~~[Fund.]~~ *Account.*

Sec. 19. NRS 118B.215 is hereby amended to read as follows:

118B.215 1. ~~[There is hereby created as a special revenue fund in the State Treasury the Fund for Low-Income Owners of Manufactured Homes, to be administered by the Division. All money received for the use of the Fund pursuant to NRS 118B.213 or from any other source must be deposited in the Fund.~~

~~2. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.~~

~~3. The]~~ *In addition to the requirements set forth in NRS 319.510,* money in the ~~[Fund]~~ *Account* may be used ~~[only]~~ to pay necessary administrative costs and to assist eligible persons by supplementing their monthly rent for the manufactured home lot on which their manufactured home is located. Except as otherwise provided in subsection ~~[5,]~~ *3,* to ~~*[To]*~~ be eligible for assistance from the ~~[Fund]~~ *Account,* a person must :

(a) Except as otherwise provided in this subsection, have been a tenant in the same manufactured home park in this State for at least 1 year immediately preceding his or her application for assistance;

(b) Be the registered owner of the manufactured home which is subject to the tenancy, as indicated on the certificate of ownership that is issued by the Division pursuant to NRS 489.541;

(c) Have a monthly household income, as determined by the Administrator in accordance with subsection ~~[4,]~~ *2,* which is at or below:

(1) The federally designated level signifying poverty or $750, whichever is greater, if the person is the sole occupant of the manufactured home; or

(2) The federally designated level signifying poverty or $1,125, whichever is greater, if the person is not the sole occupant of the manufactured home;

(d) Be a tenant in a manufactured home park that is operated for profit and maintain continuous tenancy in that park during the duration of the supplemental assistance; and

(e) Not have assets whose value is more than $12,000, excluding the value of:

(1) The manufactured home which is subject to the tenancy;

(2) The contents of that manufactured home; and

(3) One motor vehicle.

➥ A person who has been a tenant of a manufactured home park in this State for at least 1 year, but has not been a tenant of the manufactured home park in which the tenant resides at the time the tenant applies for assistance for at least 1 year, is eligible for assistance from the ~~[Fund]~~ *Account* if the tenant moved to the manufactured home park in which the tenant resides at the time

of his or her application because the tenant was unable to pay the rent at the manufactured home park from which the tenant moved or because that park was closed.

[4.] *2.* In determining the monthly household income of an applicant pursuant to subsection [3,] *1,* the Administrator shall exclude from the calculation:

(a) The value of any food stamps the applicant received pursuant to the Food Stamp Act of 1977, as amended, 7 U.S.C. §§ 2011 et seq., during the year immediately preceding his or her application for assistance; or

(b) If the applicant is receiving coverage pursuant to Medicare Part B, 42 U.S.C. §§ 1395j et seq., the value of the cost of that coverage during the year immediately preceding his or her application for assistance,

➥ whichever is greater.

[5.] *3.* The Administrator may waive the requirements for eligibility set forth in subsection [3] *1* upon the written request of an applicant if the applicant demonstrates to the satisfaction of the Administrator that the circumstances of the applicant warrant a waiver as a result of:

(a) Illness;

(b) Disability; or

(c) Extreme financial hardship based upon a significant reduction of income, when considering the applicant's current financial circumstances.

➥ An applicant shall include with his or her request for a waiver all medical and financial documents that support his or her request.

[6.] *4.* The Administrator shall adopt regulations establishing:

(a) The annual reporting requirements for persons receiving assistance pursuant to this section. The regulations must require that each such person provide the Division with a written acknowledgment of his or her continued eligibility for assistance.

(b) The maximum amount of assistance which may be distributed to a person to supplement his or her monthly rent pursuant to this section.

[7.] *5.* As used in this section:

(a) "Manufactured home" includes a travel trailer that is located on a manufactured home lot within a manufactured home park.

(b) "Monthly household income" means the combined monthly incomes of the occupants of a manufactured home which is subject to the tenancy for which assistance from the [Fund] *Account* is requested.

(c) "Travel trailer" has the meaning ascribed to it in NRS 489.150. *[comply with the requirements established by regulation of the Administrator.*

2. The Administrator may adopt regulations to carry out the provisions of this section, including, without limitation:

(a) The information required to be included in the application;

(b) The grounds for denying an application or discontinuing assistance;

(c) The procedure by which an applicant may appeal a decision of the Administrator;

~~*(d) The procedure by which the Division shall determine who is eligible to receive assistance from the Account if the amount of money in the Account is not sufficient to provide assistance to each eligible person; and*~~

~~*(e) The imposition of civil penalties in an amount not to exceed $1,000 per violation.]*~~

Sec. 20. NRS 118B.255 is hereby amended to read as follows:

118B.255 1. Except as otherwise provided in ~~[this section,]~~ *NRS 118B.213,* all money collected from *fees and* administrative fines imposed pursuant to this chapter must be deposited ~~[in the State General Fund.~~

~~2. The money collected from an administrative fine may be deposited]~~ with the State Treasurer for credit to the ~~[Fund for Manufactured Housing created pursuant to NRS 489.491 if:~~

~~(a) The person pays the administrative fine without exercising his or her right to a hearing to contest the administrative fine; or~~

~~(b) The administrative fine is imposed in a hearing conducted by a hearing officer or panel appointed by the Administrator.~~

~~3.]~~ *Account for Housing Inspection and Compliance created by section 24 of this act.*

2. The Administrator may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Administrator to conduct hearings and other proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.

~~[4. If money collected from an administrative fine is deposited in the State General Fund, the Administrator may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.]~~

Sec. 21. NRS 171.17751 is hereby amended to read as follows:

171.17751 1. Any board of county commissioners or governing body of a city may designate the chief officer of the organized fire department or any employees designated by the chief officer, and certain of its inspectors of solid waste management, building, housing and licensing inspectors, zoning enforcement officers, parking enforcement officers, animal control officers, traffic engineers, marshals and park rangers of units of specialized law enforcement established pursuant to NRS 280.125, and other persons charged with the enforcement of county or city ordinances, to prepare, sign and serve written citations on persons accused of violating a county or city ordinance.

2. The Chief Medical Officer and the health officer of each county, district and city may designate certain employees to prepare, sign and serve written citations on persons accused of violating any law, ordinance or regulation of a board of health that relates to public health.

3. The ~~[Chief]~~ *Administrator* of the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry may designate certain employees to

prepare, sign and serve written citations on persons accused of violating any law or regulation of the Division relating to the provisions of chapters 118B, 461, 461A and 489 of NRS.

4. The State Contractors' Board may designate certain of its employees to prepare, sign and serve written citations on persons pursuant to subsection 2 of NRS 624.115.

5. An employee designated pursuant to this section:

(a) May exercise the authority to prepare, sign and serve citations only within the field of enforcement in which the employee works;

(b) May, if employed by a city or county, prepare, sign and serve a citation only to enforce an ordinance of the city or county by which the employee is employed; and

(c) Shall comply with the provisions of NRS 171.1773.

Sec. 22. NRS 278.02095 is hereby amended to read as follows:

278.02095 1. Except as otherwise provided in this section, in an ordinance relating to the zoning of land adopted or amended by a governing body, the definition of "single-family residence" must include a manufactured home.

2. Notwithstanding the provisions of subsection 1, a governing body shall adopt standards for the placement of a manufactured home that will not be affixed to a lot within a mobile home park which require that:

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

(2) Be manufactured within the 6 years immediately preceding the date on which it is affixed to the residential lot;

(3) Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home, as established by the governing body;

(4) Consist of more than one section; and

(5) Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

(b) If the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.

➥ The governing body of a local government in a county whose population is less than 45,000 may adopt standards that are less restrictive than the standards set forth in this subsection.

3. Standards adopted by a governing body pursuant to subsection 2 must be objective and documented clearly and must not be adopted to discourage or impede the construction or provision of affordable housing, including, without limitation, the use of manufactured homes for affordable housing.

4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

5. The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes, nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.

6. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "New manufactured home" has the meaning ascribed to it in NRS 489.125.

Sec. 23. Chapter 319 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 and 25 of this act.

Sec. 24. *1. The Account for Housing Inspection and Compliance is hereby created in the State General Fund.*

2. The Account ~~[will]~~ must be administered by the Division. ~~[All]~~ Except as otherwise provided in NRS 118B.213 and 489.265, all money received by the Division pursuant to NRS 118B.185 or any other source must be deposited into the Account.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

4. Claims against the Account must be paid as other claims against the State are paid.

5. The Administrator shall adopt regulations setting forth the use of the money in the Account, including, without limitation:

(a) Licensing, regulating and inspecting:

(1) Housing for persons of low-income that is financed pursuant to this chapter; and

(2) Manufactured homes, mobile homes, manufactured buildings, commercial coaches, factory-built housing or manufactured home parks pursuant to chapters 118B, 461, 461A and 489 of NRS;

(b) Licensing, regulating and inspecting manufacturers, general servicepersons, dealers, responsible managing employees, salespersons, distributors and specialty servicepersons pursuant to chapter 489 of NRS;

(c) Maintaining title records, and issuing certificates of ownership, property liens and conversions to real property of a mobile home or manufactured home;

(d) Investigating complaints, including, without limitation, complaints:

(1) Between a landlord and a tenant of a mobile home park; and

(2) Alleging unlicensed activity; and

(e) Administering any educational and training program for a provider of manufactured housing.

6. As used in this section:

(a) "Commercial coach" has the meaning ascribed to it in NRS 489.062.

(b) "Dealer" has the meaning ascribed to it in NRS 489.076.

(c) "Distributor" has the meaning ascribed to it in NRS 489.081.

(d) "Factory-built housing" has the meaning ascribed to it in NRS 461.080.

(e) "General serviceperson" has the meaning ascribed to it in NRS 489.102.

(f) "Manufactured building" has the meaning ascribed to it in NRS 461.132.

(g) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(h) "Manufactured home lot" has the meaning ascribed to it in NRS 118B.016.

(i) "Manufactured home park" has the meaning ascribed to it in NRS 118B.017.

(j) "Manufacturer" has the meaning ascribed to it in NRS 489.115.

(k) "Mobile home" has the meaning ascribed to it in NRS 489.120.

(l) "Mobile home park" has the meaning ascribed to "manufactured home park" in NRS 118B.017.

(m) "Responsible managing employee" has the meaning ascribed to it in NRS 489.1353.

(n) "Salesperson" has the meaning ascribed to it in NRS 489.137.

(o) "Specialty salesperson" has the meaning ascribed to it in NRS 489.147.

Sec. 25. *1. The ~~[position of]~~ Housing Advocate is hereby created within the Division.*

2. The Administrator shall appoint a person to serve in the position of Housing Advocate. The Housing Advocate is in the unclassified service of the State and serves at the pleasure of the Administrator.

3. The person so appointed pursuant to subsection 2 ~~[:

(a) Must]~~ must be knowledgeable about affordable housing and manufactured housing ~~[; and

(b) Is in the unclassified service of the State.]~~

4. The Housing Advocate shall:

(a) Respond to written and telephonic inquiries received from residents who reside in affordable housing and manufactured housing and provide assistance to such residents in understanding their rights and responsibilities;

(b) Conduct community outreach and provide information concerning housing to residents who reside in affordable housing and manufactured housing;

(c) Identify and investigate complaints of residents of affordable housing and manufactured housing that relate to their housing and provide assistance to such residents to resolve the complaints;

(d) Establish and maintain a system to collect and maintain information pertaining to written and telephonic inquiries received by the Division; and

(e) Any other duties specified by the Administrator.

5. The Administrator may remove the Housing Advocate from the office for any reason not prohibited by law.

Sec. 26. NRS 319.170 is hereby amended to read as follows:

319.170 Except as otherwise provided in NRS 319.500, *and section 24 of this act*, the Division may:

1. Establish such funds or accounts as may be necessary or desirable for furtherance of the purposes of this chapter.

2. Invest or deposit its money, subject to any agreement with bondholders or noteholders, and is not required to keep any of its money in the State Treasury. The provisions of chapters 355 and 356 of NRS do not apply to such investments or deposits.

Sec. 27. NRS 319.171 is hereby amended to read as follows:

319.171 Except as otherwise provided in NRS 319.500, *and section 24 of this act*, the Division may invest its money in collateralized mortgage obligations or in trusts created to finance, acquire or invest in collateralized mortgage obligations if the collateralized mortgage obligations or trusts so created are:

1. In furtherance of the purposes of the Division; and

2. Rated within one of the top three rating categories of a national rating service at the time the investment is made.

Sec. 28. NRS 319.510 is hereby amended to read as follows:

319.510 1. ~~[Money]~~ *Except as otherwise provided in subsection 2, money* deposited in the Account for Low-Income Housing must be used:

(a) For the acquisition, construction or rehabilitation of housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;

(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of housing for eligible families;

(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;

(d) To reimburse the Division for the costs of administering the Account; ~~[and]~~

(e) *To assist eligible persons by supplementing their monthly rent for the manufactured home lot, as defined by NRS 118B.016, on which their manufactured home, as defined by NRS 118B.015, is located; and*

(f) In any other manner consistent with this section to assist eligible families in obtaining or keeping housing, including use as the State's contribution to facilitate the receipt of related federal money.

2. Except as otherwise provided in this subsection, the Division may expend money from the Account as reimbursement for the necessary costs of efficiently administering the Account and any money received pursuant to 42 U.S.C. §§ 12701 et seq. In no case may the Division expend more than $40,000 per year or an amount equal to 6 percent of any money made available to the State pursuant to 42 U.S.C. §§ 12701 et seq., whichever is greater. In addition, the Division may expend not more than $175,000 per year from the Account to create and maintain the statewide low-income housing database required by NRS 319.143. *The Division may expend ~~[funds in an amount not to exceed $75,000 annually from the Account for Low-Income Housing for supplementing the monthly rent of an eligible person for the manufactured home lot, as defined in NRS 118B.016, on which their manufactured home, as defined in NRS 118B.015, is located.]~~ not more than $75,000 per year of the money deposited in the Account pursuant to NRS 375.070 for the purpose set forth in paragraph (e) of subsection 1.* Of the remaining money allocated from the Account:

(a) Except as otherwise provided in subsection 3, 15 percent must be distributed to the Division of Welfare and Supportive Services of the Department of Health and Human Services for use in its program developed pursuant to 45 C.F.R. § 233.120 to provide emergency assistance to needy families with children, subject to the following:

(1) The Division of Welfare and Supportive Services shall adopt regulations governing the use of the money that are consistent with the provisions of this section.

(2) The money must be used solely for activities relating to low-income housing that are consistent with the provisions of this section.

(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.

(4) All money provided by the Federal Government to match the money distributed to the Division of Welfare and Supportive Services pursuant to this section must be expended for activities consistent with the provisions of this section.

(b) Eighty-five percent must be distributed to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction and rehabilitation of housing for eligible families, subject to the following:

(1) Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.

(2) Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.

(3) Priority must be given to those projects that have the commitment of a local government to provide assistance to them.

(4) All money must be used to benefit families whose income does not exceed 60 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.

(5) Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below the federally designated level signifying poverty. For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than 30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

(6) To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.

3. The Division may, pursuant to contract and in lieu of distributing money to the Division of Welfare and Supportive Services pursuant to paragraph (a) of subsection 2, distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.

Sec. 29. NRS 361.244 is hereby amended to read as follows:

361.244 1. A mobile or manufactured home is eligible to become real property if it becomes permanently affixed to land which is:

(a) Owned by the owner of the mobile or manufactured home; or

(b) Leased by the owner of the mobile or manufactured home if the home is being financed in accordance with the guidelines of the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the United States Department of Agriculture, or any other entity that requires as part of its financing program restrictions on ownership and actions affecting title and possession similar to those required by the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association and the United States Department of Agriculture.

2. A mobile or manufactured home becomes real property when the assessor of the county in which the mobile or manufactured home is located has placed it on the tax roll as real property. Except as otherwise provided in subsection 5, the assessor shall not place a mobile or manufactured home on the tax roll until:

(a) The assessor has received verification from the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry that the mobile or manufactured home has been converted to real property;

(b) The unsecured personal property tax has been paid in full for the current fiscal year;

(c) An affidavit of conversion of the mobile or manufactured home from personal to real property has been recorded in the county recorder's office of the county in which the mobile or manufactured home is located; and

(d) The dealer or owner has delivered to the Division a copy of the recorded affidavit of conversion and all documents relating to the mobile or manufactured home in its former condition as personal property.

3. A mobile or manufactured home which is converted to real property pursuant to this section shall be deemed to be a fixture and an improvement to the real property to which it is affixed.

4. Factory-built housing, as defined in NRS 461.080, constitutes real property if it becomes, on or after July 1, 1979, permanently affixed to land which is:

(a) Owned by the owner of the factory-built housing; or

(b) Leased by the owner of the factory-built housing if the factory-built housing is being financed in accordance with the guidelines of the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the United States Department of Agriculture, or any other entity that requires as part of its financing program restrictions on ownership and actions affecting title and possession similar to those required by the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association and the United States Department of Agriculture.

5. The assessor of the county in which a manufactured home is located shall, without regard to the conditions set forth in subsection 2, place the manufactured home on the tax roll as real property if, on or after July 1, 2001, the manufactured home is permanently affixed to a residential lot pursuant to an ordinance required by NRS 278.02095.

6. The provisions of subsection 5 do not apply to a manufactured home located in:

(a) An area designated by local ordinance for the placement of a manufactured home without conversion to real property;

(b) A mobile home park; or

(c) Any other area to which the provisions of NRS 278.02095 do not apply.

7. For the purposes of this section, "land which is owned" includes land for which the owner has a possessory interest resulting from a life estate, lease or contract for sale.

Sec. 30. NRS 361.2445 is hereby amended to read as follows:

361.2445 1. A mobile or manufactured home which has been converted to real property pursuant to NRS 361.244 may not be removed from the real property to which it is affixed unless, at least 30 days before removing the mobile or manufactured home:

(a) The owner:

(1) Files with the Division an affidavit stating that the sole purpose for converting the mobile or manufactured home from real to personal property is to effect a transfer of the title to the mobile or manufactured home;

(2) Files with the Division the affidavit of consent to the removal of the mobile or manufactured home of each person who holds any legal interest in the real property to which the mobile or manufactured home is affixed; and

(3) Gives written notice to the county assessor of the county in which the real property is situated; and

(b) The county tax receiver certifies in writing that all taxes for the fiscal year on the mobile or manufactured home and the real property to which the mobile or manufactured home is affixed have been paid.

2. The county assessor shall not remove a mobile or manufactured home from the tax rolls until:

(a) The county assessor has received verification that there is no security interest in the mobile or manufactured home or the holders of security interests have agreed in writing to the conversion of the mobile or manufactured home to personal property; and

(b) An affidavit of conversion of the mobile or manufactured home from real to personal property has been recorded in the county recorder's office of the county in which the real property to which the mobile or manufactured home was affixed is situated.

3. A mobile or manufactured home which is physically removed from real property pursuant to this section shall be deemed to be personal property immediately upon its removal.

4. The Department shall adopt:

(a) Such regulations as are necessary to carry out the provisions of this section; and

(b) A standard form for the affidavits required by this section.

5. Before the owner of a mobile or manufactured home that has been converted to personal property pursuant to this section may transfer ownership of the mobile or manufactured home, he or she must obtain a certificate of ownership from the Division.

6. For the purposes of this section, the removal of a mobile or manufactured home from real property includes the detachment of the mobile or manufactured home from its foundation, other than temporarily for the purpose of making repairs or improvements to the mobile or manufactured home or the foundation.

7. An owner who physically removes a mobile or manufactured home from real property in violation of this section is liable for all legal costs and fees, plus the actual expenses, incurred by a person who holds any interest in the real property to restore the real property to its former condition. Any judgment obtained pursuant to this section may be recorded as a lien upon the mobile or manufactured home so removed.

8. As used in this section:

(a) "Division" means the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry.

(b) "Owner" means any person who holds an interest in the mobile or manufactured home or the real property to which the mobile or manufactured home is affixed evidenced by a conveyance or other instrument which transfers that interest to him or her and is recorded in the office of the county recorder of the county in which the mobile or manufactured home and real

property are situated, but does not include the owner or holder of a right-of-way, easement or subsurface property right appurtenant to the real property.

Sec. 31. NRS 372.383 is hereby amended to read as follows:

372.383 1. If a certificate of ownership has been issued for a used manufactured home or used mobile home by the Department of Motor Vehicles or the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry, it is presumed that the taxes imposed by this chapter have been paid with respect to that manufactured home or mobile home.

2. As used in this section, "manufactured home" and "mobile home" have the meanings ascribed to them in NRS 372.316.

Sec. 32. NRS 374.388 is hereby amended to read as follows:

374.388 1. If a certificate of ownership has been issued for a used manufactured home or used mobile home by the Department of Motor Vehicles or the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry, it is presumed that the taxes imposed by this chapter have been paid with respect to that manufactured home or mobile home.

2. As used in this section, "manufactured home" and "mobile home" have the meanings ascribed to them in NRS 374.321.

Sec. 33. NRS 461.065 is hereby amended to read as follows:

461.065 "Division" means the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry.

Sec. 34. NRS 461.183 is hereby amended to read as follows:

461.183 Except as otherwise provided in NRS 489.265, all fees collected pursuant to this chapter must be deposited in the State Treasury for credit to the ~~[Fund for Manufactured Housing.]~~ *Account for Housing Inspection and Compliance created by section 24 of this act.* All expenses for the enforcement of this chapter must be paid from the ~~[Fund.]~~ *Account.*

Sec. 35. NRS 461A.020 is hereby amended to read as follows:

461A.020 "Administrator" means the ~~[chief]~~ *Administrator* of the ~~[Manufactured]~~ Housing Division.

Sec. 36. NRS 461A.040 is hereby amended to read as follows:

461A.040 "Division" means the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry.

Sec. 37. NRS 461A.220 is hereby amended to read as follows:

461A.220 1. A person shall not:

(a) Construct a mobile home park; or

(b) Construct or alter lots, roads or other facilities in a mobile home park,

➥ unless the person has obtained a construction permit from the agency for enforcement.

2. Each agency for enforcement may charge and collect reasonable fees, specified by ordinance or regulation, for its services.

3. Except as otherwise provided in NRS ~~[461A.260 and]~~ 489.265, money collected by the Division pursuant to this chapter must be deposited in the State Treasury for credit to the ~~[Fund for Manufactured Housing created~~

~~pursuant to NRS 489.491.]~~ *Account for Housing Inspection and Compliance created by section 24 of this act.* Expenses of enforcement of this chapter must be paid from the ~~[Fund.]~~ *Account.*

Sec. 38. NRS 461A.260 is hereby amended to read as follows:

461A.260 1. ~~[Except as otherwise provided in this section, all]~~ *All* money collected from *fees and* administrative fines imposed pursuant to this chapter must be deposited ~~[in the State General Fund.~~

~~2. The money collected from an administrative fine may be deposited]~~ with the State Treasurer for credit to the ~~[Fund for Manufactured Housing created pursuant to NRS 489.491 if:~~

~~(a) The person pays the administrative fine without exercising his or her right to a hearing to contest the administrative fine; or~~

~~(b) The administrative fine is imposed in a hearing conducted by a hearing officer or panel appointed by the Administrator.~~

~~3.]~~ *Account for Housing Inspection and Compliance created by section 24 of this act.*

2. The Administrator may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Administrator to conduct hearings and other proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.

~~[4. If money collected from an administrative fine is deposited in the State General Fund, the Administrator may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.]~~

Sec. 39. NRS 487.007 is hereby amended to read as follows:

487.007 As used in this chapter, the term "state agency" means:

1. The ~~[Manufactured]~~ Housing Division of the Department of Business and Industry with regard to mobile homes and commercial coaches.

2. The Department of Motor Vehicles with regard to all other vehicles subject to registration under the laws of this State.

Sec. 40. NRS 487.100 is hereby amended to read as follows:

487.100 1. Except as otherwise provided in subsections 2 and 3, any automobile wrecker purchasing from any person other than a licensed operator of a salvage pool any vehicle subject to registration pursuant to the laws of this State shall forward to the Department the certificates of title and registration last issued therefor.

2. The certificate of ownership last issued for a mobile home or commercial coach must be sent by the wrecker to the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry.

3. An automobile wrecker is not required to:

(a) Provide the Department with a certificate of title, salvage title or a nonrepairable vehicle certificate and certificate of registration last issued; or

(b) Obtain from the Department a certificate of title, salvage title, nonrepairable vehicle certificate or certificate of registration,

➥ for a motor vehicle that is to be processed as parts or scrap metal by the automobile wrecker pursuant to NRS 487.105.

Sec. 41. NRS 487.230 is hereby amended to read as follows:

487.230 1. Except as otherwise provided in NRS 487.235, any sheriff or designee of a sheriff, constable, member of the Nevada Highway Patrol, officer of the Legislative Police, investigator of the Division of Compliance Enforcement of the Department, personnel of the Capitol Police Division of the Department of Public Safety, designated employees of the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry, special investigator employed by the office of a district attorney, marshal or police officer of a city or town or his or her designee, a marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125, or any other person charged with the enforcement of county or city ordinances who has reason to believe that a vehicle has been abandoned on public property in his or her jurisdiction may remove the vehicle from that property or cause the vehicle to be removed from that property. At the request of the owner or person in possession or control of private property who has reason to believe that a vehicle has been abandoned on his or her property, the vehicle may be removed by the operator of a tow car or an automobile wrecker from that private property.

2. A person who authorizes the removal of an abandoned vehicle pursuant to subsection 1 shall:

(a) Have the vehicle taken to the nearest garage or other place designated for storage by:

(1) The state agency or political subdivision making the request if the vehicle is removed from public property.

(2) The owner or person in possession or control of the property if the vehicle is removed from private property.

(b) Make all practical inquiries to ascertain if the vehicle is stolen by checking the license plate number, vehicle identification number and other available information which will aid in identifying the registered and legal owner of the vehicle and supply the information to the person who is storing the vehicle.

Sec. 42. Chapter 489 of NRS is hereby amended by adding thereto a new section to read as follows:

"Account" means the Account for Housing Inspection and Compliance created by section 24 of this act.

Sec. 43. NRS 489.031 is hereby amended to read as follows:

489.031 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 489.036 to 489.155, inclusive, *and section 42 of this act* have the meanings ascribed to them in those sections.

Sec. 44. NRS 489.036 is hereby amended to read as follows:

489.036 "Administrator" means the ~~[Chief]~~ *Administrator* of the ~~[Manufactured Housing]~~ Division.

Sec. 45. NRS 489.091 is hereby amended to read as follows:

489.091 "Division" means the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry.

Sec. 46. NRS 489.233 is hereby amended to read as follows:

489.233 1. ~~[Except as otherwise provided in this section, all]~~ *All* money collected from *fees and* administrative fines imposed pursuant to this chapter must be deposited ~~[in the State General Fund.~~

~~2. The money collected from an administrative fine may be deposited]~~ with the State Treasurer for credit to the ~~[Fund for Manufactured Housing created pursuant to NRS 489.491 if:~~

~~(a) The person pays the administrative fine without exercising his or her right to a hearing to contest the administrative fine; or~~

~~(b) The administrative fine is imposed in a hearing conducted by a hearing officer or panel appointed by the Administrator.~~

~~3.]~~ *Account.*

2. The Administrator may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Administrator to conduct hearings and other proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.

~~[4. If money collected from an administrative fine is deposited in the State General Fund, the Administrator may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.]~~

Sec. 47. NRS 489.4971 is hereby amended to read as follows:

489.4971 1. ~~[The Account for Education and Recovery Relating to Manufactured Housing is hereby created within the Fund for Manufactured Housing to satisfy the claims of purchasers of manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing against persons]~~ *Any person who entered into an agreement for the sale, purchase, lease, distribution, alteration, repair, remodeling or manufacture of a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing may file a claim against a person* licensed pursuant to the provisions of this chapter. ~~[Any balance in the Account over $500,000 at the end of any fiscal year must be set aside and used by the Administrator for education relating to manufactured homes, mobile homes, travel trailers, manufactured buildings, commercial coaches or factory-built housing.]~~ *Such a claim may be satisfied by the Account.*

2. Upon the issuance or renewal of the following licenses by the Division, the licensee must pay, in addition to the original or renewal license fee, a fee:

(a) For a dealer's, distributor's or manufacturer's original license, or for any original limited dealer's license which authorizes a limited dealer to act as a repossessor or liquidator, of $1,000.

(b) For a dealer's, distributor's or manufacturer's renewal license, or a renewal of any limited dealer's license which authorizes a limited dealer to act as a repossessor or liquidator, of $600.

(c) For an original or renewal license for:

(1) A general serviceperson or specialty serviceperson, of $150.

(2) A salesperson, of $75.

(3) A responsible managing employee, of $100.

➥ Except as otherwise provided in NRS 489.265, fees collected pursuant to this section must be deposited in the State Treasury for credit to the Account.

3. A payment from the Account to satisfy the claim of a ~~[purchaser]~~ *person* specified in subsection 1 against a person who is licensed pursuant to this chapter must be made only upon an appropriate court order that is issued in an action for fraud, misrepresentation or deceit relating to an act for which a license is required pursuant to this chapter.

4. If a ~~[purchaser]~~ *person* specified in subsection 1 commences an action specified in subsection 3 against a person who is licensed pursuant to this chapter, the ~~[purchaser]~~ *person specified in subsection 1* must serve a copy of the complaint upon the Administrator within 30 days after the action is commenced.

Sec. 48. NRS 489.4987 is hereby amended to read as follows:

489.4987 The failure of a person to comply with any of the provisions of NRS ~~[489.497]~~ *489.4971* to 489.4989, inclusive, constitutes a waiver of any rights under those sections.

Sec. 49. NRS 489.4989 is hereby amended to read as follows:

489.4989 Nothing contained in NRS ~~[489.497]~~ *489.4971* to 489.4989, inclusive, limits the authority of the Administrator to take disciplinary action against a licensee for a violation of any of the provisions of this chapter or of the regulations of the Division, nor does the repayment in full of obligations to the Account by any licensee nullify or modify the effect of any other disciplinary proceeding brought pursuant to the provisions of this chapter or the regulations adopted under it.

Sec. 50. NRS 489.596 is hereby amended to read as follows:

489.596 1. The Division, in cooperation with manufacturers and organizations concerned with manufactured homes and mobile homes, shall conduct one or more training programs each year regarding appropriate methods and techniques for conducting any inspections necessary for the issuance of certificates of installation and labels of installation for manufactured homes and mobile homes.

2. The Division shall pay for the expenses of conducting the programs from money in the Account . ~~[for Education and Recovery Relating to Manufactured Housing.]~~

Sec. 51. NRS 489.651 is hereby amended to read as follows:

489.651 1. The Division shall provide each county assessor with a sufficient quantity of application and permit forms.

2. The assessor or an appropriate officer shall remit one-half of the fee collected for the trip permit monthly to the Division for deposit in the ~~[Fund for Manufactured Housing.]~~ *Account.*

Sec. 52. NRS 489.811 is hereby amended to read as follows:

489.811 1. Except as otherwise provided in subsection 5, any person who violates any of the provisions of this chapter is liable to the State for a civil penalty of not more than $1,000 for each violation. Each violation of this chapter or any regulation or order issued under it constitutes a separate violation with respect to each manufactured home, mobile home, manufactured building, commercial coach or factory-built housing and with respect to each failure or refusal to allow or perform an act required by this chapter or regulation or order, except that the maximum civil penalty is $1,000,000 for any related series of violations occurring within 1 year after the first violation.

2. Before the adoption of any regulation for whose violation a civil penalty may be imposed, the Administrator shall give at least 30 days' written notice to every licensed manufacturer, dealer, distributor, general serviceperson and specialty serviceperson, and every other interested party who has requested the notice.

3. An action to enforce a civil penalty must be brought in a court of competent jurisdiction in the county in which the defendant has his or her principal place of business.

4. All money collected as civil penalties pursuant to the provisions of this chapter must be deposited in the ~~[State General Fund.]~~ *Account.*

5. This section does not apply to a manufacturer, distributor or dealer of travel trailers.

Sec. 53. NRS 704.920 is hereby amended to read as follows:

704.920 1. The provisions of NRS 704.905 to 704.960, inclusive, apply to company towns, utilities and alternative sellers which provide utility services to company towns, and persons who own and operate company towns.

2. The Commission shall require a public utility or an alternative seller, as appropriate, which provides utility services to a manufactured home park, mobile home park or company town, or an independent person who is qualified, to conduct examinations to examine and test the lines and equipment for distributing electricity and gas within the park or town at the request of the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry or a city or county which has responsibility for the enforcement of the provisions of chapter 118B or 461A of NRS. The utility or alternative seller, the person selected to conduct the examination and the Commission may enter a manufactured home park, mobile home park or

company town at reasonable times to examine and test the lines and equipment, whether or not they are owned by a utility or an alternative seller.

3. The utility or alternative seller, as appropriate, or the person selected to conduct the examination, shall conduct the examination and testing to determine whether any line or equipment is unsafe for service under the safety standards adopted by the Commission for the maintenance, use and operation of lines and equipment for distributing electricity and gas, and shall report the results of the examination and testing to the Commission.

4. The owner of the manufactured home park, mobile home park or company town shall pay for the costs of the examination and testing.

5. If the landlord of a manufactured home park or mobile home park or owner of a company town refuses to allow the examination and testing to be made as provided in this section, the Commission shall deem the unexamined lines and equipment to be unsafe for service.

6. If the Commission finds:

(a) Or deems any lines or equipment within a manufactured home park, mobile home park or company town to be unsafe for service, it shall take appropriate action to protect the safety of the residents of the park or town.

(b) Such lines or equipment to be unsafe for service or otherwise not in compliance with its safety standards, it may, after a hearing, order the landlord or owner to repair or replace such lines and equipment. For this purpose, the landlord or owner may expend some or all of the money in the landlord's or owner's account for service charges for utilities, which the landlord or owner is required to keep under NRS 704.940.

Sec. 54. 1. Any administrative regulations adopted by the Manufactured Housing Division of the Department of Business and Industry or the Administrator or Chief of the Manufactured Housing Division remain in force until amended by the Housing Division of the Department of Business and Industry.

2. Any contracts or other agreements entered into by the Manufactured Housing Division or the Administrator or Chief of the Manufactured Housing Division are binding upon and may be enforced by the Housing Division of the Department of Business and Industry.

3. Any action taken by the Manufactured Housing Division or the Administrator or Chief of the Manufactured Housing Division remains in effect as if taken by the Housing Division of the Department of Business and Industry.

Sec. 55. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.

Sec. 56. NRS 118B.211, 118B.2155, 118B.216, 118B.217, 118B.218, 118B.2185, 118B.219, 489.211, 489.491 and 489.497 are hereby repealed.

Sec. 57. This act becomes effective:

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

2. On July 1, 2017, for all other purposes.

LEADLINES OF REPEALED SECTIONS

118B.211 "Fund" defined.

118B.2155 Contents of application for assistance from Fund.

118B.216 Denial or termination of assistance: Notice; hearing; judicial review.

118B.217 Duties of Division: Preparation of list of eligible persons; determination of sufficiency of amount of money in Fund; equal allocation of assistance.

118B.218 Notice of change in eligibility for assistance.

118B.2185 Recovery of assistance.

118B.219 Civil penalties.

489.211 Administrator: Qualifications; conflicts of interest prohibited.

489.491 Fund for Manufactured Housing.

489.497 "Account" defined.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 925 to Senate Bill No. 500 restores the fees paid by the manufactured-home owners in statute and eliminates provisions authorizing the Administrator to establish those fees through regulations. Amendment No. 925 also authorizes the Division to expend Real Property Transfer Tax revenue of up to $75,000 annually, in addition to the money received by the Division, to supplement the monthly rent paid by an eligible person for the manufactured home lot upon which their manufactured home is located. Finally, the amendment restores the eligibility requirements for the monthly rent assistance in statute as opposed to establishing those requirements through regulation.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 511.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 926.

SUMMARY—Revises provisions governing boating and wildlife. (BDR 45-896)

AN ACT relating to licensing of outdoor activities; revising provisions governing applications for a license, tag or permit to hunt, fish or trap; revising the fees for the issuance of an apprentice hunting license; revising the period of validity of a fishing license, hunting license and combination hunting and fishing license; requiring a tag to hunt any bighorn sheep, moose, mountain lion or mountain goat; revising various other provisions governing the issuance of, and the payment of fees for, certain licenses and permits; requiring the Department of Wildlife to use a portion of the fees charged and collected for certain purposes relating to wildlife; authorizing

the use of not more than two combinations of hook, line and rod by one person at any time; providing for the renewal of a certificate of number for a motorboat; revising provisions governing the issuance or renewal of a certificate of number and an aquatic invasive species decal; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the holder of a license or permit to hunt, fish or trap must sign a statement attesting to certain information. (NRS 502.030) Similarly, under existing law, if a child under the age of 18 years applies for a license to hunt, the child's parent or legal guardian must sign the application and a statement indicating that the parent or legal guardian has been advised of certain provisions governing the liability of the parent or legal guardian for any negligent or willful misconduct of the child relating to the use of a firearm. (NRS 502.060) Sections 1 and 2 of this bill authorize those statements to be acknowledged instead of signed by the holder or parent or guardian.

Existing law requires the Department of Wildlife to issue an apprentice hunting license to a person who is 12 years of age or older and pays certain fees for the license. An apprentice hunting license authorizes the person to hunt with a mentor hunter in this State. (NRS 502.066) Section 3 of this bill deletes certain fees and instead requires a single payment of $15 for the issuance of the license.

Under existing law, a license to hunt, fish or trap during open seasons is valid, with certain exceptions: (1) from the date the license is issued until the last day of the next succeeding February; or (2) from the first day of March immediately following the date the license is issued until the last day of the next succeeding February. (NRS 502.090) Section 5 of this bill provides that a license to hunt, fish or trap during open seasons is valid for 1 year beginning on the date of purchase of the license.

Existing law requires a person to obtain an additional license, known as a tag, before hunting any deer, elk, antelope, mountain sheep or bear. (NRS 502.130) Section 6 of this bill also requires a tag to hunt any bighorn sheep, moose, mountain lion or mountain goat.

Existing law authorizes an owner, lessee or manager of private land in this State to apply to the Department of Wildlife for the issuance of one or more tags to hunt deer or antelope as compensation for any damage caused by deer or antelope to the private land or any improvements on the private land. The Board of Wildlife Commissioners is required to adopt regulations establishing the maximum number of tags which the Department is authorized to issue annually for that purpose, which must not exceed 1.5 percent of the total number of deer and antelope tags which are authorized for issuance annually throughout this State. (NRS 502.145) Section 6.5 of this bill increases that limitation to 2.5 percent of the total number of those deer and antelope tags issued annually.

Existing law sets forth the fees to be charged and collected by the Department of Wildlife for the issuance of annual licenses and limited permits to minors and residents and nonresidents of this State. (NRS 502.240) Section 7 of this bill removes various fees, revises the types of licenses and permits that the Department is required to issue and establishes the fees that must be paid for those licenses and limited permits. Sections 4, 9 and 10 of this bill make conforming changes.

Existing law requires a person to pay certain additional fees for the issuance of: (1) a hunting, trapping or fishing license; (2) documentation to hunt upland game birds; (3) a stamp to hunt ducks; and (4) a stamp to fish for trout. The additional fees collected are required to be accounted for separately in the Wildlife Account and used for certain purposes relating to wildlife. (NRS 502.242, 502.292, 502.294, 502.296, 502.300, 502.310, 502.322, 502.326, 502.3262, 502.3264) Section 28 of this bill repeals the requirement for documentation to hunt upland game birds, a stamp to hunt ducks and a stamp to fish for trout. In lieu of imposing additional fees, sections 8, 11, 14 and 16 of this bill require a certain percentage of the general licensing and permitting fees charged and collected by the Department of Wildlife to be used for certain purposes relating to wildlife. Sections 12, 13, 15 and 17 of this bill make conforming changes.

Existing law requires the Department of Wildlife to administer the wildlife laws of this State and sets forth certain requirements for the issuance of a fishing or hunting license to a resident Native American of this State. (NRS 501.331, 502.280) Section 9 of this bill: (1) requires the Department to issue a specialty combination fishing and hunting license to a resident Native American pursuant to the same methods as the Department issues such a license to certain other persons; and (2) requires the Department, when considering making any recommendations for proposed legislation relating to any fishing and hunting rights of a resident Native American or any Native American tribe in this State, to provide notice to and consult with each of those tribes or any other person specified by the Board of Wildlife Commissioners. Section 9 authorizes the Nevada Indian Commission to provide any requested information or assistance to the Department in providing that notice and consultation. Section 18.5 of this bill makes a conforming change.

Existing law makes it unlawful for a person to fish in the waters of this State in any manner other than with a hook and line which is attached to a rod and reel. Only one combination of hook, line and rod may be used by a person, except that a second combination of hook, line and rod may be used if certain conditions are met. (NRS 503.290) Section 18 of this bill authorizes the use of not more than two combinations of hook, line and rod by one person at any time.

Existing law prohibits a person from operating a motorboat on the waters of this State unless certain conditions are satisfied, including that the owner obtain and display a certificate of ownership and a certificate of number. A

certificate of number is valid for 1 year, unless sooner terminated or discontinued. (NRS 488.075, 488.125) Section 19 of this bill authorizes the Board of Wildlife Commissioners to adopt regulations to make the certificate of number valid for 2 years. Section 21 of this bill establishes the fee for the issuance or renewal of the certificate of number that is valid for 2 years if allowed. Section 22 of this bill makes conforming changes.

Under existing law, a motorboat is not required to be numbered in this State if it is already covered by a number which has been awarded to it pursuant to a federally approved numbering system of another state and if the motorboat has not been on the waters of this State for more than 90 consecutive days. The owner of the motorboat is required to record the number awarded in the other state before operating the motorboat for longer than 90 consecutive days. (NRS 488.085, 488.175) Sections 20 and 23 of this bill delete the 90 consecutive days limitation from those provisions. Section 23 also requires a motorboat to be numbered and a certificate of number issued in this State if: (1) the motorboat is not numbered in this State; (2) the owner or operator of the motorboat is a resident of another state; and (3) this State is or will be the state of principal operation of the motorboat during a calendar year.

Existing law prohibits a person from operating a vessel on the waters of this State unless the person pays an aquatic invasive species fee and attaches an aquatic invasive species decal to the port side transom of the vessel in a distinctly visible manner. Each aquatic invasive species decal expires at the end of each calendar year. (NRS 488.536) Section 24 of this bill revises the amount of the fees that must be paid for an aquatic invasive species decal and the circumstances under which a person must pay those fees. Section 24 also: (1) provides that an aquatic invasive species decal is valid for 1 year, or 2 years if allowed by regulations adopted by the Board of Wildlife Commissioners; (2) authorizes the Commission to adopt regulations for the renewal of an aquatic invasive species decal; and (3) sets forth the fee for the issuance or renewal of an aquatic invasive species decal which is valid for 2 years if allowed.

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

Section 1. NRS 502.030 is hereby amended to read as follows:

502.030 1. Licenses or permits granting the privilege to hunt, fish or trap as provided in this title must be of such a form as is deemed necessary by the Department, but must include the following information:

(a) The holder's name, address and description.

(b) The date issued.

(c) The period of validity.

(d) The correct designation as to whether a fishing, hunting or trapping license or permit.

(e) A statement ~~[to be signed]~~ *acknowledged* by the holder ~~[:]~~ *at the time of application:* "I, the ~~[signator]~~ holder ~~[in signing]~~ *of* this license or permit,

hereby state that I am entitled to this license or permit under the laws of the State of Nevada and that no false statement has been made by me to obtain this license or permit."

2. The Commission may provide rules and regulations requiring an applicant to exhibit proof of the applicant's identity and residence. Such information must be included on the license or permit as is deemed necessary by the Department.

3. The Commission may provide rules and regulations establishing a permanent licensing or permitting system. Such a system may authorize the use of applications for the issuance of temporary hunting, fishing and trapping licenses or permits for residents and the issuance of annual licenses or permits therefrom. The system may provide for the automatic renewal and validation of the annual license or permit.

4. The Commission may adopt regulations setting forth the method of applying for, the term and expiration date of any license or permit required by this title to be issued without the payment of a fee.

Sec. 2. NRS 502.060 is hereby amended to read as follows:

502.060 1. A person applying for and procuring a license, tag or permit, as provided in this chapter, shall give to the license agent the person's name and residence address, which must be entered by the license agent, manually or electronically in a record specified by the Department, together with the date of issuance and a description of the person. If a child under the age of 18 years is applying for a license to hunt, the child's parent or legal guardian must ~~[sign]~~ *acknowledge in* the application ~~[and]~~ an attached statement ~~[acknowledging]~~ *indicating* that the parent or legal guardian has been advised of the provisions of NRS 41.472.

2. *In addition to the information required pursuant to subsection 1, the person, or the parent or legal guardian of a child, applying for a license, tag or permit shall, at the time of application, acknowledge the following statement: "I, the holder of this license, tag or permit, hereby state that I am entitled to this license, tag or permit under the laws of the State of Nevada and that no false statement has been made to obtain this license, tag or permit."*

3. Except as otherwise provided in subsection ~~[3,]~~ *4,* any person who makes any false statement or furnishes false information to obtain any license, tag or permit issued pursuant to the provisions of this title is guilty of a misdemeanor.

~~[3.]~~ *4.* Any person who makes any false statement or furnishes false information to obtain any big game tag issued pursuant to the provisions of this title is guilty of a gross misdemeanor.

~~[4.]~~ *5.* It is unlawful for any person to hunt, fish or trap using any hunting, fishing or trapping license which is invalid by reason of expiration or a false statement made to obtain the license.

~~[5.]~~ *6.* Any person convicted of violating the provisions of subsection ~~[2]~~ *3* or ~~[3]~~ *4* forfeits any bonus point or other increased

opportunity to be awarded a tag in a subsequent drawing conducted for that tag if the bonus point or other increased opportunity was acquired by the false statement or false information.

~~[6.]~~ *7.* As used in this section, "big game tag" means a tag permitting a person to hunt any species of pronghorn antelope, bear, deer, mountain goat, mountain lion, *moose*, bighorn sheep or elk.

Sec. 3. NRS 502.066 is hereby amended to read as follows:

502.066 1. The Department shall issue an apprentice hunting license to a person who:

(a) Is 12 years of age or older;

(b) Has not previously been issued a hunting license by the Department, another state, an agency of a Canadian province or an agency of any other foreign country, including, without limitation, an apprentice hunting license; and

(c) Except as otherwise provided in subsection 5, is otherwise qualified to obtain a hunting license in this State.

2. ~~[Except as otherwise provided in this subsection, the]~~ *The* Department shall ~~[not impose]~~ *charge and collect* a fee *in the amount of $15* for the issuance of an apprentice hunting license. ~~[For each apprentice hunting license issued, the applicant or the mentor hunter for the applicant shall pay:~~

~~(a) Any service fee required by a license agent pursuant to NRS 502.040;~~

~~(b) The habitat conservation fee required by NRS 502.242; and~~

~~(c) Any transaction fee that is set forth in a contract of this State with a third party electronic services provider for each online transaction that is conducted with the Department.]~~

3. An apprentice hunting license authorizes the apprentice hunter to hunt in this State as provided in this section.

4. It is unlawful for an apprentice hunter to hunt in this State unless a mentor hunter accompanies and directly supervises the apprentice hunter at all times during a hunt. During the hunt, the mentor hunter shall ensure that:

(a) The apprentice hunter safely handles and operates the firearm or weapon used by the apprentice hunter; and

(b) The apprentice hunter complies with all applicable laws and regulations concerning hunting and the use of firearms.

5. A person is not required to complete a course of instruction in the responsibilities of hunters as provided in NRS 502.340 to obtain an apprentice hunting license.

6. The issuance of an apprentice hunting license does not:

(a) Authorize the apprentice hunter to obtain any other hunting license;

(b) Authorize the apprentice hunter to hunt any animal for which a tag is required pursuant to NRS 502.130; or

(c) Exempt the apprentice hunter from any requirement of this title.

7. The Commission may adopt regulations to carry out the provisions of this section.

8. As used in this section:

(a) "Accompanies and directly supervises" means maintains close visual and verbal contact with, provides adequate direction to and maintains the ability readily to assume control of any firearm or weapon from an apprentice hunter.

(b) "Apprentice hunter" means a person who obtains an apprentice hunting license pursuant to this section.

(c) "Mentor hunter" means a person 18 years of age or older who holds a hunting license issued in this State and who accompanies and directly supervises an apprentice hunter. The term does not include a person who holds an apprentice hunting license pursuant to this section.

Sec. 4. NRS 502.072 is hereby amended to read as follows:

502.072 The Department shall issue ~~[without charge]~~ any license authorized under the provisions of this chapter, upon *payment of the applicable fee pursuant to NRS 502.240 and* satisfactory proof of the requisite facts to any bona fide resident of the State of Nevada who has incurred a service-connected disability which is considered to be 50 percent or more by the Department of Veterans Affairs and has received upon severance from service an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States.

Sec. 5. NRS 502.090 is hereby amended to read as follows:

502.090 1. Each license issued as provided in this chapter is valid, and authorizes the person to whom it is issued to hunt, to fish or to trap during open seasons only during the period specified on the license.

2. Except as otherwise provided in subsection 3 of NRS 502.015 and unless suspended or revoked, each fishing license, hunting license and combined hunting and fishing license is valid ~~[:~~

~~(a) From]~~ *for 1 year beginning on* the date the license is ~~[issued until the last day of the next succeeding February; or~~

~~(b) From the first day of March immediately following the date the license is issued until the last day of the next succeeding February,~~

~~➥]~~ *purchased* as specified on the license.

Sec. 6. NRS 502.130 is hereby amended to read as follows:

502.130 1. In addition to the regular hunting licenses and trapping licenses provided for in this chapter, additional licenses, to be known as tags, are required to hunt any deer, elk, antelope, ~~[mountain]~~ *bighorn* sheep , ~~[or]~~ bear ~~[.]~~ , *moose, mountain lion or mountain goat.*

2. Whenever it is determined by the Commission that it is necessary for correct management:

(a) Tags also may be required to hunt, trap or fish for any other species of wildlife. The Commission may limit the number of tags to be used in a management area.

(b) Permits and seals may be required to hunt, trap, fish or to possess any species of wildlife.

3. The Commission shall set the fee for all permits and seals issued pursuant to paragraph (b) of subsection 2.

Sec. 6.5. NRS 502.145 is hereby amended to read as follows:

502.145 1. An owner, lessee or manager of private land in this State may apply to the Department for the issuance to him or her of one or more deer or antelope tags as provided in this section. The tags must be issued as compensation for damage caused by deer or antelope to the private land or to any improvements thereon.

2. An application made pursuant to this section must:

(a) Be made in the form prescribed by the Department;

(b) Establish to the satisfaction of the Department that the applicant has sustained damage of the kind described in subsection 1; and

(c) Be accompanied by the fee charged for the tags pursuant to NRS 502.250 and any fee charged for administrative costs.

3. The Department shall review the application, may conduct any investigation it deems appropriate and, if it approves the application, shall issue to the applicant not more than one tag for each 50 animals present on the private land owned, leased or managed by the applicant. Both deer and antelope tags may be issued to an applicant.

4. A tag issued as compensation for damage pursuant to this section:

(a) May be used by the owner, lessee or manager of the private land if the owner, lessee or manager holds a valid Nevada hunting license, or may be sold by that person to any holder of a valid Nevada hunting license at any price mutually agreed upon;

(b) Except as otherwise provided in subparagraph (2) of paragraph (c), must be used on the private land or in the unit or units within the management area or areas in which the private land is located; and

(c) May only be used during:

(1) The open season for the species for which the tag is issued; or

(2) A season prescribed by regulation of the Commission for the use of such tags only on the private land.

5. As a condition of receiving a tag from the Department pursuant to this section, an owner, lessee or manager who is lawfully in control of private land that blocks access to adjacent public land must provide access to the public land during the hunting season to a person or hunting party with a tag for the purpose of hunting on the public land.

6. Insofar as they are consistent with this section, the provisions of this title and of the regulations adopted by the Commission apply to the issuance and use of tags pursuant to this section. The Commission:

(a) Shall by regulation establish the maximum number of tags which may be issued annually by the Department pursuant to this section, which must not exceed ~~[1.5]~~ *2.5* percent of the total number of deer and antelope tags which are authorized for issuance annually throughout the State; and

(b) May adopt any other regulations it deems necessary to carry out the provisions of this section.

Sec. 7. NRS 502.240 is hereby amended to read as follows:

502.240 ~~[The Department shall issue annual licenses and limited permits:~~

~~1. To any person who has not attained his or her 16th birthday and who has been a bona fide resident of the State of Nevada for 6 months immediately preceding the person's application for a license, upon payment of a fee of $10 for an annual trapping license.~~

~~2. Except as otherwise provided in NRS 502.083, 502.245 and 504.390, to any person who has attained his or her 16th birthday and who has been a bona fide resident of the State of Nevada for 6 months immediately preceding the person's application for a license, upon the payment of a fee of:~~

~~For an annual fishing license.....$25~~
~~For a 1-day permit to fish.....8~~
~~For each consecutive day added to a 1-day permit to fish.....3~~
~~For a hunting license.....29~~
~~For a combined hunting and fishing license.....50~~
~~For a trapping license.....38~~
~~For a fur dealer's license.....63~~
~~For an annual master guide's license.....750~~
~~For an annual subguide's license.....125~~

~~3. To any person who has attained his or her 12th birthday but who has not attained his or her 16th birthday, and who is not a bona fide resident of the State of Nevada, upon the payment of a fee of $17 for an annual fishing license.~~

~~4. Except as otherwise provided in subsection 3 and NRS 502.083, to any person who is not a bona fide resident of the State of Nevada, upon the payment of a fee of:~~

~~For an annual fishing license.....$65~~
~~For a 1-day permit to fish.....17~~
~~For each consecutive day added to a 1-day permit to fish.....7~~
~~For an annual license to fish solely in the reciprocal waters of the Colorado River, Lake Mead, Lake Mohave, Lake Tahoe and Topaz Lake.....25~~
~~For a hunting license.....138~~
~~For a combined hunting and fishing license.....195~~
~~For an annual trapper's license.....188~~
~~For a fur dealer's license.....125~~
~~For an annual master guide's license.....1,500~~
~~For an annual subguide's license.....250~~
~~For a 1-day permit to hunt upland game and migratory game birds.....20~~
~~For each consecutive day added to a 1-day permit to hunt upland game and migratory game birds.....8~~

~~5. To]~~ *1. The Department shall issue:*

(a) Resident licenses and limited permits pursuant to this section to any person who is a resident of this State pursuant to NRS 502.015.

(b) Nonresident licenses and limited permits pursuant to this section to any person who does not qualify as a resident of this State pursuant to NRS 502.015.

2. Except as otherwise provided in NRS 504.390, the Department shall issue a license or permit to any person who is 18 years or older upon the payment of the following fee for:

A resident annual fishing license $40
A resident 1-day permit to fish 9
Each consecutive day added to a resident 1-day permit to fish .....
A resident annual hunting license 38
A resident annual combination hunting and fishing license 75
A resident trapping license 40
A resident fur dealer's license 63
A resident master guide's license 750
A resident subguide's license 125
A nonresident annual fishing license 80
A nonresident annual license to fish solely in the reciprocal waters of the Colorado River, Lake Mead, Lake Mojave, Lake Tahoe and Topaz Lake 30
A nonresident 1-day permit to fish 18
Each consecutive day added to a nonresident 1-day permit to fish 7
A nonresident annual combination hunting and fishing license 155
A nonresident trapping license 188
A nonresident fur dealer's license 125
A nonresident master guide's license 1,500
A nonresident subguide's license 250
A nonresident 1-day combination permit to fish and hunt upland game birds and migratory game birds 23
Each consecutive day added to a nonresident 1-day combination permit to fish and hunt upland game birds and migratory game birds 8

3. The Department shall issue a license to any person who is at least 12 years of age but less than 18 years of age upon payment of the following fee for:

A resident youth combination hunting and fishing license $15
A resident youth trapping license 15
A nonresident youth combination hunting and fishing license 15

4. ~~[The]~~ Except as otherwise provided in subsection 5, the Department shall issue an annual resident specialty combination hunting and fishing license pursuant to this chapter upon satisfactory proof of the requisite facts and the payment of a fee of $15 to:

(a) Any person who has been considered to be a resident of this State pursuant to NRS 502.015 continuously for the 5 years immediately preceding the date of application for the license and is 65 years of age or older.

(b) Any person who is a resident of this State pursuant to NRS 502.015 and who has a severe physical disability.

(c) ~~[Any resident Native American of this State pursuant to NRS 502.280. (d)]~~ Any person who is a resident of this State pursuant to NRS 502.015 and who has incurred a service-connected disability specified in NRS 502.072.

5. The Department shall issue an annual resident specialty combination hunting and fishing license pursuant to this chapter upon satisfactory proof of the requisite facts and the payment of a fee of $10 to any resident Native American of this State pursuant to NRS 502.280.

6. The Department shall issue to any person, without regard to residence, upon the payment of a fee of:

For a noncommercial license for the possession of live wildlife	$15
For a commercial or private shooting preserve	125
For a commercial license for the possession of live wildlife	500
For a live bait dealer's permit	44
For a competitive field trials permit	31
For a permit to train dogs or falcons	15
For a 1-year falconry license	38
For a 3-year falconry license	94
For an importation permit	15
For an import eligibility permit	31
For an exportation permit	15
For any other special permit issued by the Department, a fee not to exceed the highest fee established for any other special permit set by the Commission.	

~~[6.]~~ 7. As used in this section, "severe physical disability" means a physical disability which materially limits a person's ability to engage in gainful employment.

Sec. 8. NRS 502.242 is hereby amended to read as follows:

502.242 1. ~~[In addition to any fee]~~ *On or before August 30 of each year, an amount of money which is equal to 5.25 percent of the fees* charged and collected *during the immediately preceding fiscal year* for ~~[an annual]~~ hunting, trapping, fishing or ~~[combined]~~ *combination* hunting and fishing ~~[license]~~ *licenses or limited permits* pursuant to NRS 502.240 ~~[, a habitat conservation fee of $3 must be paid.~~

~~2. Revenue from the habitat conservation fee]~~ must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Account and, except as otherwise provided in this subsection and NRS 502.294 and 502.310, used by the Department for the purposes of wildlife habitat rehabilitation and restoration. Each year, not more than

18 percent of the money credited to the Wildlife Account from any revenue received pursuant to subsection 1 may be used to monitor wildlife and its habitat for those purposes.

[3.] *2.* The money in the Wildlife Account credited pursuant to this section remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 9. NRS 502.280 is hereby amended to read as follows:

502.280 1. [All] *Any* resident Native [Americans] *American* of the State of Nevada [are exempt from the payment of fees] *may apply* for *a specialty combination* fishing and hunting [licenses.] *license.*

[2.] When applying for a [free] *specialty combination* fishing [or] *and* hunting license, [a] *the* resident Native American [of the State of Nevada] shall exhibit a document issued in this State by the chair of a tribal council or chief of a Native American tribe, or an officer of a reservation, colony or educational institution, stating that the bearer is a resident Native American of the State of Nevada.

[3.] *2. The Department shall issue a specialty combination fishing and hunting license to a resident Native American pursuant to subsection 5 of NRS 502.240 pursuant to the same methods as the Department issues a specialty combination fishing and hunting license to a person pursuant to subsection 4 of NRS 502.240.*

3. Before hunting for deer or big game off an Indian reservation in this State, all Native Americans [, otherwise exempt under subsection 1,] must secure resident deer tags or other resident big game tags and pay the fee provided therefor in NRS 502.250.

4. If the Department is considering whether to make any recommendations for proposed legislation relating to any fishing and hunting rights of a resident Native American or any Native American tribe in this State, the Department shall, in accordance with regulations adopted by the Commission:

(a) Provide notice of the proposed action to each of those tribes or any other person specified in those regulations; and

(b) Consult with each of those tribes and persons concerning the proposed action.

5. Upon request by the Department, the Nevada Indian Commission may provide information or assistance to the Department in carrying out the provisions of this section.

6. The Commission shall adopt regulations to carry out the provisions of this section.

Sec. 10. NRS 502.290 is hereby amended to read as follows:

502.290 1. The Commission is authorized to issue to those persons serving in the Armed Forces of the United States who are bona fide residents of the State of Nevada *a specialty combination* fishing [or] *and* hunting [licenses, upon the payment of $5 for each license,] *license,* provided those

persons requesting the licenses are at the time on active duty in the Armed Forces of the United States and are not stationed in the State of Nevada.

2. The Commission may require whatever proof it deems necessary to determine whether such persons come within the provisions of this section.

3. Any person who is guilty of giving false information to obtain a license as provided in this section is guilty of a misdemeanor.

Sec. 11. NRS 502.294 is hereby amended to read as follows:

502.294 ~~[All money received pursuant to NRS 502.292]~~ *On or before August 30 of each year, an amount of money which is equal to 3.5 percent of the fees charged and collected during the immediately preceding fiscal year for hunting, fishing or combination hunting and fishing licenses or limited permits pursuant to NRS 502.240* must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. The Department shall maintain separate accounting records for the receipt and expenditure of that money. An amount not to exceed 10 percent of that money may be used to reimburse the Department for the cost of administering ~~[the program of documentation.]~~ *any project approved pursuant to NRS 502.296.* This amount is in addition to compensation allowed persons authorized to issue and sell licenses.

Sec. 12. NRS 502.296 is hereby amended to read as follows:

502.296 1. Before the Department may undertake any project using money ~~[received]~~ *deposited* pursuant to NRS ~~[502.292,]~~ *502.294*, it must analyze the project and provide the Commission with recommendations as to the need for the project and its feasibility.

2. Money ~~[received]~~ *deposited* pursuant to NRS ~~[502.292]~~ *502.294* must be used for projects approved by the Commission for the protection and propagation of upland game birds and for the acquisition, development and preservation of the habitats of upland game birds in this State.

Sec. 13. NRS 502.298 is hereby amended to read as follows:

502.298 The Department shall, not later than the fifth calendar day of each regular session of the Legislature, submit to it a report summarizing any projects undertaken ~~[and]~~ *pursuant to NRS 502.296, including, without limitation,* the receipt and expenditure of money and public benefits achieved by ~~[the program for the sale of documentation to hunt any upland game bird, except turkey and crow.]~~ *those projects.*

Sec. 14. NRS 502.310 is hereby amended to read as follows:

502.310 ~~[All money received pursuant to NRS 502.300]~~ *On or before August 30 of each year, an amount of money which is equal to 1 percent of the fees charged and collected during the immediately preceding fiscal year for hunting, fishing or combination hunting and fishing licenses or limited permits pursuant to NRS 502.240* must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. The Department shall maintain separate accounting records for the receipt and expenditure of that money. An amount not to exceed 10 percent of that money may be used to reimburse the Department for the cost of administering ~~[the state duck~~

~~stamp programs.]~~ *any projects for waterfowl approved pursuant to NRS 502.322.* This amount is in addition to compensation allowed persons authorized to issue and sell licenses.

Sec. 15. NRS 502.322 is hereby amended to read as follows:

502.322 1. Before the Department may undertake any project using money ~~[received]~~ *deposited* pursuant to NRS ~~[502.300,]~~ *502.310,* it shall analyze the project and provide the Commission with recommendations as to the need for the project and its feasibility.

2. Money ~~[received]~~ *deposited* pursuant to NRS ~~[502.300]~~ *502.310* must be used for projects approved by the Commission for the protection, propagation and management of ~~[migratory game birds,]~~ *waterfowl* and for the acquisition, development and preservation of wetlands in Nevada.

Sec. 16. NRS 502.3262 is hereby amended to read as follows:

502.3262 ~~[All money received pursuant to NRS 502.326]~~ *On or before August 30 of each year, an amount of money which is equal to 8.5 percent of the fees charged and collected during the immediately preceding fiscal year for hunting, fishing or combination hunting and fishing licenses or limited permits pursuant to NRS 502.240* must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. The Department shall maintain separate accounting records for the receipt and expenditure of that money. An amount not to exceed 10 percent of that money may be used to reimburse the Department for the cost of administering the trout ~~[stamp]~~ program ~~[.]~~ *and any purpose specified in NRS 502.3264.* This amount is in addition to the compensation allowed persons authorized to issue and sell licenses.

Sec. 17. NRS 502.3264 is hereby amended to read as follows:

502.3264 Except as otherwise provided in NRS 502.3262, all money ~~[received]~~ *deposited* pursuant to NRS ~~[502.326]~~ *502.3262* must be used for the protection, propagation and management of trout in this State and for the payment of any bonded indebtedness incurred therefor.

Sec. 18. NRS 503.290 is hereby amended to read as follows:

503.290 1. Except as otherwise provided in subsection 2, it is unlawful for any person to fish in or from any of the waters of the State of Nevada for any fish of any species in any manner other than with hook and line attached to a rod or reel closely attended in the manner known as angling. ~~[Only one combination]~~ *Not more than two combinations* of hook, line and rod ~~[must]~~ *may* be used by one person at any time . ~~[, except that a second combination of hook, line and rod may be used by a person if the person:~~

~~(a) Purchases from the Department or a license agent of the Department a stamp, permit or such documentation as may be provided by the Department for a second rod;~~

~~(b) Uses the rod in the manner prescribed in this section; and~~

~~(c) Has in his or her possession a valid fishing license, combined hunting and fishing license or permit to fish issued to the person by the Department,~~

~~or such documentation as the Department provides as proof that the person has paid to the Department, for the licensing period that includes the time the person is fishing, the fee required pursuant to this section.~~

~~➥ The fee for the stamp, permit or documentation is $10, and the stamp, permit or documentation is valid only for the period for which it is issued.]~~

2. The Commission may by regulation authorize other methods for taking fish. Frogs may be taken by spear, bow and arrow, hook and line or by other methods authorized by the Commission's regulation.

3. For the purposes of this section, "hook" includes not more than three baited hooks, not more than three fly hooks or not more than two plugs or similar lures. No more than two such plugs or lures, irrespective of the number of hooks or attractor blades attached thereto, may be attached to the line.

Sec. 18.5. NRS 233A.100 is hereby amended to read as follows:

233A.100 The Commission may:

1. Appoint advisory committees whenever necessary or appropriate to assist and advise the Commission in the performance of its duties and responsibilities under this chapter.

2. Negotiate and contract with such other agencies, public or private, as it deems necessary or appropriate for such services, facilities, studies and reports to the Commission as will best enable it to carry out the purposes for which it is created.

3. Cooperate with and secure the cooperation of state, county, city and other agencies, including Indian tribes, bands, colonies and groups and intertribal organizations in connection with its study or investigation of any matter within the scope of this chapter or NRS 383.150 to 383.190, inclusive.

4. Provide any information or assistance requested by the Department of Wildlife pursuant to NRS 502.280.

Sec. 19. NRS 488.075 is hereby amended to read as follows:

488.075 1. The owner of each motorboat requiring numbering by this State shall file an application for a number and for a certificate of ownership with the Department on forms approved by it accompanied by:

(a) Proof of payment of Nevada sales or use tax as evidenced by proof of sale by a Nevada dealer or by a certificate of use tax paid issued by the Department of Taxation, or by proof of exemption from those taxes as provided in NRS 372.320.

(b) Such evidence of ownership as the Department may require.

➥ The Department shall not issue a number, a certificate of number or a certificate of ownership until this evidence is presented to it.

2. The application must be signed by the owner of the motorboat and must be accompanied by ~~[a]~~ *:*

(a) A fee of $20 for the certificate of ownership *;* and ~~[a]~~

(b) Except as otherwise provided in subsection 2 of NRS 488.125, an annual fee according to the following schedule as determined by the straight

line length which is measured from the tip of the bow to the back of the transom of the motorboat:

Less than 13 feet	$20
13 feet or more but less than 18 feet	25
18 feet or more but less than 22 feet	40
22 feet or more but less than 26 feet	55
26 feet or more but less than 31 feet	75
31 feet or more	100

Except as otherwise provided in this subsection, all fees received by the Department under the provisions of this chapter must be deposited in the Wildlife Account in the State General Fund and, except as otherwise provided in NRS 488.536, may be expended only for the administration and enforcement of the provisions of this chapter. On or before December 31 of each year, the Department shall deposit with the respective county school districts 50 percent of each fee collected according to the motorboat's length for every motorboat registered from their respective counties. Upon receipt of the application in approved form, the Department shall enter the application upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the motorboat, a certificate of ownership stating the same information and the name and address of the registered owner and the legal owner.

3. ~~[A]~~ *The Commission shall adopt regulations providing for the renewal of a* certificate of number ~~[may be renewed each year]~~ by the purchase of a validation decal. The fee for a validation decal is determined by the straight line length of the motorboat and is equivalent to the fee set forth in the schedule provided in *paragraph (b) of* subsection 2. The amount of the fee for issuing a duplicate validation decal is $20.

4. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in such manner as may be prescribed by regulations of the Commission in order that the number may be clearly visible. The number must be maintained in legible condition.

5. The certificate of number must be available at all times for inspection on the motorboat for which issued, whenever the motorboat is in operation.

6. The Commission shall provide by regulation for the issuance of numbers to manufacturers and dealers which may be used interchangeably upon motorboats operated by the manufacturers and dealers in connection with the demonstration, sale or exchange of those motorboats. The amount of the fee for each such a number is $20.

Sec. 20. NRS 488.085 is hereby amended to read as follows:

488.085 The owner of any motorboat already covered by a number in effect which has been awarded to it pursuant to a federally approved numbering system of another state must record the number before operating the motorboat on the waters of this ~~[state in excess of the 90-day reciprocity period provided for in NRS 488.175.]~~ *State.* The recordation must be in the

manner and pursuant to the procedure required for the award of a number under NRS 488.075, but no additional or substitute number may be issued.

Sec. 21. NRS 488.125 is hereby amended to read as follows:

488.125 1. Every certificate of number awarded pursuant to the provisions of this chapter shall continue in full force and effect for a period of 1 year *, or 2 years if allowed by regulations adopted by the Commission,* unless sooner terminated or discontinued in accordance with the provisions of this chapter.

2. *The fee for the issuance or renewal of a certificate of number for 2 years, if allowed, is an amount which is equal to twice the annual fee for the motorboat set forth in paragraph (b) of subsection 2 of NRS 488.075.*

3. Certificates of number may be renewed by the owner *in accordance with regulations adopted* pursuant to subsection 3 of NRS 488.075.

Sec. 22. NRS 488.135 is hereby amended to read as follows:

488.135 The Department shall fix a day and month of the year on which certificates of number ~~[due to]~~ expire ~~[during the calendar year lapse]~~ unless renewed pursuant to the provisions of this chapter.

Sec. 23. NRS 488.175 is hereby amended to read as follows:

488.175 1. Except as otherwise provided in ~~[subsection 2,]~~ *this section,* a motorboat need not be numbered pursuant to the provisions of this chapter if it is:

(a) Already covered by a number in effect which has been awarded or issued to it pursuant to a federally approved numbering system of another state . ~~[if the boat has not been on the waters of this State for a period in excess of 90 consecutive days.]~~

(b) A motorboat from a country other than the United States temporarily using the waters of this State.

(c) A public vessel of the United States, a state or a political subdivision of a state.

(d) A ship's lifeboat.

(e) A motorboat belonging to a class of boats which has been exempted from numbering by the Department after the Department has found:

(1) That the numbering of motorboats of that class will not materially aid in their identification; and

(2) If an agency of the Federal Government has a numbering system applicable to the class of motorboats to which the motorboat in question belongs, that the motorboat would also be exempt from numbering if it were subject to the federal law.

2. *If the owner or operator of a motorboat which is not numbered in this State is a resident of another state, and if this State is or will be the state of principal operation of the motorboat during a calendar year, the motorboat must be numbered and a certificate of number issued for the motorboat pursuant to this chapter. As used in this subsection, "state of principal operation" means a state in whose waters a motorboat is primarily operated during a calendar year.*

3. The Department may, by regulation, provide for the issuance of exempt numbers for motorboats not required to be registered under the provisions of this chapter.

~~[3.]~~ *4.* A motorboat need not be titled pursuant to the provisions of this chapter, if it is:

(a) Covered by a certificate of ownership which has been awarded or issued to it pursuant to the title system of another state; or

(b) Documented pursuant to 46 U.S.C. §§ 12101 et seq.

Sec. 24. NRS 488.536 is hereby amended to read as follows:

488.536 1. Except as otherwise provided in subsection ~~[6,]~~ *7,* a person shall not operate a vessel on the waters of this State unless the person has:

(a) Paid to the Department the aquatic invasive species fee established pursuant to subsection 4; and

(b) Attached the aquatic invasive species decal issued pursuant to subsection 2 to the port side transom of the vessel so that the decal is distinctly visible.

2. The Department shall issue to a person who pays the fee established pursuant to subsection 4 an aquatic invasive species decal as evidence of the payment of the aquatic invasive species fee.

3. ~~[Aquatic invasive species decals expire at the end of each calendar year.]~~ *The Department shall fix a day and month of the year on which an aquatic invasive species decal expires.* Only ~~[the]~~ *a valid* decal ~~[for the current year]~~ may be displayed on a vessel.

4. The Commission shall establish by regulation an *annual* aquatic invasive species fee, which:

(a) For a motorboat which is owned or operated by a person ~~[who is a resident]~~ *on the waters* of this State, must not exceed ~~[$10;]~~ *$12; and*

(b) For a vessel, other than a motorboat, which is owned or operated by a person ~~[who is a resident]~~ *on the waters* of this State, must not exceed $5 . ~~[;~~

~~(c) For a motorboat which is owned or operated by a nonresident of this State, must be $20; and~~

~~(d) For a vessel, other than a motorboat, which is owned or operated by a nonresident of this State, must be $10.]~~

5. ~~[The]~~ *Each* aquatic invasive species ~~[fee established pursuant to subsection 4 must be paid annually]~~ *decal is valid for 1 year, or 2 years if allowed by regulations adopted by the Commission. The Commission may adopt regulations for the renewal of an aquatic invasive species decal. The fee for the issuance or renewal of the decal for 2 years, if allowed, is an amount which is equal to twice the annual fee set forth in subsection 4. The fee* for the issuance *or renewal* of an aquatic invasive species decal ~~[. The fee]~~ must be deposited in the Wildlife Account in the State General Fund and used by the Department for enforcement of this section and NRS 488.530, 488.533 and 503.597 and for education about and management of aquatic invasive species.

6. The provisions of this section do not apply to a person who operates a vessel on the waters of:

(a) The Colorado River, Lake Mead or Lake Mohave if, as determined by the Department, the vessel is registered in Arizona and Arizona has a program in effect for the management of aquatic invasive species; or

(b) Lake Tahoe or Topaz Lake if, as determined by the Department, the vessel is registered in California and California has a program in effect for the management of aquatic invasive species.

Sec. 25. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 26. Any license, tag or permit to hunt, fish or trap issued or renewed by the Department of Wildlife before January 1, 2018, remains valid for the period for which the Department issued or renewed the license, tag or permit, if the holder of the license, tag or permit otherwise remains qualified to hold the license, tag or permit during that period.

Sec. 27. The amendatory provisions of sections 8, 11, 14 and 16 of this act do not apply to Fiscal Year 2016-2017.

Sec. 28. NRS 502.083, 502.245, 502.292, 502.300 and 502.326 are hereby repealed.

Sec. 29. ~~[This]~~

1. This section and section 6.5 of this act become effective upon passage and approval.

2. Sections 1 to 6, inclusive, and 7 to 28, inclusive, of this act ~~[becomes]~~ become effective:

~~[1.]~~ (a) Upon passage and approval for the purpose of adopting regulations or performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

~~[2.]~~ (b) On January 1, 2018, for all other purposes.

LEADLINES OF REPEALED SECTIONS

502.083 Issuance of 1-day fishing permits to groups; fees; regulations.

502.245 Fees for licenses for young person, elderly person or person who has severe physical disability.

502.292 Fee to hunt certain upland game birds: Requirements regarding documentation of payment; amount.

502.300 Duck stamps: Unlawful to hunt certain migratory game birds without stamp; exceptions; fees; form.

502.326 Trout stamps: Unlawful to take or possess trout without stamp or documentation; exceptions; fees; form.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 926 to Senate Bill No. 511 adds language that acknowledges the indigenous hunting and fishing rights of Nevada tribal members; allows a resident Native American to obtain a specialty combination fishing and hunting license in the same manner in which all other persons obtain them, and allows the Board of Wildlife Commissioners to increase the maximum number of deer and antelope tags that may be issued annually as compensation for damage

caused by deer or antelope from 1.5 percent of the total number of tags that are authorized to be issued annually throughout the State to 2.5 percent.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 540.

Bill read second time.

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

Amendment No. 947.

SUMMARY—Directs the Legislative Commission to authorize the construction or installation of a memorial to Nevada firefighters on the Capitol Complex. (BDR S-1221)

AN ACT relating to firefighters; directing the Legislative Commission to authorize the construction or installation of a memorial to Nevada firefighters on the Capitol Complex; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill directs the Legislative Commission to authorize the construction or installation of a memorial to the firefighters of this State on the grounds of the Capitol Complex. This bill also requires the Legislative Commission to select the design of the memorial from three alternative designs for such a memorial submitted by the Professional Firefighters of Nevada. ~~[This]~~ Before submitting the alternative designs, this bill requires the Professional Firefighters of Nevada to consult with professional and volunteer firefighter organizations not represented by the Professional Firefighters of Nevada. Finally, this bill prohibits public money from being spent for the design, construction or installation of the memorial.

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

Section 1. 1. The Legislative Commission shall, upon compliance with the provisions of this section, permit the Professional Firefighters of Nevada to construct or install a memorial to the firefighters of this State. The memorial must be constructed or installed at an appropriate location on the Capitol Complex as determined by the Legislative Commission.

2. The Professional Firefighters of Nevada shall submit to the Legislative Commission three alternative designs for the memorial. The Legislative Commission shall review the designs and select the one it considers most appropriate.

3. Before submitting the alternative designs to the Legislative Commission pursuant to subsection 2, the Professional Firefighters of Nevada shall consult with professional and volunteer firefighter organizations in this State which are not represented by the Professional Firefighters of Nevada.

~~[3.]~~ 4. No public money may be spent for the design, construction or installation of the memorial.

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

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 947 to Senate Bill No. 540 requires the Professional Firefighters of Nevada to consult with other professional and volunteer firefighter organizations in Nevada before submitting the designs of the firefighters memorial to the Legislative Commission.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 402.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 993.

SUMMARY—Restricts the use of certain disciplinary action on persons in confinement. (BDR 16-1087)

AN ACT relating to the administration of justice; ~~[restricting the use of solitary confinement on persons who are in confinement;]~~ establishing certain restrictions and procedures for the use of disciplinary segregation and solitary confinement by the Department of Corrections or a private facility or institution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill prohibits the Department of Corrections or a private facility or institution from imposing solitary confinement on ~~[a person]~~ an offender confined in a prison: (1) as part of a disciplinary sanction unless the Department or private facility or institution provides written notice , ~~[and]~~ a hearing and, if applicable, a psychological evaluation for the offender; and (2) solely on the basis of the mental illness or impairment of the ~~[person.]~~ offender, but may, if necessary for the safety of the offender, staff or any other person, subject the offender to solitary confinement in conjunction with daily evaluations by a provider of health care. Section 3 establishes the procedure for a hearing for the purpose of addressing a disciplinary sanction and imposing a disciplinary segregation. Section 3 requires the Department or private facility or institution to take certain actions if it is known or suspected that a mental health or medical condition caused the alleged violation which is the basis for the hearing. Section 3 also authorizes an offender to request placement in solitary confinement under certain circumstances. If the Department or private facility or institution imposes disciplinary segregation on the offender, section 3 requires that the period of disciplinary segregation: (1) be the minimum time required to address the disciplinary sanction or threat of harm; and (2) not exceed certain periods based on the seriousness of the offense. Section 3 requires the Department or private facility or institution to provide certain provisions and

accommodations to an offender who is subject to disciplinary segregation. Under certain circumstances, an offender who is subject to disciplinary segregation is authorized to petition the warden of the institution or facility for early release from disciplinary segregation.

~~[Section 4 of this bill prohibits the use of solitary confinement on a prisoner who is detained in a county, city or town jail or other detention facility unless: (1) the prisoner is not a person with serious mental illness or other significant mental impairment; (2) the prisoner presents a serious and immediate risk of harm to himself or herself, staff or others or to the security of the facility; and (3) all other less restrictive options have been exhausted. Section 4 further prohibits the use of solitary confinement for the purpose of disciplining or punishing a prisoner and provides that if a prisoner is held in solitary confinement, the period of solitary confinement must be the minimum time required to address the threat and must end if the mental or physical health of the prisoner is compromised.]~~

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in this section, the]~~ The Department or a private facility or institution shall not:

(a) Place an offender in disciplinary segregation ~~[,]~~ unless the offender is found guilty of an infraction after ~~[notice]~~ :

(1) Notice and a hearing pursuant to subsection 3 ~~[.]~~ ; and

(2) If applicable, a psychological evaluation pursuant to subsection 4.

(b) Subject an offender with a serious mental illness or other significant mental impairment to solitary confinement solely on the basis of such mental illness or impairment ~~[.]~~ , but may subject such an offender to solitary confinement if it is necessary for the safety of the offender, staff or any other person. If such an offender is subjected to solitary confinement, the offender must receive a health and welfare check at his or her cell by a provider of health care at least once each day.

2. An offender who is confined in an institution or facility of the Department or a private facility or institution may request placement in solitary confinement to protect his or her safety. The Department or private facility or institution may not assign the offender to solitary confinement unless the Department or private facility or institution performs an independent assessment of the threat to the offender, determines that the placement in solitary confinement is necessary to protect the safety of the offender and the offender is placed in solitary confinement only for the duration of the threat.

3. Upon the filing of a disciplinary action against an offender that may result in the sanction of disciplinary segregation of the offender, the Department or private facility or institution shall:

(a) Serve written notice of the charges against the offender which sets forth the reasons for the filing of the disciplinary action against the offender and a notice that the offender may appeal any discipline or punishment imposed on the offender as a result of a hearing unless the offender has agreed to a bargained plea.

(b) Hold a hearing concerning the charges against the offender not later than 15 days after the alleged violation or not later than 15 days after the completion of the investigation of the alleged violation, whichever is later. A hearing held pursuant to this paragraph must be presided over by an officer or employee of the Department or private facility or institution who has no direct involvement in the incident constituting an alleged violation. At the hearing, the offender must be allowed ~~[to call witnesses with substantive knowledge of the issues involved in the alleged violation and]~~ to present documentary evidence germane to the alleged violation ~~[.]~~ and to call one or more witnesses with substantive, relevant knowledge of the issues involved in the alleged violation except for a witness who has been discharged, who is not located at the facility or institution where the hearing is being conducted or who poses a threat to safety or security at the hearing. The presiding officer or employee may find that the offender committed an infraction of the rules of the institution or facility only if he or she finds, based on the evidence presented at the hearing, that there is evidence that the infraction occurred and that the offender more likely than not committed the infraction. The presiding officer or employee must provide to the offender a written statement of the evidence supporting the determination of the presiding officer or employee unless providing such a written statement would jeopardize the safety or security of the institution or facility or the safety of the staff or offenders in the institution or facility.

4. The Department or private facility or institution must refer the offender for a psychological evaluation before holding a hearing pursuant to subsection 3 if, at any stage of the disciplinary process set forth in subsection 3:

(a) It is known or suspected that a mental health condition or medical condition of the offender was a substantial cause of the alleged violation;

(b) The offender is assigned to a mental health program of the Department or private facility or institution; or

(c) The offender has been diagnosed as seriously mentally ill.

➥ If, during the psychological evaluation, the staff of the Department or private facility or institution has reason to believe that the alleged violation by the offender may have been the result of a medical condition of the offender, including, without limitation, dementia, Alzheimer's disease, post-traumatic stress disorder or traumatic brain injury, the staff of the Department or private facility or institution must refer the offender to the

medical staff of the institution or facility for a medical review and recommendation before holding a hearing pursuant to subsection 3.

5. If the sanction of disciplinary segregation is imposed on an offender, the offender:

(a) May, after serving one-half of the period for which the offender is sanctioned to disciplinary segregation, petition the warden of the institution or facility for release from disciplinary segregation if the offender has demonstrated good behavior. The offender must be advised that he or she may petition the warden pursuant to this paragraph.

(b) Must, while subject to disciplinary segregation, be:

(1) Allowed to wear his or her personal clothing ~~[;]~~ issued by the Department;

(2) Served the same meal and ration as is provided to offenders in general population unless the offender is placed on a special diet for health or religious reasons;

(3) Allowed visitation;

(4) Allowed all first-class and legal mail addressed to the offender;

(5) Permitted a minimum of at least 5 hours of exercise per week, unless doing so would present a threat to the safety or security of the institution or facility;

(6) Given access to reading materials; and

(7) Given access to materials from the law library in the institution or facility.

6. ~~[If a medical professional diagnoses an offender as an offender with a serious mental illness or other significant impairment, the offender must be placed in solitary confinement for the safety of the offender, staff or any other person and the offender must be evaluated at his or her cell by a provider of health care at least once each day.~~

~~7.]~~ The period for which an offender may be held in disciplinary segregation must be the minimum time required to address the disciplinary sanction or threat of harm to the offender, staff or any other person or to the security of the institution or facility, as defined by the regulations adopted by the Board. Such a period must not exceed:

(a) If the offender, while in the custody of the Department or private facility or institution, commits an offense categorized as a category C felony by the laws of this State, 10 days.

(b) If the offender, while in the custody of the Department or private facility or institution, commits an offense categorized as a category B felony by the laws of this State, 30 days.

(c) If the offender, while in the custody of the Department or private facility or institution, commits an offense categorized as a category A felony by the laws of this State, 60 days.

(d) If the offender, while in the custody of the Department or private facility or institution, commits an assault or battery against an employee or contractor of the Department or a private facility or institution, 180 days.

(e) If the offender, while in the custody of the Department or private facility or institution, commits murder, 365 days.

~~*[8.]*~~ *7. As used in this section, "offender with serious mental illness or other significant mental impairment" means an offender:*

(a) With a substantial disorder of thought or mood that significantly impairs judgment, behavior or capacity to recognize reality, which may include, without limitation, a person who is found to have current symptoms of, or who is currently receiving treatment based on a type of diagnosis found in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association; or

(b) Who is diagnosed with an intellectual disability, as defined in NRS435*.007*.

Sec. 4. ~~[Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A sheriff, chief of police or town marshal shall not:*~~

~~*(a) Use solitary confinement for the purpose of disciplining or punishing a prisoner; or*~~

~~*(b) Subject a prisoner with serious mental illness or other significant mental impairment to solitary confinement.*~~

~~*2. A prisoner who is confined in a county, city or town jail or detention facility must not be subjected to solitary confinement unless:*~~

~~*(a) There are compelling reasons to believe that the prisoner presents a serious and immediate threat of harm to himself or herself, staff or others or to the security of the jail or detention facility; and*~~

~~*(b) All other less restrictive options have been exhausted.*~~

~~*3. A prisoner who is held in solitary confinement may be held in solitary confinement only for the minimum time required to address the threat of harm to the prisoner, staff or others or to the security of the jail or detention facility, but only if the mental and physical health of the prisoner is not compromised.*~~

~~*4. As used in this section, "offender with a serious mental illness or other significant mental impairment" has the meaning ascribed to it in section 3 of this act.]~~* (Deleted by amendment.)

Sec. 5. ~~[NRS 211.118 is hereby amended to read as follows:~~

~~211.118 As used in NRS 211.118 to 211.200, inclusive, *and section 4 of this act*, "public works" means the renovation, repair or cleaning of any street, drainage facility, road, sidewalk, public square, park or building, or cutting away hills, grading, putting in sewers or other work, which is authorized to be done by and for the use of any of the counties, cities or towns, and the expense of which is not to be borne exclusively by persons or property particularly benefited thereby. The term does not include any project to which the provisions of NRS 338.020 apply.]~~ (Deleted by amendment.)

Sec. 6. ~~[NRS 211.150 is hereby amended to read as follows:~~

~~211.150 1. [If] *Except as otherwise provided in section 4 of this act, if*~~

~~a prisoner is disobedient or disorderly, or does not faithfully perform his or her tasks, the officers having charge of the prisoner may take action to discipline and punish the prisoner. The action may include confinement to an individual cell separate from other prisoners for the protection of the staff of the jail and other prisoners. An officer who confines a prisoner to an individual cell for any reason shall report his or her action as soon as possible to the person in charge of the jail.~~

~~2. A report of the number of prisoners who are performing work and the amount and type of work performed must be submitted to the person in charge of the jail on the last day of each month.~~] (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 993 to Senate Bill No. 402 allows for an offender with a serious mental illness or other significant mental impairment to be placed in solitary confinement if the offender poses a safety concern to themselves, staff or other prisoners. In such circumstances, the offender, if applicable, must receive a hearing and a psychological evaluation. Additionally, an offender with serious mental illness or other significant mental impairment placed in solitary confinement must receive a health and wellness check at his or her cell by a health-care provider at least once each day; adds language to section 3, subsection 5, clarifying that personal clothing of inmates refers to clothing issued by the Department; deletes subsection 6 of section 3 that would otherwise require all offenders diagnosed with a serious mental illness or other significant impairment to be placed in solitary confinement; and deletes sections 4, 5 and 6, thus removing the language regarding the restricted use of solitary confinement on a prisoner detained in a county, city or town or other detention facility.

Amendment adopted.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 402 prohibits the Department of Corrections or a private facility or institution from imposing solitary confinement on a person in prison unless the offender is found guilty of an infraction, is provided written notice of the charges and a hearing is held after the completion of an investigation of the alleged violation. The Department of Corrections shall not place offenders with serious mental illness or other significant mental impairment in solitary confinement unless the offender poses a safety threat to themselves, staff or other inmates. The bill also establishes a requirement for the psychological evaluation of offenders with a serious mental illness or significant mental impairment prior to holding a hearing concerning charges against the offender.

The bill allows for an offender, imprisoned in the department or a private facility, to request placement into solitary confinement to protect his or her safety after an independent assessment is performed and only for the duration of the threat. In such instances, the offender must receive a health and welfare check at his or her cell at least once daily by a provider of health care.

The bill requires that the period of which the offender may be held in disciplinary segregation must be the minimum time required to address the harm or threat and not exceed certain periods based on the seriousness of the offense. The bill requires the department to provide certain provisions and accommodations to an offender who is subject to disciplinary segregation and allows an offender the ability to petition the warden of the institution or facility for release from segregation if the offender has demonstrated good behavior.

Roll call on Senate Bill No. 402:
YEAS—17.
NAYS—Gansert, Gustavson, Roberson, Settelmeyer—4.

Senate Bill No. 402 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 405.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 980.

SUMMARY—Requires the establishment and use of an animal abuser registry website. (BDR 14-10)

AN ACT relating to abuse of animals; requiring the Director of the State Department of Agriculture to ~~[contract with]~~ select a nonprofit organization to establish and maintain an animal abuser registry website; requiring persons convicted of certain offenses against animals to register with the animal abuser registry website; requiring courts to notify certain defendants of the requirements for registration; setting forth certain requirements for the establishment and maintenance of the animal abuser registry website; imposing certain restrictions on the use of information obtained from the animal abuser registry website; requiring certain persons engaged in selling animals and adoption of animals to access the animal abuser registry website before selling an animal or allowing the adoption of an animal; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 30.2 of this bill requires the Director of the State Department of Agriculture to ~~[contract with]~~ select a nonprofit organization to establish and maintain a statewide animal abuser registry website. Section 30 of this bill requires a person convicted of certain felonies or gross misdemeanors related to animals to register with the animal abuser registry website. A person may query the animal abuser registry website to access information about a person convicted of those offenses against animals for which registration is required. Sections 30.6 and 30.8 of this bill provide certain prohibitions against misuse of the information on the registry website, and section 30.4 of this bill limits the amount of information that is available from the registry website. Section 30.4 sets forth the information a person required to register is required to provide, and provides that such information is limited to only that information which is a public record as a result of the person's conviction. Section 1 of this bill requires a court, upon conviction and sentencing a person to an offense against animals for which registration is required, to provide the defendant with notice of the requirements of registration.

Section 30 provides that the person is prohibited from owning, possessing or caring for an animal for a period of: (1) 10 years for a felony conviction; and (2) 5 years for a gross misdemeanor conviction. A violation of this

prohibition or failing to register with the animal abuser registry website as required is a misdemeanor. Section 30 also provides that the period of required registration lasts for 10 years for a felony conviction, and 5 years for a gross misdemeanor conviction.

Existing law imposes certain duties on operators of commercial establishments engaged in the business of selling animals and operators of animal shelters. (NRS 574.360-574.440) Section 31 of this bill requires the operator to access the animal abuser registry website before selling an animal to a person or allowing a person to adopt an animal, and prohibits the operator from selling an animal to or allowing adoption of an animal by a person prohibited by section 30 from owning, possessing or caring for an animal.

Existing law prohibits animal breeders from selling a dog or cat under certain circumstances. (NRS 574.356) Section 37 of this bill requires a breeder to access the animal abuser registry website before selling a dog or cat to a person, and prohibits the breeder from selling a dog or cat to a person prohibited by section 30 from owning, possessing or caring for an animal.

Existing law imposes certain duties and prohibitions on dealers of dogs or cats for resale and retailers of pets for resale. (NRS 574.450-574.510) Section 38 of this bill requires a dealer or retailer to access the animal abuser registry website before selling a dog or cat to a person, and prohibits the dealer or retailer from selling a dog or cat to a person prohibited by section 30 from owning, possessing or caring for an animal.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a defendant is convicted of a felony or a gross misdemeanor for a violation of NRS 574.050 to 574.200, inclusive, the court shall, following the imposition of a sentence:

(a) Inform the defendant of the requirements for registration, including, without limitation:

(1) The duty to register with the animal abuser registry website pursuant to section 30 of this act.

(2) If the defendant changes his or her name or residence, the duty to notify the animal abuser registry website pursuant to section 30 of this act.

(3) The full period of registration required pursuant to section 30 of this act.

(b) Require the defendant to read and sign a form stating that the requirements for registration have been explained and that the defendant understands the requirements for registration.

2. The failure to provide the defendant with the information or confirmation form required by paragraphs (a) and (b) of subsection 1 does not affect the duty of the defendant to register and to comply with all other

provisions for registration pursuant to sections 30 to 30.8, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. Chapter 574 of NRS is hereby amended by adding thereto the provisions set forth as sections 30 to 31, inclusive, of this act.

Sec. 30. *1. A person who is convicted of a felony for any violation of the provisions of NRS 574.050 to 574.200, inclusive:*

(a) Shall register with the animal abuse registry website established and maintained pursuant to sections 30.4 and 30.6 of this act.

(b) Shall not own, possess or care for any animal for 10 years beginning on the date of conviction, exclusive of any period during which the person is incarcerated or confined for such conviction.

2. A person who is convicted of a gross misdemeanor for any violation of NRS 574.050 to 574.200, inclusive:

(a) Shall register with the animal abuser registry website established and maintained pursuant to sections 30.4 and 30.6 of this act.

(b) Shall not own, possess or care for any animal for 5 years beginning on the date of conviction, exclusive of any period during which the person is incarcerated or confined for such conviction.

3. A person required to register pursuant to this section must register not later than 3 business days after:

(a) The date on which the person is released from incarceration or confinement for the offense; or

(b) If the person is not sentenced to a term of imprisonment for the offense, the date on which the person was sentenced for the offense.

4. A person required to register pursuant to this section who changes his or her name or residence shall, not later than 3 business days after the change of name or residence, notify the animal abuser registry website of the change.

5. A violation of any provision of this section is a misdemeanor.

Sec. 30.2. *1. The Director of the State Department of Agriculture shall, on behalf of the Department, ~~[contract with]~~ select a nonprofit organization to establish and maintain an animal abuser registry website which meets the requirements of sections 30.4 and 30.6 of this act.*

2. To ~~[enter into a contract with]~~ be selected by the Department pursuant to subsection 1, a nonprofit organization must:

(a) Be bonded in the amount required by the Director.

(b) Have demonstrated the ability to:

(1) Work with towns, cities and other local governmental entities on issues related to animals; and

(2) Carry out the provisions of sections 30.4 to 30.8, inclusive, of this act.

(c) Agree to carry out the provisions of this section and sections 30.4 to 30.8, inclusive, of this act at no cost to the Department or this State.

3. ~~[Any contract entered into by the Director pursuant to this section must provide that the Director may, if]~~ If the nonprofit organization selected by the Director pursuant to this section fails to meet the requirements of sections 30.2 to 30.8, inclusive, of this act, the Director may terminate the ~~[contract]~~ authority of the nonprofit organization to establish and maintain an animal abuser registry website and seek another nonprofit organization ~~[with which]~~ to ~~[contract]~~ select for the establishment, if necessary, and maintenance of the animal abuser registry website.

Sec. 30.4. *1. A ~~[contract entered into with a]~~ nonprofit organization selected pursuant to section 30.2 of this act must : ~~[require the nonprofit organization to:]~~*

(a) Establish and maintain an animal abuser registry website which must be organized so that:

(1) A person required to register pursuant to section 30 of this act may provide the information required in subsection 2.

(2) The animal abuser registry website meets the requirements of section 30.6 of this act.

(b) Ensure that the information contained in the animal abuser registry is, to the greatest extent practicable, accurate and current.

2. Except as otherwise provided in subsection 3, a person required to register pursuant to section 30 of this act must provide, upon registration:

(a) His or her full legal name.

(b) A recent photo of the person.

(c) Each offense for which the person was convicted that resulted in the requirement to register pursuant to section 30 of this act.

(d) The period, pursuant to section 30 of this act, for which the person is prohibited from owning, possessing or caring for any animal.

3. Any information provided by a person pursuant to subsection 2 is a public record. The provisions of this section must not be construed to require the person to provide any information that is not a public record as a result of the person's conviction for each offense which resulted in the requirement to register pursuant to section 30 of this act.

Sec. 30.6. *A nonprofit organization that establishes an animal abuser registry website pursuant to section 30.4 of this act shall maintain the animal abuser registry in a manner that:*

1. Allows the public to obtain information for each person in the animal abuser registry in accordance with subsection 3 of section 30.4 of this act.

2. Includes instructions on the manner in which a person may obtain a correction of information that the person contends is erroneous.

3. Includes a warning that the information on the animal abuser registry website may not be used unlawfully to injure, harass or commit a crime against any person named in the animal abuser registry website or in a way that violates the provisions of subsection 1 of section 30.8 of this act, and that any such action may result in a civil or criminal penalty.

4. Does not allow the public access to information about a person included in the animal abuser registry website other than the information the person is required to provide pursuant to subsection 2 of section 30.4 of this act.

Sec. 30.7. *A nonprofit organization ~~[that contracts with]~~ selected by the State Department of Agriculture pursuant to section 30.2 of this act shall, on or before January 15 of each odd-numbered year and upon approval by the Director, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the animal abuser registry website. The report must include, without limitation:*

1. The number of persons registered each year on the animal abuser registry website; and

2. The number of times the animal abuser registry website is viewed each year.

Sec. 30.8. *1. Information obtained from the animal abuser registry website may not be used for any purpose relating to any of the following:*

(a) Insurance, including health insurance.

(b) Loans.

(c) Credit.

(d) Employment.

(e) Education, scholarships or fellowships.

(f) Housing or accommodations.

(g) Except as otherwise provided in section 31 of this act and NRS 574.356 and 574.510, benefits, privileges or services provided by any business establishment.

2. Any person who uses information from the animal abuser registry website in violation of the provisions of subsection 3 of section 30.6 of this act or this section is liable in a civil action brought by or on behalf of a person injured by the violation, for damages, attorney's fees and costs incurred as the result of the violation.

3. The State Department of Agriculture, its officers and employees and any nonprofit organization ~~[that contracts with]~~ selected by the Department pursuant to section 30.2 of this act to establish and maintain the animal abuser registry website and officers, employees and volunteers are immune from criminal or civil liability for an act or omission relating to information obtained, maintained or disclosed pursuant to the provisions of sections 30 to 30.8, inclusive, of this act, including, but not limited to, an act or omission relating to:

(a) The accuracy of information in the animal abuser registry website; or

(b) The disclosure of or the failure to disclose information in the animal abuser registry website.

Sec. 31. *1. Before selling an animal to a person or allowing the adoption of an animal by a person, an operator shall access the animal abuser registry website established and maintained pursuant to sections 30.4 and 30.6 of this act to verify that the person is not prohibited from owning, possessing or caring for an animal.*

2. An operator shall not sell an animal to or allow the adoption of an animal by a person who is prohibited from owning, possessing or caring for an animal pursuant to section 30 of this act.

Sec. 32. NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive ~~[:]~~ *, and sections 30 to 30.8, inclusive, of this act:*

1. "Animal" does not include the human race, but includes every other living creature.

2. *"Animal abuser registry website" means the registry website established and maintained pursuant to sections 30.4 and 30.6 of this act.*

3. "First responder" means a person who has successfully completed the national standard course for first responders.

~~[3.]~~ *4.* "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

~~[4.]~~ *5.* "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 33. NRS 574.200 is hereby amended to read as follows:

574.200 1. The provisions of NRS 574.050 to 574.510, inclusive, *and sections 30 to 31, inclusive, of this act* do not:

(a) Interfere with any of the fish and game laws contained in title 45 of NRS or any laws for the destruction of certain birds.

(b) Interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property.

(c) Interfere with the right to kill all animals and fowl used for food.

(d) Prohibit or interfere with any properly conducted scientific experiments or investigations which are performed under the authority of the faculty of some regularly incorporated medical college or university of this State.

(e) Interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

(f) Prohibit or interfere with established methods of animal husbandry, including the raising, handling, feeding, housing and transporting of livestock or farm animals.

2. Nothing contained in subsection 1 shall be deemed to exclude a research facility from the provisions of NRS 574.205.

Sec. 34. NRS 574.210 is hereby amended to read as follows:

574.210 As used in NRS 574.210 to 574.510, inclusive, *and section 31 of this act,* unless the context otherwise requires, the words and terms defined in NRS 574.220 to 574.330, inclusive, have the meanings ascribed to them in those sections.

Sec. 35. NRS 574.340 is hereby amended to read as follows:

574.340 1. The provisions of NRS 574.210 to 574.510, inclusive, *and section 31 of this act* do not apply to:

(a) The exhibition, production, marketing or disposal of any livestock, poultry, fish or other agricultural commodity or animal.

(b) Activities for which a license is required by the provisions of chapter 466 of NRS.

(c) The housing of domestic cats or dogs kept as pets or cared for, without remuneration other than payment for reasonable expenses relating to the care of the cats or dogs, on behalf of another person in a home environment.

(d) The exhibition of dogs or cats.

2. As used in this section:

(a) "Animal" has the meaning ascribed to it in NRS 564.010.

(b) "Livestock" has the meaning ascribed to it in NRS 569.0085.

Sec. 36. NRS 574.350 is hereby amended to read as follows:

574.350 No member, agent or officer of a society for the prevention of cruelty to animals may enforce the provisions of NRS 574.210 to 574.510, inclusive ~~[.]~~ *, and section 31 of this act.*

Sec. 37. NRS 574.356 is hereby amended to read as follows:

574.356 *1. Before selling a dog or cat to a person, a breeder shall access the animal abuser registry website established and maintained*

pursuant to sections 30.4 and 30.6 of this act to verify that the person is not listed on the animal abuser registry website as being prohibited from owning, possessing or caring for a dog or cat.

2. A breeder shall not:

~~[1.]~~ *(a)* Sell a dog or cat:

~~[(a)]~~ *(1)* Unless the dog or cat has had:

~~[(1)]~~ *(I)* A registered microchip subcutaneously inserted into the dog or cat; and

~~[(2)]~~ *(II)* All the required vaccinations for rabies which are appropriate based upon the age of the dog or cat; ~~[or~~

~~(b)]~~ *(2) To a person who is prohibited from owning, possessing or caring for an animal pursuant to section 30 of this act; or*

(3) Without providing a written sales contract to the purchaser; or

~~[2.]~~ *(b)* Breed a female dog:

~~[(a)]~~ *(1)* Before she is 18 months old; or

~~[(b)]~~ *(2)* More than once a year.

Sec. 38. NRS 574.510 is hereby amended to read as follows:

574.510 1. A retailer or dealer who sells a dog or cat that the retailer or dealer knows has any illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention and fails to disclose such information at the time of sale is guilty of a misdemeanor. In addition to any other penalty that may be imposed, the court may prohibit a person convicted of a violation of this ~~[section]~~ *subsection* from selling any dogs or cats for not more than 1 year.

2. *A retailer or dealer:*

(a) Before selling a dog or cat to any person, must access the animal abuser registry website established and maintained pursuant to sections 30.4 and 30.6 of this act to verify that the person is not listed on the animal abuser registry website as being prohibited from owning, possessing or caring for a dog or cat.

(b) May not sell a dog or cat to a person who is prohibited from owning, possessing or caring for an animal pursuant to section 30 of this act.

3. For the purposes of this section, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention unless the dog or cat is clinically ill as a result of the parasite.

Sec. 38.5. 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. 39. This act becomes effective on July 1, 2017.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 980 to Senate Bill No. 405 removes the requirement for the Director of Department of Agriculture to contract with a nonprofit organization to establish and maintain an animal-abuser registry website but now requires the Department of Agriculture to select a

nonprofit organization to establish and maintain an animal-abuser registry website. Additionally, Amendment No. 980 allows the Director of the Department of Agriculture to terminate the authority of the nonprofit organization to establish and maintain an animal-abuser registry website should the nonprofit organization fail to meet the requirements of sections 30.2 to 30.8, which establish the qualifications of the nonprofit organization as well as the operation of the registry website.

Amendment adopted.

Bill read third time.

Remarks by Senator Manendo.

Senate Bill No. 405 requires the Director of the Department of Agriculture to select a nonprofit organization to establish and maintain a Statewide animal-abuser registry website; requires certain persons to register for ten years for felony and five years for misdemeanor violations relating to animal abuse, and prohibits registered offenders from owning, possessing or caring for animals as long as they are registered.

Senate Bill No. 405 requires the nonprofit organization selected by the Director of the Department of Agriculture to submit an annual report on or before January 15 of each odd-numbered year to the Director of the Legislative Counsel Bureau concerning the animal-abuser registry website detailing the number of persons registered and the number of times the animal-abuser website is viewed.

Finally, Senate Bill No. 405 requires a person selling an animal or allowing the adoption of an animal, to review the animal-abuser website to verify that the person is not prohibited from owning, possessing or caring for an animal. As allowed, information obtained from the abuser-registry website could not be used for any purpose relating to insurance, loans, credit, employment, education or housing.

Roll call on Senate Bill No. 405:

YEAS—21.

NAYS—None.

Senate Bill No. 405 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 438.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 994.

SUMMARY—Revises provisions relating to time shares. (BDR 10-992)

AN ACT relating to time shares; authorizing a representative to associate with one or more developers; amending provisions relating to the licensing and registration of representatives; prohibiting a representative from engaging in certain acts related to inducing persons to attend a sales presentation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the registration and regulation of a "representative," defined as a person who, on behalf of a developer of a time share, induces other persons to attend a sales presentation. (NRS 119A.120, 119A.240, 119A.260) Under existing law, such a representative is required to register with the Real Estate Division of the Department of Business and Industry. (NRS 119A.240) Each application for registration as a

representative must include certain information and be accompanied by a fee of $100. (NRS 119A.240, 119A.360)

Sections 1 and 2 of this bill authorize a representative to associate with one or more developers. Section 2 further amends existing law governing the registration of a representative to require each application to include ~~[: (1)]~~ proof that the applicant operates at a fixed location, if the applicant is associated with more than one developer. ~~[; (2) a complete set of the fingerprints of the applicant; and (3) written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.]~~

Existing law sets forth the prohibited acts of representatives. (NRS 119A.260) Section 3 of this bill prohibits a representative from: (1) making any material misrepresentation; (2) making any false promises of a character likely to induce other persons to attend a promotional meeting; (3) engaging in any fraudulent, misleading or oppressive techniques or tactics to induce or solicit other persons to attend a promotional meeting; or (4) failing to disclose to a person the representative's purpose to induce the person to attend a promotional meeting.

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

Section 1. NRS 119A.120 is hereby amended to read as follows:

119A.120 "Representative" means a person who is not a sales agent and who, on behalf of ~~[a developer,]~~ *one or more developers,* induces other persons to attend a sales presentation. The term does not include a person who only performs clerical tasks, arranges appointments set up by others or prepares or distributes promotional materials.

Sec. 2. NRS 119A.240 is hereby amended to read as follows:

119A.240 1. The Administrator shall register as a representative each applicant who:

(a) Submits proof satisfactory to the Division that the applicant has a reputation for honesty, trustworthiness and competence;

(b) Applies for registration in the manner provided by the Division;

(c) Submits the statement required pursuant to NRS 119A.263; ~~[and]~~

(d) ~~*[Designates the developer with whom the applicant will associate the application;*~~

~~*(e) Lists any other developer with whom the applicant is associated, if any;*~~

~~*(f)]*~~ *Submits proof satisfactory to the Division that the applicant operates at a fixed location, if the applicant is associated with more than one developer; and*

~~*[(g)]*~~ *(e)* Pays the fees provided for in this chapter.

2. An application for registration as a representative must include the social security number of the applicant.

3. ~~*[Each applicant must, as part of his or her application and at the applicant's own expense:*~~

~~*(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division; and*~~

~~*(b) Submit to the Division:*~~

~~*(1) A completed fingerprint card and written permission authorizing the Division to submit the applicant's 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 Division deems necessary; or*~~

~~*(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository 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 Division deems necessary.*~~

~~*4. The Division may:*~~

~~*(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and*~~

~~*(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.*~~

~~*5.]*~~ A representative is not required to be licensed pursuant to the provisions of chapter 645 of NRS.

Sec. 3. NRS 119A.260 is hereby amended to read as follows:

119A.260 1. A representative shall not negotiate the sale of, or discuss prices of, a time share. A representative may only induce and solicit persons to attend promotional meetings for the sale of time shares and distribute information on behalf of a developer ~~[.]~~ *with whom he or she is associated.*

2. The representative's activities must strictly conform to the methods for the procurement of prospective purchasers which have been approved by the Division.

3. The representative shall comply with any applicable standards for conducting business as are applied to real estate brokers and salespersons pursuant to chapter 645 of NRS and the regulations adopted pursuant thereto.

4. *A representative shall not:*

(a) Make any material misrepresentation;

(b) Make any false promises of a character likely to induce other persons to attend a promotional meeting;

(c) Engage in any fraudulent, misleading or oppressive techniques or tactics to induce or solicit other persons to attend a promotional meeting; or

(d) Fail to disclose to a person the representative's purpose to induce the person to attend a promotional meeting.

5. A representative shall not make targeted solicitations of purchasers or prospective purchasers of time shares in another project with which the representative is not associated. A developer or project broker shall not pay or offer to pay a representative a bonus or other type of special compensation to engage in such activity.

Sec. 4. This act becomes effective on July 1, 2017.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 994 to Senate Bill No. 438 removes the requirements that an applicant for registration as a representative of a timeshare developer provide the name or names of any developers with which the applicant works and completed fingerprint card and written permission for the Division to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for a background check.

Amendment adopted.

Bill read third time.

Remarks by Senator Farley.

Senate Bill No. 438 allows a representative of a time-share developer to associate with one or more developers as required that the applicant for registration has a representative supplied and the administrator of the real estate division has proof of the applicants work from a fixed location. The bill specifies that time-share representatives shall not make any material misrepresentation, make any false promises, likely to induce someone to attend a promotional event, engage in any fraudulent misleading or oppressive techniques or tactics to induce or solicit other persons to attend promotional meetings, or fail to disclose the representative's purpose to induce a person to attend a promotional event.

Roll call on Senate Bill No. 438:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Senate Bill No. 498.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 964.

SUMMARY—Revises provisions relating to mortgage brokers , mortgage agents and mortgage bankers. (BDR 54-484)

AN ACT relating to mortgage lending; revising provisions relating to continuing education for mortgage brokers and mortgage agents; revising provisions for the examination of mortgage brokers and mortgage bankers; authorizing the Commissioner of Mortgage Lending to waive the monthly

report of activity of a mortgage broker or mortgage banker; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a mortgage broker or mortgage agent to satisfy certain requirements for continuing education. (NRS 645B.051, 645B.430) Sections 1 and 3.5 of this bill eliminate a requirement that certain courses of continuing education for a mortgage broker or mortgage agent include at least 3 hours relating to the laws and regulations of this State ~~[.]~~ and reduce the number of hours of continuing education which must be completed annually by a mortgage broker or mortgage agent.

Existing law requires the Commissioner of Mortgage Lending to perform annual examinations of mortgage brokers and mortgage bankers. (NRS 645B.060, 645E.300) Sections 1.5 and 6 of this bill eliminate the requirement for an annual examination and instead require the Commissioner to conduct, at his or her discretion, periodic standard examinations of a mortgage broker or mortgage banker.

Existing law requires each mortgage broker or mortgage banker to submit a monthly report of the activity of the mortgage broker or mortgage banker to the Commissioner. (NRS 645B.080, 645E.350) Sections 2 and 7 of this bill allow the Commissioner to waive this requirement if substantially similar information is available to the Commissioner from another source.

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

Section 1. NRS 645B.051 is hereby amended to read as follows:

645B.051 1. Except as otherwise provided in subsection 2, in addition to the requirements set forth in NRS 645B.050, to renew a license as a mortgage broker:

(a) If the licensee is a natural person, the licensee must submit to the Commissioner satisfactory proof that the licensee attended at least ~~[10]~~ *8* hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

(b) If the licensee is not a natural person, the licensee must submit to the Commissioner satisfactory proof that each natural person who supervises the daily business of the licensee attended at least ~~[10]~~ *8* hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

2. In lieu of the continuing education requirements set forth in paragraph (a) or (b) of subsection 1, a licensee or any natural person who supervises the daily business of the licensee who, pursuant to subsection 1 of NRS 645F.267, is not required to register or renew with the Registry and who has not voluntarily registered or renewed with the Registry must submit to the Commissioner satisfactory proof that he or she attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires. The hours of continuing education required by this subsection must include ~~[:~~

~~(a) At least 3 hours relating to the laws and regulations of this State; and~~

~~(b) At~~] *at* least 2 hours relating to ethics.

3. As used in this section, "certified course of continuing education" means a course of continuing education which relates to the mortgage industry or mortgage transactions and which meets the requirements set forth by the Commissioner by regulation pursuant to NRS 645B.0138.

Sec. 1.5. NRS 645B.060 is hereby amended to read as follows:

645B.060 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage brokers and mortgage agents doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations:

(1) Setting forth the requirements for an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property. The regulations must include, without limitation, the minimum financial conditions that the investor must comply with before becoming an investor.

(2) Establishing reasonable limitations and guidelines on loans made by a mortgage broker to a director, officer, mortgage agent or employee of the mortgage broker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) ~~[Except as otherwise provided in subsection 4, conduct an annual examination]~~ *Conduct, at his or her discretion, periodic standard examinations* of each mortgage broker doing business in this State ~~[. The annual examination]~~ *which* must include, without limitation, a formal exit review with the mortgage broker. The Commissioner shall adopt regulations prescribing:

(1) Standards for determining the rating of each mortgage broker based upon the results of ~~[the annual]~~ *a periodic standard* examination; and

(2) Procedures for resolving any objections made by the mortgage broker to the results of ~~[the annual]~~ *a periodic standard* examination. The results of ~~[the annual]~~ *a periodic standard* examination may not be opened to public inspection pursuant to NRS 645B.090 until after a period of time set by the Commissioner to determine any objections made by the mortgage broker.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage brokers and mortgage agents. The Commissioner shall adopt regulations specifying the

general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapters 363A and 363C of NRS.

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage brokers and mortgage agents meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage broker or mortgage agent shall pay a fee based on the rate established pursuant to NRS 645F.280.

~~[4. The Commissioner may conduct examinations of a mortgage broker, as described in paragraph (d) of subsection 2, on a biennial instead of an annual basis if the mortgage broker:~~

~~(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;~~

~~(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage broker;~~

~~(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division; and~~

~~(d) Does not maintain any trust accounts pursuant to NRS 645B.170 or 645B.175 or arrange loans funded by private investors.]~~

Sec. 2. NRS 645B.080 is hereby amended to read as follows:

645B.080 1. Each mortgage broker shall keep and maintain at all times at each location where the mortgage broker conducts business in this state complete and suitable records of all mortgage transactions made by the mortgage broker at that location. Each mortgage broker shall also keep and maintain at all times at each such location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage broker.

2. ~~[Each]~~ *Except as otherwise provided in subsection 3, each* mortgage broker shall submit to the Commissioner each month a report of the mortgage broker's activity for the previous month. The report must:

(a) Specify the volume of loans arranged by the mortgage broker for the month or state that no loans were arranged in that month;

(b) Include any information required pursuant to NRS 645B.260 or pursuant to the regulations adopted by the Commissioner; and

(c) Be submitted to the Commissioner by the 15th day of the month following the month for which the report is made.

3. *The Commissioner may waive the requirement to submit a report pursuant to subsection 2 if substantially similar information is available to the Commissioner from another source.*

4. The Commissioner may adopt regulations prescribing accounting procedures for mortgage brokers handling trust accounts and the requirements for keeping records relating to such accounts.

~~[4.]~~ *5.* Each mortgage broker who is required to register or voluntarily registers with the Registry shall submit to the Registry and the Commissioner a report of condition or any other report required by the Registry in the form and at the time required by the Registry.

Sec. 2.5. NRS 645B.090 is hereby amended to read as follows:

645B.090 1. Except as otherwise provided in this section or by specific statute, all papers, documents, reports and other written instruments filed with the Commissioner pursuant to this chapter are open to public inspection.

2. Except as otherwise provided in subsection 3, the Commissioner may withhold from public inspection or refuse to disclose to a person, for such time as the Commissioner considers necessary, any information that, in the Commissioner's judgment, would:

(a) Impede or otherwise interfere with an investigation or examination that is currently pending against a mortgage broker;

(b) Have an undesirable effect on the welfare of the public; or

(c) Reveal personal information in violation of NRS 239B.030.

3. Except as otherwise provided in NRS 645B.092, the Commissioner shall disclose the following information concerning a mortgage broker to any person who requests it:

(a) The findings and results of any investigation which has been completed during the immediately preceding 5 years against the mortgage broker pursuant to the provisions of this chapter and which has resulted in a finding by the Commissioner that the mortgage broker committed a violation of a provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(b) The nature of any disciplinary action that has been taken during the immediately preceding 5 years against the mortgage broker pursuant to the provisions of this chapter; and

(c) If the mortgage broker makes or offers for sale in this State any investments in promissory notes secured by liens on real property:

(1) Any information in the possession of the Commissioner regarding the present and past ownership and management structure of the mortgage broker; and

(2) The findings and results of:

(I) All examinations or investigations of the mortgage broker conducted pursuant to NRS 645B.060 during the immediately preceding 5 years, including, without limitation, ~~[annual or biennial examinations]~~ *any periodic standard examination* of the mortgage broker conducted pursuant to NRS 645B.060, including, without limitation, the rating for each annual or

biennial examination and an explanation of the standards for determining that rating; and

(II) Any other examination or audit, investigation or hearing which has been completed during the immediately preceding 3 years against the mortgage broker pursuant to the provisions of this chapter.

Sec. 3. NRS 645B.260 is hereby amended to read as follows:

645B.260 1. If a mortgage broker maintains any accounts described in subsection 4 of NRS 645B.175 in which the mortgage broker deposits payments from a debtor on a loan secured by a lien on real property and, on the last day of any month, the debtor has failed to make two or more consecutive payments in accordance with the terms of the loan, the mortgage broker shall:

(a) Include in the report that the mortgage broker submits to the Commissioner pursuant to subsection 2 of NRS 645B.080 *, if any,* the information relating to delinquencies in payments and defaults that is required by the regulations adopted pursuant to subsection 2;

(b) Not later than 15 days after the last day of each such month, mail to the last known address of each investor who owns a beneficial interest in the loan a notice containing the information relating to delinquencies in payments and defaults that is required by the regulations adopted pursuant to subsection 2; and

(c) Comply with the provisions of this section each month on a continuing basis until:

(1) The debtor or the debtor's designee remedies the delinquency in payments and any default; or

(2) The lien securing the loan is extinguished.

2. The Commissioner:

(a) Shall adopt regulations prescribing the information relating to delinquencies in payments and defaults that a mortgage broker must include in his or her report to the Commissioner and in the notice mailed to investors pursuant to subsection 1. Such regulations may provide for variations between the information that a mortgage broker must include in his or her report to the Commissioner and the information that a mortgage broker must include in the notice mailed to investors.

(b) May adopt any other regulations that are necessary to carry out the provisions of this section.

Sec. 3.5. NRS 645B.430 is hereby amended to read as follows:

645B.430 1. A license as a mortgage agent issued pursuant to NRS 645B.410 expires each year on December 31, unless it is renewed. To renew a license as a mortgage agent, the holder of the license must continue to meet the requirements of subsection 3 of NRS 645B.410 and must submit to the Commissioner on or after November 1 and on or before December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal;

(b) Except as otherwise provided in this section, satisfactory proof that the holder of the license as a mortgage agent attended at least ~~[10]~~ *8* hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires; and

(c) A renewal fee set by the Commissioner of not more than $170.

2. In lieu of the continuing education requirement set forth in paragraph (b) of subsection 1, the holder of a license as a mortgage agent who, pursuant to subsection 1 of NRS 645F.267, is not required to register or renew with the Registry and who has not voluntarily registered or renewed with the Registry must submit to the Commissioner satisfactory proof that he or she attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires. The hours of continuing education required by this subsection must include ~~[:~~

~~(a) At least 3 hours relating to the laws and regulations of this State; and~~

~~(b) At]~~ *at* least 2 hours relating to ethics.

3. If the holder of the license as a mortgage agent fails to submit any item required pursuant to subsection 1 or 2 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the license is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled license if the holder of the license submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of $75.

4. To change the mortgage broker with whom the mortgage agent is associated, a person must pay a fee in an amount prescribed by regulation of the Commissioner, not to exceed $50.

5. Money received by the Commissioner pursuant to this section is in addition to any fee that must be paid to the Registry and must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

6. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Division or, if the licensee is required to register or voluntarily registers with the Registry, to the Division through the Registry.

7. Nothing in this section shall be construed as preventing the Commissioner from renewing the license of a mortgage agent who does not satisfy the criteria set forth in paragraph (e) of subsection 1 of NRS 645B.410 at the time of the application for renewal.

8. As used in this section, "certified course of continuing education" has the meaning ascribed to it in NRS 645B.051.

Sec. 4. NRS 645B.690 is hereby amended to read as follows:

645B.690 1. If a person offers or provides any of the services of a mortgage broker or mortgage agent or otherwise engages in, carries on or

holds himself or herself out as engaging in or carrying on the business of a mortgage broker or mortgage agent and, at the time:

(a) The person was required to have a license pursuant to this chapter and the person did not have such a license;

(b) The person was required to be registered with the Registry and the person was not so registered; or

(c) The person's license was suspended or revoked pursuant to this chapter,

➥ the Commissioner shall impose upon the person an administrative fine of not more than $50,000 for each violation and, if the person has a license, the Commissioner may suspend or revoke it.

2. If a mortgage broker violates any provision of subsection 1 of NRS 645B.080 and the mortgage broker fails, without reasonable cause, to remedy the violation within 20 business days after being ordered by the Commissioner to do so or within such later time as prescribed by the Commissioner, or if the Commissioner orders a mortgage broker to provide information, make a report or permit an examination of his or her books or affairs pursuant to this chapter and the mortgage broker fails, without reasonable cause, to comply with the order within 20 business days or within such later time as prescribed by the Commissioner, the Commissioner shall:

(a) Impose upon the mortgage broker an administrative fine of not more than $25,000 for each violation;

(b) Suspend or revoke the license of the mortgage broker; and

(c) Conduct a hearing to determine whether the mortgage broker is conducting business in an unsafe and injurious manner that may result in danger to the public and whether it is necessary for the Commissioner to take possession of the property of the mortgage broker pursuant to NRS 645B.630.

3. If a mortgage broker:

(a) Makes or offers for sale in this State any investments in promissory notes secured by liens on real property; and

(b) Receives the lowest possible rating on two consecutive ~~[annual or biennial]~~ *periodic standard* examinations pursuant to NRS 645B.060,

➥ the Commissioner shall suspend or revoke the license of the mortgage broker.

Sec. 5. NRS 645E.030 is hereby amended to read as follows:

645E.030 "Commercial mortgage loan" means a loan *primarily for a business, commercial or agricultural purpose* that:

1. Directly or indirectly, is secured by a lien on commercial property; and

2. Is created with the consent of the owner of the commercial property.

Sec. 6. NRS 645E.300 is hereby amended to read as follows:

645E.300 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise

general supervision and control over mortgage bankers doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations establishing reasonable limitations and guidelines on loans made by a mortgage banker to a director, officer or employee of the mortgage banker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) ~~[Except as otherwise provided in subsection 4, conduct an annual examination]~~ *Conduct, at his or her discretion, periodic standard examinations* of each mortgage banker doing business in this State.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage bankers.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapters 363A and 363C of NRS.

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage bankers meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage banker shall pay a fee based on the rate established pursuant to NRS 645F.280.

~~[4. The Commissioner may conduct biennial examinations of a mortgage banker instead of annual examinations, as described in paragraph (d) of subsection 2, if the mortgage banker:~~

~~(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;~~

~~(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage banker; and~~

~~(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division.]~~

Sec. 7. NRS 645E.350 is hereby amended to read as follows:

645E.350 1. Each mortgage banker shall keep and maintain at all times at each location where the mortgage banker conducts business in this State

complete and suitable records of all mortgage transactions made by the mortgage banker at that location. Each mortgage banker shall also keep and maintain at all times at each such location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage banker.

2. ~~[Each]~~ *Except as otherwise provided in subsection 3, each* mortgage banker shall submit to the Commissioner each month a report of the mortgage banker's activity for the previous month. The report must:

(a) Specify the volume of loans made by the mortgage banker for the month or state that no loans were made in that month;

(b) Include any information required pursuant to the regulations adopted by the Commissioner; and

(c) Be submitted to the Commissioner by the 15th day of the month following the month for which the report is made.

3. *The Commissioner may waive the requirement to submit a report pursuant to subsection 2 if substantially similar information is available to the Commissioner from another source.*

4. The Commissioner may adopt regulations prescribing accounting procedures for mortgage bankers handling trust accounts and the requirements for keeping records relating to such accounts.

~~[4.]~~ *5.* A licensee who operates outside this State an office or other place of business which is licensed pursuant to this chapter shall:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The licensee must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

~~[5.]~~ *6.* Each mortgage banker who is required to register or voluntarily registers with the Registry shall submit to the Registry and the Commissioner a report of condition or any other report required by the Registry in the form and at the time required by the Registry.

Sec. 8. 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 January 1, 2018, for all other purposes.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 964 to Senate Bill No. 498 revises provisions requiring the Commissioner of the Mortgage Lending Division of the Department of Business and Industry to conduct, at his or her discretion, periodic standard examinations as opposed to annual standard examinations of

each mortgage broker and mortgage banker doing business in the State. The amendment also reduces the number of required hours of certified courses of continuing education of licensees from at least ten hours to at least eight hours annually.

Amendment adopted.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 498 eliminates the requirement for an annual standard examination of mortgage brokers and mortgage bankers and instead requires the Commissioner of the Mortgage Lending Division of the Department of Business and Industry to conduct, at his or her discretion, periodic standard examinations of a mortgage broker or mortgage banker. The bill also eliminates certain courses of continuing education relating to the laws and regulations of the State and reduces the number of hours of continuing education required for a mortgage broker or mortgage agent from at least ten hours to at least eight hours annually. Lastly, Senate Bill No. 498 allows the Commissioner to waive the required monthly activity report submitted by mortgage brokers and mortgage bankers if substantially similar information is available to the Commissioner from another source.

Roll call on Senate Bill No. 498:

YEAS—21.

NAYS—None.

Senate Bill No. 498 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

Senator Ford requested that his remarks be entered in the Journal.

I wanted to correct my statement from earlier to a question asked in regard to Senate Bill No. 306. The question was asked if the usage of the communication devices would be available to people outside of transition housing and restitution centers and my answer was, "no, it would be limited to those particular facilities." That was incorrect; it will be allowed to be used for specific educational and vocational training programs. I would like to reiterate what was heard in Committee, and that is that the Department of Corrections have strict controls over how these devices are used. It is a closed system, so that they will not have access to the public, and they will be able to control what emails are sent and received. Again, under these circumstances, I still urge your support, but for anyone who wants to change their vote, I am happy to motion for reconsideration in that regard. I also wanted to indicate that there was testimony from the Director that this would be helpful to them with reintegrating people back into society. The Department brought this request to add to my bill, and I would think we should listen to the individual who has been placed in charge of Department of Corrections at the hence of our Governor. As well as the Director of Connecticut where these types of programs have worked. But again, I want to correct the record in that regard and so that there was no misunderstanding of what this bill really does.

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

Motion carried.

Senate in recess at 5:08 p.m.

SENATE IN SESSION

At 5:15 p.m.

President Hutchison presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ford moved that the action whereby Senate Bill No. 306 was passed be reconsidered.

Motion carried.

Senator Ford moved that the bill be taken from the General File and placed on the Secretary's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 127.

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

Motion carried.

Assembly Bill No. 291.

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

Motion carried.

Assembly Bill No. 326.

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

Motion carried.

Assembly Bill No. 328.

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

Motion carried.

Assembly Bill No. 414.

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

Motion carried.

Assembly Bill No. 468.

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

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 12, 56, 71, 81, 164, 171, 183, 230, 233, 274, 281, 287, 322, 323, 356, 364, 384, 386, 397, 471, 477, 502; Senate Joint Resolutions Nos. 4, 5; Assembly Bills Nos. 276, 471, 495, 496.

Senator Ford moved that the Senate adjourn until Tuesday, May 30, 2017, at 11:00 a.m.

Motion carried.

Senate adjourned at 5:19 p.m.

Approved: MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate