THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 17, 2017

Senate called to order at 11:32 a.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by the Chaplain, Captain Mark Cyr.

My Heavenly Father, we come to You today asking for Your guidance. Guide our State leaders as they seek ways to improve our State. Lord, we ask for Your hand of blessing to be on them and their families as they lead us. We pray for their support staff and pray that You bless them and give them energy as well. Protect our leaders from discouragement and distractions that might steer them away from the path that You have called them to. Speak to their hearts and lead them in a direction of truth that brings about genuine peace, unity and freedom for the people of Nevada. Father, we pray these things in the precious Name of Jesus.

AMEN.

Pledge of Allegiance to the Flag was led by Clayton Taylor.

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

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 290, 337, 383, 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 347, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Finance.

Also, your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

KELVIN ATKINSON, *Chair*

Mr. President:

Your Committee on Education, to which were referred Senate Bills Nos. 390, 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

MOISES DENIS, *Chair*

Mr. President:

Your Committee on Finance, to which was re-referred Senate Bill No. 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOYCE WOODHOUSE, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 188, 400, 434, 460, 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 5, 373, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Finance.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 417, 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 295, 325, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 50, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 177, 230, 362, 376, 454, 470, 473, 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 8, 9, 33, 116, 195, 240, 255, 267, 268, 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 329, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

TICK SEGERBLOM, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 465, 478; Senate Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 205, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

NICOLE J. CANNIZZARO, *Chair*

Mr. President:

Your Committee on Natural Resources, to which was referred Senate Bill No. 270, 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 Natural Resources, to which were referred Senate Bills Nos. 187, 512, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

Also, your Committee on Natural Resources, to which was referred Senate Bill No. 315, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

YVANNA D. CANCELA, *Chair*

Mr. President:

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 379, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 508, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

JULIA RATTI, *Chair*

Mr. President:

Your Committee on Senate Parliamentary Rules and Procedures has approved the consideration of: Amendment No. 402 to Senate Bill No. 91, Amendment No. 401 to Senate Bill No. 256.

KELVIN ATKINSON, *Chair*

Mr. President:

Your Committee on Transportation, to which was referred Senate Bill No. 426, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Senate Bill No. 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Senate Bill No. 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

MARK A. MANENDO, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 13, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 154, 227, 387, 435.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 14, 20, 22, 151, 176, 204, 214, 236, 261, 305, 385.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, April 14, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 469.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Ford.

For: Senate Bill Nos. 106, 174, 203, 261, 265, 302, 361, 368, 392, 417, 425, 474, 486, 487; Senate Joint Resolution Nos. 6, 14.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

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

Has been granted effective: Thursday, April 13, 2017.

AARON D. FORD
Senate Majority Leader

JASON FRIERSON
Speaker of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 1.

Resolution read.

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

Amendment No. 124.

SUMMARY—Directs the Legislative Commission to appoint a committee to conduct an interim study relating to affordable housing within the State of Nevada. (BDR R-835)

SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to appoint a committee to conduct an interim study relating to affordable housing within the State of Nevada.

WHEREAS, The United States Department of Housing and Urban Development defines affordable housing as housing for which an occupant is paying no more than 30 percent of his or her income for gross housing costs, including utilities; and

WHEREAS, Families who pay more than 30 percent of their income for housing may have difficulty affording essentials such as food, clothing, transportation and medical care; and

WHEREAS, According to statistics from the American Community Survey conducted by the United States Census Bureau, of units occupied by persons paying rent in Nevada, an estimated 46.8 percent of occupants spent more than 30 percent of their household income on rent and utilities in 2015; and

WHEREAS, According to statistics from the Housing Division of the Department of Business and Industry, rent for affordable housing units in Nevada increased by 11 percent between 2013 and 2015, while average wages in Nevada increased by only 3 percent during that same period and average vacancy rates for affordable housing units decreased to 4 percent; and

WHEREAS, The shortage of affordable housing has forced thousands of seniors, veterans, families and children in Nevada to occupy motels that typically have minimal or no facilities for the preparation and storage of food and which serve as an inadequate substitute for stable, long-term housing; and

WHEREAS, Various research studies on the impact of housing on children's academic success indicate that the availability of adequate, safe, affordable housing can provide children with enhanced opportunities for academic success by reducing the frequency of unwanted moves which disrupt both the continuity of educational instruction and the social bonds and networks that support learning; and

WHEREAS, Increasing the availability of adequate, safe, affordable housing may also assist the State in meeting its economic development goals, increase the ability of the State to attract and retain a skilled workforce and improve educational outcomes for children in Nevada; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to appoint a committee composed of three members of the Assembly and three members of the Senate, one of whom must be appointed by the Legislative Commission as Chair of the committee, to conduct an interim study of affordable housing within the State of Nevada; and be it further

RESOLVED, That the study must include, without limitation, an examination of:

1. The present and prospective need for affordable housing in the State, including, without limitation, affordable housing that is accessible to persons with disabilities;

2. Any impediments to the development of affordable housing in the State;

3. Methods to increase the availability of affordable housing in ~~[both]~~ rural , suburban and urban areas of the State; and

4. Any other matters which are deemed relevant to the issue of affordable housing; and be it further

RESOLVED, That the committee solicit the input of interested stakeholders, including, without limitation, agencies and organizations that provide access to affordable housing and affordable housing assistance; and be it further

RESOLVED, That any recommended legislation proposed by the committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the committee; and be it further

RESOLVED, That the Legislative Commission submit a report of the results of the study and any recommended legislation to the 80th Session of the Nevada Legislature; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Administrator of the Housing Division of the Department of Business and Industry.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 124 to Senate Concurrent Resolution No. 1 adds the word "suburban" to the list of areas of the State, in the interim study should examine, as it relates to, increasing the availability of affordable housing in Nevada.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Senator Parks moved that Senate Bill No. 5, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 205, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Atkinson moved that Senate Bill No. 289, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Cancela moved that Senate Bill No. 315, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Segerblom moved that Senate Bill No. 329, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Atkinson moved that Senate Bill No. 347, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Parks moved that Senate Bill No. 373, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Denis moved that Senate Bill No. 390, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Manendo moved that Senate Bill No. 401, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Parks moved that Senate Bill No. 417, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Denis moved that Senate Bill No. 430, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Parks moved that Senate Bill No. 500, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Ratti moved that Senate Bill No. 508, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Ford moved that the Secretary dispense with reading the titles of all bills and resolutions through Wednesday, April 26, 2017, the day after the first House passage deadline.

Motion carried unanimously.

Senator Ford moved that, through April 25, 2017, all necessary rules be suspended, and that all Senate bills and resolutions reported out of Committee be immediately placed on the appropriate reading files.

Motion carried unanimously.

Senator Parks has approved the addition of Senators Ford, Woodhouse and Denis as sponsors of Senate Bill No. 457.

Senator Hardy moved that Senate Bill No. 101 be taken from the General File and placed on the Secretary's desk.

Motion carried.

Senator Hardy moved that Senate Bill No. 91 be taken from the Secretary's desk and placed on the General File.

Motion carried.

Senator Hardy moved that Senate Bill No. 140 be taken from the Secretary's desk and placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 14.

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

Motion carried.

Assembly Bill No. 20.

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

Motion carried.

Assembly Bill No. 22.

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

Motion carried.

Assembly Bill No. 151.

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

Motion carried.

Assembly Bill No. 154.

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

Motion carried.

Assembly Bill No. 176.

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

Motion carried.

Assembly Bill No. 204.

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

Motion carried.

Assembly Bill No. 214.

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

Motion carried.

Assembly Bill No. 227.

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

Motion carried.

Assembly Bill No. 236.

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

Motion carried.

Assembly Bill No. 261.

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

Motion carried.

Assembly Bill No. 305.

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

Motion carried.

Assembly Bill No. 385.

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

Motion carried.

Assembly Bill No. 387.

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

Motion carried.

Assembly Bill No. 435.

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

Motion carried.

Assembly Bill No. 469.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 25.

Bill read second time.

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

Amendment No. 199.

SUMMARY—Revises provisions governing the organization and functions of the Office of the Attorney General relating to domestic violence and the fictitious address program. (BDR 18-385)

AN ACT relating to the Office of the Attorney General; transferring authority over the application for a fictitious address from the Attorney General to the ~~[Secretary of State;]~~ Division of Child and Family Services of the Department of Health and Human Services; revising the duties of the Committee on Domestic Violence; revising provisions relating to the appointment of members to the Committee on Domestic Violence; transferring the requirement to adopt regulations relating to programs for the treatment of persons who commit domestic violence from the Committee to the ~~[Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors;]~~ Division of Public and Behavioral Health of the Department of Health and Human Services; abolishing the Nevada Council for the Prevention of Domestic Violence and transferring certain duties of the Council to the Committee on Domestic Violence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Attorney General to appoint a Committee on Domestic Violence and requires the Committee to adopt regulations to certify programs for the treatment of persons who commit domestic violence. (NRS 228.470) Existing law also creates the Nevada Council for the Prevention of Domestic Violence, and charges the Council with, among other duties, increasing awareness of certain issues relating to domestic violence. (NRS 228.480, 228.490) Section 29 of this bill abolishes the Nevada Council for the Prevention of Domestic Violence, and sections 1, 5 and 6 of this bill transfer the duties of the Council and any subcommittees of the Council to the Committee on Domestic Violence. Sections 5 and ~~[25]~~ 22.5 of this bill transfer the requirement to adopt regulations relating to programs for treatment of persons who commit domestic violence from the Committee on Domestic Violence to the ~~[Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.]~~ Division of Public and Behavioral Health of the Department of Health and Human Services. Sections 1-4, 9, 10 and 13 of this bill make conforming changes.

Section 5 also revises the composition of the Committee on Domestic Violence to authorize the Attorney General to appoint additional members to the Committee. Further, section 5 establishes 2-year terms for each member appointed to the Committee on Domestic Violence and provides that a member may be reappointed for additional terms.

Existing law authorizes the Attorney General to organize or sponsor multidisciplinary teams to review the death of a victim of a crime that constitutes domestic violence under certain circumstances. Section 7 of this bill transfers the duties of these multidisciplinary teams to the Committee on

Domestic Violence. Sections 8, 11, 12 and 19-23 of this bill make conforming changes to reflect the transfer of these duties to the Committee.

Existing law authorizes the Attorney General to issue a fictitious address to a victim, or the parent or guardian of a victim, of domestic violence, human trafficking, sexual assault or stalking who applies for the issuance of a fictitious address. (NRS 217.462-217.471) Sections 14-18 of this bill transfer the authority over this application process to the ~~[Secretary of State.]~~ Division of Child and Family Services of the Department of Health and Human Services.

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

Section 1. NRS 228.205 is hereby amended to read as follows:

228.205 1. There is hereby created in the Office of the Attorney General the Victim Information Notification Everyday System, which consists of a toll-free telephone number and an Internet website through which victims of crime and members of the public may register to receive automated information and notification concerning changes in the custody status of an offender.

2. The ~~[Attorney General shall:~~

~~(a) Appoint a subcommittee of the~~ Nevada Council for the Prevention of~~]~~ *Committee on* Domestic Violence ~~[created by]~~ *appointed pursuant to* NRS ~~[228.480]~~ *228.470* ~~[to]~~ *shall* serve as the Governance Committee for the System. ~~[; and~~

~~(b) Consider nominations by the Council *Committee on Domestic Violence* when appointing members of the Governance Committee.]~~

3. The Governance Committee may adopt policies, protocols and regulations for the operation and oversight of the System.

4. The Attorney General may apply for and accept gifts, grants and donations for use in carrying out the provisions of this section.

5. To the extent of available funding, each sheriff and chief of police, the Department of Corrections, the Department of Public Safety and the State Board of Parole Commissioners shall cooperate with the Attorney General to establish and maintain the System.

6. The failure of the System to notify a victim of a crime of a change in the custody status of an offender does not establish a basis for any cause of action by the victim or any other party against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions.

7. As used in this section:

(a) "Custody status" means the transfer of the custody of an offender or the release or escape from custody of an offender.

(b) "Offender" means a person convicted of a crime and sentenced to imprisonment in a county jail or in the state prison.

Sec. 2. NRS 228.423 is hereby amended to read as follows:

228.423 As used in NRS 228.423 to ~~[228.490,]~~ *228.497*, inclusive, unless the context otherwise requires, the words and terms defined in NRS 228.427 and 228.430 have the meanings ascribed to them in those sections.

Sec. 3. NRS 228.427 is hereby amended to read as follows:

228.427 ~~["Council"]~~ *"Committee"* means the ~~[Nevada Council for the Prevention of]~~ *Committee on* Domestic Violence ~~[created]~~ *appointed* pursuant to NRS ~~[228.480.]~~ *228.470.*

Sec. 4. NRS 228.460 is hereby amended to read as follows:

228.460 1. The Account for Programs Related to Domestic Violence is hereby created in the State General Fund. Any administrative assessment imposed and collected pursuant to NRS 200.485 must be deposited with the State Controller for credit to the Account.

2. The Ombudsman for Victims of Domestic Violence:

(a) Shall administer the Account for Programs Related to Domestic Violence; and

(b) May expend money in the Account only to pay for expenses related to:

(1) The Committee *;* ~~[on Domestic Violence created pursuant to NRS 228.470;]~~

(2) ~~[The Council;~~

~~(3)]~~ Training law enforcement officers, attorneys and members of the judicial system about domestic violence;

~~[(4)]~~ *(3)* Assisting victims of domestic violence and educating the public concerning domestic violence; and

~~[(5)]~~ *(4)* Carrying out the duties and functions of his or her office.

3. All claims against the Account for Programs Related to Domestic Violence must be paid as other claims against the State are paid.

Sec. 5. NRS 228.470 is hereby amended to read as follows:

228.470 1. The Attorney General shall appoint a Committee on Domestic Violence comprised of ~~[:]~~ *the Attorney General or a designee of the Attorney General and:*

(a) One staff member of a program for victims of domestic violence;

(b) One staff member of a program for the treatment of persons who commit domestic violence;

(c) One representative from an office of the district attorney with experience in prosecuting criminal offenses;

(d) One representative from an office of the city attorney with experience in prosecuting criminal offenses;

(e) One law enforcement officer;

(f) One provider of mental health care;

(g) Two victims of domestic violence; ~~[and]~~

(h) One justice of the peace or municipal judge ~~[.]~~ *; and*

(i) Any other person appointed by the Attorney General.

➥ *Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years.* At least two members of the

Committee must be residents of a county whose population is less than 100,000.

2. The Committee shall:

(a) ~~[Adopt regulations for the evaluation, certification and monitoring of programs for the treatment of persons who commit domestic violence;]~~ *Increase awareness of the existence and unacceptability of domestic violence in this State;*

(b) Review ~~[, monitor and certify]~~ programs for the treatment of persons who commit domestic violence ~~[;]~~ *and make recommendations to the ~~[Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors]~~ Division of Public and Behavioral Health of the Department of Health and Human Services for the certification of such programs pursuant to section ~~[25]~~ 22.5 of this act;*

(c) Review and evaluate existing programs provided to peace officers for training related to domestic violence and make recommendations to the Peace Officers' Standards and Training Commission regarding such training;

(d) To the extent that money is available, ~~[arrange]~~ *provide financial support to programs* for the ~~[provision]~~ *prevention* of ~~[legal services, including, without limitation, assisting a person]~~ *domestic violence* in ~~[an action for divorce; and]~~ *this State;*

(e) *Study and review all appropriate issues related to the administration of the criminal justice system in rural Nevada with respect to offenses involving domestic violence, including, without limitation, the availability of counseling services; and*

(f) Submit on or before March 1 of each odd-numbered year a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. *In preparing the report, the Committee shall solicit comments and recommendations from district judges, municipal judges and justices of the peace in rural Nevada.* The report must include, without limitation ~~[, a]~~ *:*

(1) A summary of the work of the Committee and recommendations for any necessary legislation concerning domestic violence ~~[.]~~ *; and*

(2) All comments and recommendations received by the Committee.

3. ~~[The regulations governing certification of programs for the treatment of persons who commit domestic violence adopted pursuant to paragraph (a) of subsection 2 must include, without limitation, provisions allowing a program that is located in another state to become certified in this State to provide treatment to persons who:~~

~~(a) Reside in this State; and~~

~~(b) Are ordered by a court in this State to participate in a program for the treatment of persons who commit domestic violence.~~

~~4.]~~ The *Attorney General or the designee of the Attorney General is the Chair of the* Committee . ~~[shall, at its first meeting and annually thereafter, elect a Chair from among its members.~~

~~5.~~ *4. The Committee shall annually elect a Vice Chair, Secretary and Treasurer from among its members.*

5. The Committee shall meet regularly at least ~~[semiannually]~~ *three times in each calendar year* and may meet at other times upon the call of the Chair. Any ~~[five]~~ *six* 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. *At least one meeting in each calendar year must be held at a location within the Fourth Judicial District, Fifth Judicial District, Sixth Judicial District, Seventh Judicial District or Eleventh Judicial District.*

7. The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.

~~[7.]~~ *8.* While engaged in the business of the Committee, each member and employee of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 6. NRS 228.490 is hereby amended to read as follows:

228.490 ~~[1. For the purpose of preventing and eliminating domestic violence in this State, the Council shall:~~

~~(a) Increase awareness of the existence and unacceptability of domestic violence in this State;~~

~~(b) Make recommendations for any necessary legislation relating to domestic violence to the Office of the Attorney General; and~~

~~(c) Provide financial support to programs for the prevention of domestic violence in this State.~~

~~2. The Council shall:~~

~~(a) Study and review all appropriate issues related to the administration of the criminal justice system in rural Nevada with respect to offenses involving domestic violence, including, without limitation, the availability of counseling services; and~~

~~(b) With the assistance of the Court Administrator, based upon the study and review conducted pursuant to paragraph (a), prepare and submit a report of its findings and recommendations to the Director of the Legislative Counsel Bureau, on or before February 1 of each odd-numbered year, for transmittal to the next regular session of the Legislature. In preparing the report, the Council shall solicit comments and recommendations from district judges, municipal judges and justices of the peace in rural Nevada and include in its report, as a separate section, all comments and recommendations that are received by the Council.~~

~~3.~~] The ~~[Council]~~ *Committee* may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to ~~[this section.]~~ *NRS 228.470.* Any money that the ~~[Council]~~ *Committee* receives pursuant to this ~~[subsection]~~ *section* must be deposited in and accounted for separately in the Account for Programs Related to Domestic Violence created pursuant to NRS 228.460 for use by the ~~[Council]~~ *Committee* in carrying out its duties.

Sec. 7. NRS 228.495 is hereby amended to read as follows:

228.495 1. The ~~[Attorney General]~~ *Committee* may ~~[organize or sponsor one or more multidisciplinary teams to]~~ review the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018 if a court or an agency of a local government does not organize or sponsor a multidisciplinary team pursuant to NRS 217.475 or if the court or agency requests the assistance of the ~~[Attorney General.]~~ *Committee*. In addition to the review of a particular case, ~~[a multidisciplinary team organized or sponsored by]~~ the ~~[Attorney General pursuant to this section]~~ *Committee* shall:

(a) Examine the trends and patterns of deaths of victims of crimes that constitute domestic violence in this State;

(b) Determine the number and type of incidents the ~~[team]~~ *Committee* wishes to review;

(c) Make policy and other recommendations for the prevention of deaths from crimes that constitute domestic violence;

(d) Engage in activities to educate the public, providers of services to victims of domestic violence and policymakers concerning deaths from crimes that constitute domestic violence and strategies for intervention and prevention of such crimes; and

(e) Recommend policies, practices and services to encourage collaboration and reduce the number of deaths from crimes that constitute domestic violence.

2. ~~[A multidisciplinary team organized or sponsored pursuant to this section may include, without limitation, the following members:~~

~~(a) A representative of the Attorney General;~~

~~(b) A representative of any law enforcement agency that is involved with a case under review;~~

~~(c) A representative of the district attorney's office in the county where a case is under review;~~

~~(d) A representative of the coroner's office in the county where a case is under review;~~

~~(e) A representative of any agency which provides social services that is involved in a case under review;~~

~~(f) A person appointed pursuant to subsection 3; and~~

~~(g) Any other person that the Attorney General determines is appropriate.~~

~~3. An organization that is concerned with domestic violence may apply to the Attorney General or his or her designee for authorization to appoint a member to a multidisciplinary team organized or sponsored pursuant to this section. Such an application must be made in the form and manner prescribed by the Attorney General and is subject to the approval of the Attorney General or his or her designee.~~

~~4. Each organization represented on a multidisciplinary team organized or sponsored pursuant to this section may share with other members of the team information in its possession concerning a victim who is the subject of a review or any person who was in contact with the victim and any other information~~

~~deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.~~

~~5. The organizing or sponsoring of a multidisciplinary team~~] *The review of the death of a victim* pursuant to this section does not grant the Attorney General *or the Committee* supervisory authority over, or restrict or impair the statutory authority of, any state or local governmental agency responsible for the investigation or prosecution of the death of a victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

~~6.~~] *3.* Before ~~[organizing or sponsoring a multidisciplinary team]~~ *reviewing the death of a victim* pursuant to this section, the ~~[Attorney General]~~ *Committee* shall adopt a written protocol describing the objectives and structure of the ~~[team.]~~ *review*.

~~[7. A multidisciplinary team organized or sponsored pursuant to this section]~~

4. *The Committee* may request any person, agency or organization that is in possession of information or records concerning a victim who is the subject of a review or any person who was in contact with the victim to provide the ~~[team]~~ *Committee* with any information or records that are relevant to the review. Any information or records provided to ~~[a team]~~ *the Committee* pursuant to this subsection are confidential.

~~[8. A multidisciplinary team organized or sponsored pursuant to this section]~~

5. *The Committee* may, if appropriate, meet with any person, agency or organization that the ~~[team]~~ *Committee* believes may have information relevant to a review conducted by the ~~[team,]~~ *Committee,* including, without limitation, a multidisciplinary team:

(a) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475;

(b) To review any allegations of abuse, neglect, exploitation, isolation or abandonment of an older person or the death of an older person that is alleged to be from abuse, neglect, isolation or abandonment organized pursuant to NRS 228.270;

(c) To review the death of a child organized pursuant to NRS 432B.405; or

(d) To oversee the review of the death of a child organized pursuant to NRS 432B.4075.

~~[9.]~~ *6.* Except as otherwise provided in subsection ~~[10,]~~ *7,* each member of ~~[a multidisciplinary team organized or sponsored pursuant to this section]~~ *the Committee* is immune from civil or criminal liability for an activity related to the review of the death of a victim ~~[.]~~ *conducted pursuant to this section.*

~~[10.]~~ *7.* Each member of ~~[a multidisciplinary team organized or sponsored pursuant to this section]~~ *the Committee* who discloses any confidential information concerning the death of a child is personally liable for a civil penalty of not more than $500.

~~[11.]~~ *8.* The Attorney General:

(a) May bring an action to recover a civil penalty imposed pursuant to subsection ~~[10]~~ *7* against a member of ~~[a multidisciplinary team organized or sponsored pursuant to this section;]~~ *the Committee;* and

(b) Shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.

~~[12.]~~ *9.* The results of a review of the death of a victim conducted pursuant to this section are not admissible in any civil action or proceeding.

~~[13. A multidisciplinary team organized or sponsored pursuant to this section]~~

10. The Committee shall submit a report of its activities *pursuant to this section* to the Attorney General. The report must include, without limitation, the findings and recommendations of the ~~[team.]~~ *Committee.* The report must not include information that identifies any person involved in a particular case under review. The Attorney General shall make the report available to the public.

11. Any meeting of the Committee held to review the death of a victim pursuant to this section, or any portion of a meeting of the Committee during which the Committee reviews such a death, is not subject to the provisions of chapter 241 of NRS.

Sec. 8. NRS 228.497 is hereby amended to read as follows:

228.497 In carrying out its duties pursuant to NRS 228.495, ~~[a multidisciplinary team to review]~~ the ~~[death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018]~~ *Committee* may have access to:

1. The information that is contained in the Central Repository for Nevada Records of Criminal History pursuant to NRS 179A.075.

2. The records of criminal history maintained by an agency of criminal justice pursuant to NRS 179A.100.

Sec. 9. NRS 4.373 is hereby amended to read as follows:

4.373 1. Except as otherwise provided in subsection 2, NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a justice of the peace may suspend, for not more than 2 years, the sentence of a person convicted of a misdemeanor. If the circumstances warrant, the justice of the peace may order as a condition of suspension that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of community service, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct deemed appropriate by the justice of the peace;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the justice of the peace may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:

(a) A program of treatment for the 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) A program for the treatment of persons who commit domestic violence that has been certified pursuant to ~~[~~NRS 228.470;~~]~~ *section ~~[25]~~ 22.5 of this act;* or

(c) The programs set forth in paragraphs (a) and (b), and that the person comply with any other condition of suspension ordered by the justice of the peace.

3. The justice of the peace may order reports from a person whose sentence is suspended at such times as the justice of the peace deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the justice of the peace, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

4. The justice of the peace may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 10. NRS 5.055 is hereby amended to read as follows:

5.055 1. Except as otherwise provided in subsection 2, NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a municipal judge may suspend, for not more than 2 years, the sentence of a person convicted of a misdemeanor. If the circumstances warrant, the municipal judge may order as a condition of suspension that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of community service, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct deemed appropriate by the municipal judge;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using any controlled substance or alcohol.

2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the municipal judge may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:

(a) A program of treatment for the 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) A program for the treatment of persons who commit domestic violence that has been certified pursuant to ~~[~~NRS 228.470;~~]~~ *section ~~[25]~~ 22.5 of this act;* or

(c) The programs set forth in paragraphs (a) and (b), and that the person comply with any other condition of suspension ordered by the municipal judge.

3. The municipal judge may order reports from a person whose sentence is suspended at such times as the municipal judge deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the municipal judge, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

4. The municipal judge may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 11. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department, within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to ~~[a multidisciplinary team to review]~~ the *Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the* death of the victim of a crime that constitutes domestic violence ~~[organized or sponsored by the Attorney General]~~ pursuant to NRS ~~[228.495.]~~ *33.018.*

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

6. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 5, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation, from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

7. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school, and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation, who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and post on the Central Repository's Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and post on the Central Repository's Internet website a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

8. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the

Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

9. As used in this section:

(a) "Biometric identifier" means a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image or iris image of a person.

(b) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(c) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

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

Sec. 12. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

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

4. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the

information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.

6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.

7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The Nevada Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage Therapists and its Executive Director.

(x) The Board of Examiners for Social Workers.

(y) ~~[A multidisciplinary team to review]~~ *The Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing* the death of the victim of a crime that constitutes

domestic violence ~~[organized or sponsored by the Attorney General]~~ pursuant to NRS ~~[228.495.]~~ *33.018.*

8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 13. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than $15,000.

3. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to ~~[NRS 228.470.]~~ *section ~~[25]~~ 22.5 of this act.*

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to ~~[~~NRS 228.470.~~]~~ *section ~~[25]~~ 22.5 of this act.*

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to ~~[~~NRS 228.470.~~]~~ *section ~~[25]~~ 22.5 of this act.*

4. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

6. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

7. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

8. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

9. As used in this section:

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

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 14. NRS 217.462 is hereby amended to read as follows:

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

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

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

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

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

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

(1) Register to vote; or

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

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

(1) Service of process; and

(2) Receipt of mail;

(f) The signature of the applicant;

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

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

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

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

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

Sec. 15. NRS 217.464 is hereby amended to read as follows:

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

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

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

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

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

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

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

Sec. 16. NRS 217.466 is hereby amended to read as follows:

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

Sec. 17. NRS 217.468 is hereby amended to read as follows:

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

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

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

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

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

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

Sec. 18. NRS 217.471 is hereby amended to read as follows:

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

Sec. 19. NRS 217.475 is hereby amended to read as follows:

217.475 1. A court or an agency of a local government may organize or sponsor one or more multidisciplinary teams to review the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

2. If a multidisciplinary team is organized or sponsored pursuant to subsection 1, the court or agency shall review the death of a victim upon receiving a written request from a person related to the victim within the third degree of consanguinity, if the request is received by the court or agency within 1 year after the date of death of the victim.

3. Members of a team that is organized or sponsored pursuant to subsection 1 serve at the pleasure of the court or agency that organizes or sponsors the team and must include, without limitation, representatives of organizations concerned with law enforcement, issues related to physical or mental health, or the prevention of domestic violence and assistance to victims of domestic violence.

4. Each organization represented on such a team may share with other members of the team information in its possession concerning the victim who is the subject of the review or any person who was in contact with the victim and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

5. A team organized or sponsored pursuant to this section may, upon request, provide a report concerning its review to a person related to the victim within the third degree of consanguinity.

6. Before establishing a team to review the death of a victim pursuant to this section, a court or an agency shall adopt a written protocol describing its objectives and the structure of the team.

7. A team organized or sponsored pursuant to this section may request any person, agency or organization that is in possession of information or records concerning the victim who is the subject of the review or any person who was in contact with the victim to provide the team with any information or records that are relevant to the team's review. Any information or records provided to a team pursuant to this subsection are confidential.

8. A team organized or sponsored pursuant to this section may, if appropriate, meet with any person, agency or organization that the team believes may have information relevant to the review conducted by the team, including, without limitation *:* ~~[, a multidisciplinary team:]~~

(a) ~~[To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 228.495;~~

~~(b) To]~~ *A multidisciplinary team to* review the death of a child organized pursuant to NRS 432B.405; ~~[or~~

~~(c) To]~~

(b) A multidisciplinary team to oversee the review of the death of a child organized pursuant to NRS 432B.4075 ~~[.]~~ *; or*

(c) The Committee on Domestic Violence appointed pursuant to NRS 228.470.

9. Except as otherwise provided in subsection 10, each member of a team organized or sponsored pursuant to this section is immune from civil or criminal liability for an activity related to the review of the death of a victim.

10. Each member of a team organized or sponsored pursuant to this section who discloses any confidential information concerning the death of a child is personally liable for a civil penalty of not more than $500.

11. The Attorney General:

(a) May bring an action to recover a civil penalty imposed pursuant to subsection 10 against a member of a team organized or sponsored pursuant to this section; and

(b) Shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.

12. The results of the review of the death of a victim pursuant to this section are not admissible in any civil action or proceeding.

Sec. 20. 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, *228.495*, 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, 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. 21. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court as defined in NRS 159.015 to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;

(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

(q) The child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(r) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;

(s) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if

the agency has before it an application for that license or is investigating an applicant to adopt a child;

(t) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(u) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(w) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(y) An employer in accordance with subsection 3 of NRS 432.100;

(z) A team organized or sponsored pursuant to NRS 217.475 ~~[or 228.495]~~ to review the death of the victim of a crime that constitutes domestic violence; ~~[or]~~

(aa) *The Committee on Domestic Violence appointed pursuant to NRS 228.470; or*

(bb) The Committee to Review Suicide Fatalities created by NRS 439.5104.

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services

pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of an unsubstantiated report of child abuse or neglect made pursuant to this chapter and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.

10. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the

information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or

(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

13. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 22. NRS 432B.407 is hereby amended to read as follows:

432B.407 1. A multidisciplinary team to review the death of a child is entitled to access to:

(a) All investigative information of law enforcement agencies regarding the death;

(b) Any autopsy and coroner's investigative records relating to the death;

(c) Any medical or mental health records of the child; and

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the child or the child's family.

2. Each organization represented on a multidisciplinary team to review the death of a child shall share with other members of the team information in its possession concerning the child who is the subject of the review, any siblings of the child, any person who was responsible for the welfare of the child and any other information deemed by the organization to be pertinent to the review.

3. A multidisciplinary team to review the death of a child may, if appropriate, meet and share information with ~~[~~a~~]~~ *:*

(a) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475 *;* or ~~[~~228.495.~~]~~

(b) The Committee on Domestic Violence appointed pursuant to NRS 228.470.

4. A multidisciplinary team to review the death of a child may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to the cause of any death being investigated by the team. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the team pursuant to

the subpoena shall be deemed confidential and privileged and not subject to disclosure.

5. A multidisciplinary team to review the death of a child may use data collected concerning the death of a child for the purpose of research or to prevent future deaths of children if the data is aggregated and does not allow for the identification of any person.

6. Except as otherwise provided in this section, information acquired by, and the records of, a multidisciplinary team to review the death of a child are confidential, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

Sec. 22.5. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall evaluate, certify and monitor programs for the treatment of persons who commit domestic violence in accordance with the regulations adopted pursuant to subsection 2.

2. The Division shall adopt regulations governing the evaluation, certification and monitoring of programs for the treatment of persons who commit domestic violence.

3. The regulations adopted pursuant to subsection 2 must include, without limitation, provisions allowing a program that is located in another state to become certified in this State to provide treatment to persons who:

(a) Reside in this State; and

(b) Are ordered by a court in this State to participate in a program for the treatment of persons who commit domestic violence.

Sec. 23. NRS 439.5106 is hereby amended to read as follows:

439.5106 1. The Committee:

(a) Except as otherwise provided in this paragraph, shall adopt a written protocol setting forth the suicide fatalities in this State which must be reported to the Committee and screened for review by the Committee and the suicide fatalities in this State which the Committee may reject for review. The Committee shall not review any case in which litigation is pending.

(b) May review any accidental death which the Committee determines may assist in suicide prevention efforts in this State.

(c) May establish differing levels of review, including, without limitation, a comprehensive or limited review depending upon the nature of the incident or the purpose of the review.

2. The Committee shall obtain and use any data or other information to:

(a) Review suicide fatalities in this State to determine trends, risk factors and strategies for prevention;

(b) Determine and prepare reports concerning trends and patterns of suicide fatalities in this State;

(c) Identify and evaluate the prevalence of risk factors for preventable suicide fatalities in this State;

(d) Evaluate and prepare reports concerning high-risk factors, current practices, lapses in systematic responses and barriers to the safety and well-being of persons who are at risk of suicide in this State; and

(e) Recommend any improvement in sources of information relating to investigating reported suicide fatalities and preventing suicide in this State.

3. In conducting a review of a suicide fatality in this State, the Committee shall, to the greatest extent practicable, consult and cooperate with:

(a) The Coordinator of the Statewide Program for Suicide Prevention employed pursuant to NRS 439.511;

(b) Each trainer for suicide prevention employed pursuant to NRS 439.513; ~~[and]~~

(c) *The Committee on Domestic Violence appointed pursuant to NRS 228.470; and*

(d) A multidisciplinary team:

(1) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475 *;* ~~[or 228.495;]~~

(2) To review the death of a child organized pursuant to NRS 432B.405; and

(3) To oversee the review of the death of a child organized pursuant to NRS 432B.4075.

4. Any review conducted by the Committee pursuant to NRS 439.5102 to 439.5108, inclusive, is separate from, independent of and in addition to any investigation or review which is required or authorized by law to be conducted, including, without limitation, any investigation conducted by a coroner or coroner's deputy pursuant to NRS 259.050.

5. To conduct a review pursuant to NRS 439.5102 to 439.5108, inclusive, the Committee may access information, including, without limitation:

(a) Any investigative information obtained by a law enforcement agency relating to a death;

(b) Any records from an autopsy or an investigation conducted by a coroner or coroner's deputy relating to a death;

(c) Any medical or mental health records of a decedent;

(d) Any records relating to social or rehabilitative services provided to a decedent; and

(e) Any records of a social services agency which has provided services to a decedent.

Sec. 24. NRS 440.170 is hereby amended to read as follows:

440.170 1. All certificates in the custody of the State Registrar are open to inspection subject to the provisions of this chapter. It is unlawful for any employee of the State to disclose data contained in vital statistics, except as authorized by this chapter or by the Board.

2. Information in vital statistics indicating that a birth occurred out of wedlock must not be disclosed except upon order of a court of competent jurisdiction.

3. The Board:

(a) Shall allow the use of data contained in vital statistics to carry out the provisions of NRS 442.300 to 442.330, inclusive;

(b) Shall allow the use of certificates of death by a multidisciplinary team:

(1) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475 *;* ~~[or 228.495;]~~ and

(2) To review the death of a child established pursuant to NRS 432B.405 and 432B.406;

(c) Shall allow the use of certificates of death by the *:*

(1) Committee on Domestic Violence appointed pursuant to NRS 228.470; and

(2) Committee to Review Suicide Fatalities created by NRS 439.5104; and

(d) May allow the use of data contained in vital statistics for other research purposes, but without identifying the persons to whom the records relate.

Sec. 25. ~~[Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Board shall evaluate, certify and monitor programs for the treatment of persons who commit domestic violence in accordance with the regulations adopted pursuant to subsection 2.*~~

~~*2. The Board shall adopt regulations governing the evaluation, certification and monitoring of programs for the treatment of persons who commit domestic violence.*~~

~~*3. The regulations adopted pursuant to subsection 2 must include, without limitation, provisions allowing a program that is located in another state to become certified in this State to provide treatment to persons who:*~~

~~*(a) Reside in this State; and*~~

~~*(b) Are ordered by a court in this State to participate in a program for the treatment of persons who commit domestic violence.]~~ (Deleted by amendment.)

Sec. 26. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of regulations is transferred. On and after July 1, 2017, any such regulations must be interpreted in a manner so that all references to an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act are read and interpreted as being references to the officer, agency or other entity to which the responsibility set forth in the regulations is transferred, regardless of whether those references have been conformed pursuant to section 27 of this act at the time of interpretation.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or

other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement have been transferred.

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

Sec. 27. The Legislative Counsel shall in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name has been changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 28. 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. 29. NRS 228.480 and 228.485 are hereby repealed.

Sec. 30. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTIONS

228.480 Creation; appointment of members; terms; vacancies; allowances and expenses.

1. The Nevada Council for the Prevention of Domestic Violence is hereby created within the Office of the Attorney General.

2. The Council must consist of not more than 30 members appointed by the Attorney General from the various geographical regions of the State.

3. The term of office of a member of the Council is 3 years.

4. A vacancy on the Council must be filled in the same manner as the original appointment for the remainder of the unexpired term.

5. Each member of the Council:

(a) Serves without compensation; and

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

228.485 Officers; meetings; rules.

1. The Attorney General or a designee of the Attorney General is the Chair of the Council.

2. The Council shall annually elect a Vice Chair, Secretary and Treasurer from among its members.

3. The Council shall meet at least three times in each calendar year and may meet at other times upon the call of the Chair. At least one meeting in each calendar year must be held at a location within the Fourth Judicial

District, Fifth Judicial District, Sixth Judicial District, Seventh Judicial District or Eleventh Judicial District.

4. The Council shall adopt rules for its own management and government.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 199 to Senate Bill No. 25 allows the Attorney General to appoint additional members to the Committee on Domestic Violence and establishes two-year terms for each member; transfers the fictitious address program from the Attorney General to the Division of Child and Family Services, Department of Health and Human Services, instead of to the Secretary of State; and transfers the requirement to adopt regulations and to certify programs relating to treatment of persons who commit domestic violence to the Division of Public and Behavioral Health, DHHS, instead of to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 46.

Bill read second time.

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

Amendment No. 145.

SUMMARY—Revises provisions governing background checks of operators, employees and certain adult residents of a child care facility. (BDR 38-131)

AN ACT relating to public welfare; revising provisions governing background checks of operators, employees and certain adult residents of a child care facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to identify, as part of a background check, whether an applicant for a license to operate a child care facility, an employee of the facility or certain adult residents of the facility have been convicted of certain offenses. (NRS 432A.170) A person who has been convicted of any of the listed offenses must not be issued a license to operate a child care facility or, in the case of employees or residents ~~[,]~~ of the facility, must be terminated or removed ~~[,]~~ from the facility. (NRS 432A.160, 432A.1755)

The federal Child Care and Development Block Grant Act of 2014 prohibits child care facilities from employing persons convicted of certain additional offenses. (42 U.S.C. § 9858f(c)) This bill adds those offenses to align Nevada law with federal standards.

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

Section 1. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. The Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) ~~[Abuse or]~~ *Any crime against a child, including, without limitation, abuse,* neglect *or endangerment* of a child , ~~[or]~~ contributory delinquency ~~[;]~~ *or pornography involving a minor;*

(f) *Arson;*

(g) Assault;

(h) Battery, including, without limitation, battery which constitutes domestic violence;

(i) Kidnapping;

(j) Any ~~[drug-related]~~ offense ~~[during]~~ relating to the possession or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS within the immediately preceding 5 years;

(k) ~~[A violation of any federal or state law regulating]~~ *Any offense relating to* the ~~[possession,]~~ distribution or ~~[use]~~ *manufacture* of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

~~[(g)]~~ *(l)* Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

~~[(h)]~~ *(m)* Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. The Division shall request information concerning every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant or licensee, resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program, and then at least once every 5 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.

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

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 145 revises the provisions of Senate Bill No. 46 to require background checks for an applicant for a license to operate a child-care facility and for employees or certain adult residents of such facilities to include any offense relating to the possession or use of a controlled substance or a dangerous drug within the immediately preceding five years and a lifetime background check on any offense relating to the distribution or manufacture of such drugs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 54.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 93.

SUMMARY— ~~[Authorizes certain smaller counties to approve additional uses.]~~ Revises provisions governing the use of the proceeds of a tax for infrastructure ~~[.]~~ by certain smaller counties. (BDR 32-341)

AN ACT relating to taxation; authorizing additional uses of the proceeds of a tax for infrastructure by certain smaller counties; requiring periodic reviews of the plan for the use of the proceeds of such a tax by certain smaller counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes each county to impose a sales and use tax for certain infrastructure projects. (NRS 377B.100, 377B.160) Existing law authorizes certain smaller counties (currently any county other than Clark and Washoe Counties) to use the proceeds of the tax for certain purposes related to the construction or renovation of schools, the construction or renovation of cultural or historical facilities, or the construction, improvement or equipping of public safety, cultural and recreational, or judicial facilities. (NRS 377B.160) ~~[This]~~ Section 2 of this bill authorizes these smaller counties to use the proceeds of the tax for certain purposes related to the construction, improvement or equipping of additional types of governmental facilities. In addition, ~~[this bill]~~ section 2 authorizes these smaller counties to use the proceeds of the tax to pay the costs of operating and maintaining certain governmental facilities. Under existing law, any change to use the proceeds of the tax for the additional purposes authorized by this bill must be approved by a two-thirds majority of the board of county commissioners of the county. (NRS 377B.100)

Section 1 of this bill requires certain smaller counties (currently counties other than Clark and Washoe Counties) that use the proceeds of the tax for certain purposes to review the plan for the use of those proceeds at least once every 4 years.

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

Section 1. NRS 377B.100 is hereby amended to read as follows:

377B.100 1. The board of county commissioners of any county may by ordinance, but not as in a case of emergency, impose a tax for infrastructure pursuant to this section and NRS 377B.110.

2. An ordinance enacted pursuant to this chapter may not become effective before a question concerning the imposition of the tax is approved by a two-thirds majority of the members of the board of county commissioners. Any proposal to increase the rate of the tax or change the previously approved uses for the proceeds of the tax must be approved by a two-thirds majority of the members of the board of county commissioners. The board of county commissioners shall not change a previously approved use for the proceeds of the tax to a use that is not authorized for that county pursuant to NRS 377B.160.

3. An ordinance enacted pursuant to this section must:

(a) Specify the date on which the tax must first be imposed or on which an increase in the rate of the tax becomes effective, which must occur on the first day of the first month of the next calendar quarter that is at least 120 days after the date on which a two-thirds majority of the board of county commissioners approved the question.

(b) In a county whose population is 700,000 or more, provide for the cessation of the tax not later than:

(1) The last day of the month in which the Department determines that the total sum collected since the tax was first imposed, exclusive of any penalties and interest, exceeds $2.3 billion; or

(2) June 30, 2025,

➥ whichever occurs earlier.

4. Notwithstanding the provisions of an ordinance described in subsection 3, in a county whose population is 700,000 or more, the tax may continue to be imposed after the date set forth in the ordinance for the cessation of the tax if the board of county commissioners determines by an affirmative vote of at least two-thirds of its members that the cessation of the tax is not advisable.

5. The board of county commissioners in a county whose population is 700,000 or more and in which a water authority exists shall review the necessity for the continued imposition of the tax authorized pursuant to this chapter at least once every 10 years.

6. Before enacting an ordinance pursuant to this chapter, the board of county commissioners shall hold a public hearing regarding the imposition of a tax for infrastructure. In a county whose population is 700,000 or more and in which a water authority exists, the water authority shall also hold a public hearing regarding the tax for infrastructure. Notice of the time and place of each hearing must be:

(a) Published in a newspaper of general circulation in the county at least once a week for the 2 consecutive weeks immediately preceding the date of the hearing. Such notice must be a display advertisement of not less than 3 inches by 5 inches.

(b) Posted at the building in which the meeting is to be held and at not less than three other separate, prominent places within the county at least 2 weeks before the date of the hearing.

7. Before enacting an ordinance pursuant to this chapter, the board of county commissioners of a county whose population is less than 700,000 or a county whose population is 700,000 or more and in which no water authority exists, shall develop a plan for the expenditure of the proceeds of a tax imposed pursuant to this chapter for the purposes set forth in NRS 377B.160. The plan may include a regional project for which two or more such counties have entered into an interlocal agreement to expend jointly all or a portion of the proceeds of a tax imposed in each county pursuant to this chapter. Such a plan must include, without limitation, the date on which the plan expires, a description of each proposed project, the method of financing each project and the costs related to each project. Before adopting a plan pursuant to this subsection, the board of county commissioners of a county in which a regional planning commission has been established pursuant to NRS 278.0262 shall transmit to the regional planning commission a list of the proposed projects for which a tax for infrastructure may be imposed. The regional planning commission shall hold a public hearing at which it shall rank each project in relative priority. The regional planning commission shall transmit its rankings

to the board of county commissioners. The recommendations of the regional planning commission regarding the priority of the proposed projects are not binding on the board of county commissioners. The board of county commissioners shall hold at least one public hearing on the plan. Notice of the time and place of the hearing must be provided in the manner set forth in subsection 6. The plan must be approved by the board of county commissioners at a public hearing. Subject to the provisions of subsection ~~[8,]~~ 9, on or before the date on which a plan expires, the board of county commissioners shall determine whether a necessity exists for the continued imposition of the tax. If the board determines that such a necessity does not exist, the board shall repeal the ordinance that enacted the tax. If the board of county commissioners determines that the tax must be continued for a purpose set forth in NRS 377B.160, the board shall adopt, in the manner prescribed in this subsection, a new plan for the expenditure of the proceeds of the tax for such a purpose.

8. *If the plan approved pursuant to subsection 7 by the board of county commissioners of a county whose population is 100,000 or less includes the expenditure of the proceeds of a tax imposed pursuant to this chapter for a purpose set forth in paragraph (f) or (g) of subsection 3 of NRS 377B.160, the board must review the plan at least once every 4 years.*

9. No ordinance imposing a tax which is enacted pursuant to this chapter may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair any outstanding bonds or other obligations which are payable from or secured by a pledge of a tax enacted pursuant to this chapter until those bonds or other obligations have been discharged in full.

~~[Section 1.]~~ *Sec. 2.* NRS 377B.160 is hereby amended to read as follows:

377B.160 The money in the infrastructure fund, including interest and any other income from the fund:

1. In a county whose population is 700,000 or more, must only be expended by the water authority, distributed by the water authority to its members, distributed by the water authority pursuant to NRS 377B.170 to a city or town located in the county whose territory is not within the boundaries of the area served by the water authority or to a public entity in the county which provides water or wastewater services and which is not a member of the water authority or, if no water authority exists in the county, expended by the board of county commissioners for:

(a) The acquisition, establishment, construction, improvement or equipping of water and wastewater facilities;

(b) The payment of principal and interest on notes, bonds or other securities issued to provide money for the cost of projects described in paragraph (a); or

(c) Any combination of those purposes.

➥ The board of county commissioners may only expend money from the infrastructure fund pursuant to this subsection in the manner set forth in the plan adopted pursuant to subsection 7 of NRS 377B.100.

2. In a county whose population is 100,000 or more but less than 700,000, must only be expended by the board of county commissioners in the manner set forth in the plan adopted pursuant to subsection 7 of NRS 377B.100 for:

(a) The acquisition, establishment, construction or expansion of:

(1) Projects for the management of floodplains or the prevention of floods; or

(2) Facilities relating to public safety;

(b) The payment of principal and interest on notes, bonds or other securities issued to provide money for the cost of projects described in paragraph (a);

(c) The ongoing expenses of operation and maintenance of projects described in subparagraph (1) of paragraph (a), if such projects were included in a plan adopted by the board of county commissioners pursuant to subsection 7 of NRS 377B.100 before January 1, 2003;

(d) Any program to provide financial assistance to owners of public and private property in areas likely to be flooded in order to make such property resistant to flood damage that is established pursuant to NRS 244.3653; or

(e) Any combination of those purposes.

3. In a county whose population is less than 100,000, must only be expended by the board of county commissioners in the manner set forth in the plan adopted pursuant to subsection 7 of NRS 377B.100 for:

(a) The acquisition, establishment, construction, improvement or equipping of:

(1) Water facilities; or

(2) Wastewater facilities;

(b) The acquisition, establishment, construction, operation, maintenance or expansion of:

(1) Projects for the management of floodplains or the prevention of floods; or

(2) Facilities for the disposal of solid waste;

(c) The construction or renovation of facilities for schools;

(d) The construction or renovation of facilities having cultural or historical value;

(e) Projects described in subsection 2 of NRS 373.028;

(f) The acquisition, establishment, construction, expansion, improvement or equipping of facilities relating to public safety or to cultural and recreational , ~~[or]~~ judicial ~~[functions;~~ ~~,]~~ *or health and welfare functions; ~~[or any other governmental function other than a facility described in paragraphs (a) to (e), inclusive;]~~*

(g) *The ongoing expenses of operation and maintenance for services and supplies of facilities described in paragraph (f)* ~~[;]~~ *, excluding salaries and benefits;*

(h) The payment of principal and interest on notes, bonds or other securities issued to provide money for the cost of projects, facilities and activities described in paragraphs (a) to ~~[(f),]~~ *(g),* inclusive; or

~~[(h)]~~ *(i)* Any combination of those purposes.

~~[Sec. 2.]~~ *Sec. 3.* This act becomes effective on July 1, 2017.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 93 to Senate Bill No. 54 first, clarifies that the additional uses for which the sales tax for infrastructure proceeds may be used includes only facilities relating to health and welfare functions and does not include any other governmental functions which are not currently authorized in statute.

Second, the amendment clarifies that the authorization provided to use these proceeds for the ongoing expenses of operations and maintenance of certain facilities, applies only to the ongoing expenses for services and supplies and specifically does not include ongoing expenses for salaries and benefits related to those facilities.

Third, the amendment specifies that if a county uses these proceeds for the additional purposes authorized by the bill, the county must conduct a review of its existing plan for the expenditure of these proceeds every four years.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 57.

Bill read second time.

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

Amendment No. 149.

SUMMARY—Revises provisions relating to the Nevada Commission for the Reconstruction of the V & T Railway. (BDR S-414)

AN ACT relating to the Nevada Commission for the Reconstruction of the V & T Railway; removing certain boards of county commissions from the governing bodies of the Commission; revising the membership of the Commission; eliminating authority for the Commission to enter into agreements with the district attorney or treasurer of certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Commission for the Reconstruction of the V & T Railway, provides that the governing bodies of the Commission are the Board of Supervisors of Carson City and the Boards of County Commissioners of Douglas, Lyon, Storey and Washoe Counties and authorizes each of those counties to appoint a representative to the Commission. (Sections 1-3 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993) Section 1 of this bill removes the Board of County Commissioners of Douglas, Lyon and Washoe Counties from the governing bodies of the Commission. Section 2 of this bill makes conforming changes.

Section 3 of this bill revises the composition of the Commission to: (1) remove the commissioners appointed by Douglas, Lyon and Washoe Counties, the Virginia and Truckee Historical Railroad Society, the Speaker of the Assembly and the Senate Majority Leader; ~~[and]~~ (2) authorize the Carson City Convention and Visitors Bureau and the Virginia City Tourism Commission to each appoint a member to the Commission ~~[.]~~ from among its members or a designee of the Bureau or Commission, as applicable; and (3) provide that

the member appointed to the Commission by the Board of Supervisors of Carson City or the Board of County Commissioners of Storey County may be appointed from among its members or a designee of the respective Board. Section 4 of this bill makes conforming changes.

Section 7 of this bill provides that the terms of the Commissioners who have been removed expire on October 1, 2017.

Under existing law, each governing body of the Commission is required to provide funding for the Commission's budget that is based on the benefit of the Commission or reconstruction of the V & T Railway to the jurisdiction of the governing body. Existing law also authorizes each governing body to issue bonds and impose certain taxes in order to fund its portion of the Commission's budget. (Section 9 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993) Because section 1 of this bill removes the Board of County Commissioners of Douglas, Lyon and Washoe Counties from the governing bodies of the Commission, those counties will no longer have to fund any portion of the Commission's budget. However, if any of those counties have issued bonds to fund its share of the Commission's budget before October 1, 2017, section 8 of this bill provides that the provisions of this bill do not apply to impair any existing bond or bond obligations.

Existing law authorizes the Commission to enter into an agreement with the District Attorney of Carson City, or Douglas, Lyon, Storey or Washoe County to provide legal services to the Commission. Existing law also authorizes the Commission to enter into an agreement with the Treasurer of any of those counties to create a fund and pay all claims that are approved by the Commission. (Section 8 of the V & T Railway Act of 1993) Section 5 of this bill eliminates the authority to enter into an agreement with the District Attorney or Treasurer of Douglas, Lyon and Washoe Counties. Section 6 makes a conforming change. Section 9 of this bill terminates on October 1, 2017, any agreement entered into by the Commission with a district attorney or the Treasurer of Douglas, Lyon or Washoe County.

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

Section 1. Section 1 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993, being chapter 566, Statutes of Nevada 1993, as amended by chapter 42, Statutes of Nevada 2001, at page 400, is hereby amended to read as follows:

Section 1. As used in this act, unless the context otherwise requires:

1. "Commission" means the Nevada Commission for the Reconstruction of the V & T Railway created pursuant to section 2 of this act.

2. "Commissioner" means a person ~~[appointed to serve]~~ *who serves* on the Commission pursuant to section 3 of this act.

3. "County" includes Carson City.

4. "Governing bodies" means the Board of Supervisors of Carson City and the ~~[Boards]~~ *Board* of County Commissioners of ~~[Douglas, Lyon,]~~ Storey ~~[and Washoe counties.]~~ *County*.

Sec. 2. Section 2 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993, being chapter 566, Statutes of Nevada 1993, as amended by chapter 42, Statutes of Nevada 2001, at page 400, is hereby amended to read as follows:

Sec. 2. 1. The Nevada Commission for the Reconstruction of the V & T Railway of Carson City and ~~[Douglas, Lyon,]~~ Storey ~~[and Washoe counties]~~ *County* is hereby created.

2. The property and revenues of the Commission, and any interest therein, are exempt from all state and local taxation.

3. The Commission is a body corporate and politic, the geographical jurisdiction of which is Carson City and ~~[Douglas, Lyon,]~~ Storey ~~[and Washoe counties.]~~ *County*.

4. The provisions of this act must be broadly construed to accomplish its purposes.

Sec. 3. Section 3 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993, being chapter 566, Statutes of Nevada 1993, as amended by chapter 42, Statutes of Nevada 2001, at page 400, is hereby amended to read as follows:

Sec. 3. 1. The Commission must be composed of ~~[nine]~~ *five* Commissioners ~~[appointed]~~ as follows:

(a) One member ~~[who is a member of]~~ *appointed by* the Board of Supervisors of Carson City ~~[appointed by the Board of Supervisors of Carson City;]~~ *from among its members or who is ~~[an employee]~~ a designee of the Board of Supervisors of Carson City;*

(b) ~~[One member appointed by the Board of County Commissioners of Douglas County from among its members;~~

~~(c) One member appointed by the Board of County Commissioners of Lyon County from among its members;~~

~~(d)]~~ One member appointed by the Board of County Commissioners of Storey County from among its members ~~[;~~

~~(e) One member appointed by the Board of County Commissioners of Washoe County from among its members;~~

~~(f) One member appointed by the Virginia and Truckee Historical Railroad Society from among its members;~~

~~(g) One member appointed by the Speaker of the Assembly;~~

~~(h) One member appointed by the Senate Majority Leader; and~~

~~(i)]~~ *or who is ~~[an employee]~~ a designee of the Board of County Commissioners of Storey County;*

*(c) One member ~~[who is the Executive Director, or the person holding an equivalent position,]~~ appointed by the Board of the Carson City Convention and Visitors Bureau ~~[who serves as an ex officio~~

~~*member of the Commission;]*~~ *from among its members or who is a designee of the Board;*

(d) One member ~~*[who is the Executive Director, or the person holding an equivalent position, of]*~~ *appointed by the Virginia City Tourism Commission* ~~*[who serves as an ex officio member]*~~ *from among its members or who is a designee of the Commission; and*

(e) One member appointed by the Governor.

2. ~~[If the Virginia and Truckee Historical Railroad Society ceases to exist but is replaced by an entity which is organized for the same purposes, that entity is entitled to appoint the member pursuant to paragraph (f) of subsection 1. If the society ceases to exist and is not replaced, the number of commissioners is reduced to eight and no member may be appointed pursuant to paragraph (f) of subsection 1.~~

~~3. The terms of the two members serving on the Commission pursuant to paragraph (a) of subsection 1 on July 1, 2001, expire on that date.]~~ As soon as practicable after ~~[July 1, 2001,]~~ *October 1, 2017,* the appointing authorities shall make any appointments required by subsection 1. All of the appointments must be for initial terms of 1, 2 or 3 years to ensure staggered terms. After the initial terms, the term of office of each *appointed* commissioner is 4 years. A member is eligible for reappointment.

~~[4.]~~ *3.* The office of a member who is required as a qualification for appointment to be a member of the body appointing the member *or an employee of a county* becomes vacant on the date he or she ceases to be a member of that appointing body ~~[~~.

~~5.]~~ *or an employee of that county.*

4. Each *appointed* commissioner serves at the pleasure of his or her appointing authority, and all vacancies must be filled for the unexpired term in the same manner as the original appointment.

Sec. 4. Section 4 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993, being chapter 566, Statutes of Nevada 1993, as last amended by chapter 98, Statutes of Nevada 2013, at page 339, is hereby amended to read as follows:

Sec. 4. 1. ~~[Each]~~ *The* commissioner appointed pursuant to paragraph (b) ~~[, (c), (d) or (e)]~~ *or (d)* of subsection 1 of section 3 of this act shall file his or her oath of office with the *county* clerk of ~~[the county from which the commissioner was appointed,]~~ *Storey County,* and all other commissioners shall file their oaths of office with the Clerk of Carson City.

2. The commissioners must serve without compensation, but a commissioner may be reimbursed for expenses actually incurred for travel authorized by the Commission.

3. The Commission shall elect a Chair, Vice Chair, Secretary and Treasurer from among its members. The Secretary and the Treasurer

may be one person. The terms of the officers expire on July 1 of each odd-numbered year.

4. The Secretary shall maintain audio recordings or transcripts of all meetings of the Commission and a record of all of the proceedings of the Commission, minutes of all meetings, certificates, contracts and other acts of the Commission. Except as otherwise provided in NRS 241.035, the records must be open to the inspection of all interested persons at a reasonable time and place. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS241.035.

5. The Treasurer shall keep an accurate account of all money received by and disbursed on behalf of the Commission. The Treasurer shall file with the Clerk of Carson City, at the expense of the Commission, a fidelity bond in an amount not less than $10,000, conditioned for the faithful performance of his or her duties.

Sec. 5. Section 8 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993, being chapter 566, Statutes of Nevada 1993, as last amended by chapter 99, Statutes of Nevada 2001, at page 586, is hereby amended to read as follows:

Sec. 8. 1. The Commission may enter into an agreement with the district attorney of Carson City or ~~[Douglas, Lyon,]~~ Storey ~~[or Washoe]~~ County, or ~~[any combination thereof,]~~ *both,* to provide legal services to the Commission. The Commission may authorize payment to the district attorney for the costs to the district attorney for providing those services.

2. The Commission shall enter into an agreement with the Treasurer of Carson City or ~~[Douglas, Lyon,]~~ Storey ~~[or Washoe]~~ County to create a fund for the Commission and pay all claims against the fund that are properly approved by the Commission. The Commission may authorize payment to the Treasurer for the costs to the Treasurer for providing those services.

3. All money received by the Commission must be deposited in the fund created pursuant to subsection 2. Except as otherwise provided in NRS 82.37945, the money in the fund must be used only for the necessary expenses of the Commission and the costs of the projects authorized by this act.

Sec. 6. NRS 482.37945 is hereby amended to read as follows:

482.37945 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Northern Nevada Railway Foundation or its successor, shall design, prepare and issue license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad using any colors that the Department deems appropriate. The design of the license plates must include a depiction of a locomotive of the Virginia & Truckee Railroad and the phrase "The Virginia & Truckee Lives." The Department shall not design, prepare or issue the

license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. The Department shall transmit the fees collected pursuant to subsection 4 to the treasurer with whom the Nevada Commission for the Reconstruction of the V & T Railway of Carson City and ~~[Douglas, Lyon,]~~ Storey ~~[and Washoe Counties]~~ *County* has entered into an agreement as required by subsection 2 of section 8 of chapter 566, Statutes of Nevada 1993, for deposit in the fund created pursuant to that section. The fees transmitted pursuant to this subsection must be used only for the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad.

6. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 7. Notwithstanding any provision of law to the contrary, the terms of the members appointed to the Nevada Commission for the Reconstruction of the V & T Railway of Carson City and Douglas, Lyon, Storey and Washoe Counties pursuant to section 3 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993, as that section existed on September 30, 2017, expire on October 1, 2017.

Sec. 8. The provisions of this act do not apply to the extent that the provisions would constitute an impairment of the rights of holders of the bonds or similar obligations issued by the State of Nevada or a political subdivision thereof. If there are any such outstanding bonds or obligations, the State of Nevada and its officers and agencies shall take whatever actions that are deemed necessary to protect the interests of the State and the rights of the holders of the bonds and similar obligations.

Sec. 9. 1. Any agreement entered into by the Nevada Commission for the Reconstruction of the V & T Railway of Carson City and Douglas, Lyon, Storey and Washoe Counties pursuant to subsection 1 of section 8 of chapter 566, Statutes of Nevada 1993, with the District Attorney of Douglas, Lyon or Washoe County to provide legal services to the Commission that is effective on September 30, 2017, is terminated on October 1, 2017.

2. Any agreement entered into by the Commission pursuant to subsection 2 of section 8 of chapter 566, Statutes of Nevada 1993, with the Treasurer of Douglas, Lyon or Washoe County to create a fund for the Commission and pay claims against the fund that is effective on September 30, 2017, is terminated on October 1, 2017.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 149 to Senate Bill No. 57 provides more flexibility to four of the entities that appoint members to the Nevada Commission for the Reconstruction of the V & T Railway by allowing the entities each to appoint a member from among its members or a designee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 179.

Bill read second time and ordered to third reading.

Senate Bill No. 191.

Bill read second time.

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

Amendment No. 196.

SUMMARY—Establishes a standard for evidence of eligibility for any benefit, program or assistance provided to a veteran with a military service-connected disability. (BDR 37-803)

AN ACT relating to veterans; establishing a standard for evidence of eligibility for any benefit, program or assistance provided to a veteran with a

service-connected disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that, for the purpose of eligibility for any benefit, program or assistance provided to a veteran with a service-connected disability: (1) a veteran shall be deemed to be a veteran with a service-connected disability to the extent determined by the ~~[United States Department of Veterans Affairs;]~~ Federal Government; and (2) a certificate from the United States Department ~~[or any other military document]~~ of Veterans Affairs or the United States Department of Defense which indicates that the veteran has incurred a service-connected disability and which indicates the percentage or compensation of that disability is sufficient evidence that the veteran has incurred a service-connected disability and is sufficient evidence of the percentage or compensation of that disability. Sections 2-8 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 417 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any provision of state law to the contrary, for the purpose of determining the eligibility for any benefit, program or assistance provided by the State or a local government to a veteran, or a business owned or operated by a veteran, with a service-connected disability:

1. The veteran shall be deemed to be a veteran with a service-connected disability to the extent determined by the ~~[United States Department of Veterans Affairs;]~~ Federal Government; and

2. A certificate from the United States Department of Veterans Affairs or ~~[any other military document]~~ the United States Department of Defense which indicates that the veteran has incurred a service-connected disability and which indicates the total percentage or compensation of that disability is sufficient evidence:

(a) That the veteran has incurred a service-connected disability; and

(b) Of the total percentage or compensation of the service-connected disability.

Sec. 2. NRS 333.3369 is hereby amended to read as follows:

333.3369 The Purchasing Division may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 333.3361 to 333.3369, inclusive. The regulations may include, without limitation, provisions setting forth:

1. The method by which a business may apply to receive a preference described in NRS 333.3366;

2. ~~[The]~~ *Subject to the provisions of section 1 of this act, the* documentation or other proof that a business must submit to demonstrate that it qualifies for a preference described in NRS 333.3366; and

3. Such other matters as the Purchasing Division deems relevant.

➥ In carrying out the provisions of this section, the Purchasing Division shall, to the extent practicable, cooperate and coordinate with the State Public Works Division of the Department of Administration so that any regulations adopted pursuant to this section and NRS 338.13847 are reasonably consistent.

Sec. 3. NRS 338.13847 is hereby amended to read as follows:

338.13847 The State Public Works Board may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 338.1384 to 338.13847, inclusive. The regulations may include, without limitation, provisions setting forth:

1. The method by which a business may apply to receive a preference described in NRS 338.13844;

2. ~~[The]~~ *Subject to the provisions of section 1 of this act, the* documentation or other proof that a business must submit to demonstrate that it qualifies for a preference described in NRS 338.13844; and

3. Such other matters as the Division deems relevant.

➥ In carrying out the provisions of this section, the State Public Works Board and the Division shall, to the extent practicable, cooperate and coordinate with the Purchasing Division of the Department of Administration so that any regulations adopted pursuant to this section and NRS 333.3369 are reasonably consistent.

Sec. 4. NRS 482.3765 is hereby amended to read as follows:

482.3765 1. A veteran of the Armed Forces of the United States who survived the attack on Pearl Harbor on December 7, 1941, is entitled to specially designed license plates inscribed with the words "PEARL HARBOR VETERAN" or "PEARL HARBOR SURVIVOR," at the option of the veteran, and a number of characters, including numbers and letters, as determined necessary by the Director.

2. A person who qualifies for special license plates pursuant to this section, has suffered a 100-percent service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of their status as a survivor and, if applicable ~~[,]~~ *and subject to the provisions of section 1 of this act,* evidence of disability required by the Department.

5. A vehicle on which license plates issued by the Department pursuant to subsection 2 are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. The fee for a set of special license plates issued pursuant to this section is $25, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for a renewal sticker for a set of special license plates issued pursuant to this section is $5.

Sec. 5. NRS 482.377 is hereby amended to read as follows:

482.377 1. A veteran of the Armed Forces of the United States who, as a result of his or her service:

(a) Has suffered a 100-percent service-connected disability and who receives compensation from the United States for the disability is entitled to specially designed license plates that must be inscribed with:

(1) The words "DISABLED VETERAN," "DISABLED FEMALE VETERAN" or "VETERAN WHO IS DISABLED," at the option of the veteran;

(2) The international symbol of access, which must comply with any applicable federal standards and must be white on a blue background; and

(3) A number of characters, including numbers and letters, as determined necessary by the Director.

(b) Has been captured and held prisoner by a military force of a foreign nation is entitled to specially designed license plates inscribed with the words "EX PRISONER OF WAR" and a number of characters, including numbers and letters, as determined necessary by the Director.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and *, subject to the provisions of section 1 of this act,* evidence of disability or former imprisonment required by the Department.

4. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 6. NRS 482.3775 is hereby amended to read as follows:

482.3775 1. A veteran of the Armed Forces of the United States who was awarded the Purple Heart is entitled to specially designed license plates which indicate that the veteran is a recipient of the Purple Heart.

2. A person who qualifies for special license plates pursuant to this section, has suffered a 100-percent service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence of his or her status as a recipient of the Purple Heart and, if applicable ~~[,]~~ *and subject to the provisions of section 1 of this act,* evidence of disability as required by the Department. The Department may designate any appropriate colors for the special plates.

5. A vehicle on which license plates issued by the Department pursuant to subsection 2 are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. Except as otherwise provided in this subsection and NRS 482.265, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for the fees required pursuant to NRS 482.268.

Sec. 7. NRS 482.3783 is hereby amended to read as follows:

482.3783 1. The Department shall design, prepare and issue license plates honoring veterans of the Armed Forces of the United States who have been awarded, as applicable, the:

(a) Silver Star; or

(b) Bronze Star Medal with "V" device, Combat V or Combat Distinguishing Device.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may only be used on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence of his or her status as a recipient of the Silver Star or the Bronze Star Medal with "V" device, Combat V or Combat Distinguishing Device, as applicable, and *, subject to the provisions of section 1 of this act,* evidence of his or her service-connected disability, if applicable, as required by the Department. The Department may designate any appropriate colors for the special plates.

4. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

5. Except as otherwise provided in this subsection and NRS 482.265, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special license plates issued

pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for the fees required pursuant to NRS 482.268.

Sec. 8. 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 satisfactory proof, *subject to the provisions of section 1 of this act,* 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. 9. 1. This section and sections 1, 2, 3, 5, 7 and 8 of this act become effective upon passage and approval.

2. Sections 4 and 6 of this act become effective on the earlier of:

(a) July 1, 2018; or

(b) The date on which the Director of the Department of Motor Vehicles, pursuant to section 7 of chapter 62, Statutes of Nevada 2015, at page 268, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the amendatory provisions of chapter 62, Statutes of Nevada 2015, at page 262.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 196 to Senate Bill No. 191 clarifies that a veteran shall be deemed to be a veteran with a service-connected disabilities to the extent determined by the federal government, not specifically, the United States Department of Veterans Affairs. It further allows for a certificate from the U.S. Department of Defense, not just the U.S. Department of Veterans Affairs, indicating that the veteran has incurred a service-connected disability and which indicates the percentage of compensation for that disability is sufficient evidence for certain benefits, programs or assistance.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 196.

Bill read second time.

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

Amendment No. 184.

SUMMARY—Requires ~~[an employer]~~ certain employers in private employment to provide paid sick leave to employees under certain circumstances. (BDR 53-682)

AN ACT relating to employment; requiring ~~[an employer]~~ certain employers in private employment to provide paid sick leave to each employee of the employer under certain circumstances; providing an exception; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires employers in private employment to pay employees certain minimum compensation and to provide certain benefits, including overtime compensation and meal and rest breaks. (NRS 608.018, 608.019, 608.250) Section 1 of this bill requires ~~[such an]~~ a private employer who has 50 or more employees in this State for each working day in each of 20 or more calendar weeks in the current or immediately preceding calendar year and who has conducted business in this State for at least 12 consecutive months to, at a minimum, provide employees paid sick leave that must be earned at a rate of not less than 1 hour per 30 hours worked and may be used by an employee beginning on the 90th calendar day of employment. Section 1 also provides that an employer may: (1) limit the use of the paid sick leave to 24 hours per year; (2) limit the accrual of paid sick leave to a maximum of 48 hours per year; ~~[and]~~ (3) require an employee who uses paid sick leave for 3 or more consecutive days to provide, upon his or her return to work, a reasonable certification of the need for the leave; and (4) set a minimum increment that an employee may use the accrued sick leave at any one time, not to exceed 2 hours. Section 1 additionally requires an employer to maintain records of the accrual and use of paid sick leave for each employee for a 3-year period and to make those records available for inspection by the Labor Commissioner. Section 1 requires the Labor Commissioner to prepare a bulletin setting forth these benefits and requires employers to post the bulletin in the workplace. Finally, section 1: (1) provides an exception for employers who provide at least an equivalent amount of sick leave or paid time off that may be used for the same purposes and under the same conditions as required by this bill ~~[.]~~ ; and (2) excludes from the requirements of this bill certain employees who perform work on an occasional or irregular basis, perform physical work at a construction site that results in the construction, alteration or destruction involved in the construction project or are employed in a bona fide executive, administrative or professional capacity.

Existing law requires an employer to establish and maintain records of wages for the benefit of his or her employees. (NRS 608.115) Section 1.5 of this bill requires this record to include the total hours of sick leave available for use by each employee.

Section 2 of this bill requires the Labor Commissioner to enforce the provisions of section 1, and section 3 of this bill makes a violation of the provisions of section 1 a misdemeanor and authorizes the Commissioner to impose, in addition to any other remedy or penalty, a penalty of up to $5,000 for each violation. (NRS 608.180, 608.195)

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, every employer ~~[in private employment]~~ who has conducted business in this State for at least

12 consecutive months shall provide paid sick leave to each employee of the employer as follows:

(a) An employee is entitled to accrue paid sick leave at a rate of not less than 1 hour for every 30 hours worked by the employee. For the purposes of this calculation, a salaried employee shall be deemed to work 40 hours per week, unless the employee's normal week of work is less than 40 hours, in which case paid sick leave must accrue based upon the hours worked in that employee's normal week of work.

(b) Accrued paid sick leave must carry over for each employee between his or her years of employment, except an employer may limit the accrual of paid sick leave for each employee to a maximum of 48 hours per year.

(c) Paid sick leave must be compensated at the rate of pay at which the employee is compensated at the time such leave is taken, and paid on the same payday as the hours taken are normally paid. For the purposes of this calculation, the compensation rate for an employee who is paid by salary, commission, piece rate or a method other than an hourly wage must be calculated by dividing the employee's total wages paid for the immediately preceding 90 days by the number of hours worked during that period.

(d) An employer may limit the amount of paid sick leave an employee uses to 24 hours per year.

(e) An employer may require an employee who uses paid sick leave for 3 or more consecutive days to provide, upon his or her return to work, a reasonable certification of the need for the leave. Such reasonable certification may include, without limitation, a signed document from a provider of health care affirming the illness of the employee or a dependent of the employee.

(f) An employer may set a minimum increment of paid sick leave, not to exceed 2 hours, that an employee may use at any one time.

~~*[(f) An employer shall provide to each employee on each payday a written accounting of the hours of accrued sick leave available for use by that employee.]*~~

(g) An employer is not required to compensate an employee for any accrued unused sick leave upon separation from employment, except if an employee is rehired by the employer within 1 year after separation from that employer, any previously accrued unused sick leave hours must be reinstated.

2. An employee ~~*[in private employment]*~~ *of an employer may use accrued sick leave as follows:*

(a) An employee must be allowed to use accrued sick leave beginning on the 90th calendar day of his or her employment.

(b) An employee may use accrued paid sick leave:

(1) For the diagnosis, care or treatment of an existing health condition of, or preventive care for, the employee or a member of the employee's family or household; or

(2) To obtain counseling or assistance or to participate in any court proceedings related to domestic violence or sexual assault.

(c) To the extent possible, an employee shall give reasonable advance notice to his or her employer of the need to use accrued paid sick leave.

(d) An employer shall not:

(1) Deny an employee the right to use accrued sick leave in accordance with the conditions of this section;

(2) Require an employee to find a replacement worker as a condition of using sick leave; or

(3) Retaliate against an employee for using sick leave.

3. The Labor Commissioner shall prepare a bulletin which clearly sets forth the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

4. An employer shall maintain records of the accrual and use of paid sick leave for each employee for a 3-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner.

5. The provisions of this section do not:

(a) Limit or abridge any other rights, remedies or procedures available under the law.

(b) Negate any other rights, remedies or procedures available to an aggrieved party.

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous sick leave benefit or paid time off benefit.

(d) Prohibit an employer from creating and enforcing a policy that prohibits the improper use of paid sick leave.

6. This section does not apply to ~~[an]~~ :

(a) An employer who, pursuant to a collective bargaining agreement, contract, policy or other agreement, provides employees with a paid sick leave policy or a paid time off policy that provides for at least 24 hours of paid leave per year that may be used for the same purposes and under the same conditions as specified in this section.

(b) An employee who:

(1) Is a day or temporary worker who performs work on an occasional or irregular basis for a limited period of time;

(2) Actually performs physical work at a construction site that results in the construction, alteration or destruction involved in the construction project;

(3) Is employed in a bona fide executive, administrative or professional capacity; or

(4) Performs work for a hospital, a facility for long-term care or a provider of health care on an occasional or irregular basis as needed by the hospital, facility for long-term care or provider of health care.

7. As used in this section:

(a) "Employer" means a private employer who has 50 or more employees in private employment in this State for each working day in each of 20 or more calendar weeks in the current or immediately preceding calendar year. The term does not include a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(b) "Facility for long-term care" has the meaning ascribed to it in NRS 427A.028.

(c) "Hospital" has the meaning ascribed to it in NRS 449.012.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 1.5. NRS 608.115 is hereby amended to read as follows:

608.115 1. Every employer shall establish and maintain records of wages for the benefit of his or her employees, showing for each pay period the following information for each employee:

(a) Gross wage or salary other than compensation in the form of:

(1) Services; or

(2) Food, housing or clothing.

(b) Deductions.

(c) Net cash wage or salary.

(d) Total hours employed in the pay period by noting the number of hours per day.

(e) Date of payment.

(f) Total hours of paid sick leave available for use by the employee.

2. The information required by this section must be furnished to each employee within 10 days after the employee submits a request.

3. Records of wages must be maintained for a 2-year period following the entry of information in the record.

Sec. 2. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, *and section 1 of this act* to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;

2. The Deputy Labor Commissioner, as provided in NRS 607.050;

3. The Attorney General, as provided in NRS 607.160 or 607.220; or

4. The special counsel, as provided in NRS 607.065,

➥ shall prosecute the action for enforcement according to law.

Sec. 3. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, *and section 1 of this act,* or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than $5,000 for each such violation.

Sec. 4. This act becomes effective:

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

2. On January 1, 2018, for all other purposes.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 184 makes several changes to Senate Bill No. 196. The amendment first removes "every employer in private employment" and, instead, imposes the requirements of section 1 on private employers who have "50 or more employees in this State for each working day in each of 20 or more calendar weeks in the current or immediately preceding calendar year." It exempts churches, religious organizations, nonprofit organizations, private membership clubs and other tax-exempt organizations from the requirements of section 1. Third, it provides that the requirements of section 1 do not apply to day or temporary workers, construction workers, employees in bona fide executive, administrative or professional capacity, or employees who perform per diem work for hospitals, long-term care facilities or providers of health care. Fourth, it defines "facility for long-term care," "hospital" and "provider of health care." Fifth, it authorizes an employer to require an employee who uses paid sick leave for three or more consecutive days, upon his or her return to work, to provide to his or her employer a reasonable certification of the need for the leave. Sixth, it clarifies that an employer is not prohibited from creating and enforcing a policy that prohibits improper use of paid sick leave. Finally, it requires an employer to include in the records of wages maintained by the employer information concerning the total hours of paid sick leave available for use by the employee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 301.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 141.

SUMMARY—Revises provisions relating to education. (BDR 34-550)

AN ACT relating to education; ~~[revising provisions governing the membership of the State Board of Education;]~~ abolishing the State Board for Career and Technical Education and transferring certain duties to the State Board of Education and the Superintendent of Public Instruction; changing the name of the Advisory Council on Parental Involvement and Family Engagement and revising certain duties of the Council; ~~[abolishing the Commission on Educational Technology and transferring certain duties to the Department of Education;]~~ abolishing the Interagency Panel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Sunset Subcommittee of the Legislative Commission to review certain boards and commissions in this State to determine whether the board or commission should be terminated, modified, consolidated or continued. (NRS 232B.210-232B.250)

Existing law creates the State Board for Career and Technical Education, which is comprised of the same members who serve on the State Board of Education, and provides that the Superintendent of Public Instruction serves as Executive Officer of the State Board for Career and Technical Education. (NRS 385.010, 388.330-388.400) Existing law also requires the Executive Officer to make a biennial report to the Governor. (NRS 388.370) As recommended by the Sunset Subcommittee, sections 1, 7-20, 25 and 26 of this bill abolish the State Board for Career and Technical Education and transfer the duties of that Board and its Executive Officer to the State Board of Education and the Superintendent of Public Instruction, as applicable. ~~[Section 2 of this bill revises the requirements for appointment of members to the State Board of Education by the Governor to provide that the teacher who is appointed must be a teacher of a course of study in career and technical education.]~~ Finally, section 3 of this bill revises the annual report of the state of public education in this State made by the Department of Education to include a description of any policies, plans and programs for promoting, extending and improving career and technical education and section 31 repeals the annual report made separately by the Executive Officer. (NRS 385.230)

Existing law requires the Superintendent of Public Instruction to establish an Advisory Council on Parental Involvement and Family Engagement with powers and duties designed to assist schools with increasing parental involvement, including reviewing certain policies and practices by the State Board, boards of trustees of school districts and schools. (NRS ~~[388.610, 388.620)]~~ 385.610, 385.620) As recommended by the Sunset Subcommittee, sections 4-6 of this bill change the name of the Advisory Council to the Advisory Council for Family Engagement and modify the annual reporting requirements of the Advisory Council.

~~[Existing law establishes the Commission on Educational Technology, which is required to establish a plan for educational technology in the public schools, develop technical standards for educational technology, allocate money to school districts from the Trust Fund for Educational Technology and conduct biennial assessments of the needs of each school district relating to educational technology. (NRS 388.780-388.805) As recommended by the Sunset Subcommittee, sections 21-24 of this bill abolish the Commission on Educational Technology and transfer its duties to the Department of Education.]~~

Existing law establishes an Interagency Panel responsible for making recommendations concerning the placement of persons with disabilities who are eligible to receive certain special education services. (NRS 388.5237) As recommended by the Sunset Subcommittee, section 31 of this bill abolishes the Interagency Panel.

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

Section 1. NRS 385.010 is hereby amended to read as follows:

385.010 1. A Department of Education is hereby created.

2. The Department consists of the State Board of Education ~~[, the State Board for Career and Technical Education]~~ and the Superintendent of Public Instruction.

3. The Superintendent of Public Instruction is the executive head of the Department.

Sec. 2. ~~[NRS 385.021 is hereby amended to read as follows:~~

~~385.021 1. The State Board of Education is hereby created. The State Board consists of the following voting members:~~

~~(a) One member elected by the registered voters of each congressional district described in NRS 304.060 to 304.120, inclusive;~~

~~(b) One member appointed by the Governor;~~

~~(c) One member appointed by the Governor, nominated by the Majority Leader of the Senate; and~~

~~(d) One member appointed by the Governor, nominated by the Speaker of the Assembly.~~

~~2. In addition to the voting members described in subsection 1, the State Board consists of the following four nonvoting members:~~

~~(a) One member appointed by the Governor who is a member of a board of trustees of a school district, nominated by the Nevada Association of School Boards;~~

~~(b) One member appointed by the Governor who is the superintendent of schools of a school district, nominated by the Nevada Association of School Superintendents;~~

~~(c) One member appointed by the Governor who represents the Nevada System of Higher Education, nominated by the Board of Regents of the University of Nevada; and~~

~~(d) One member appointed by the Governor who is a pupil enrolled in a public school in this State, nominated by the Nevada Association of Student Councils or its successor organization and in consultation with the Nevada Youth Legislature. After the initial term, the term of the member appointed pursuant to this paragraph commences on June 1 and expires on May 31 of the following year.~~

~~3. Each member of the State Board elected pursuant to paragraph (a) of subsection 1 must be a qualified elector of the district from which that member is elected.~~

~~4. Each member appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 and each member appointed pursuant to subsection 2 must be a resident of this State.~~

~~5. Except as otherwise provided in paragraphs (a) and (c) of subsection 2, a person who is elected to serve as an officer of this State or any political subdivision thereof or a person appointed to serve for the unexpired term of such an office may not serve or continue to serve on the State Board.~~

~~6. The Governor shall ensure that the members appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 represent the geographic diversity of this State and that:~~

~~(a) One member is a teacher *of a course of study in career and technical education* at a public school selected from a list of three candidates provided by the Nevada State Education Association.~~

~~(b) One member is the parent or legal guardian of a pupil enrolled in a public school.~~

~~(c) One member is a person active in a private business or industry of this State.~~

~~7. After the initial terms, each member:~~

~~(a) Elected pursuant to paragraph (a) of subsection 1 serves a term of 4 years. A member may be elected to serve not more than three terms but may be appointed to serve pursuant to paragraph (b), (c) or (d) of subsection 1 or subsection 2 after service as an elected member, notwithstanding the number of terms the member served as an elected member.~~

~~(b) Appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 serves a term of 2 years, except that each member continues to serve until a successor is appointed. A member may be reappointed for additional terms of 2 years in the same manner as the original appointment.~~

~~(c) Appointed pursuant to subsection 2 serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.~~

~~8. If a vacancy occurs during the term of:~~

~~(a) A member who was elected pursuant to paragraph (a) of subsection 1, the Governor shall appoint a member to fill the vacancy until the next general election, at which election a member must be chosen for the balance of the unexpired term. The appointee must be a qualified elector of the district where the vacancy occurs.~~

~~(b) A voting member appointed pursuant to paragraph (b), (c) or (d) of subsection 1 or a nonvoting member appointed pursuant to subsection 2, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.~~] (Deleted by amendment.)

Sec. 3. NRS 385.230 is hereby amended to read as follows:

385.230 1. The Department shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385A.400;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.111;

(e) A description of any policies, plans and programs for promoting, extending and improving career and technical education for pupils;

~~[(e)]~~ *(f)* A description of any significant changes made to the collection, maintenance or transfer of data concerning pupils by the Department, a school district, a sponsor of a charter school or a university school for profoundly gifted pupils;

~~[(f)]~~ *(g)* Any new data elements, including, without limitation, data about individual pupils and aggregated data about pupils within a defined group, proposed for inclusion in the automated system of accountability information for Nevada established pursuant to NRS 385A.800;

~~[(g)]~~ *(h)* An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

~~[(h)]~~ *(i)* An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

~~[(i)]~~ *(j)* An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

~~[(j)]~~ *(k)* An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 385A.800 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

~~[(k)]~~ *(l)* An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

~~[(l)]~~ *(m)* A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board; and

~~[(m)]~~ *(n)* A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report prepared pursuant to subsection 1 in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of the report prepared pursuant to subsection 1 to the Governor and to the Legislative Committee on Education.

Sec. 4. NRS 385.600 is hereby amended to read as follows:

385.600 As used in NRS 385.600 to 385.635, inclusive, unless the context otherwise requires, "Advisory Council" means the Advisory Council ~~[on Parental Involvement and]~~ *for* Family Engagement established pursuant to NRS 385.610.

Sec. 5. NRS 385.610 is hereby amended to read as follows:

385.610 1. The Superintendent of Public Instruction shall establish an Advisory Council ~~[on Parental Involvement and]~~ *for* Family Engagement. The Advisory Council is composed of 11 members.

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

(a) Two parents or legal guardians of pupils enrolled in public schools;

(b) Two teachers in public schools;

(c) One administrator of a public school;

(d) One representative of a private business or industry;

(e) One member of the board of trustees of a school district in a county whose population is 100,000 or more;

(f) One member of the board of trustees of a school district in a county whose population is less than 100,000; and

(g) One member who is the President of the Board of Managers of the Nevada Parent Teacher Association or its successor organization, or a designee nominated by the President.

➥ The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members the Superintendent appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.

3. The Speaker of the Assembly shall appoint one member of the Assembly to the Advisory Council.

4. The Majority Leader of the Senate shall appoint one member of the Senate to the Advisory Council.

5. The Advisory Council shall elect a Chair and Vice Chair from among its members. The Chair and Vice Chair serve a term of 1 year.

6. After the initial terms:

(a) The term of each member of the Advisory Council who is appointed by the Superintendent of Public Instruction is 3 years.

(b) The term of each member of the Advisory Council who is appointed by the Speaker of the Assembly and the Majority Leader of the Senate is 2 years.

7. The Department shall provide:

(a) Administrative support to the Advisory Council; and

(b) All information that is necessary for the Advisory Council to carry out its duties.

8. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

➥ The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

9. A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the members of the Advisory Council who are not Legislators must be paid by the Department.

Sec. 6. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement and family engagement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation, involvement and engagement of parents and families that is included in the annual report of accountability for each school district pursuant to NRS 385A.320 and similar information in the annual report of accountability prepared by the State Public Charter School Authority, the Achievement School District and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

3. Review any effective practices carried out in individual school districts to increase parental involvement and family engagement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and family engagement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents, legal guardians and families of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement and family engagement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents, legal guardians and families of pupils who are limited English proficient;

8. Determine the necessity for the appointment of a statewide parental involvement and family engagement coordinator or a parental involvement and family engagement coordinator in each school district, or both;

9. Work in collaboration with the Office of Parental Involvement and Family Engagement created by NRS 385.630 to carry out the duties prescribed in NRS 385.635; *and*

10. ~~[On or before July 1 of each year, submit a report to the Legislative Committee on Education describing the activities of the Advisory Council and any recommendations for legislation; and~~

~~11.]~~ On or before February 1 of each ~~[odd-numbered]~~ year, submit a report to the Director of the Legislative Counsel Bureau for transmission to ~~[the next regular session of]~~ the Legislature *in odd-numbered years and to the Legislative Commission in even-numbered years,* describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 7. NRS 387.050 is hereby amended to read as follows:

387.050 1. The State of Nevada accepts the provisions of, and all of the money provided by, the Vocational Education Act of 1963, and any amendments thereof or supplements thereto.

2. In addition to the provisions of subsection 1, the State Board ~~[for Career and Technical Education]~~ may accept, and adopt regulations or establish policies for the disbursement of, money appropriated by any Act of Congress and apportioned to the State of Nevada for use in connection with the program for career and technical education.

3. In accepting the benefits of the Acts of Congress referred to in subsections 1 and 2, the State of Nevada agrees to comply with all of their provisions and to observe all of their requirements.

4. The State Treasurer is designated custodian of all money received by the State of Nevada from the appropriations made by the Acts of Congress referred to in subsections 1 and 2, and the State Treasurer may receive and provide for the proper custody thereof and make disbursements therefrom in the manner provided in the Acts and for the purposes therein specified on warrants of the State Controller issued upon the order of the ~~[Executive Officer of the State Board for Career and Technical Education.]~~ *Superintendent of Public Instruction.*

5. On warrants of the State Controller issued upon the order of the ~~[Executive Officer of the State Board for Career and Technical Education]~~ *Superintendent of Public Instruction* pursuant to regulations or policies of the *State* Board, the State Treasurer shall also pay out any money appropriated by the State of Nevada to carry out the provisions of this section.

Sec. 8. NRS 388.340 is hereby amended to read as follows:

388.340 ~~[1.]~~ The Superintendent of Public Instruction shall ~~[serve as Executive Officer of the State Board for Career and Technical Education.~~

~~2. The Executive Officer shall:~~

~~(a) Except]~~ , *except* as otherwise provided in NRS 388.342, employ personnel for such positions as are approved by the State Board ~~[for Career and Technical Education]~~ and necessary to carry out properly the provisions of this title relating to career and technical education.

~~[(b) Carry into effect the regulations of the State Board for Career and Technical Education.~~

~~(c) Maintain an office for the Board.~~

~~(d) Keep all records of the Board in the office of the Board.]~~

Sec. 9. NRS 388.342 is hereby amended to read as follows:

388.342 The ~~[Executive Officer of the State Board for Career and Technical Education]~~ *Superintendent of Public Instruction* shall appoint a person to oversee programs of career and technical education.

Sec. 10. NRS 388.360 is hereby amended to read as follows:

388.360 The State Board ~~[for Career and Technical Education]~~ *is hereby designated as the sole state agency responsible for the administration of career and technical education in the State of Nevada. The State Board* may:

1. Cooperate with any federal agency, board or department designated to administer the Acts of Congress apportioning federal money to the State of Nevada for career and technical education.

2. Establish policies and adopt regulations for the administration of any legislation enacted pursuant thereto by the State of Nevada.

3. Establish policies and adopt regulations for the administration of money provided by the Federal Government and the State of Nevada for the promotion, extension and improvement of career and technical education in Nevada.

4. Establish policies or regulations and formulate plans for the promotion of career and technical education in such subjects as are an essential and integral part of the system of public education in the State of Nevada.

5. Establish policies to provide for the preparation of teachers of such programs and subjects.

6. Approve positions for such persons as may be necessary to administer the federal act and provisions of this title enacted pursuant thereto for the State of Nevada.

7. Direct ~~[its Executive Officer]~~ *the Superintendent of Public Instruction* to make studies and investigations relating to career and technical education.

8. Establish policies to promote and aid in the establishment by local communities of schools, departments or classes giving training in career and technical subjects.

9. Cooperate with local communities in the maintenance of such schools, departments or classes.

10. Prescribe qualifications for the teachers, directors and supervisors of career and technical subjects.

11. Provide for the certification of such teachers, directors and supervisors.

12. Establish policies or regulations to cooperate in the maintenance of classes supported and controlled by the public for the preparation of the teachers, directors and supervisors of career and technical subjects, or maintain such classes under its own direction and control.

13. Establish by regulation the qualifications required for persons engaged in the training of teachers for career and technical education.

Sec. 11. NRS 388.365 is hereby amended to read as follows:

388.365 1. All gifts of money which the State Board ~~[for Career and Technical Education]~~ is authorized to accept *for career and technical education* must be deposited in a permanent trust fund in the State Treasury designated as the Gift Fund for Career and Technical Education.

2. The money available in the Fund must be used only for the purpose specified by the donor, within the scope of the *State* Board's powers and duties. The *State* Board may adopt regulations or establish policies for the disbursement of money from the Fund in accordance with the terms of the gift or bequest on warrants of the State Controller issued upon the orders of the ~~[Executive Officer of the State Board for Career and Technical Education.]~~ *Superintendent of Public Instruction.* Any expenditures pursuant to this section may include matching state and federal money available for career and technical education.

3. If all or part of the money accepted by the *State* Board from a donor is not expended before the end of the fiscal year in which the gift was accepted, the remaining balance of the amount donated must remain in the Fund until needed for the purpose specified by the donor.

Sec. 12. NRS 388.380 is hereby amended to read as follows:

388.380 1. Except as otherwise provided in subsection 3, the board of trustees of a school district in a county whose population is 100,000 or more shall and any other board of trustees of a school district may:

(a) Establish and maintain a program of career and technical education giving instruction in the subjects approved by the State Board . ~~[for Career and Technical Education.]~~

(b) Raise and expend money for the establishment and maintenance of a program of career and technical education.

2. A pupil who successfully completes a program of career and technical education and who otherwise satisfies the requirements for graduation from high school must be awarded a high school diploma with an endorsement indicating that the pupil has successfully completed the program of career and technical education. The provisions of this subsection do not preclude a pupil from receiving more than one endorsement on his or her diploma, if applicable.

3. The board of trustees of each school district shall incorporate into the curriculum:

(a) Guidance and counseling in career and technical education in accordance with NRS 389.041; and

(b) Technology.

4. The State Board ~~[for Career and Technical Education]~~ shall adopt regulations prescribing the endorsement of career and technical education for a high school diploma.

Sec. 13. NRS 388.385 is hereby amended to read as follows:

388.385 1. If the board of trustees of a school district has established a program of career and technical education pursuant to NRS 388.380 and to the extent that money is available from this State or the Federal Government, the superintendent of schools of the school district shall appoint an advisory technical skills committee consisting of:

(a) Representatives of businesses and industries in the community;

(b) Employees of the school district who possess knowledge and experience in career and technical education;

(c) Pupils enrolled in public schools in the school district;

(d) Parents and legal guardians of pupils enrolled in public schools in the school district;

(e) To the extent practicable, representatives of postsecondary educational institutions that provide career and technical education; and

(f) Other interested persons.

2. An advisory technical skills committee established pursuant to subsection 1 shall:

(a) Review the curriculum, design, content and operation of the program of career and technical education to determine its effectiveness in:

(1) Preparing pupils enrolled in the program to enter the workforce and meeting the needs of supplying an appropriately trained workforce to businesses and industries in the community; and

(2) Complying with the provisions of NRS ~~[388.330]~~ *388.340* to 388.400, inclusive, and any regulations adopted pursuant thereto.

(b) Advise the school district regarding the curriculum, design, content, operation and effectiveness of the program of career and technical education.

(c) Provide technical assistance to the school district in designing and revising as necessary the curriculum for the program of career and technical education.

(d) In cooperation with businesses, industries, employer associations and employee organizations in the community, develop work-based experiences for pupils enrolled in the program of career and technical education. The work-based experiences must:

(1) Be designed:

(I) For pupils enrolled in grades 11 and 12, but may be offered to pupils enrolled in grades 9 and 10 upon the approval of the principal of the school where the program is offered.

(II) To prepare and train pupils to work as apprentices in business settings.

(2) Allow a pupil to earn academic credit for the work-based experience.

(e) Meet at least three times each calendar year.

(f) Provide to the superintendent of schools of the school district any recommendations regarding the program of career and technical education and any actions of the committee.

(g) Comply with the provisions of chapter 241 of NRS.

3. The members of an advisory technical skills committee serve without compensation.

Sec. 14. NRS 388.390 is hereby amended to read as follows:

388.390 If the board of trustees of a school district or the governing body of a charter school organizes a program of career and technical education in accordance with the regulations adopted by the State Board ~~[for Career and Technical Education]~~ and the program has been approved by the ~~[Executive Officer of the Board,]~~ *Superintendent of Public Instruction,* the school district or the charter school is entitled to share in federal and state money available for the promotion of career and technical education in the amount determined by the ~~[Executive Officer of the Board,]~~ *Superintendent of Public Instruction,* in accordance with NRS 388.390 to 388.397, inclusive, and the regulations and policies of the *State* Board.

Sec. 15. NRS 388.392 is hereby amended to read as follows:

388.392 1. Of state money appropriated for use in a fiscal year for programs of career and technical education, the State Board ~~[for Career and Technical Education]~~ shall not use more than 7.5 percent to provide leadership and training activities in that fiscal year.

2. Before allocating state money, if any, to provide leadership and training activities, the State Board ~~[for Career and Technical Education]~~ shall:

(a) Distribute 30 percent of the state money in the manner set forth in NRS 388.393; and

(b) Distribute 5 percent of the state money to pupil organizations for career and technical education in the manner set forth in NRS 388.394.

3. After distributing the state money pursuant to subsection 2 and allocating state money, if any, to provide leadership and training activities, the State Board ~~[for Career and Technical Education]~~ shall distribute the remainder of state money in the manner set forth in NRS 388.395.

4. The State Board ~~[for Career and Technical Education]~~ shall request that each industry sector council established pursuant to subsection 2 of NRS 232.935 name one representative to provide recommendations to the ~~[Executive Officer of the State Board for Career and Technical Education]~~ *Superintendent of Public Instruction* on the awarding of grants pursuant to NRS 388.393.

5. As used in this section, "leadership and training activities" means:

(a) Activities by or for pupil organizations for career and technical education;

(b) Training activities for teachers of classes or programs of career and technical education;

(c) Activities at or for a conference of teachers of classes or programs of career and technical education;

(d) Promotion and marketing of classes or programs of career and technical education; and

(e) The development of standards and assessments of career and technical education for the purposes of leadership and training.

Sec. 16. NRS 388.393 is hereby amended to read as follows:

388.393 1. The board of trustees of a school district or the governing body of a charter school may apply to the State Board ~~[for Career and Technical Education]~~ for a grant for a program of career and technical education, to be paid for with money distributed pursuant to paragraph (a) of subsection 2 of NRS 388.392, by submitting an application to the person appointed pursuant to NRS 388.342.

2. Upon receipt of an application for a grant, the person shall forward the application to each representative of an industry sector council named pursuant to subsection 4 of NRS 388.392 to review the application.

3. The ~~[Executive Officer of the State Board for Career and Technical Education]~~ *Superintendent of Public Instruction* shall review the recommendations of the representatives of the industry sector councils and award grants for the purposes of developing new programs of career and technical education or expanding existing programs of career and technical education. The awarding of grants must be based on the following criteria of the program of career and technical education:

(a) Standards and instruction.

(b) Leadership development.

(c) Practical application of occupational skills.

(d) Quality and competence of personnel.

(e) Facilities, equipment and materials.

(f) Community, business and industry involvement.

(g) Career guidance.

(h) Program promotion.

(i) Program accountability and planning.

(j) Pupil-teacher ratio.

(k) Whether the program will lead to a national credential or certification.

Sec. 17. NRS 388.394 is hereby amended to read as follows:

388.394 1. A pupil organization for career and technical education may apply to the State Board ~~[for Career and Technical Education]~~ for a grant to support the activities of the organization, to be paid for with the money distributed pursuant to paragraph (b) of subsection 2 of NRS 388.392.

2. The State Board ~~[for Career and Technical Education]~~ shall review all applications submitted pursuant to subsection 1 and award grants to pupil organizations on a fair and equitable basis.

Sec. 18. NRS 388.395 is hereby amended to read as follows:

388.395 1. The board of trustees of a school district or the governing body of a charter school may apply to the State Board ~~[for Career and~~

~~Technical Education]~~ for a grant for a program of career and technical education, to be paid for from the remainder of state money described in subsection 3 of NRS 388.392.

2. The State Board ~~[for Career and Technical Education]~~ shall review all applications submitted pursuant to subsection 1 and award grants based on the following criteria of the program of career and technical education:

(a) Standards and instruction.

(b) Leadership development.

(c) Practical application of occupational skills.

(d) Quality and competence of personnel.

(e) Facilities, equipment and materials.

(f) Community, business and industry involvement.

(g) Career guidance.

(h) Program promotion.

(i) Program accountability and planning.

(j) Pupil-teacher ratio.

(k) Whether the program will lead to a national credential or certification.

3. The proportion of the total amount awarded pursuant to subsection 2 to a school district or charter school during a fiscal year must not exceed the proportion of the duplicated enrollment of pupils in programs of career and technical education in the school district or charter school during the previous fiscal year, as compared to the duplicated enrollments of pupils in programs of career and technical education throughout the State during the previous fiscal year. For the purposes of determining the duplicated enrollment of pupils in a program of career and technical education, each pupil must be counted once for each program of career and technical education in which he or she is enrolled.

Sec. 19. NRS 388.396 is hereby amended to read as follows:

388.396 For each grant of money awarded pursuant to NRS 388.393, 388.394 or 388.395, the State Board ~~[for Career and Technical Education]~~ shall designate a program professional to:

1. Evaluate the manner in which the money was expended and the effectiveness of the program for career and technical education for which the money was granted; and

2. Report the results of the review to the State Board . ~~[for Career and Technical Education.]~~

Sec. 20. NRS 388.400 is hereby amended to read as follows:

388.400 1. The money for career and technical education must be provided for and raised in the manner specified in NRS 387.050 and ~~[388.330]~~ *388.340* to 388.400, inclusive.

2. The State Treasurer is the custodian of the money and shall make disbursements therefrom on warrants of the State Controller issued upon the order of the ~~[Executive Officer of the State Board for Career and Technical Education.]~~ *Superintendent of Public Instruction.*

Sec. 21. ~~[NRS 388.780 is hereby amended to read as follows:~~

~~388.780 As used in NRS 388.780 to 388.805, inclusive, unless the context otherwise requires, [the words and terms defined in NRS 388.785 and 388.787 have the meanings ascribed to them in those sections.] *"Committee" means the Legislative Committee on Education created pursuant to NRS 218E.605.]~~

(Deleted by amendment.)

Sec. 22. ~~[NRS 388.795 is hereby amended to read as follows:~~

~~388.795 1. The [Commission] *Department* shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the [Commission] *Department* shall consider:~~

~~(a) Plans that have been adopted by [the Department and] the school districts and charter schools in this State;~~

~~(b) Plans that have been adopted in other states;~~

~~(c) The information reported pursuant to NRS 385A.310 and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority, the Achievement School District and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;~~

~~(d) The results of the assessment of needs conducted pursuant to subsection [6;] *5;* and~~

~~(e) Any other information that the [Commission] *Department* or the Committee deems relevant to the preparation of the plan.~~

~~2. The plan established by the [Commission] *Department* must include recommendations for methods to:~~

~~(a) Incorporate educational technology into the public schools of this State;~~

~~(b) Increase the number of pupils in the public schools of this State who have access to educational technology;~~

~~(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;~~

~~(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and~~

~~(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.~~

~~3. [The Department shall provide:~~

~~(a) Administrative support;~~

~~(b) Equipment; and~~

~~(c) Office space, as is necessary for the Commission to carry out the provisions of this section.~~

~~4.] The following entities shall cooperate with the [Commission] *Department* in carrying out the provisions of this section:~~

~~(a) The State Board.~~

~~(b) The board of trustees of each school district.~~

~~(c) The superintendent of schools of each school district.~~

~~[(d) The Department.~~

~~5.]~~ *4.* The [Commission] *Department* shall:

~~(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.~~

~~(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.~~

~~(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the~~ [Commission] *Department* ~~to:~~

~~(1) Repair, replace and maintain computer systems.~~

~~(2) Upgrade and improve computer hardware and software and other educational technology.~~

~~(3) Provide training, installation and technical support related to the use of educational technology within the district.~~

~~(d) Submit to the Governor [,]~~ *and* ~~the Committee [and the Department] its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.~~

~~(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee . [or the Department.]~~

~~(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee [and the Department] as the~~ [Commission] *Department* ~~deems necessary.~~

~~[6.]~~ *5.* ~~During the spring semester of each even-numbered school year, the~~ [Commission] *Department* ~~shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the~~ [Commission] *Department* ~~shall consider:~~

~~(a) The recommendations set forth in the plan pursuant to subsection 2;~~

~~(b) The plan for educational technology of each school district, if applicable;~~

~~(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and~~

~~(d) Any other information deemed relevant by the [Commission.]~~ *Department.*

~~The~~ [Commission] *Department* ~~shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.~~

~~[7.]~~ *6.* ~~The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the~~ [Commission]

~~*Department* and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.~~

~~[8.] *7.* The [Commission] *Department* may appoint an advisory committee composed of members of the [Commission] *Department* or other qualified persons to provide recommendations to the [Commission] *Department* regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the [Commission] *Department* and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.~~

~~[9.] *8.* As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.]~~ (Deleted by amendment.)

Sec. 23. ~~[NRS 388.800 is hereby amended to read as follows:~~

~~388.800 1. The Trust Fund for Educational Technology is hereby created in the State General Fund. The Trust Fund must be administered by the Superintendent of Public Instruction. The Superintendent may accept gifts and grants of money from any source for deposit in the Trust Fund. Any such money may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 3.~~

~~2. The interest and income earned on the money in the Trust Fund must be credited to the Trust Fund.~~

~~3. The money in the Trust Fund may be used only for the distribution of money to school districts and charter schools to be used in kindergarten through 12th grade to obtain and maintain hardware and software for computer systems, equipment for transfer of data by modem through connection to telephone lines, and other educational technology as may be approved by the [Commission] *Department* for use in classrooms.]~~ (Deleted by amendment.)

Sec. 24. ~~[NRS 388.805 is hereby amended to read as follows:~~

~~388.805 The Department shall [, in consultation with the Commission,] adopt regulations that establish a program whereby school districts and charter schools may apply [to the Commission on Educational Technology] for money from the Trust Fund for Educational Technology.]~~ (Deleted by amendment.)

Sec. 25. NRS 610.030 is hereby amended to read as follows:

610.030 1. A State Apprenticeship Council composed of seven members is hereby created.

2. The Labor Commissioner shall appoint:

(a) Three members who are representatives from employer associations and have knowledge concerning occupations in which a person may be apprenticed.

(b) Three members who are representatives from employee organizations and have knowledge concerning occupations in which a person may be apprenticed.

(c) One member who is a representative of the general public and who, before appointment, must first receive the unanimous approval of the members appointed under the provisions of paragraphs (a) and (b).

3. The state official who has been designated by the State Board ~~[for Career and Technical]~~ *of* Education as being in charge of trade and industrial education is an ex officio member of the State Apprenticeship Council but may not vote.

Sec. 26. NRS 632.2856 is hereby amended to read as follows:

632.2856 1. The training program required for certification as a nursing assistant must consist of 75 hours of instruction. The program must include no less than 60 hours of theory and learning skills in a laboratory setting.

2. Except as otherwise provided in this subsection, the instructor of the program must be a registered nurse with:

(a) Three years of nursing experience which includes direct care of patients and supervision and education of members of the staff; and

(b) Proof of successful completion of training for instructors which has been approved by the Board.

➥ The Board may approve a licensed practical nurse as an instructor if the Board determines that requiring instruction by a registered nurse would create a hardship.

3. Except as otherwise provided in NRS 622.090, upon completion of the program, a nursing assistant trainee must pass a test in theory with an overall score of 80 percent and a test of skills on a pass or fail basis. The test of skills must be given by a registered nurse. If the nursing assistant trainee fails either of the tests, the nursing assistant trainee must repeat the training in the areas in which he or she was deficient before taking the certification examination.

4. In a program which is based in a facility, a nursing assistant trainee may only perform those tasks he or she has successfully completed in the training program, and must perform those tasks under the direct supervision of a registered nurse or a licensed practical nurse.

5. The Board shall adopt regulations not inconsistent with law:

(a) Specifying the scope of the training program and the required components of the program;

(b) Establishing standards for the approval of programs and instructors; and

(c) Designating the basic nursing services which a nursing assistant may provide upon certification.

6. Any medical facility, educational institution or other organization may provide a training program if the program meets the requirements set forth in this chapter and in the regulations of the Board, and is approved by the Board. Such a program must be administered through:

(a) The Nevada System of Higher Education;

(b) A program for career and technical education approved by the State Board ~~[for Career and Technical]~~ *of* Education;

(c) A public school in this State; or

(d) Any other nationally recognized body or agency authorized by law to accredit or approve such programs.

7. An educational institution or agency that administers a training program shall:

(a) Develop or approve the curriculum for training provided in its service district;

(b) Manage the training program; and

(c) Work with medical and other facilities to carry out the requirements of paragraphs (a) and (b).

Sec. 27. ~~[As soon as practicable after July 1, 2017, the Nevada State Education Association shall provide the Governor with a list of three candidates who are teachers of a course of study in career and technical education at a public school for appointment to the State Board of Education pursuant to paragraph (a) of subsection 6 of NRS 385.021, as amended by section 2 of this act, when a vacancy occurs in that office or the current term of the member serving pursuant to that paragraph expires.]~~ (Deleted by amendment.)

Sec. 28. 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. 29. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

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

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

Sec. 30. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to 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; and

2. 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. 31. NRS 388.330, 388.350, 388.370 ~~[,]~~ and 388.5237 ~~[, 388.785, 388.787, 388.789 and 388.790]~~ are hereby repealed.

Sec. 32. This act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

388.330 Composition of Board.

388.350 Meetings.

388.370 Biennial report to Governor.

388.5237 Interagency Panel: Responsibility; membership; duties.

~~[388.785 "Commission" defined.~~

~~388.787 "Committee" defined.~~

~~388.789 Superintendent of Public Instruction required to ensure Commission carries out duties successfully.~~

~~388.790 Commission on Educational Technology: Creation; membership; terms; removal and vacancy; quarterly meetings required; compensation.]~~

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 141 to Senate Bill No. 301 retains the current composition of the State Board of Education and retains the Commission on Educational Technology.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 310.

Bill read second time and ordered to third reading.

Senate Bill No. 363.

Bill read second time and ordered to third reading.

Senate Bill No. 415.

Bill read second time and ordered to third reading.

Senate Bill No. 441.

Bill read second time and ordered to third reading.

Senate Bill No. 466.

Bill read second time.

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

Amendment No. 186.

SUMMARY—Makes various changes relating to the State Board of Oriental Medicine. (BDR 54-557)

AN ACT relating to Oriental medicine; exempting certain physicians from the provisions governing Oriental medicine; providing that members of the State Board of Oriental Medicine serve at the pleasure of the Governor; revising the membership of the Board; requiring the Board to submit a biannual report to the Sunset Subcommittee of the Legislative Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) prescribes requirements concerning the practice of Oriental medicine in this State; and (2) establishes the State Board of Oriental Medicine to regulate the practice of Oriental medicine. (Chapter 634A of NRS) This bill makes various changes recommended by the Sunset Subcommittee of the Legislative Commission. (NRS 232B.210-232B.250) Section 1 of this bill exempts persons licensed as allopathic or osteopathic physicians from regulation under the provisions governing Oriental medicine. Section 2 of this bill provides that the members of the Board serve at the pleasure of the Governor, authorizing the Governor to remove a member of the Board with or without cause. Sections 2 and 3 of this bill require the Governor to appoint to the Board two new members, one of whom must be a licensed practitioner of Oriental medicine and the other of whom must be a representative of an approved school or college of Oriental medicine in this State. Section 4 of this bill requires the Board to submit to the Sunset Subcommittee a biannual report containing certain information relating to the proceedings and duties of the Board.

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

Section 1. NRS 634A.025 is hereby amended to read as follows:

634A.025 1. This chapter does not apply to Oriental physicians who are called into this State for consultation.

2. This chapter does not apply to a practitioner of acupuncture:

(a) Who is employed by an accredited school of Oriental medicine located in this State;

(b) Who is licensed to practice acupuncture in another state or jurisdiction; and

(c) Whose practice of acupuncture in this State:

(1) Is limited to teaching, supervising or demonstrating the methods and practices of acupuncture to students in a clinical setting; and

(2) Does not involve the acceptance of payment from any patient for services relating to his or her practice of acupuncture.

3. *This chapter does not apply to a physician who is licensed pursuant to chapter 630 or 633 of NRS.*

4. This chapter does not prohibit:

(a) Gratuitous services of druggists or other persons in cases of emergency.

(b) The domestic administration of family remedies.

(c) Any person from assisting any person in the practice of the healing arts licensed under this chapter, except that such person may not insert needles into the skin or prescribe herbal medicine.

~~[4.]~~ *5.* For the purposes of this section, "accredited school of Oriental medicine" means a school that has received at least candidacy status for institutional accreditation from the Accreditation Commission for Acupuncture and Oriental Medicine, or its successor organization.

Sec. 2. NRS 634A.030 is hereby amended to read as follows:

634A.030 1. The State Board of Oriental Medicine, consisting of ~~[five]~~ *seven* members appointed by the Governor, is hereby created.

2. Each member of the Board shall, before entering upon the duties of office, take the oath of office prescribed by the Constitution before someone qualified to administer oaths.

3. The members of the Board serve at the pleasure of the Governor.

Sec. 3. NRS 634A.040 is hereby amended to read as follows:

634A.040 1. The Governor shall appoint ~~[three]~~ *four* members to the Board who:

(a) Have a license issued pursuant to this chapter;

(b) Currently engage in the practice of Oriental medicine in this State, and have engaged in the practice of Oriental medicine in this State for at least 3 years preceding appointment to the Board;

(c) Are citizens of the United States; and

(d) Are residents of the State of Nevada and have been for at least 1 year preceding appointment to the Board.

2. The Governor shall appoint one member to the Board who:

(a) Is licensed pursuant to chapter 630 of NRS by the Board of Medical Examiners as a physician;

(b) Does not engage in the administration of a facility for Oriental medicine or a school for Oriental medicine;

(c) Does not have a pecuniary interest in any matter pertaining to Oriental medicine, except as a patient or potential patient;

(d) Is a citizen of the United States; and

(e) Is a resident of the State of Nevada and has been for at least 1 year preceding appointment to the Board.

3. The Governor shall appoint one member to the Board who:

(a) Does not engage in the administration of a facility for Oriental medicine or a school for Oriental medicine;

(b) Does not have a pecuniary interest in any matter pertaining to Oriental medicine, except as a patient or potential patient;

(c) Is a citizen of the United States; and

(d) Is a resident of the State of Nevada and has been for at least 1 year preceding appointment to the Board.

4. The Governor shall appoint one member to the Board who represents a school or college of Oriental medicine whose establishment has been approved by the Board pursuant to NRS 634A.090.

~~*[5. The Governor shall appoint one additional member to the Board.]*~~

Sec. 4. On or before December 31, 2017, and every 6 months thereafter, the State Board of Oriental Medicine shall submit to the Sunset Subcommittee of the Legislative Commission a report, which must include:

1. The minutes of each meeting of the Board held in the immediately preceding 6 months;

2. Details concerning the examination and licensing of applicants for licensure pursuant to chapter 634A of NRS, including the number of applicants who took an examination within the immediately preceding 6 months and the number of applicants who were issued a license within that period;

3. The name of any school or college of Oriental medicine whose establishment has been approved by the Board pursuant to NRS 634A.090 within the immediately preceding 6 months;

4. A description of any curriculum of a school or college of Oriental medicine that has been approved by the Board pursuant to NRS 634A.090 within the immediately preceding 6 months;

5. Information relating to the oversight of persons licensed pursuant to chapter 634A of NRS, including the number of inspections conducted by a member or agent of the Board pursuant to NRS 634A.083 during the immediately preceding 6 months, a summary of any violations discovered during those inspections and, for each disciplinary action that was imposed during that period, a description of the violation and the disciplinary action imposed; and

6. Any other information requested by the Sunset Subcommittee.

Sec. 5. 1. As soon as practicable after October 1, 2017, the Governor shall appoint to the State Board of Oriental Medicine one member described in subsection 1 of NRS 634A.040, as amended by section 3 of this act, and the ~~[members]~~ member described in ~~[subsections]~~ subsection 4 ~~[and 5]~~ of ~~[NRS 634A.040, as amended by section 3 of this act.]~~ that section.

2. The provisions of subsection 3 of NRS 634A.030, as amended by section 2 of this act, apply to the members of the State Board of Oriental Medicine who hold office on October 1, 2017, and to any member appointed to the Board on or after that date.

Sec. 6. Section 4 of this act expires by limitation on January 1, 2019.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 186 makes one change to Senate Bill No. 466. It requires the Governor appoint one member to the Board of Oriental Medicine who represents a school or college of Oriental medicine whose establishment has been approved by the Board pursuant to *NRS* 634A.090.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 513.

Bill read second time and ordered to third reading.

Senate Bill No. 514.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 13.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill No. 25, be taken from the General File and re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Senator Woodhouse moved that Senate Bills Nos. 179, 363, 415, 441, 514 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 2.

Bill read third time.

Remarks by Senator Manendo.

Senate Bill No. 2 provides anonymity to a parent who delivers a child to a provider of emergency services under the Safe Haven Law, unless there is reasonable cause to believe that the child has been abused or neglected.

Roll call on Senate Bill No. 2:

YEAS—21.

NAYS—None.

Senate Bill No. 2 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 12.

Bill read third time.

Remarks by Senator Ford.

Senate Bill No. 12 eliminates the requirement for the following Executive Branch agencies to prepare and submit certain administrative reports to either the Governor or the Legislature. The reports being eliminated are prepared by the Department of Taxation with respect to a report related to tourism improvement districts; the State Board of Agriculture with respect to a report related to sheep; and the Department of Employment, Training and Rehabilitation with respect to a report related to the administration of unemployment compensation and a requirement to print certain unemployment compensation information for distribution to the public.

Roll call on Senate Bill No. 12:

YEAS—21.

NAYS—None.

Senate Bill No. 12 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 19.

Bill read third time.

Remarks by Senators Woodhouse and Hardy.

SENATOR WOODHOUSE:

Senate Bill No. 19 establishes certain requirements for students who wish to enroll in dual-credit courses. This bill requires each school district and charter school to enter into a cooperative agreement, with at least one community college, state college, or university to offer dual-credit courses to students. A student who successfully completes a workforce development program from an authorized post-secondary institution must be allowed to apply the credit received toward a related credential certificate or degree.

The bill requires a school district board of trustees to prepare a written notice identifying dual-credit courses available to students enrolled within the district, including charter schools. It also requires each academic plan for a student enrolled in a dual-credit course to address how the course will enable the student to achieve post-graduation goals.

Finally, Senate Bill No. 19 prohibits the State Board of Education from unreasonably limiting the number of dual-credit courses in which a student may enroll.

SENATOR HARDY:

Is there a provision for those students who get duel-credit to play sports in the school in which they are zoned so they do not miss out on the socialization and physical fitness activities?

SENATOR WOODHOUSE:

That question was not addressed in Committee. However, these are credits for students in the 11th and 12th grade to allow them to get duel-credits to help them go towards graduation requirements and requirements for entering community college and the university system.

SENATOR HARDY:

I have two students in my area who would be impacted if they cannot play sports.

Roll call on Senate Bill No. 19:

YEAS—21.

NAYS—None.

Senate Bill No. 19 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 26.

Bill read third time.

Remarks by Senators Hardy and Segerblom.

SENATOR HARDY:

Senate Bill No. 26 prohibits governing bodies of a local government and the Administrator of the Purchasing Division of the Department of Administration from entering into a contract with a company unless the contract includes a written certification that the company is not engaged in and agrees for the duration of the contract, not to engage in, a boycott of Israel.

The bill also requires the State Treasurer to identify companies that engage in a boycott of Israel in which a public fund administered by the State Treasurer has either direct or indirect holdings and places certain restrictions on investments that the State Treasurer may hold in those companies. However, the State Treasurer is not required to divest direct holdings of those companies unless he or she determines that the action is consistent with the fiduciary responsibilities of the State Treasurer; and requires that the Treasurer report annually to the Governor and the Legislature concerning investments in those companies.

Similarly, the Public Employees' Retirement Board is required to identify companies that engage in a boycott of Israel and submit to the Governor and the Legislature an annual report of investment of money from the Public Employees' Retirement System in those companies.

SENATOR SEGERBLOM:

I rise in opposition to this bill. I appreciate we are trying to do this for Israel, but the reality is that boycotts are a big deal for the Culinary Union in Las Vegas, and I cannot philosophically support this bill.

Roll call on Senate Bill No. 26:

YEAS—19.

NAYS—Cancela, Segerblom—2.

Senate Bill No. 26 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 27.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 27 revises the definition of "mental illness" to mean a clinically significant disorder of thought, mood, perception, orientation, memory or behavior that seriously limits the capacity of a person to function in the primary aspects of daily living, including, without limitation, personal relations, living arrangements, employment and recreation. The term does not include other mental disorders that result in diminished capacity, including, without limitation, epilepsy, intellectual disability, dementia, delirium, brief periods of intoxication caused by alcohol or drugs or dependence upon or addiction to alcohol or drugs.

Roll call on Senate Bill No. 27:

YEAS—21.

NAYS—None.

Senate Bill No. 27 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 31.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 31 requires certain intrastate commercial motor vehicles that are required to register with the Department of Motor Vehicles (DMV) to do so through the Motor Carrier Division and to obtain a United States Department of Transportation (USDOT) number. This requirement applies to intrastate commercial motor vehicles, other than farm vehicles, over 26,000 pounds or commercial motor vehicles transporting hazardous materials, regardless of weight. If the motor carrier responsible for any vehicles that are required to obtain a USDOT number are subject to certain out-of-service orders issued by a federal or State entity, DMV may refuse to register vehicles of the carrier; revoke the registration of vehicles of the motor carrier or refuse to renew the registration of vehicles of the motor carrier.

A peace officer may seize the license plates of an intrastate vehicle if the motor carrier is subject to certain out-of-service orders, send the plates to DMV and notify the motor carrier. If the motor carrier is not the registered owner of the vehicle, a peace officer may impound the vehicle and notify the owner of the impoundment.

Finally, Senate Bill. No. 31 adds an authorization for DMV to register a commercial motor vehicle up to 83,000 pounds if operation of the truck is authorized by federal law.

Roll call on Senate Bill No. 31:
YEAS—21.
NAYS—None.

Senate Bill No. 31 having received a two-thirds majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 39.
Bill read third time.
Remarks by Senator Manendo.
Senate Bill No. 39 revises provisions governing notice requirements concerning certain purchases by the State. Specifically, the bill removes the requirement that the Purchasing Division, Department of Administration, publish an advertisement of a proposed purchase of services and commodities with an estimated cost of more than $50,000 in at least one newspaper of general circulation in the State, but retains the requirement that the advertisement be published on the Division's website.

Roll call on Senate Bill No. 39:
YEAS—21.
NAYS—None.

Senate Bill No. 39 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 40.
Bill read third time.
Remarks by Senator Segerblom.
Senate Bill No. 40 amends the Uniform Child Custody Jurisdiction and Enforcement Act to provide that a person seeking registration of an out-of-state custody determination in this State is required to serve notice, via registered or certified mail, upon any parent or other person who has custody or visitation rights.

Roll call on Senate Bill No. 40:
YEAS—21.
NAYS—None.

Senate Bill No. 40 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 41.
Bill read third time.
Remarks by Senator Parks.
Senate Bill No. 41 removes a State licensing exemption for motion-picture production companies, provides that the Secretary of State may examine the records of registered agents as necessary or appropriate, makes technical changes regarding the maintenance of certain business records, removes a duplicative requirement concerning registration by church organizations involved in soliciting charitable contributions and clarifies that the reinstatement fee for a corporation sole to conduct business in Nevada is $100.

Roll call on Senate Bill No. 41:
YEAS—21.
NAYS—None.

Senate Bill No. 41 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 51.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 51 makes various revisions to the process of adjudication of vested water rights, including removing the requirement that the State Engineer determine the relative rights of claimants in order of the importance of the stream for irrigation, and requiring that the State Engineer provide notice of the pendency of the proceedings, as soon as practicable, after the State Engineer enters an order granting a petition to determine the relative rights of claimants. The notice must set forth the date the State Engineer will commence taking proofs of appropriation, the date by which all proofs must be filed, and that all proofs must be accompanied by maps depicting required information; revising information that must be included in proofs of appropriation; providing a process for return and correction of defective proofs of appropriation; authorizing the State Engineer to make a copy of the preliminary order and the order of determination available on the Internet and to send a notice to each person who has filed a proof of appropriation that the order is available on State Engineer's website; providing that the State Engineer must hold a hearing on objections to the preliminary order and that notice of the hearing may be sent or served upon persons to be affected by the objections; and providing that all testimony at the hearings must be transcribed by a court reporter and that claimants objecting to the preliminary order shall pay the fees and expenses of the court reporter.

Roll call on Senate Bill No. 51:
YEAS—21.
NAYS—None.

Senate Bill No. 51 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to Assembly.

Senate Bill No. 53.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 53 revises provisions relating to the installation, operation and maintenance of telecommunications facilities. Among other things, the bill authorizes the Department of Transportation to grant longitudinal access and wireless access to certain rights-of-way owned by the Department to telecommunications providers to construct and install telecommunications facilities. The measure also provides for monetary and in-kind compensation to the Department for longitudinal access and wireless access to certain rights-of-way.

Finally, Senate Bill No. 53 creates the Telecommunications Advisory Council to assist the Department in administering access to rights-of-way to telecommunications providers and to provide other assistance as requested by the Department.

Roll call on Senate Bill No. 53:
YEAS—21.
NAYS—None.

Senate Bill No. 53 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to Assembly.

Senate Bill No. 55.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 55 authorizes a regulatory body that issues an occupational or professional license, certificate, registration or permit to invalidate the license, certificate, registration or permit upon the discovery of an error in its issuance related to the qualification of the person holding it. The regulatory body must notify the holder, in writing, of the invalidation. The person must surrender the license, certificate, registration or permit to the regulatory body within 20 days after the notice is sent. A person who does so within the time specified is entitled to a hearing before the regulatory body in accordance with the regulations of that regulatory body.

Roll call on Senate Bill No. 55:

YEAS—21.

NAYS—None.

Senate Bill No. 55 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 60.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 60 authorizes the Director of the Department of Health and Human Services to include in the State Plan for Medicaid a voluntary program in which certain qualified local governmental entities and Indian tribes may receive supplemental reimbursements for ground emergency-medical transportation services provided to Medicaid recipients, in addition to the payments they would otherwise receive. The bill also requires the Director of Department of Health and Human Services to include in the State Plan for Medicaid a voluntary program to provide increased per patient payments to a governmental entity or Indian tribe that provides ground emergency-medical transportation services under a contract with a Medicaid-managed care-plan.

Roll call on Senate Bill No. 60:

YEAS—20.

NAYS—Kieckhefer—1.

Senate Bill No. 60 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 75.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 75 makes confidential any information concerning a person who has requested assistance from the Department of Wildlife or has reported any information concerning potentially dangerous wildlife or wildlife causing a nuisance. The measure also provides that certain reports the Department is required to submit to various entities may instead be posted on the Department's website.

Roll call on Senate Bill No. 75:
YEAS—21.
NAYS—None.

Senate Bill No. 75 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 76.
Bill read third time.
Remarks by Senator Hammond.

Senate Bill No. 76 expands the list of authorized investments for the Nevada Higher Education Prepaid Tuition Trust Fund to include certain bonds, notes and other obligations. This bill similarly expands the list of authorized investments for money in the State Permanent School Fund and money invested through the General Portfolio. It also authorizes a board of county commissioners, the board of trustees of a school district or the governing body of an incorporated city to invest in these additional security types.

Senate Bill No. 76 makes a conforming change for any money held by a local government pursuant to a deferred compensation plan, and increases, from 20 to 25 percent, the maximum share of the General Portfolio that is authorized to be invested in the obligations of certain corporations and depository institutions operating in the United States. It also eliminates the requirement that certain securities must be sold as soon as possible if their rating falls below the minimum requirements of law and requires a determination of whether the aggregate value of certain investments exceeds the maximum percentage set by law be made only at the time of purchase.

Roll call on Senate Bill No. 76:
YEAS—21.
NAYS—None.

Senate Bill No. 76 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 118.
Bill read third time.
Remarks by Senators Ford and Kieckhefer.

SENATOR FORD:

Senate Bill No. 118 creates the Nevada Task Force on Financial Security, consisting of nine voting members, to conduct a comprehensive examination during the 2017-2018 Legislative Interim of the financial security of individuals and families in Nevada, including their opportunities to build assets and reduce debt. The costs of the Task Force will be paid only from gifts, grants and donations received by the Task Force. Additionally, the Task Force must submit a report of its findings and recommendations to the Legislative Counsel Bureau on or before September 1, 2018.

SENATOR KIECKHEFER:

Why is this not being made an interim study where it is funded and staffed by the Legislature rather than going out and trying to find outside contributions and contract it with a third party to provide the financial oversight? If it is important enough to deal with, which it is, we should dedicate our resources to it.

SENATOR FORD:

This bill is being presented at the request of several members in our community who are interested in pursuing it. I would rather utilize outside resources and reserve our resources internally for other things if we have donations of this sort lined up. I urge support for this bill.

SENATOR KIECKHEFER:

I will support the measure, but I am concerned we may call some of the findings into question depending on where the donations are from rather than having a true third-party, independent study that will allow us to dive into policy. Financial security is an important issue across the State, but I feel it would be better placed in an interim study.

Roll call on Senate Bill No. 118:

YEAS—21.

NAYS—None.

Senate Bill No. 118 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to Assembly.

Senate Bill No. 119.

Bill read third time.

Remarks by Senator Ford.

Senate Bill No. 119 provides immunity from civil liability to a volunteer member of an organizational team established by the principal of a public school for any damages caused by an act or omission of the volunteer member, another volunteer member or the organizational team itself. The immunity provided applies to certain enumerated acts or omissions occurring before, on or after the effective date of the bill.

Roll call on Senate Bill No. 119:

YEAS—21.

NAYS—None.

Senate Bill No. 119 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 125.

Bill read third time.

Remarks by Senators Ford, Harris, Segerblom and Kieckhefer.

SENATOR FORD:

Senate Bill No. 125 provides that a probationer's right to vote and right to serve as a juror in a civil or criminal action must be restored upon completion of one year of his or her probation if the person was not convicted of certain serious offenses. Similarly, a parolee's right to vote and right to serve, as a juror must be restored upon completion of his or her term of parole if the term is less than one year or upon completion of one year of parole if the person was not convicted of certain serious offenses. The bill also revises the waiting period for certain persons to petition a court for the sealing of their criminal records.

SENATOR HARRIS:

The policy behind Senate Bill No. 125 would put Nevada in line with 38 other states with regards to the sealing of records provisions. People are entitled to second chances. We have the responsibility to help those who have paid their debt to society and help them transition back into our community in helpful and productive ways.

We have heard many measures this Legislative Session, particularly in the Judiciary Committee, about how we can assist with that, including providing identification and other ways to help those who have paid the price to have an entry back into society to get a driver's license to document who they are or go back to school.

In the Committee on Education we heard a bill about allowing education to be provided through the College of Southern Nevada so there is a pipeline for job skills and employment once an offender is released back into their community.

The issues addressed in Senate Bill No. 125 are important policy decisions, and that is why I supported the bill when it came out of Committee. What I did not know, was that there were other bills addressing these issues that were working their way through the Legislative process.

Senate Bill No. 125 and Assembly Bill No. 181 also deal with the restoration of rights, but do so in different ways. As they currently exist, there are conflicts over when the right to serve as a juror in a civil action would occur. There are also concerns over when those rights would be applicable, whether it would be on discharge from parole or within one year of their parole term.

There are some differences with regard to the right to vote as well. Senate Bill No. 453 and Assembly Bill No. 327, as well as Senate Bill No. 125, all address the sealing of records. These are important bills, and they are all different. All address these concerns with different nuances, each of which are important, but, the ambiguity gives me pause. These topics are critical, and we need to deal with them in a global way.

If each of these separate measures were to pass, I am concerned about the conflicts' process the Legal Counsel Bureau would have to deal with to resolve them. Until we can have a larger conversation, I am going to have to vote "no". I let the sponsor of the bill and the Committee Chair know I had a change of position on this bill.

SENATOR SEGERBLOM:

All of these bills will come through the Committee on Judiciary. This action is to pass this bill on to the Assembly. They will work on our bills just as we work on their bills. Together, we will ensure there are no conflicts. This is an important issue, and I encourage you all to support it.

SENATOR KIECKHEFER:

Around this time last Session we began to discuss the restoration of voting rights for felons. I learned that was a difficult process, it was scattered across different counties in different ways and was cumbersome for people to navigate. I suggested we try to streamline the process to make it efficient and effective for people making the decision to reengage in our society. I still support that as a process. Taking that affirmative step is important. The automatic restoration of voting rights for people who have committed some very serious crimes is troubling. It is not that these people have not served the time for the crimes they have committed; it is a much broader rejection of the rules by which we live; the social contract we hold dear to keep our society safe and stable.

This bill allows for automatic restoration for category B felonies that did not result in substantial bodily harm to the victim. This includes things like treason; conspiracy to commit murder; robbery; trafficking of persons for financial gain; child abuse or neglect; abuse of older persons; exploitation; aggravated stalking; abortion not pursuant to law; discharging a firearm at or into an occupied structure; unlawful threats involving acts of terrorism; biological or chemical agents or similar lethal agents; transportation or receipts of explosives for unlawful purposes with no bodily harm; bomb threats; arson; burglary; invasion of the home; grand larceny; extortion; obtaining another's identity; coercion; and racketeering among others. These are not unserious crimes or created out of necessity; these are crimes committed by people who have decided not to follow the rules created by our culture and society. It is not unreasonable to expect people to take an affirmative step to regain some of their civil rights and decide they want to accept that social contract and reengage in our society.

If we can find a way to fix the problems associated with those affirmative steps, I would be happy to support that, but I cannot support this bill.

Roll call on Senate Bill No. 125:

YEAS—12.

NAYS—Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Roberson, Settelmeyer—9.

Senate Bill No. 125 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to Assembly.

Senate Bill No. 127.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 127 provides that a board of county commissioners within a county whose population is less than 100,000 may appoint the members of a local governing body rather than hold elections for that position if each member of the local governing body is entitled to receive annual compensation of less than $6,000 for his or her service; and the board of county commissioners obtains the approval of the local governing body to make it appointed rather than elected if the local governing body has enough current members to obtain a quorum for the transaction of business. The board of county commissioners is not required to obtain the approval of the local governing body if that body does not have enough current members to obtain a quorum.

This bill defines "local governing body" to mean any district, board, council or commission that is charged with executing limited duties or functions within the county and includes a town board, citizens' advisory council, local improvement district, general improvement district, county hospital district, fire protection district and irrigation district.

Roll call on Senate Bill No. 127:

YEAS—21.

NAYS—None.

Senate Bill No. 127 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 128.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 128 authorizes, rather than requires, a board of county commissioners that chooses to create a district for a county fire department to levy a tax for the support of the district.

Roll call on Senate Bill No. 128:

YEAS—21.

NAYS—None.

Senate Bill No. 128 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to Assembly.

Senate Bill No. 130.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 130 increases from 15,000 to 30,000 the number of barrels of malt beverages that a person who operates one or more brew pubs in any county may manufacture at all the brew pubs he or she operates in that county for any calendar year. Such a person is also prohibited from selling at retail more than 10,000 barrels of malt beverages manufactured on the premises of a brew-pub operated in that county during any calendar year.

Roll call on Senate Bill No. 130:
YEAS—21.
NAYS—None.

Senate Bill No. 130 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill No. 156 be taken from the General File and placed on the Secretary's desk.
Motion carried.

Senator Ford moved that the Senate recess until 2:00 p.m.
Motion carried.

Senate in recess at 1:00 p.m.

SENATE IN SESSION

At 2:11 p.m.
President Hutchison presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 138.
Bill read third time.
Remarks by Senator Hardy.

Senate Bill No. 138 authorizes a county, city or unincorporated town to establish a local improvement district to fund a waterfront-maintenance project, the purpose of which is to provide ongoing repairs or maintenance in relation to a public body of water or public property that is located along the shore of a public body of water. A waterfront-maintenance project may be combined in the same district with a waterfront project. This bill prohibits the acquisition of a waterfront-maintenance project if the local government receives written objections to the project from owners of tracts in the proposed assessment district constituting 50 percent of the basis for the computation of assessments.

The governing body of a local government that has established a local improvement district for a waterfront-maintenance project must, on or before June 30 of each year, prepare an estimate of expenditures for the next year and a proposed assessment roll for the district. The bill sets forth the basis for the computation of the assessments and requires the governing body to conduct a public hearing on the estimate of costs and the assessment roll. The proceeds of the assessment must be placed in a separate fund and only used for the cost of the waterfront-maintenance project.

Roll call on Senate Bill No. 138:
YEAS—21.
NAYS—None.

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

Senate Bill No. 141.
Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 141 expands the conditions under which a veteran of the United States Armed Forces who has suffered a service-connected disability may qualify for certain specially designed license plates and makes various conforming changes.

Roll call on Senate Bill No. 141:

YEAS—21.

NAYS—None.

Senate Bill No. 141 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to Assembly.

Senate Bill No. 149.

Bill read third time.

Remarks by Senators Manendo and Gustavson.

SENATOR MANENDO:

Senate Bill No. 149 revises provisions governing regional transportation commissions (RTCs) to allow for the construction, operation and maintenance of a high-capacity transit system if certain conditions are met. An RTC must seek approval from a county or city that owns any public right-of-way needed for construction of any such projects. The bill authorizes an RTC to enter into agreements with other local governments for the development of projects and to share the costs related to any such projects. In certain larger counties, currently Clark and Washoe Counties, an RTC may recommend the imposition of an additional tax to fund the projects. Additionally, an RTC is authorized to provide grants to conduct research for and otherwise develop and implement certain innovative transportation projects and enter into agreements with private entities for certain transportation projects in accordance with federal law; use a turnkey procurement process or competitive negotiation process in connection with a high-capacity transit project; impose civil penalties for the unauthorized parking of a vehicle at a transportation facility, and impose fees for the use of RTC services or facilities that are to be used for the construction or operation of transportation facilities. Finally, the bill repeals provisions requiring the RTC in a county whose population is 700,000 or more, currently Clark County, to establish a regional rapid-transit authority and requires that the provisions of existing law governing RTCs be liberally construed to allow an RTC to meet its objectives.

SENATOR GUSTAVSON:

I rise in opposition to Senate Bill No. 149. This bill would allow the voters in Clark County to go to the ballot and decide an important issue. I support that concept, but I cannot support this bill. In 2008, Advisory Ballot Question RTC 5 was put before the voters in Washoe County. That question asked if the Washoe County Commissioners should, "seek State legislation for RTC to obtain funding for transportation projects." Absent from that ballot question was clear and concise language explaining that the intent of Washoe County was to raise fuel taxes on its own citizens. Washoe County voters were infuriated to learn that they had been deceived into voting for a tax on themselves. A clear answer as to why that ballot question was written in such a way as to confuse voters has never been offered. When I began to address this event with the now-promoters of Senate Bill No. 149, one of them explained, "I love that language." I find this brashness and arrogance disheartening and disgusting. I came away from that meeting convinced that Clark County voters are going to be in for a big surprise. Without knowing how this legislation is going to be presented and promoted to the voters of Clark County, I cannot support this bill and will be voting "no".

Roll call on Senate Bill No. 149:

YEAS—20.

NAYS—Gustavson.

Senate Bill No. 149 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to Assembly.

Senate Bill No. 159.

Bill read third time.

Remarks by Senator Farley.

Senate Bill No. 159 prohibits a person from knowingly selling or offering to sell a substance containing dextromethorphan, a common ingredient in cough syrup, to a minor under certain circumstances. It also prohibits a minor from knowingly purchasing a substance containing the drug. A retail establishment must, before selling such a substance, demand a valid identification if the purchaser appears to be under 25 years of age. The bill also prohibits a local government from enacting a local ordinance or regulation that conflicts with this bill or further regulates the sale, receipt or possession of dextromethorphan.

Roll call on Senate Bill No. 159:

YEAS—20.

NAYS—Kieckhefer.

Senate Bill No. 159 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to Assembly.

Senate Bill No. 160.

Bill read third time.

Remarks by Senator Gansert.

Senate Bill No. 160 revises notice requirements affecting the adoption of administrative regulations by agencies of the Executive Department of State Government that are not exempt from the Nevada Administrative Procedure Act.

Specifically, the bill provides that an agency must ensure that a regulation to be considered at a public hearing is posted on the agency's website three working days before the hearing. When the notice of a first hearing on that regulation is posted, the agency must include notice that the regulation posted on the agency's website three working days before the hearing will be the regulation considered at the hearing.

Similarly, the measure requires an agency to provide at least three working days' notice of its intent to approve a revision to a regulation before holding a second or subsequent hearing on that regulation, including, without limitation, a subsequent hearing on an adopted regulation that has not been approved by the Legislative Commission or the Subcommittee to Review Regulations.

The measure further provides that a public workshop is not required at the second or subsequent hearing on proposed regulation.

Roll call on Senate Bill No. 160:

YEAS—21.

NAYS—None.

Senate Bill No. 160 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to Assembly.

Senate Bill No. 163.

Bill read third time.

Remarks by Senators Farley and Hardy.

SENATOR FARLEY:

Senate Bill No. 163 expands upon the current exceptions to the requirement that a professional entity only provide one type of professional service by authorizing practitioners in the fields of medicine, homeopathy, osteopathy, psychology, clinical social work, psychiatric nursing, marriage and family therapy and clinical counseling to join together in any combination to offer their services through a single entity.

SENATOR HARDY:

Would this allow physician assistants or nurse practitioners to have jurisdiction over MDs in telling them what to do in a private entity?

SENATOR FARLEY:

Not to my knowledge. I do not believe that is the case but I will get more information for you by the end of the day.

Roll call on Senate Bill No. 163:

YEAS—20.

NAYS—Hardy.

Senate Bill No. 163 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 165.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 165 defines, for the first time in Nevada Revised Statutes, the term "obesity" as a chronic disease.

In addition, Senate Bill No. 165 requires the board of trustees in each school district in a county whose population is 100,000 or more, currently Clark and Washoe Counties, to measure the height and weight of a representative sample of pupils enrolled in grades 4, 7 and 10 in schools within the school district.

The bill requires the Division of Public and Behavioral Health, Department of Health and Human Services, to compile a report of the results of the height and weight measurements by region and publish and disseminate the report. A copy must be submitted to the superintendent of each school district in a county whose population is 100,000 or more. The Division must also submit an annual report regarding obesity to the Nevada Legislature.

Roll call on Senate Bill No. 165:

YEAS—16.

NAYS—Gustavson, Hammond, Kieckhefer, Roberson, Settelmeyer—5.

Senate Bill No. 165 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to Assembly.

Senate Bill No. 171.

Bill read third time.

Remarks by Senator Gansert.

Senate Bill No. 171 requires a retail community pharmacy to post in a conspicuous place on the premises of the pharmacy, or provide upon request, written instructions for safely disposing of unused medications.

Roll call on Senate Bill No. 171:
YEAS—21.
NAYS—None.

Senate Bill No. 171 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 176.
Bill read third time.
Remarks by Senator Ford.
Senate Bill No. 176 expands to all law enforcement agencies the requirement that certain peace officers wear a portable electronic recording device, or body cam, while on duty and requires that video recordings be retained by the law enforcement agency for not less than 15 days.
The bill also expands to all counties the authority of the respective boards of county commissioners to impose a surcharge to be used for the enhancement of the telephone system for reporting an emergency in the county and authorizes the surcharge to also be used to purchase and maintain the portable electronic recording devices and vehicular event recording devices. The maximum amount of the surcharge that may be imposed is increased from 25 cents to $1 each month for each access line to the local exchange of a telecommunications provider.

Roll call on Senate Bill No. 176:
YEAS—20.
NAYS—Gustavson.

Senate Bill No. 176 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 206.
Bill read third time.
Remarks by Senator Atkinson.
Senate Bill No. 206 increases from three years to four years the length of a term for appointed members of the State Barbers' Health and Sanitation Board and prohibits the appointed members of the Board from serving more than three terms. Any term commencing on or after January 3, 2011, counts toward the limitation on the number of terms that may be served.
The measure requires the Board to place its budget and all fiscal reports prepared by the Board on its Internet website. The Board must post licensing examination dates on its Internet website not less than 60 days before the date of the examination.
The measure reduces from five to three the number of years that an applicant for a license as an instructor at a barber school must have practiced as a full-time licensed barber in Nevada or in another jurisdiction whose requirements for licensing are substantially equivalent to those in this State.
Finally, the bill requires an applicant for a license to operate a barbering school to submit information to the Board demonstrating the school that is issued a license to operate on or after July 1, 2018, will have at least 2 instructors who provide instruction at the school.

Roll call on Senate Bill No. 206:
YEAS—21.
NAYS—None.

Senate Bill No. 206 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to Assembly.

Senate Bill No. 237.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 237 requires a court to consider whether a child-welfare agency has created an in-home safety plan for the protection of a child as part of its efforts to preserve and reunify a child with his or her family.

Roll call on Senate Bill No. 237:

YEAS—21.

NAYS—None.

Senate Bill No. 237 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to Assembly.

Senate Bill No. 242.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 242 authorizes the Board of Trustees of the College Savings Plans of Nevada to delegate to the State Treasurer certain powers and duties related to the Nevada Higher Education Prepaid Tuition Program and the Nevada Higher Education Prepaid Tuition Trust Fund. It also requires the Board to adopt, by regulation, requirements for a program master agreement and transfers the duty to adopt regulations for the Nevada College Savings Program from the State Treasurer to the Board.

This bill also expands the list of authorized investments for the Nevada Higher Education Prepaid Tuition Trust Fund and expands the authorized use of prepaid tuition benefits to include a beneficiary's graduate studies after he or she has received an undergraduate degree.

Roll call on Senate Bill No. 242:

YEAS—21.

NAYS—None.

Senate Bill No. 242 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to Assembly.

Senate Bill No. 251.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 251 requires the Board to Review Claims to adopt regulations for the Division of Environmental Protection to award grants from the Fund for Cleaning Up Discharges of Petroleum to assist operators who have demonstrated financial need in defraying costs of infrastructure required to comply with laws or regulations to prevent discharge of petroleum from a storage tank. The bill provides that certain administration, prioritization and distribution requirements must be included in the regulations.

Roll call on Senate Bill No. 251:

YEAS—21.

NAYS—None.

Senate Bill No. 251 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to Assembly.

Senate Bill No. 256.

Bill read third time.

The following amendment was proposed by Senator Settelmeyer:

Amendment No. 401.

SUMMARY—Revises provisions relating to the Board of Dental Examiners of Nevada. (BDR 54-549)

AN ACT relating to dentistry; requiring the Board of Dental Examiners of Nevada to appoint a panel to review investigations and informal hearings conducted by an investigator of the Board; requiring the review and consideration of the findings and recommendations of a review panel before disciplinary action is taken against a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Dental Examiners of Nevada, upon its own motion, and requires the Board, upon a verified complaint by any person, to investigate a person who practices dentistry in this State for allegations of actions that would support disciplinary action. (NRS 631.360) Existing law also authorizes the Board to appoint one of its members, employees, investigators or other agents to conduct an investigation and informal hearing relating to a person who is alleged to have violated the provisions of chapter 631 of NRS. (NRS 631.363)

Section 1 of this bill requires the Board to appoint a panel of three people, consisting of ~~[employees or investigators]~~ two members of the Board ~~[or holders]~~ and one holder of a license to practice dentistry or dental hygiene in this State, to review an investigation and informal hearing conducted by an investigator appointed by the Board. Section 1 requires such a panel to review: (1) all files and records collected or produced by the investigator; (2) findings of fact and conclusions prepared by the investigator and submitted to the Board; and (3) any other information deemed necessary by the panel. Section 1 further requires: (1) a review panel to submit a recommendation to the Board as to whether the findings and recommendations of the investigation should be accepted by the Board; and (2) the Board to review and consider the findings and recommendations of the review panel before taking any disciplinary action against a person or taking any other action relating to a complaint filed with the Board. Section 3 of this bill requires a hearing officer or panel to review and consider the findings and recommendations of a review panel before taking disciplinary action against a person. Section 5 of this bill provides that any records or information obtained by a review panel are deemed confidential. Section 6 of this bill extends to members of a review panel the immunity from civil liability provided under existing law to members and employees of the Board.

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

Section 1. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall appoint ~~[any three of its employees or investigators, any three holders of a license to practice dentistry or dental hygiene, or any combination of three such persons to]~~ a panel to review an investigation or informal hearing conducted pursuant to NRS 631.363. Such a panel must consist of:

(a) If the subject of the investigation or informal hearing is a holder of a license to practice dental hygiene, two members of the Board other than a member appointed pursuant to NRS 631.363 to conduct the investigation and informal hearing and one holder of a license to practice dental hygiene who is not a member of the Board and is not the subject of the investigation or informal hearing.

(b) If the subject of the investigation or informal hearing is a holder of a license to practice dentistry or any other person not described in paragraph (a), two members of the Board other than a member appointed pursuant to NRS 631.363 to conduct the investigation and informal hearing and one holder of a license to practice dentistry who is not a member of the Board and is not the subject of the investigation or informal hearing.

2. A review panel appointed pursuant to subsection 1 shall, in conducting a review of an investigation or informal hearing conducted pursuant to NRS 631.363, review and consider, without limitation:

(a) All files and records collected or produced by the investigator;

(b) Any written findings of fact and conclusions prepared by the investigator; and

(c) Any other information deemed necessary by the review panel.

3. The investigator who conducted the investigation or informal hearing pursuant to NRS 361.363 shall not participate in a review conducted pursuant to subsection 1.

4. Before the Board takes any action or makes any disposition relating to a complaint, the review panel appointed pursuant to subsection 1 to conduct a review of the investigation or informal hearing relating to the complaint shall present to the Board its findings and recommendation relating to the investigation or informal hearing, and the Board shall review and consider those findings and recommendations.

5. Meetings held by a review panel appointed pursuant to subsection 1 are not subject to the provisions of chapter 241 of NRS.

Sec. 2. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, *review panels,* examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter. Notwithstanding the provisions of this subsection, the

Attorney General in his or her sole discretion may, but is not required to, serve as legal counsel for the Board at any time and in any and all matters.

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry and dental hygiene.

4. Examine applicants for licenses to practice dentistry and dental hygiene.

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists and dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 3. NRS 631.355 is hereby amended to read as follows:

631.355 1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 631.350 is subject to the same procedural requirements which apply to disciplinary actions taken by the Board, and the officer or panel has those powers and duties given to the Board in relation thereto. *Before taking disciplinary action, the hearing officer or panel shall review and consider the findings and recommendations of a review panel appointed pursuant to section 1 of this act.*

2. Any decision of the hearing officer or panel relating to the imposition of any disciplinary action pursuant to this chapter is a final decision in a contested case.

Sec. 4. NRS 631.363 is hereby amended to read as follows:

631.363 1. The Board may appoint one of its members and any of its employees, investigators or other agents to conduct an investigation and informal hearing concerning any practice by a person constituting a violation of the provisions of this chapter or the regulations of the Board.

2. The investigator designated by the Board to conduct a hearing shall notify the person being investigated at least 10 days before the date set for the hearing. The notice must describe the reasons for the investigation and must be served personally on the person being investigated or by mailing it by registered or certified mail to his or her last known address.

3. If, after the hearing, the investigator determines that the Board should take further action concerning the matter, the investigator shall prepare written findings of fact and conclusions and submit them to the Board. A copy of the report must be sent to the person being investigated.

4. If the Board, after receiving the report of its investigator pursuant to this section, holds its own hearing on the matter pursuant to NRS 631.360, it may consider the investigator's report but is not bound by his or her findings or

conclusions. The investigator *and any member of a review panel appointed pursuant to section 1 of this act* shall not participate in the hearing conducted by the Board.

5. If the person who was investigated agrees in writing to the findings and conclusions of the investigator, the Board may adopt that report as its final order and take such action as is necessary without conducting its own hearing on the matter.

Sec. 5. NRS 631.368 is hereby amended to read as follows:

631.368 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board *or a review panel appointed pursuant to section 1 of this act* and any record of the investigation *or review* are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board shall, to the extent feasible, communicate or cooperate with or provide any record or information described in subsection 1 to any other licensing board or any other agency that is investigating a person, including a law enforcement agency.

Sec. 6. NRS 631.378 is hereby amended to read as follows:

631.378 1. Any person who furnishes information to the Board concerning a licensee or an applicant for licensure, in good faith and without malicious intent, is immune from any civil action for furnishing that information.

2. The Board, *a review panel,* any member, employee or committee of the Board ~~[,]~~ *or a review panel,* counsel, investigator, expert, hearing officer, licensee or other person who assists the Board in the investigation or prosecution of an alleged violation of a provision of this chapter, a proceeding concerning licensure or reissuance of a license or a criminal prosecution is immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the Board.

(b) Disseminating information concerning a licensee or an applicant for licensure to any member of the public, other licensing board, national association of registered boards, an agency of the Federal Government or of the State, the Attorney General or any law enforcement agency.

3. A defendant who is the prevailing party in a civil action brought pursuant to subsection 2 may recover the attorney's fees and costs incurred in defending the action.

Sec. 6.5. 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 1 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. 7. This act becomes effective:

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

2. On January 1, 2018, for all other purposes.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Amendment No. 401 to Senate Bill No. 256 requires the Board of Dental Examiners of Nevada to appoint a panel of three people, consisting of employees or investigators of the Board or holders of a license to practice dentistry or dental hygiene, to review an investigation or an informal hearing conducted by an investigator of the Board. Any records or information obtained by a review panel are confidential. A hearing officer or panel to which the Board has delegated its authority to take disciplinary action must review and consider the findings and recommendations of the review panel before taking such action against a person.

Amendment adopted.

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

Senate Bill No. 258.

Bill read third time.

Remarks by Senator Gustavson.

Senate Bill No. 258 authorizes an executive board of a common-interest community to send a written notice to cure a violation without imposing a fine and requires that the notice meet several requirements. Specifically, the notice must explain any applicable provisions that form the basis for the alleged violation, describe the alleged violation and proposed cure, provide a clear photograph of the violation, if applicable, and provide the unit owner or tenant a reasonable opportunity to cure the violation before taking further action.

Roll call on Senate Bill No. 258:
YEAS—21.
NAYS—None.

Senate Bill No. 258 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 279.
Bill read third time.
Remarks by Senator Settelmeyer.
Senate Bill No. 279 authorizes a mayor of a city that is organized under general law to perform a marriage and for a mayor of a city that is organized under special charter to perform a marriage if authorized to do so by the city's governing body. Aside from a gift of nominal value, a mayor may not accept any fee, gift, honorarium or anything of value for performing a marriage. A mayor who violates these provisions is guilty of a misdemeanor.

Roll call on Senate Bill No. 279:
YEAS—21.
NAYS—None.

Senate Bill No. 279 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 283.
Bill read third time.
Remarks by Senators Atkinson and Gustavson.

SENATOR ATKINSON:
Senate Bill No. 283 provides for the issuance of special license plates indicating support for the Vegas Golden Knights hockey team. Other than the applicable registration and license fees and governmental services taxes, no fees may be charged for the issuance or renewal of these license plates. The bill allows the Department of Motor Vehicles to accept any gifts, grants and donations or other sources of money for the production and issuance of these special license plates.

SENATOR GUSTAVSON:
I have always supported license plate bills, but I cannot support this one due to the inconsistency we would be starting to show by not charging the regular fees for specialty license plates. For that reason, I am voting against a bill that will not charge a fee.

Roll call on Senate Bill No. 283:
YEAS—20.
NAYS—Gustavson.

Senate Bill No. 283 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Settelmeyer moved that Senate Bill No. 399 be taken from the General File and placed on the Secretary's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 312.

Bill read third time.

Remarks by Senator Manendo.

Senate Bill No. 312 changes provisions of law related to driving and public safety. Among other things, the bill revises the duties of a driver upon approaching or being approached by certain emergency vehicles and other vehicles displaying flashing lights and upon approaching a traffic incident; a law enforcement officer providing for the removal of a vehicle, any spilled cargo of a vehicle or other property that is obstructing traffic, interfering with the normal flow of traffic or otherwise endangering public safety; and a driver moving his or her vehicle, if the vehicle is able to be moved and is creating a hazard or obstructing traffic.

The bill provides that a law enforcement officer, the law enforcement agency employing the officer, a unified command or a tow car operator who provides for the removal of a vehicle, spilled cargo or other property is not liable for any damage to the vehicle, cargo or property that results from the removal; and must make a reasonable attempt to notify the owner of the vehicle, cargo or property if the owner is not present at the time of removal.

Roll call on Senate Bill No. 312:

YEAS—21.

NAYS—None.

Senate Bill No. 312 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to Assembly.

Senate Bill No. 313.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 313 authorizes trustees or the governing authority of a public library to establish a gift fund with a financial institution and to transfer money from the gift fund to a tax-exempt library foundation operated for the support of the library. Trustees are authorized to enter into a lease or lease-purchase agreement for real or personal property for a library and to convey property for that purpose. Any construction, alteration, repair or remodeling of an improvement involved in such an agreement must comply with prevailing wage requirements.

Library foundations are exempt from taxes on the transfer of real property and must comply with existing law governing open meetings and public records but are not required to disclose the names of contributors.

Roll call on Senate Bill No. 313:

YEAS—18.

NAYS—Hardy, Kieckhefer, Settelmeyer—3.

Senate Bill No. 313 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 318.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 318 authorizes an employee of an agency that provides personal-care services in the home who is required to be on duty for 24 hours or more to agree not to be paid for a sleeping period of up to 8 hours if adequate sleeping facilities are provided. If the sleeping period is interrupted to provide personal-care services, the interruption must be counted as hours worked. If the sleeping period is less than 5 hours, the employee must be paid for the entire sleeping period.

Roll call on Senate Bill No. 318:
YEAS—21.
NAYS—None.

Senate Bill No. 318 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Manendo moved that Senate Bill No. 320 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 326.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 326 requires a child-care facility, to the extent authorized by federal law, to give priority admission to a child whose parent or guardian is serving on active duty in the Armed Forces; parent was killed or died as a direct result of injuries received while serving honorably on active duty, or who is currently or was recently missing in action or a prisoner of war.

Roll call on Senate Bill No. 326:
YEAS—21.
NAYS—None.

Senate Bill No. 326 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 388.

Bill read third time.

Remarks by Senator Gansert.

Senate Bill No. 388 requires an employment agency that contracts with persons who provide nonmedical personal-care services in the home to elderly individuals and individuals with disabilities to obtain a license from the State Board of Health. The bill also specifies the nonmedical services such agencies may perform; requires the Board to adopt regulations governing licensure of such employment agencies; requires an employment agency to conduct certain background checks on persons with whom it contracts, and imposes civil penalties on such an agency for failing to conduct required background checks.

Roll call on Senate Bill No. 388:
YEAS—21.
NAYS—None.

Senate Bill No. 388 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 412.

Bill read third time.

Remarks by Senator Atkinson.

Senate Bill No. 412 revises provisions related to the certification of eligibility of certain customers of telecommunications companies for discounted lifeline service rates. Specifically, the bill authorizes the Public Utilities Commission of Nevada to terminate the certification service of an independent administrator when the National Lifeline Eligibility Verifier established by the Federal Communications Commission is able to provide such certification or recertification service to telecommunications companies in Nevada. The measure provides the National Lifeline Eligibility Verifier access to the database created and maintained by the Department of Health and Human Services for the exclusive purpose of determining or verifying the status of an eligible customer.

Roll call on Senate Bill No. 412:

YEAS—21.

NAYS—None.

Senate Bill No. 412 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 422.

Bill read third time.

Remarks by Senator Manendo.

Senate Bill No. 422 provides that a regional planning coalition may designate the regional transportation commission to administer the comprehensive regional policy plan. The Southern. Nevada Regional Planning Coalition Act is repealed.

Roll call on Senate Bill No. 422:

YEAS—21.

NAYS—None.

Senate Bill No. 422 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Joint Resolution No. 17 of the 78th Session.

Resolution read third time.

Remarks by Senators Roberson and Segerblom.

SENATOR ROBERSON:

Senate Joint Resolution 17 of the 78th Legislative Session proposes to amend the Nevada Constitution by eliminating existing victims' rights provisions found in Article 1, Section 8 and replacing them with an expanded set of provisions in the form of a victims' bill of rights.

If approved in identical form during the 2017 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election. The proposed new section of the *Nevada Constitution* is modeled after the victims' bill of rights set forth in the *California Constitution* as it was amended in 2008 by what is commonly referred to as Marsy's Law, Cal. Const. Art. 1, § 28. The rights to which a victim of crime would be entitled under the *Nevada Constitution* include the right: to be treated with fairness and respect for his or her privacy and dignity and to be free from intimidation, harassment and abuse, throughout the criminal or juvenile justice process; to be reasonably protected from the defendant and persons acting on behalf of the defendant; to have the safety of the victim and the victim's family considered as a factor in fixing the amount of bail and release conditions for the defendant; to prevent the disclosure of confidential information or records to the defendant, which could be used to locate or harass the victim or the victim's family; to refuse an interview or deposition request, unless under court order, and to set reasonable conditions on the conduct of any such interview to

which the victim consents; to reasonably confer with the prosecuting agency, upon request, regarding the case; to give reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings and to be present at all such proceedings; to be reasonably heard, upon request, at any public proceeding, including any delinquency proceeding, in any court involving release or sentencing and at any parole proceeding; to the timely disposition of the case following the arrest of the defendant; to provide information to any public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant; to be informed, upon request, of the conviction, sentence, place and time of incarceration or other disposition of the defendant, the scheduled release date of the defendant and the release of or the escape by the defendant from custody; to full and timely restitution; to the prompt return of legal property when no longer needed as evidence; to be informed of all post-conviction proceedings; to participate and provide information to the parole authority to be considered before the parole of the offender; and to be notified, upon request, of the parole or other release of the offender; to have the safety of the victim, the victim's family and the general public considered before any parole or other post-judgment release decision is made; to have all monetary payments, money and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim; to be specifically informed of the rights enumerated in this section, and to have information concerning those rights be made available to the general public.

SENATOR SEGERBLOM:

I am in support of this bill because it allows the voters to decide. There will be other constitutional amendments coming forward, and I would like to remind the Body that a vote on a constitutional amendment is not in favor of the amendment; it is to allow the people of Nevada to have their say.

Roll call on Senate Joint Resolution No. 17 of the 78th Session:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 17 of the 78th Session having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to Assembly.

Senate Bill No. 91.

Bill read third time.

The following amendment was proposed by Senator Hardy:

Amendment No. 402.

SUMMARY—Revises provisions relating to drug donation programs. (BDR 40-271)

AN ACT relating to prescription drugs; combining the HIV/AIDS Drug Donation Program and the Cancer Drug Donation Program to create the Prescription Drug Donation Program; authorizing a person or governmental entity to donate ~~[certain]~~ prescription drugs to the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the HIV/AIDS Drug Donation Program and the Cancer Drug Donation Program. (NRS 453B.010-453B.130, 453B.150-453B.240) This bill: (1) combines those Programs to create the Prescription Drug Donation Program; and (2) additionally allows a person or

governmental entity to donate to the Prescription Drug Donation Program any prescription drug ~~[that has a wholesale acquisition cost of more than $500 per month if the drug is used in accordance with the instructions of the manufacturer.]~~ , with limited exceptions.

Section 2 of this bill authorizes a person or governmental entity to donate to the Prescription Drug Donation Program any prescription drug, other than marijuana and certain other drugs for which the patient must be registered with the manufacturer . ~~[, that: (1) is used to treat the human immunodeficiency virus, acquired immunodeficiency syndrome or cancer; or (2) has a wholesale acquisition cost of more than $500 per month if the drug is used in accordance with the instructions of the manufacturer.]~~ Section 2 also authorizes a pharmacy, medical facility, health clinic or provider of health care to impose a handling fee upon a patient who receives a donated prescription drug and imposes requirements concerning the acceptance, distribution or dispensing of a donated prescription drug.

Section 3 of this bill prescribes certain recordkeeping requirements relating to donated prescription drugs and the storage of donated prescription drugs. Section 4 of this bill requires a donated prescription drug to be dispensed by a registered pharmacist, pursuant to a prescription, to a recipient who is eligible under regulations adopted by the State Board of Pharmacy. Section 5 of this bill requires a pharmacy, medical facility, health clinic or provider of health care that participates in the Program to comply with all applicable state and federal laws. Section 5 also authorizes such a pharmacy, medical facility, health clinic or provider of health care to distribute a donated prescription drug to another pharmacy, medical facility, health clinic or provider of health care that participates in the Program. Section 6 of this bill requires the Board to adopt regulations to carry out the Program. Section 7 of this bill: (1) provides immunity from liability for certain actions relating to the Program; and (2) requires a person to whom a donated prescription drug is dispensed to sign a waiver of liability for such actions.

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

Section 1. NRS 453B.060 is hereby amended to read as follows:

453B.060 "Program" means the ~~[HIV/AIDS]~~ *Prescription* Drug Donation Program established pursuant to NRS 453B.080.

Sec. 2. NRS 453B.080 is hereby amended to read as follows:

453B.080 1. The Board shall establish and maintain the ~~[HIV/AIDS]~~ *Prescription* Drug Donation Program to accept, distribute and dispense ~~[HIV/AIDS]~~ *prescription* drugs donated to the Program.

2. ~~[Any]~~ *Except as otherwise provided in this section, a* person or governmental entity may donate ~~[an HIV/AIDS *a]*~~ *any prescription* drug to the Program . ~~[. An HIV/AIDS *that:*~~

~~*(a) Is used to treat the human immunodeficiency virus or acquired immunodeficiency syndrome;*~~

~~*(b) Is used to treat cancer; or*~~

~~*(c) Has a wholesale acquisition cost of more than $500 per month if the drug is used in accordance with the instructions of the manufacturer.]*~~

3. A *prescription* drug ~~*[described in subsection 2]*~~ may be donated *to the Program* at a pharmacy, medical facility, health clinic or provider of health care that participates in the Program.

~~[3.]~~ *4.* A pharmacy, medical facility, health clinic or provider of health care that participates in the Program may charge a patient who receives ~~[an HIV/AIDS]~~ *a donated* *prescription* drug a handling fee in accordance with the regulations adopted by the Board pursuant to NRS 453B.120.

~~[4.]~~ *5.* A pharmacy, medical facility, health clinic or provider of health care that participates in the Program must establish written procedures for receiving and inspecting donated ~~[HIV/AIDS]~~ *prescription* drugs . ~~[which are approved by the Board.~~

~~5. An HIV/AIDS]~~

6. A *prescription* drug may be accepted, distributed or dispensed pursuant to the Program only if the ~~[HIV/AIDS]~~ drug:

(a) ~~*[Is a drug described in subsection 2;*~~

~~*(b)]*~~ Is in its original, unopened, sealed and tamper-evident unit dose packaging or, if packaged in single-unit doses, the single-unit dose packaging is unopened;

(b) ~~*[(c)]*~~ Is not adulterated or misbranded; and

(c) ~~*[(d)]*~~ Bears an expiration date that is 180 days or more after the date on which the drug is donated.

~~[6. An HIV/AIDS]~~

7. A *prescription* drug donated to the Program may not be:

(a) Resold; or

(b) Designated by the donor for a specific person.

~~[7.]~~ *8.* The provisions of this section do not require a pharmacy, medical facility, health clinic or provider of health care to participate in the Program.

9. Marijuana, as defined in NRS 453.096, or any drug that may only be dispensed to a patient registered with the manufacturer of the drug pursuant to requirements of the United States Food and Drug Administration may not be donated, accepted, distributed or dispensed pursuant to the Program.

~~*[10. As used in this section, "wholesale acquisition cost" means the manufacturer's list price for a drug to wholesalers or direct purchasers in the United States, not including discounts, rebates or reductions in price, for the most recent month for which the information is available, as reported in wholesale price guides or other publications of drug pricing data.]*~~

Sec. 3. NRS 453B.090 is hereby amended to read as follows:

453B.090 A pharmacy, medical facility, health clinic or provider of health care that participates in the Program shall:

1. Maintain the records for any ~~[HIV/AIDS]~~ *prescription* drug that is donated to the Program separate from all other records kept by the pharmacy, medical facility, health clinic or provider of health care. Records for any

~~[HIV/AIDS]~~ *prescription* drug donated to the Program must include, without limitation:

(a) The date the pharmacy, medical facility, health clinic or provider of health care received the drug;

(b) The date the drug was dispensed pursuant to the original prescription;

(c) The original prescription number of the drug;

(d) The name of the drug;

(e) The dosage of the drug;

(f) The quantity of the drug that is donated;

(g) The date of expiration of the drug;

(h) The name, address and telephone number of the person who originally dispensed the drug;

(i) The name, address and telephone number of the person who donated the drug; and

(j) The lot number of the drug.

2. Maintain the record of ~~[an HIV/AIDS]~~ *a donated prescription* drug that is distributed to another pharmacy, medical facility, health clinic or provider of health care which is participating in the Program separate from all other records kept by the pharmacy, medical facility, health clinic or provider of health care. The records for any ~~[HIV/AIDS]~~ *donated prescription* drug distributed to another pharmacy, medical facility, health clinic or provider of health care must include, without limitation:

(a) The information required by subsection 1;

(b) The name, address and telephone number of the pharmacy, medical facility, health clinic or provider of health care that is distributing the drug;

(c) The quantity of the drug that is being distributed; and

(d) The name, address and telephone number of the pharmacy, medical facility, health clinic or provider of health care to which the drug is distributed.

3. Record and retain the name and telephone number of any person to whom a donated ~~[HIV/AIDS]~~ *prescription* drug is dispensed.

4. Store ~~[an HIV/AIDS]~~ *a prescription* drug that is donated to the Program:

(a) Pursuant to the recommendations of the manufacturer of the drug concerning the storage conditions;

(b) Separate from all other drugs; and

(c) In a locked storage area.

Sec. 4. NRS 453B.100 is hereby amended to read as follows:

453B.100 ~~[An HIV/AIDS]~~ *A prescription* drug donated for use in the Program may only be dispensed:

1. By a pharmacist who is registered pursuant to chapter 639 of NRS; ~~[and]~~

2. *Pursuant to a prescription written by a person who is authorized to write prescriptions; and*

3. To a person who is eligible to receive ~~[HIV/AIDS]~~ *prescription* drugs dispensed pursuant to the Program.

Sec. 5. NRS 453B.110 is hereby amended to read as follows:

453B.110 A pharmacy, medical facility, health clinic or provider of health care that participates in the Program:

1. Shall comply with all applicable state and federal laws concerning the storage, distribution and dispensing of any ~~[HIV/AIDS]~~ *prescription* drugs donated to the Program; and

2. May distribute ~~[an HIV/AIDS]~~ *a prescription* drug donated to the Program to another pharmacy, medical facility, health clinic or provider of health care for use in the Program.

Sec. 6. NRS 453B.120 is hereby amended to read as follows:

453B.120 The Board shall adopt regulations to carry out the provisions of this chapter. The regulations must prescribe, without limitation:

1. The requirements for the participation of pharmacies, medical facilities, health clinics and providers of health care in the Program . ~~[;]~~ *For medical facilities or providers of health care who participate in the Program by accepting, distributing or dispensing a prescription drug used to treat cancer, the requirements prescribed pursuant to this subsection must include a requirement that any such medical facility or provider of health care provide, as a regular course of practice, medical services and goods to persons with cancer.*

2. The criteria for determining the eligibility of persons to receive ~~[HIV/AIDS]~~ *prescription* drugs dispensed pursuant to the Program, including, without limitation, a requirement that a person apply to the Board on a form prescribed by the Board for eligibility to receive ~~[HIV/AIDS]~~ *prescription* drugs dispensed or distributed pursuant to the Program . ~~[;]~~

3. ~~[The categories of HIV/AIDS drugs that may be accepted for distribution or dispensing pursuant to the Program;~~

~~4.]~~ The maximum fee that a pharmacy, medical facility, health clinic or provider of health care may charge to distribute or dispense ~~[HIV/AIDS]~~ *prescription* drugs pursuant to the Program . ~~[; and~~

~~5.]~~ *4.* The requirements for the written procedures established by a pharmacy, medical facility, health clinic or provider of health care for receiving and inspecting ~~[donated HIV/AIDS]~~ *prescription* drugs *donated to the Program* and the manner in which a pharmacy, medical facility, health clinic or provider of health care must submit such procedures for approval.

Sec. 7. NRS 453B.130 is hereby amended to read as follows:

453B.130 1. A person who exercises reasonable care in the donation of ~~[an HIV/AIDS]~~ *a prescription* drug in accordance with the provisions of this chapter and the regulations adopted pursuant thereto is not subject to any civil or criminal liability or disciplinary action by a professional licensing board for any loss, injury or death that results from the donation of the ~~[HIV/AIDS]~~ *prescription* drug.

2. A pharmacy, medical facility, health clinic or provider of health care which participates in the Program and which exercises reasonable care in the acceptance, distribution or dispensation of ~~[an HIV/AIDS]~~ *a prescription* drug

donated to the Program is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any loss, injury or death that results from the acceptance, distribution or dispensation of the ~~[HIV/AIDS]~~ *prescription* drug.

3. A manufacturer of ~~[an HIV/AIDS]~~ *a prescription* drug *donated to the Program* is not subject to civil or criminal liability for any claim or injury arising from the donation, acceptance, distribution or dispensation of the ~~[HIV/AIDS]~~ *prescription* drug pursuant to this chapter and the regulations adopted pursuant thereto.

4. ~~[An HIV/AIDS]~~ *A prescription* drug may not be dispensed pursuant to the Program unless the person to whom the drug is dispensed has signed a waiver of liability for any action described in this section performed by any person, pharmacy, medical facility, health clinic, provider of health care or manufacturer of the ~~[HIV/AIDS]~~ *prescription* drug.

Sec. 8. NRS 453B.030, 453B.150, 453B.160, 453B.170, 453B.180, 453B.190, 453B.200, 453B.210, 453B.220, 453B.230 and 453B.240 are hereby repealed.

Sec. 9. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2018, for all other purposes.

LEADLINES OF REPEALED SECTIONS

453B.030 "HIV/AIDS drug" defined.

453B.150 Definitions.

453B.160 "Cancer drug" defined.

453B.170 "Medical facility" defined.

453B.180 "Program" defined.

453B.190 "Provider of health care" defined.

453B.200 Establishment of Program; handling fee; conditions for acceptance, distribution and dispensing of donated drugs; certain restrictions.

453B.210 Dispensing of donated drug.

453B.220 Compliance with applicable laws; authority to distribute donated drug to another participant in Program.

453B.230 Regulations.

453B.240 Limitation on civil and criminal liability; limitation on disciplinary action by professional licensing board.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 402 to Senate Bill No. 91 creates the Prescription Drug Donation Program by combining the HIV/AIDS Drug Donation Program and the Cancer Drug Donation Program. The new Prescription Drug Donation Program authorizes a person or governmental entity to donate any prescription drug, except marijuana and certain drugs for which a patient must register with the manufacturer, at a pharmacy, medical facility, health clinic or other provider of health care that participates in the Program. Such participants may impose a handling fee upon patients who receive a donated prescription drug and must comply with specific requirements regarding acceptance, distribution and dispensing of these drugs.

Amendment adopted.

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

Senate Bill No. 140.

Bill read third time.

The following amendment was proposed by Senators Hardy and Segerblom:

Amendment No. 212.

SUMMARY—Authorizes the residential confinement or other appropriate supervision of certain older offenders. (BDR 16-798)

AN ACT relating to offenders; authorizing the residential confinement or other appropriate supervision of certain older offenders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Corrections to assign any offender who has not been sentenced to death or imprisonment for life without the possibility of parole to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement or other appropriate supervision as determined by the Division for not longer than the remainder of the offender's sentence if: (1) the Director has reason to believe that the offender is physically incapacitated or in ill health to such a degree that the offender is not likely to pose a threat to the safety of the public and at least two licensed physicians verify such incapacitation or ill health; or (2) the offender is in ill health and expected to die within 12 months. If the Director intends to assign such an offender to the custody of the Division, the Director is required to notify the Division and the board of county commissioners of the county in which the offender will reside at least 45 days before the offender's expected date of release. Additionally, the Division is required to notify any victim of a crime committed by the offender who has requested to be notified of the consideration of a prisoner for parole. If such an offender escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division, the Division is authorized to return the offender to the custody of the Department and any credits for good behavior earned by the offender before the escape or violation are subject to forfeiture, as determined by the Director. (NRS 209.3925)

Section 1 of this bill additionally authorizes the Director to assign any offender who has not been sentenced to death or imprisonment for life without the possibility of parole to the custody of the Division to serve a term of residential confinement or other appropriate supervision as determined by the Division for not longer than the remainder of the offender’s sentence if the offender: (1) is 65 years of age or older; (2) has not been convicted of a crime of violence, <u>certain offenses committed against a child,</u> a sexual offense, vehicular homicide or driving under the influence of alcohol or a prohibited substance and causing the death of or substantial bodily harm to another person; and (3) has served at least a majority of the maximum term or

maximum aggregate term of his or her sentence. Sections 2-8 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 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 6, the Director may assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his or her sentence, if the offender:

(a) Is 65 years of age or older;

(b) Has not been convicted of:

(1) A crime of violence;

(2) A crime against a child as defined in NRS 179D.0357;

(3) A sexual offense as defined in NRS 179D.097;

~~*[(3)]*~~ *(4) Vehicular homicide pursuant to NRS 484C.130; or*

~~*[(4)]*~~ *(5) A violation of NRS 484C.430; and*

(c) Has served at least a majority of the maximum term or maximum aggregate term, as applicable, of his or her sentence.

2. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:

(a) The board of county commissioners of the county in which the offender will reside; and

(b) The Division of Parole and Probation.

3. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:

(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and

(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.

➥ *If a current address has not been provided by a victim as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. All personal information, including, without limitation, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.*

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or

conditions of his or her residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

9. As used in this section, "crime of violence" means any offense involving the use or threatened use of force or violence against another person.

Sec. 2. NRS 209.241 is hereby amended to read as follows:

209.241 1. The Director may accept money, including the net amount of any wages earned during the incarceration of an offender after any deductions made by the Director and valuables belonging to an offender at the time of his or her incarceration or afterward received by gift, inheritance or the like or earned during the incarceration of an offender, and shall deposit the money in the Prisoners' Personal Property Fund, which is hereby created as a trust fund.

2. An offender shall deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund.

3. The Director:

(a) Shall keep, or cause to be kept, a full and accurate account of the money and valuables, and shall submit reports to the Board relating to the money and valuables as may be required from time to time.

(b) May permit withdrawals for immediate expenditure by an offender for personal needs.

(c) May permit the distribution of money to a governmental entity for any applicable deduction authorized pursuant to NRS 209.247 or any other deduction authorized by law from any money deposited in the individual account of an offender from any source other than the offender's wages.

(d) Shall pay over to each offender upon his or her release any remaining balance in his or her individual account.

4. The interest and income earned on the money in the Prisoners' Personal Property Fund, after deducting any applicable bank charges, must be credited each calendar quarter as follows:

(a) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is less than the amount of interest and income earned by the offender, the Director shall credit the individual account of the offender with an amount equal to the difference between the amount of interest and income earned by the offender and the offender's share of the cost of administering the Prisoners' Personal Property Fund.

(b) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is equal to or greater than the amount of interest and income earned by the offender, the Director shall credit the interest and income to the Offenders' Store Fund.

5. An offender who does not deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

6. A person who aids or encourages an offender not to deposit all money the offender receives into the individual account of the offender in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

7. The Director may exempt an offender from the provisions of this section if the offender is:

(a) Confined in an institution outside this State pursuant to chapter 215A of NRS; or

(b) Assigned to the custody of the Division of Parole and Probation of the Department of Public Safety to:

(1) Serve a term of residential confinement pursuant to NRS 209.392, 209.3925 or 209.429 ~~[,]~~ *or section 1 of this act;* or

(2) Participate in a correctional program for reentry into the community pursuant to NRS 209.4887.

Sec. 3. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429 ~~[,]~~ *and section 1 of this act,* the Director may, at the request of an offender who

is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of the offender's confinement and to meet any existing obligation for restitution to any victim of his or her crime,

➥ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his or her sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that the victim may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to the offender in a faithful and orderly manner;

(c) Has been convicted of:

(1) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim within the immediately preceding 3 years;

(2) A sexual offense that is punishable as a felony; or

(3) Except as otherwise provided in subsection 4, a category A or B felony;

(d) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not

including a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.420, 488.425 or 488.427; or

(e) Has escaped or attempted to escape from any jail or correctional institution for adults,

➥ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. The standards adopted by the Director pursuant to subsection 3 must provide that an offender who has been convicted of a category B felony is eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section if:

(a) The offender is not otherwise ineligible pursuant to subsection 3 for an assignment to serve a term of residential confinement; and

(b) The Director makes a written finding that such an assignment of the offender is not likely to pose a threat to the safety of the public.

5. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of the offender's residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

6. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

8. The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 4. NRS 213.10915 is hereby amended to read as follows:

213.10915 1. The Board, in consultation with the Division, may enter into an agreement with the manager of an automated victim notification system to notify victims of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131 through the system if the system is capable of:

(a) Automatically notifying by telephone or electronic means a victim registered with the system of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131 with the timeliness required by NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131; and

(b) Notifying victims registered with the system, using language provided by the Board, if the Board decides that it will discontinue the use of the system to notify victims of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131. The notice must:

(1) Be provided to each victim registered with the system not less than 90 days before the date on which the Board will discontinue use of the system; and

(2) Advise each victim to submit a written request for notification pursuant to subsection 4 of NRS 213.131 if the victim wishes to receive notice of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131.

2. The Division is not required to notify the victim of an offender of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and the Board is not required to notify the victim of a prisoner of the information described in subsections 4 and 7 of NRS 213.131 if:

(a) The Board has entered into an agreement pursuant to subsection 1; and

(b) Before discontinuing the notification of victims pursuant to NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131, the Board, not less than two times and not less than 60 days apart, has notified each victim who has requested notification pursuant to subsection 4 of NRS 213.131 and who has provided his or her current address or whose current address is otherwise known by the Board of the change in the manner in which a victim is notified of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131. The notice must:

(1) Advise the victim that the Division will no longer notify the victim of the information described in NRS 209.392 and 209.3925 ~~[,]~~ *and section 1 of this act,* that the Board will no longer notify the victim of the information described in subsections 4 and 7 of NRS 213.131, and that the victim may register with the automated victim notification system if he or she wishes to be notified of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131; and

(2) Include instructions for registering with the automated victim notification system to receive notice of the information described in NRS 209.392 and 209.3925 *and section 1 of this act* and subsections 4 and 7 of NRS 213.131.

3. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 5. NRS 213.371 is hereby amended to read as follows:

213.371 As used in NRS 213.371 to 213.410, inclusive, unless the context otherwise requires:

1. "Division" means the Division of Parole and Probation of the Department of Public Safety.

2. "Offender" means a prisoner assigned to the custody of the Division pursuant to NRS 209.392, 209.3925 or 209.429 ~~[.]~~ *or section 1 of this act.*

3. "Residential confinement" means the confinement of an offender to his or her place of residence under the terms and conditions established by the Division.

Sec. 6. NRS 213.380 is hereby amended to read as follows:

213.380 1. The Division shall establish procedures for the residential confinement of offenders.

2. The Division may establish, and at any time modify, the terms and conditions of the residential confinement, except that the Division shall:

(a) Require the offender to participate in regular sessions of education, counseling and any other necessary or desirable treatment in the community, unless the offender is assigned to the custody of the Division pursuant to NRS 209.3925 ~~[.]~~ *or section 1 of this act;*

(b) Require the offender to be confined to his or her residence during the time the offender is not:

(1) Engaged in employment or an activity listed in paragraph (a) that is authorized by the Division;

(2) Receiving medical treatment that is authorized by the Division; or

(3) Engaged in any other activity that is authorized by the Division; and

(c) Require intensive supervision of the offender, including unannounced visits to his or her residence or other locations where the offender is expected to be in order to determine whether the offender is complying with the terms and conditions of his or her confinement.

3. An electronic device approved by the Division may be used to supervise an offender. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the offender's location, including, but not limited to, the transmission of still visual images which do not concern the offender's activities, and producing, upon request, reports or records of the offender's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the offender's activities,

➥ must not be used.

Sec. 7. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:

(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;

(b) If the defendant is so released, the amount of bail required, if any; and

(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.

2. A request for information pursuant to subsection 1 must be made:

(a) In writing; or

(b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 5;

(2) The form that the witness must use to request notification in writing; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 4, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095 and 213.131 *and section 1 of this act* or NRS 213.10915;

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and

(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address,

➥ before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

(1) Sexual assault pursuant to NRS 200.366;

(2) Statutory sexual seduction pursuant to NRS 200.368;

(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(5) Incest pursuant to NRS 201.180;

(6) Open or gross lewdness pursuant to NRS 201.210;

(7) Indecent or obscene exposure pursuant to NRS 201.220;

(8) Lewdness with a child pursuant to NRS 201.230;

(9) Sexual penetration of a dead human body pursuant to NRS 201.450;

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

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

(12) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

(13) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or

(14) An attempt to commit an offense listed in this paragraph.

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,

634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 1 of this act,* sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 9. This act becomes effective on July 1, 2017.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Senate Bill No. 140 authorizes the Director of the Department of Corrections to assign certain offenders to the custody of the Division of Parole and Probation to serve a term of residential confinement, or other appropriate supervision, for the remainder of the offender's sentence. To qualify for such an assignment an offender must be at least 65 years of age and must have served at least a majority of the maximum term or maximum aggregate term of his or her sentence.

An offender is not eligible for this assignment if the offender has been sentenced to death, to life without the possibility of parole or has been convicted of any of the following offenses: a sexual offense, certain crimes against children, a violent offense, vehicular homicide or driving under the influence of drugs or alcohol causing death or substantial bodily harm to another person.

Amendment adopted.

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

Senator Ford moved that the Senate recess until 4:45 p.m.

Motion carried.

Senate in recess at 3:03 p.m.

SENATE IN SESSION

At 5:05 p.m.

President Hutchison presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblyman Daly and Assemblywoman Swank were at the bar of the Senate. Assemblywoman Swank invited the Senate to meet in Joint Session with the Assembly to hear Senator Dean Heller.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 5:06 p.m.

IN JOINT SESSION

At 5:10 p.m.

President Hutchison presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Atkinson and Segerblom, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Ohrenschall and Woodbury, who were excused.

Mr. President appointed a Committee on Escort consisting of Senator Ford and Assemblyman Oscarson to wait upon the Honorable Senator Dean Heller and escort him to the Assembly Chamber.

Senator Heller delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-NINTH SESSION, 2017

Mr. Speaker, thank you. To the Lieutenant Governor, thank you for the invitation. Governor, it is always good to see you. And to the leaders here—Ford, Roberson and Anderson—I want to thank you as well. To the constitutional officers and your guests, thank you very much. I know you guys have a busy schedule, so thank you for being here. To our members of the Court, thank you very much for taking time out of your busy schedule and being here. I really do appreciate that.

I am grateful, also, to have a few of my family members here with me. I am always grateful to have them with me, but more importantly, I want to introduce my wife, Lynne, who is also with us.

To start with, most of you know that Congressman Amodei and I had a town hall meeting this morning. I am here to report that it went smoothly—very productive. In fact, it was so productive that some of them have come back for more. But I did learn that the President tweeted out that the town hall was bigly, and Sean Spicer, in his White House press conference, said it was the largest town hall crowd ever.

It is great to be here and spend some time with you. Carson City, as you know, is home to me. My parents just live up Fifth Street. My father owned the automotive shop across the street. I worked with him starting when I was in middle school. I like to point out that I am probably one of the few United States Senators that can change the oil in your car, fix your transmission. But I do guarantee you one thing: I can sweep your garage floor, and he made sure of that. Standing here with you reminds me of my days in the Nevada Legislature. Of course, a lot has changed since I served in the Nevada Assembly. Back then, Apple had just released its first laptop, the founders of Facebook were in second grade, and Jurassic Park was the box office hit. But while a lot has changed since then, the Nevada Legislature's purpose remains the same: working hard to make Nevada better for the people they represent. I am working to do the exact same thing in the United States Senate.

I would like to begin by acknowledging the U.S. response to the horrific atrocities committed by the Assad regime in Syria. Not only is the use of chemical weapons inhumane, it is a blatant violation of international law. I am supportive of the Trump administration's response. It sent a clear message of America's intolerance for the murder of innocent civilians. A military strike that was supported by Democrats and Republicans alike. I have been briefed by military experts, and I will continue to monitor the developments in Syria. I am hopeful that the President will work with Congress and lay out his strategy for all of the American people. Despite many headlines highlighting divisions in Congress, I find that more unites us than divides us, and most of us work hard to find common ground. Our many bipartisan legislative accomplishments in this last year are proof of that.

Starting with the Senate Veterans Affairs Committee, I have had the opportunity to provide a strong voice for the more than 300,000 veterans living here in the Silver State. Our VA facilities service thousands of veterans in need, but there are still some serious gaps when it comes to timely delivery of care. There is a nationwide shortage of doctors and nurses, and Nevada is facing the worst of it. So I am working to establish incentives for doctors to come to work at our VA hospitals, especially in Nevada's more rural areas.

For some communities in Nevada, the veteran population has grown substantially and health care demand has increased. In Pahrump, I have worked with veterans there for years to bring a new VA clinic to the community. I was honored to be there when it finally opened its doors this past November.

We can also do a lot more to provide better care for women who have served this Country. Earlier this month, I reintroduced legislation with Senator Patty Murray, a Democrat from Washington, aimed at doing just that. Our bill requires the VA adapt to the specific needs of women veterans. It expands medical services at VA hospitals, it improves access to gender specific care; it strengthens privacy and protection measures and implements accountability standards.

A few weeks ago, I joined Chairman Johnny Isakson from Georgia and Senator Tester from Montana in introducing a bill that increases the VA's disability benefits for veterans. It was supported by every member of the Senate Veterans' Committee. This is a perfect example of

Republicans and Democrats working together to get things done for our veterans. As the co-chair of the Senate VA Backlog Working Group with Senator Casey, a Democrat from Pennsylvania, I have also been holding the VA's feet to the fire on the disability claims backlog. The last time I talked here in this room we had a backlog of 405,000 claims. Today, after the implementation of our ideas, it is less than 100,000.

But we will continue to work on it. We can and we will do a better job. I will not be satisfied until the VA delivers on its promise and provides the best possible care and services to those in Nevada who have sacrificed so much for us.

In addition to our work to improve the VA's services for Nevada's veterans, I am also particularly proud of the bipartisan work we did in the 114th Congress on infrastructure. Since I last addressed this Legislature, Congress came together to approve a five-year highway bill that provides states with additional resources and tools to advance high-priority projects, such as the new Interstate 11 connecting Phoenix to Las Vegas and then Las Vegas to Reno. These projects mean good-paying jobs for Nevadans and a significant, long-term impact on our economy for decades to come. I have worked for years to improve the mobility between Las Vegas and Reno and was proud to secure my top infrastructure priority, and that is the expansion of Interstate 11 to northern Nevada. When the full I-11 project is completed, it will increase the economic competitiveness of the entire western United States by opening up markets for tourism and interstate commerce. A strong infrastructure is critical to a stronger Nevada, and I can assure you that I will continue to advocate at the federal level to ensure Nevada has the resources it needs to succeed.

Last year, Diane Feinstein and I successfully pushed through the reauthorization of the Lake Tahoe Restoration Act, an initiative that I have championed in Congress for over eight years. As one of our State's most treasured places, not to mention northern Nevada's largest tourist draw, it is critical that we make the infrastructure investments necessary in the Tahoe Basin to ensure its beauty for future generations. I give you my word to always fight for Nevada's infrastructure needs.

Although the Republican majority in Congress and a Republican in the White House present tremendous opportunities to promote and deliver on Nevada priorities, it also comes with significant responsibilities—responsibilities that I do not take lightly. Since working in Washington, my number one focus has always been the people of Nevada. Their interests and their priorities are my priorities, and that transcends party lines. When President Trump or my party is right for Nevada, I will support them. But when they are wrong for Nevada, I will try to change their minds. I will always put Nevada first.

In fact, I have been working tirelessly against the administration's proposal to revive Yucca Mountain. Let me be clear: Yucca Mountain is dead. Nevada will not be our Nation's nuclear waste dump. I conveyed that message in my meeting with Secretary Perry prior to his confirmation and, again, reiterated it ahead of his visit to Yucca Mountain last month. Senator Harry Reid was a powerful and outspoken opponent of Yucca Mountain. He worked hard to make sure the project did not see the light of day. Now, I am standing between this Republican administration and Yucca, and I will lead this fight. This is a reckless proposal. Over the past 30 years, the federal government has wasted billions of taxpayer dollars to design and permit Yucca Mountain, all without any signal that Nevada would consent to it. A State without a single nuclear power plant should not have to shoulder the entire Nation's nuclear waste burden. We will not be run over by the desires of East Coast states that want to move the nuclear waste they created out of their backyards and into ours. Let me say it one more time: Nevada will not be our Nation's nuclear waste dump.

Since I have served in Congress, I have been one of the most outspoken Republicans in advocating for policies that diversify our Nation's energy portfolio. I believe in an all-of-the-above energy approach, and I recognize the importance of developing innovative new energy technologies that make our State and our Nation's energy supply cleaner, more affordable and more reliable. I have consistently supported the renewable energy sector and gone to great efforts to level the playing field for solar, for geothermal and for wind energies. In fact, last month at the Italian Embassy, I received the prestigious Advanced Energy Leadership Award from a nationwide organization whose goals are to advance the alternative energy sector. They praised my efforts during the last Session of Congress as the lead Republican in the fight to renew the

investment tax credits necessary for their industry to survive. Make no mistake, the expansion of the investment tax credit has and will create tens of thousands of new jobs right here in Nevada.

Recently, I was pleased to be invited to attend the grand opening of the Crescent Dunes Solar Energy Facility in Tonopah and the ribbon-cutting ceremony for the Moapa Southern Paiute Solar Project at the Moapa River Indian Reservation. It is not often when a member of Congress can come home and see firsthand the results of his hard work in Washington, D.C. In addition to the Investment Tax Credit, I passed the Public Land Renewable Energy Development Act. Its goal is to promote renewable energy in all of its forms—solar power for homes, geothermal for manufacturing or electric for cars like the Tesla batteries made in northern Nevada. I am proud to be a part of Nevada's energy diversification, and I am working to implement policies to bolster these efforts.

As some of you may know, I am a lifelong Nevada outdoorsman and a conservationist, and I also own a ranch in rural Nevada. Let there be no misconceptions—my wife runs the ranch. I just work for her. So I know firsthand how important it is that Nevadans have access to our public lands for things like grazing, economic development and recreation. I also know how critical the Southern Nevada Public Land Management Act [SNPLM] and Payment in Lieu of Taxes [PILT] programs are to Nevada projects ranging from wildlife preservation and conservation to education and road maintenance.

Between the funding to revive Yucca Mountain and the administration's proposal to gut these important public lands programs like SNPLM, like PILT, the administration's budget, in my opinion, is anti-Nevada, and I am not happy about it, not one bit. So I am going to fight to defend these public lands programs and work to make sure they are fully funded. The past three months have been busy, challenging and too often boiled down to 140 characters. While many in Congress want to act quickly to deliver on promises to the American people, I just want to make sure they get it right.

That includes our efforts to reform our broken health care system. Nevadans from Pioche to Battle Mountain to Ely have told me about the law's negative effect on their rural families: higher premiums, cancelled plans, limited options. Republicans and Democrats in Congress can agree that the status quo is unacceptable, but we disagree on what we need to do to fix it.

The late Governor Kenny Guinn, a friend of mine and also a mentor, often spoke about two types of people: those who solve problems and those who talk about them. We see that a lot in Washington, D.C.—those who run to the microphone but are never part of the discussion. I have carried Governor Guinn's advice to be a problem solver with me, and I have always been focused on finding ways to fix problems for the people of Nevada. That is particularly true when it comes to tackling health care reform and the potential impact any changes could have on Nevadans. Make no mistake, we need to have a debate about what we can agree on and how to move forward. But that debate does not come in the form of a press conference. That debate does not come in the form of a 30-second soundbite, and that debate does not come in the form of a tweet; it requires discussion.

Speaker Frierson and Majority Leader Ford sent me a letter with questions about how the Obamacare repeal would affect Nevadans. I took that letter with me to Secretary Tom Price's confirmation hearing. I asked the man charged with leading the Obamacare repeal effort to respond to their questions. I also met with Governor Sandoval after the House's health care bill was released. We discussed how it affected the people of Nevada. Its lack of support from Governor Sandoval was a major concern of mine. I believe we need to protect coverage for those who currently receive benefits under the system that we have today, including those who are a part of Medicaid expansion. Over 200,000 Nevadans are newly eligible for Medicaid, and many of them have never had insurance before. Unfortunately, the House bill failed to address skyrocketing costs and protect coverage for those who are most vulnerable. Its lack of support was a reflection of that. It did not work for Nevada, so it did not work for me.

Another priority of mine is tax reform. Our current tax code is too costly. Our current tax code is too complex, and it is too burdensome. We need a simpler and more competitive tax code that works for all Americans and for all small businesses. I believe we need to broaden the tax base by closing loopholes and reducing marginal tax rates on both individuals and businesses. If we do that, we lay the foundation for strong economic growth for years to come. Washington finally has an appetite to tackle this. We have a willing White House, and both Chambers of Congress stand

ready to reform our Nation's burdensome tax code. I believe we will be able to move forward. As a member of the Senate Finance Committee, I will have a front row seat for this. And, make no mistake, I will be advocating for policies that will provide economic growth and allow individuals to keep more of their hard-earned tax dollars right here in Nevada.

I also hope that Congress can work to address our Nation's broken immigration system. It needs fundamental reform. Let me be the first to tell you, Nevada is a border State, and I passed legislation that says as much. We may not geographically be located on the border, but we are affected just as much as any other State that is. That is why I believe Nevada should have a seat at the table when these policies are discussed, debated and implemented out of Washington. In fact, in 2013, I was vocal in the comprehensive immigration reform battle and was successful in ensuring that if a border commission was created, Nevada would be part of it. And as many of you know, I was one of only 14 Republicans to support comprehensive immigration reform. This Country needs to have a much broader and larger conversation about our Nation's immigration policies. You can be sure Nevada will have a voice at the table as we move forward, and I am that voice.

Congress has made significant progress over the past two years, but we have a lot of work ahead of us. President Harry Truman famously said, "America was not built on fear. America was built on courage, on imagination and an unbeatable determination to do the job at hand."

I believe that while the job at hand is now different, the courage, imagination and determination that built this Country still exists today. So let us, let the American engine fire again. Let history show that we rose to the occasion. Let us all remind ourselves that we live in the greatest Nation on Earth, a place where the son of a mechanic and a school cook could have the opportunity to deliver the newspaper to then Governor Mike O'Callaghan, and where that same boy could play basketball with a kid who now lives in the Governor's Mansion, and then that boy could grow up to represent the Great State of Nevada in the United States Senate. I remain optimistic that our Country's best days are ahead of us, and every day, I am fighting on behalf of Nevadans to make sure of it.

I want to thank you, again, for the opportunity to be here this evening. May God bless the work that you are doing, and may God bless the Great State of Nevada. Thank you very much.

Assemblyman Marchant moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Heller for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted Senator Heller to the bar of the Assembly.

Senator Denis moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 5:36 p.m.

SENATE IN SESSION

At 5:45 p.m.

President Hutchison presiding.

Quorum present.

Senator Woodhouse moved that the Senate recess until 7:30 p.m.

Motion carried.

Senate in recess at 5:45 p.m.

SENATE IN SESSION

At 7:32 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 232, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 52, 81, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. President:

Your Committee on Education, to which were referred Senate Bills Nos. 86, 164, 241, 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Senate Bill No. 143, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

Also, your Committee on Education, to which was re-referred Senate Bill No. 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

MOISES DENIS, *Chair*

WAIVERS AND EXEMPTIONS

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Ford.

For: Senate Bill No. 488.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

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

Has been granted effective: Monday, April 17, 2017.

AARON D. FORD
Senate Majority Leader

JASON FRIERSON
Speaker of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Gansert has approved the addition of Senators Atkinson, Denis, Farley, Goicoechea, Hardy, Harris Manendo and Segerblom as sponsors of Senate Bill No. 212.

Senator Gansert has approved the addition of Senators Atkinson, Denis, Farley, Hammond, Hardy, Harris, Manendo, Settelmeyer and Woodhouse as sponsors of Senate Bill No. 213.

Senator Gansert has approved the addition of Senators Atkinson, Denis, Farley, Hardy, Harris, Manendo, Spearman and Woodhouse as sponsors of Senate Bill No. 287.

Senator Cannizzaro moved that Senate Joint Resolution No. 12 be taken from the Second Reading and placed on the Secretary's Desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 8.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 77.

SUMMARY—Revises provisions relating to presentence and general investigations and reports. (BDR 14-439)

AN ACT relating to criminal procedure; reducing the amount paid by a county to the Division of Parole and Probation of the Department of Public Safety for the preparation of presentence or general investigations and reports; authorizing a county to enter into an agreement with the Division regarding the preparation of presentence or general investigations and reports; authorizing a county to assume the duty of preparing presentence or general investigations and reports from the Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a presentence investigation and report to be prepared by the Division of Parole and Probation of the Department of Public Safety before sentencing a person convicted of committing a category A, B, C or D felony or, when requested by the court, a gross misdemeanor. (NRS 176.135) Similarly, existing law requires a general investigation and report to be prepared by the Division before sentencing a person convicted of committing one or more category E felonies. (NRS 176.151) Under existing law, these investigations and reports provide a sentencing judge with certain relevant information, including, without limitation: (1) the criminal record, financial condition and background of the defendant; (2) the effect of the offense on the victim; and (3) a recommended term of imprisonment or fine, or both. (NRS 176.145) Existing law requires a county to pay to the Division 70 percent of the cost of the investigation and report. (NRS 176.161)

Section 1 of this bill reduces the amount required to be paid by a county to the Division for the county's presentence or general investigations and reports to 30 percent of the total cost. Section 1 also authorizes a county to enter into an agreement with the Division to pay all or a portion of the total cost of the county's investigations and reports. Section 1 requires that such an agreement include, without limitation: (1) a requirement that the Division use the money provided by a county for the expenses related to the presentence or general investigations and reports prepared for the county; (2) a specific time by which such investigations and reports must be completed by the Division; and (3) a requirement for an annual report to be prepared by the Division which identifies the specific manner in which the money provided by the county was used. Section 1 further authorizes a county, at its own expense, to assume the

duty of preparing a presentence or general investigation and report from the Division. Section 1 also requires such a duty assumed by a county to be carried out by employees of that county.

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

Section 1. NRS 176.161 is hereby amended to read as follows:

176.161 1. ~~[Seventy]~~ *Except as otherwise provided in this section, 30* percent of the expense of any presentence or general investigation and report made by the Division pursuant to NRS 176.135 or 176.151, other than the expense of a psychosexual evaluation conducted pursuant to NRS 176.139, must be paid by the county in which the indictment was found or the information filed.

2. Each county shall pay to the Division all expenses required pursuant to subsection 1 according to a schedule established by the Division, which must require payment on at least a quarterly basis.

3. A county may enter into an agreement with the Division in accordance with the provisions of NRS 277.080 to 277.180, inclusive, whereby:

(a) The county agrees to pay all or a portion of the total cost of the presentence or general investigations and reports made by the Division pursuant to NRS 176.135 or 176.151, other than the expense of a psychosexual evaluation conducted pursuant to NRS 176.139; and

(b) The Division agrees to use the money provided by the county pursuant to paragraph (a) only for expenses related to the preparation of presentence or general investigations and reports prepared for the county and to complete such an investigation and report for the county within a specified amount of time set forth in the agreement. The agreement must require the Division to provide the county with an annual report which identifies the specific manner in which the money that was provided by the county pursuant to paragraph (a) was used.

4. A county may notify the Division that the county will assume the duties of the Division set forth in NRS 176.135 or 176.151, as applicable, with respect to a presentence or general investigation and report required to be made by the Division pursuant to NRS 176.135 or 176.151 and that any expenses related thereto will be paid by the county, ~~[including]~~ except the expense of a psychosexual evaluation conducted pursuant to NRS 176.139 ~~[,]~~ which remains the responsibility of the Division, if applicable. If so notified, notwithstanding any provision of law to the contrary, the Division is not responsible for making such an investigation and report and the county must:

(a) Make the investigation and report; and

(b) Carry out any responsibilities of the Division set forth in NRS 176.133 to 176.161, inclusive, in the manner provided in those sections for the Division ~~[.]~~ , except the psychosexual evaluation conducted pursuant to NRS 176.139, if applicable.

5. An assumption of duties by a county pursuant to subsection 4 must be carried out by employees of the county.

6. An agreement entered into by a county and the Division pursuant to subsection 3 or an assumption of duties by a county pursuant to subsection 4 are exempt from any regulations adopted by the Committee on Local Government Finance pursuant to NRS 353.203.

Sec. 2. NRS 176A.100 is hereby amended to read as follows:

176A.100 1. Except as otherwise provided in this section and NRS 176A.110 and 176A.120, if a person is found guilty in a district court upon verdict or plea of:

(a) Murder of the first or second degree, kidnapping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, lewdness with a child pursuant to NRS 201.230, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or if the person is found to be a habitual criminal pursuant to NRS 207.010, a habitually fraudulent felon pursuant to NRS 207.014 or a habitual felon pursuant to NRS 207.012, the court shall not suspend the execution of the sentence imposed or grant probation to the person.

(b) A category E felony, except as otherwise provided in this paragraph, the court shall suspend the execution of the sentence imposed and grant probation to the person. The court may, as it deems advisable, decide not to suspend the execution of the sentence imposed and grant probation to the person if, at the time of sentencing, it is established that the person:

(1) Was serving a term of probation or was on parole at the time the crime was committed, whether in this State or elsewhere, for a felony conviction;

(2) Had previously had the person's probation or parole revoked, whether in this State or elsewhere, for a felony conviction;

(3) Had previously been assigned to a program of treatment and rehabilitation pursuant to NRS 453.580 and failed to successfully complete that program; or

(4) Had previously been two times convicted, whether in this State or elsewhere, of a crime that under the laws of the situs of the crime or of this State would amount to a felony.

➥ If the person denies the existence of a previous conviction, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the person. At such a hearing, the person may not challenge the validity of a previous conviction. For the purposes of this paragraph, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

(c) Another felony, a gross misdemeanor or a misdemeanor, the court may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to grant probation to a person, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176A.300 to 176A.370, inclusive.

3. The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the Chief Parole and Probation Officer, if any, in determining whether to grant probation to a person.

4. If the court determines that a person is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing the person to a term of imprisonment, grant probation pursuant to the Program of Intensive Supervision established pursuant to NRS 176A.440.

5. Except as otherwise provided in this subsection, if a person is convicted of a felony and the Division is required to make a presentence investigation and report to the court pursuant to NRS 176.135, the court shall not grant probation to the person until the court receives the report of the presentence investigation from the Chief Parole and Probation Officer ~~[.]~~ *or the county, if the county assumes the duty of the Division pursuant to NRS 176.161, as applicable.* The Chief Parole and Probation Officer *or the county, as applicable,* shall submit the report of the presentence investigation to the court not later than 45 days after receiving a request for a presentence investigation from the county clerk. If the report of the presentence investigation is not submitted by the Chief Parole and Probation Officer *or the county, as applicable,* within 45 days, the court may grant probation without the report.

6. If the court determines that a person is otherwise eligible for probation, the court shall, when determining the conditions of that probation, consider the imposition of such conditions as would facilitate timely payments by the person of an obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 3. NRS 62H.030 is hereby amended to read as follows:

62H.030 1. The juvenile court shall make and keep records of all cases brought before the juvenile court.

2. Except as otherwise provided in this section and NRS 217.110, records of any case brought before the juvenile court may be opened to inspection only by court order to persons who have a legitimate interest in the records.

3. The following records and information may be opened to inspection without a court order:

(a) Records of traffic violations which are being forwarded to the Department of Motor Vehicles;

(b) Records which have not been sealed and which are required by the Division of Parole and Probation for preparation of presentence investigations and reports pursuant to NRS 176.135 or general investigations and reports pursuant to NRS 176.151 ~~[;]~~ *or which are required by a county that assumes the duty of the Division of Parole and Probation pursuant to NRS 176.161;*

(c) Records which have not been sealed and which are to be used, pursuant to chapter 179D of NRS, by:

(1) The Central Repository;

(2) The Division of Parole and Probation; or

(3) A person who is conducting an assessment of the risk of recidivism of an adult or juvenile sex offender;

(d) Information maintained in the standardized system established pursuant to NRS 62H.200; and

(e) Information that must be collected by the Division of Child and Family Services pursuant to NRS 62H.220.

4. The clerk of the court shall prepare and cause to be printed forms for social and legal records and other papers as may be required.

Sec. 4. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court as defined in NRS 159.015 to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159 of NRS or

NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;

(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

(q) The child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(r) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;

(s) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(t) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(u) The Division of Parole and Probation of the Department of Public Safety *, or a county if the county makes an investigation and report pursuant to NRS 176.161, as applicable,* for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(w) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(y) An employer in accordance with subsection 3 of NRS 432.100;

(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence; or

(aa) The Committee to Review Suicide Fatalities created by NRS 439.5104.

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific

and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of an unsubstantiated report of child abuse or neglect made pursuant to this chapter and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.

10. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of Public Safety , *or an employee of a county if the county has assumed the*

duty of the Division of Parole and Probation pursuant to NRS 176.161, as applicable, making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or

(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

13. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 5. This act becomes effective on January 1, 2018.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 77 to Senate Bill No. 8 provides that a county may pay a portion of the total cost of the presentence or general investigations and reports; provides that the expense of a psychosexual evaluation remains the responsibility of the Division of Parole and Probation; clarifies that the duties assumed by a county related to presentence and general investigations and reports must be carried out by employees of the county.

It also provides that an agreement entered into by a county and the Division or an assumption of duties by a county, are exempt from any regulations adopted by the Committee on Local Government Finance.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 9.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 78.

SUMMARY—Revises provisions relating to presentence and general investigations and reports. (BDR 14-437)

AN ACT relating to criminal procedure; authorizing a county to enter into an agreement with the Division of Parole and Probation of the Department of Public Safety regarding the preparation of presentence or general investigations and reports; authorizing a county to assume the duty of preparing presentence or general investigations and reports from the Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a presentence investigation and report to be prepared by the Division of Parole and Probation of the Department of Public Safety before sentencing a person convicted of committing a category A, B, C or D felony or, when requested by the court, a gross misdemeanor. (NRS 176.135) Similarly, existing law requires a general investigation and

report to be prepared by the Division before sentencing a person convicted of committing one or more category E felonies. (NRS 176.151) Under existing law, these investigations and reports provide a sentencing judge with certain relevant information, including, without limitation: (1) the criminal record, financial condition and background of the defendant; (2) the effect of the offense on the victim; and (3) a recommended term of imprisonment or fine, or both. (NRS 176.145) Existing law requires a county to pay to the Division 70 percent of the cost of the investigation and report. (NRS 176.161)

Section 1 of this bill authorizes a county to enter into an agreement with the Division to pay all or a portion of the total cost of the county's presentence or general investigations and reports. Section 1 also requires that such an agreement include, without limitation: (1) a requirement that the Division use the money provided by a county for the expenses related to the presentence or general investigations and reports prepared for the county; (2) a specific time by which such investigations and reports must be completed by the Division; and (3) a requirement for an annual report to be prepared by the Division which identifies the specific manner in which the money provided by the county was used. Section 1 further authorizes a county, at its own expense, to assume the duty of preparing a presentence or general investigation and report from the Division. Section 1 also requires such a duty assumed by a county to be carried out by employees of that county.

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

Section 1. NRS 176.161 is hereby amended to read as follows:

176.161 1. ~~[Seventy]~~ *Except as otherwise provided in this section, 70* percent of the expense of any presentence or general investigation and report made by the Division pursuant to NRS 176.135 or 176.151, other than the expense of a psychosexual evaluation conducted pursuant to NRS 176.139, must be paid by the county in which the indictment was found or the information filed.

2. Each county shall pay to the Division all expenses required pursuant to subsection 1 according to a schedule established by the Division, which must require payment on at least a quarterly basis.

3. A county may enter into an agreement with the Division in accordance with the provisions of NRS 277.080 to 277.180, inclusive, whereby:

(a) The county agrees to pay all or a portion of the total cost of the presentence or general investigations and reports made by the Division pursuant to NRS 176.135 or 176.151, other than the expense of a psychosexual evaluation conducted pursuant to NRS 176.139; and

(b) The Division agrees to use the money provided by the county pursuant to paragraph (a) only for expenses related to the preparation of presentence or general investigations and reports prepared for the county and to complete such an investigation and report for the county within a specified amount of time set forth in the agreement. The agreement must require the Division to provide the county with an annual report which identifies the specific manner

in which the money that was provided by the county pursuant to paragraph (a) was used.

4. A county may notify the Division that the county will assume the duties of the Division set forth in NRS 176.135 or 176.151, as applicable, with respect to a presentence or general investigation and report required to be made by the Division pursuant to NRS 176.135 or 176.151 and that any expenses related thereto will be paid by the county, except the expense of a psychosexual evaluation conducted pursuant to NRS 176.139 which remains the responsibility of the Division, if applicable. If so notified, notwithstanding any provision of law to the contrary, the Division is not responsible for making such an investigation and report and the county must:

(a) Make the investigation and report; and

(b) Carry out any responsibilities of the Division set forth in NRS 176.133 to 176.161, inclusive, in the manner provided in those sections for the Division, except the psychosexual evaluation conducted pursuant to NRS 176.139, if applicable.

5. An assumption of duties by a county pursuant to subsection 4 must be carried out by employees of the county.

6. An agreement entered into by a county and the Division pursuant to subsection 3 or an assumption of duties by a county pursuant to subsection 4 are exempt from any regulations adopted by the Committee on Local Government Finance pursuant to NRS 353.203.

Sec. 2. NRS 176A.100 is hereby amended to read as follows:

176A.100 1. Except as otherwise provided in this section and NRS 176A.110 and 176A.120, if a person is found guilty in a district court upon verdict or plea of:

(a) Murder of the first or second degree, kidnapping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, lewdness with a child pursuant to NRS 201.230, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or if the person is found to be a habitual criminal pursuant to NRS 207.010, a habitually fraudulent felon pursuant to NRS 207.014 or a habitual felon pursuant to NRS 207.012, the court shall not suspend the execution of the sentence imposed or grant probation to the person.

(b) A category E felony, except as otherwise provided in this paragraph, the court shall suspend the execution of the sentence imposed and grant probation to the person. The court may, as it deems advisable, decide not to suspend the execution of the sentence imposed and grant probation to the person if, at the time of sentencing, it is established that the person:

(1) Was serving a term of probation or was on parole at the time the crime was committed, whether in this State or elsewhere, for a felony conviction;

(2) Had previously had the person's probation or parole revoked, whether in this State or elsewhere, for a felony conviction;

(3) Had previously been assigned to a program of treatment and rehabilitation pursuant to NRS 453.580 and failed to successfully complete that program; or

(4) Had previously been two times convicted, whether in this State or elsewhere, of a crime that under the laws of the situs of the crime or of this State would amount to a felony.

➥ If the person denies the existence of a previous conviction, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the person. At such a hearing, the person may not challenge the validity of a previous conviction. For the purposes of this paragraph, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

(c) Another felony, a gross misdemeanor or a misdemeanor, the court may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to grant probation to a person, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176A.300 to 176A.370, inclusive.

3. The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the Chief Parole and Probation Officer, if any, in determining whether to grant probation to a person.

4. If the court determines that a person is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing the person to a term of imprisonment, grant probation pursuant to the Program of Intensive Supervision established pursuant to NRS 176A.440.

5. Except as otherwise provided in this subsection, if a person is convicted of a felony and the Division is required to make a presentence investigation and report to the court pursuant to NRS 176.135, the court shall not grant probation to the person until the court receives the report of the presentence investigation from the Chief Parole and Probation Officer ~~.~~ *or the county if the county assumes the duty of the Division pursuant to NRS 176.161, as applicable.* The Chief Parole and Probation Officer *or the county, as applicable,* shall submit the report of the presentence investigation to the court not later than 45 days after receiving a request for a presentence investigation from the county clerk. If the report of the presentence investigation is not submitted by the Chief Parole and Probation Officer *or the county, as applicable,* within 45 days, the court may grant probation without the report.

6. If the court determines that a person is otherwise eligible for probation, the court shall, when determining the conditions of that probation, consider the imposition of such conditions as would facilitate timely payments by the person of an obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 3. NRS 62H.030 is hereby amended to read as follows:

62H.030 1. The juvenile court shall make and keep records of all cases brought before the juvenile court.

2. Except as otherwise provided in this section and NRS 217.110, records of any case brought before the juvenile court may be opened to inspection only by court order to persons who have a legitimate interest in the records.

3. The following records and information may be opened to inspection without a court order:

(a) Records of traffic violations which are being forwarded to the Department of Motor Vehicles;

(b) Records which have not been sealed and which are required by the Division of Parole and Probation for preparation of presentence investigations and reports pursuant to NRS 176.135 or general investigations and reports pursuant to NRS 176.151 ~~[;]~~ *or which are required by a county that assumes the duty of the Division of Parole and Probation pursuant to NRS 176.161;*

(c) Records which have not been sealed and which are to be used, pursuant to chapter 179D of NRS, by:

(1) The Central Repository;

(2) The Division of Parole and Probation; or

(3) A person who is conducting an assessment of the risk of recidivism of an adult or juvenile sex offender;

(d) Information maintained in the standardized system established pursuant to NRS 62H.200; and

(e) Information that must be collected by the Division of Child and Family Services pursuant to NRS 62H.220.

4. The clerk of the court shall prepare and cause to be printed forms for social and legal records and other papers as may be required.

Sec. 4. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court as defined in NRS 159.015 to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;

(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or

NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

(q) The child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(r) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;

(s) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(t) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(u) The Division of Parole and Probation of the Department of Public Safety *, or a county if the county makes an investigation and report pursuant to NRS 176.161, as applicable,* for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(w) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(y) An employer in accordance with subsection 3 of NRS 432.100;

(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence; or

(aa) The Committee to Review Suicide Fatalities created by NRS 439.5104.

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of an unsubstantiated report of child abuse or neglect made pursuant to this chapter and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy

of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.

10. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of Public Safety , *or an employee of a county if the county has assumed the duty of the Division of Parole and Probation pursuant to NRS 176.161, as applicable,* making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or

(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

13. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 5. This act becomes effective upon passage and approval.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 78 to Senate Bill No. 9 provides that a county may pay a portion of the total cost of the presentence or general investigations and reports.

In addition, it clarifies that the duties assumed by a county related to presentence and general investigations and reports must be carried out by employees of the county.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 33.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 79.

SUMMARY—Prohibits the foreclosure of real property or a lien against a unit in a common-interest community owned by certain military personnel or their dependents in certain circumstances. (BDR 3-164)

AN ACT relating to real property; prohibiting the foreclosure of real property owned by certain military personnel or their dependents in certain circumstances; prohibiting the foreclosure of a lien against a unit in a common--interest community owned by certain military personnel or their dependents in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Servicemembers Civil Relief Act, 50 U.S.C. § 3901 et seq., generally provides for the temporary suspension of certain judicial and administrative proceedings and transactions that could adversely affect the civil rights of a servicemember during his or her military service. (50 U.S.C. § 3902) The Act provides that in any action filed during, or within 1 year after, a servicemember's period of military service to enforce an obligation on real or personal property owned by a servicemember that: (1) originated before the period of such military service and for which the servicemember is still obligated; and (2) is secured by a mortgage, trust deed or other security in the nature of a mortgage, a court is generally authorized or required, depending on the circumstances, to stay the proceedings or adjust the obligation to preserve the interests of all parties. The Act further provides that absent a court order or agreement, a sale, foreclosure or seizure of property for a breach of any such obligation is not valid if it is made during or within 1 year after the period of the servicemember's military service. Any person who knowingly makes or causes to be made a sale, foreclosure or seizure of property in violation of such a provision, or knowingly attempts to do so, is guilty of a misdemeanor. (50 U.S.C. § 3953) Additionally, the Act provides that upon application to a court, a dependent of a servicemember is entitled to the protections offered to a servicemember if the ability of the dependent to comply with certain obligations is materially affected by the servicemember's military service. (50 U.S.C. § 3959)

The provisions of the Act that grant protection from a sale, foreclosure or seizure of property for a period of 1 year after a servicemember's military service currently remain effective until December 31, 2017, and on January 1, 2018, the period of protection will decrease to 90 days. (Section 710(d) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012, Public Law 112-154, 126 Stat. 1208; section 2 of the Foreclosure Relief and Extension for Servicemembers Act of 2015, Public Law 114-142, 130 Stat. 326)

~~[This]~~ Section 1 of this bill grants under Nevada law the period of protection currently provided under federal law. Section 1 ~~[of this bill]~~ provides that if a mortgagor or grantor of a deed of trust under a residential mortgage loan is a servicemember or, in certain circumstances, a dependent of a servicemember, a person is generally prohibited from ~~[conducting]~~ initiating or directing or authorizing another person to initiate a foreclosure sale during any period the servicemember is on active duty or deployment or for a period of 1 year immediately following the end of such active duty or deployment. Section 1 also provides that in any civil action for a foreclosure sale that is filed against a servicemember or, if applicable, a dependent of a servicemember while the servicemember is on active duty or deployment or during the 1-year period immediately following the end of such active duty or deployment, the court is authorized or required, depending on the circumstances, to stay the proceedings in the action for a certain period or ~~[issue an order that conserves]~~ adjust the obligation to preserve the interests of the parties unless the court determines that the ability of the servicemember or dependent to comply with the terms of the obligation secured by the residential mortgage loan is not materially affected by the servicemember's active duty or deployment. Section 1 ~~[further]~~ additionally provides that any such protection against foreclosure only applies to a residential mortgage loan that was secured before the servicemember was called to active duty or deployment. ~~[Finally, section]~~ Section 1 further provides that any person who knowingly ~~[conducts]~~ initiates or directs or authorizes another person to initiate a foreclosure sale in violation of the provisions of section 1 , other than a trustee who initiates a foreclosure sale pursuant to the direction or authorization of another person, is guilty of a misdemeanor and ~~[is]~~ may be liable for actual damages, reasonable attorney's fees and costs incurred by the injured party. In imposing any such liability and determining whether to reduce such liability, a court is required to take into consideration any due diligence used by the person before he or she initiated or directed or authorized another person to initiate the foreclosure sale. Finally, section 1 provides that any applicable statute of limitations or period within which a servicemember is required to submit proof of service that is prescribed by state law is tolled during the period of protection provided pursuant to section 1.

Section 5.3 of this bill applies the applicable provisions set forth in section 1 to the foreclosure of a lien of a unit-owners' association against a unit in a common-interest community and provides that if a unit's owner or his or her successor in interest is a servicemember or, in certain circumstances, a dependent of a servicemember, an association is generally prohibited from initiating the foreclosure of a lien by sale during any period the servicemember is on active duty or deployment or for a period of 1 year immediately following the end of such active duty or deployment. Section 5.3 also requires a unit-owners' association to: (1) inform each unit's owner or his or her successor in interest that if the person is a servicemember or a dependent of a servicemember, he or she may be entitled to certain protections pursuant to

section 5.3; and (2) give the person the opportunity to provide any information required to enable the association to verify whether the person is entitled to the protections set forth in section 5.3, including, without limitation, the social security number and date of birth of the person. Section 5.3 also requires that before an association takes certain action relating to the foreclosure of a lien by sale, the association must, if such information is provided, verify whether a unit's owner or his or her successor in interest is entitled to the protections set forth in section 5.3 or, if such information is not provided, make a good faith effort to verify whether a unit's owner or his or her successor in interest is entitled to such protections.

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

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

1. Notwithstanding any other provision of law and except as otherwise ordered by a court of competent jurisdiction, if a borrower is a servicemember or, in accordance with subsection 5, a dependent of a servicemember, ~~[the mortgage servicer, mortgagee, trustee, beneficiary of the deed of trust or an authorized agent of such]~~ a person shall not ~~[conduct]~~ initiate or direct or authorize another person to initiate a foreclosure sale during any period that the servicemember is on active duty or deployment or for a period of 1 year immediately following the end of such active duty or deployment.

2. Except as otherwise provided in subsection 3, in any civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan that is filed against a servicemember or, in accordance with subsection 5, a dependent of a servicemember, while the servicemember is on active duty or deployment or during the 1-year period immediately following the end of such active duty or deployment, the court may, on its own motion after a hearing, or shall, on a motion or on behalf of the servicemember or dependent of the servicemember, as applicable, do one or both of the following:

(a) Stay the proceedings in the action until at least 1 year after the end of the servicemember's active duty or deployment; or

(b) ~~[Issue another order that is equitable]~~ Adjust the obligation to ~~[conserve]~~ preserve the interests of the parties.

3. The provisions of subsection 2 do not apply if the court determines that the ability of the servicemember or dependent of the servicemember to comply with the terms of the obligation secured by the residential mortgage loan is not materially affected by the servicemember's active duty or deployment.

4. The provisions of this section apply only to a residential mortgage loan that was secured by a servicemember or, in accordance with subsection 5, a dependent of a servicemember, before the servicemember was called to active duty or deployment.

5. Upon application to the court, a dependent of a servicemember is entitled to the protections provided to a servicemember pursuant to this section

if the ability of the dependent to make payments required by a residential mortgage loan is materially affected by the servicemember's active duty or deployment.

6. ~~[Any]~~ Except as otherwise provided in subsection 7, any person who knowingly ~~[conducts]~~ initiates or directs or authorizes another person to initiate a foreclosure sale in violation of this section : ~~[is:]~~

(a) ~~[Guilty]~~ Is guilty of a misdemeanor; and

(b) ~~[Liable]~~ May be liable for actual damages, reasonable attorney's fees and costs incurred by the injured party.

7. The provisions of subsection 6 do not apply to a trustee who initiates a foreclosure sale pursuant to the direction or authorization of another person.

8. In imposing liability pursuant to paragraph (b) of subsection 6, a court shall, when determining whether to reduce such liability, take into consideration any due diligence used by the person before he or she initiated or directed or authorized another person to initiate the foreclosure sale.

9. Notwithstanding any other provision of law, any applicable statute of limitations or period within which a servicemember is required to submit proof of service that is prescribed by state law is tolled during the period of protection provided to a servicemember or dependent of a servicemember pursuant to this section.

10. As used in this section:

(a) "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and 1211.

(b) "Borrower" has the meaning ascribed to it in NRS 107.410.

(c) "Dependent" has the meaning ascribed to it in 50 U.S.C. § 3911.

(d) "Deployment" means the movement or mobilization of a servicemember from his or her home station to another location for more than 90 days pursuant to military orders.

(e) "Initiate a foreclosure sale" means to commence a civil action for a foreclosure sale pursuant to NRS 40.430 or, in the case of the exercise of a trustee's power of sale pursuant to NRS 107.080, to execute and cause to be recorded in the office of the county recorder a notice of the breach and of the election to sell or cause to be sold the property pursuant to paragraph (c) of subsection 2 of NRS 107.080.

(f) "Military" means the Armed Forces of the United States, a reserve component thereof or the National Guard.

~~[(f) "Mortgage servicer" has the meaning ascribed to it in NRS 107.440.]~~

(g) "Residential mortgage loan" has the meaning ascribed to it in NRS 107.450.

(h) "Servicemember" means a member of the military.

(i) "Trustee" means a person described in NRS 107.028.

Sec. 2. NRS 40.426 is hereby amended to read as follows:

40.426 As used in NRS 40.426 to 40.495, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in

NRS 40.427, 40.428 and 40.429 have the meanings ascribed to them in those sections.

Sec. 3. NRS 40.430 is hereby amended to read as follows:

40.430 1. Except in cases where a person proceeds under subsection 2 of NRS 40.495 or subsection 1 of NRS 40.512, and except as otherwise provided in NRS 118C.220, there may be but one action for the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate. That action must be in accordance with the provisions of NRS 40.426 to 40.459, inclusive ~~[.]~~ *, and section 1 of this act.* In that action, the judgment must be rendered for the amount found due the plaintiff, and the court, by its decree or judgment, may direct a sale of the encumbered property, or such part thereof as is necessary, and apply the proceeds of the sale as provided in NRS 40.462.

2. This section must be construed to permit a secured creditor to realize upon the collateral for a debt or other obligation agreed upon by the debtor and creditor when the debt or other obligation was incurred.

3. At any time not later than 5 business days before the date of sale directed by the court, if the deficiency resulting in the action for the recovery of the debt has arisen by failure to make a payment required by the mortgage or other lien, the deficiency may be made good by payment of the deficient sum and by payment of any costs, fees and expenses incident to making the deficiency good. If a deficiency is made good pursuant to this subsection, the sale may not occur.

4. A sale directed by the court pursuant to subsection 1 must be conducted in the same manner as the sale of real property upon execution, by the sheriff of the county in which the encumbered land is situated, and if the encumbered land is situated in two or more counties, the court shall direct the sheriff of one of the counties to conduct the sale with like proceedings and effect as if the whole of the encumbered land were situated in that county.

5. Within 30 days after a sale of property is conducted pursuant to this section, the sheriff who conducted the sale shall record the sale of the property in the office of the county recorder of the county in which the property is located.

6. As used in this section, an "action" does not include any act or proceeding:

(a) To appoint a receiver for, or obtain possession of, any real or personal collateral for the debt or as provided in NRS 32.015.

(b) To enforce a security interest in, or the assignment of, any rents, issues, profits or other income of any real or personal property.

(c) To enforce a mortgage or other lien upon any real or personal collateral located outside of the State which does not, except as required under the laws of that jurisdiction, result in a personal judgment against the debtor.

(d) For the recovery of damages arising from the commission of a tort, including a recovery under NRS 40.750, or the recovery of any declaratory or equitable relief.

(e) For the exercise of a power of sale pursuant to NRS 107.080.

(f) For the exercise of any right or remedy authorized by chapter 104 of NRS or by the Uniform Commercial Code as enacted in any other state, including, without limitation, an action for declaratory relief pursuant to chapter 30 of NRS to ascertain the identity of the person who is entitled to enforce an instrument pursuant to NRS 104.3309.

(g) For the exercise of any right to set off, or to enforce a pledge in, a deposit account pursuant to a written agreement or pledge.

(h) To draw under a letter of credit.

(i) To enforce an agreement with a surety or guarantor if enforcement of the mortgage or other lien has been automatically stayed pursuant to 11 U.S.C. § 362 or pursuant to an order of a federal bankruptcy court under any other provision of the United States Bankruptcy Code for not less than 120 days following the mailing of notice to the surety or guarantor pursuant to subsection 1 of NRS 107.095.

(j) To collect any debt, or enforce any right, secured by a mortgage or other lien on real property if the property has been sold to a person other than the creditor to satisfy, in whole or in part, a debt or other right secured by a senior mortgage or other senior lien on the property.

(k) Relating to any proceeding in bankruptcy, including the filing of a proof of claim, seeking relief from an automatic stay and any other action to determine the amount or validity of a debt.

(l) For filing a claim pursuant to chapter 147 of NRS or to enforce such a claim which has been disallowed.

(m) Which does not include the collection of the debt or realization of the collateral securing the debt.

(n) Pursuant to NRS 40.507 or 40.508.

(o) Pursuant to an agreement entered into pursuant to NRS 361.7311 between an owner of the property and the assignee of a tax lien against the property, or an action which is authorized by NRS 361.733.

(p) Which is exempted from the provisions of this section by specific statute.

(q) To recover costs of suit, costs and expenses of sale, attorneys' fees and other incidental relief in connection with any action authorized by this subsection.

Sec. 4. NRS 107.480 is hereby amended to read as follows:

107.480 1. In addition to the requirements of NRS 107.085 and 107.086, *and section 1 of this act,* the exercise of a trustee's power of sale pursuant to NRS 107.080 with respect to a deed of trust securing a residential mortgage loan is subject to the provisions of NRS 107.400 to 107.560, inclusive.

2. In addition to the requirements of NRS 40.430 to 40.4639, inclusive, *and section 1 of this act,* a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan is subject to the requirements of NRS 107.400 to 107.560, inclusive.

Sec. 5. NRS 107.500 is hereby amended to read as follows:

107.500 1. At least 30 calendar days before recording a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or commencing a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan and at least 30 calendar days after the borrower's default, the mortgage servicer, mortgagee or beneficiary of the deed of trust shall mail, by first-class mail, a notice addressed to the borrower at the borrower's primary address as indicated in the records of the mortgage servicer, mortgagee or beneficiary of the deed of trust, which contains:

(a) A statement that if the borrower is a servicemember or a dependent of a servicemember, he or she may be entitled to certain protections under the federal Servicemembers Civil Relief Act, 50 U.S.C. ~~[Appx.]~~ §§ ~~[501]~~ *3901* et seq., *and section 1 of this act,* regarding the servicemember's interest rate and the risk of foreclosure, and counseling for covered servicemembers that is available from Military OneSource and the United States Armed Forces Legal Assistance or any other similar agency.

(b) A summary of the borrower's account which sets forth:

(1) The total amount of payment necessary to cure the default and reinstate the residential mortgage loan or to bring the residential mortgage loan into current status;

(2) The amount of the principal obligation under the residential mortgage loan;

(3) The date through which the borrower's obligation under the residential mortgage loan is paid;

(4) The date of the last payment by the borrower;

(5) The current interest rate in effect for the residential mortgage loan, if the rate is effective for at least 30 calendar days;

(6) The date on which the interest rate for the residential mortgage loan may next reset or adjust, unless the rate changes more frequently than once every 30 calendar days;

(7) The amount of the prepayment fee charged under the residential mortgage loan, if any;

(8) A description of any late payment fee charged under the residential mortgage loan;

(9) A telephone number or electronic mail address that the borrower may use to obtain information concerning the residential mortgage loan; and

(10) The names, addresses, telephone numbers and Internet website addresses of one or more counseling agencies or programs approved by the United States Department of Housing and Urban Development.

(c) A statement of the facts establishing the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430.

(d) A statement of the foreclosure prevention alternatives offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of trust.

(e) A statement that the borrower may request:

(1) A copy of the borrower's promissory note or other evidence of indebtedness;

(2) A copy of the borrower's mortgage or deed of trust;

(3) A copy of any assignment, if applicable, of the borrower's mortgage or deed of trust required to demonstrate the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430; and

(4) A copy of the borrower's payment history since the borrower was last less than 60 calendar days past due.

2. Unless a borrower has exhausted the process described in NRS 107.520 and 107.530 for applying for a foreclosure prevention alternative offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of the trust, not later than 5 business days after a notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080 or a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430 is commenced, the mortgage servicer, mortgagee or beneficiary of the deed of trust that offers one or more foreclosure prevention alternatives must send to the borrower a written statement:

(a) That the borrower may be evaluated for a foreclosure prevention alternative or, if applicable, foreclosure prevention alternatives;

(b) Whether a complete application is required to be submitted by the borrower if the borrower wants to be considered for a foreclosure prevention alternative; and

(c) Of the means and process by which a borrower may obtain an application for a foreclosure prevention alternative.

Sec. 5.3. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law and except as otherwise provided in subsection 2 or ordered by a court of competent jurisdiction, if a unit's owner or his or her successor in interest is a servicemember or, in accordance with subsection 3, a dependent of a servicemember, an association shall not initiate the foreclosure of a lien by sale during any period that the servicemember is on active duty or deployment or for a period of 1 year immediately following the end of such active duty or deployment.

2. The provisions of subsection 1 do not apply if a court determines that the ability of the servicemember or dependent of the servicemember to comply with the terms of the obligation secured by the lien of a unit-owners' association is not materially affected by the servicemember's active duty or deployment.

3. Upon application to the court, a dependent of a servicemember is entitled to the protections provided to a servicemember pursuant to this section if the ability of the dependent to make payments required by a lien of a unit-owners' association is materially affected by the servicemember's active duty or deployment.

4. An association shall:

(a) Inform each unit's owner or his or her successor in interest that if the person is a servicemember or a dependent of a servicemember, he or she may be entitled to certain protections pursuant to this section; and

(b) Give the person the opportunity to provide any information required to enable the association to verify whether he or she is entitled to the protections set forth in this section, including, without limitation, the social security number and date of birth of the person.

5. Before an association takes any action pursuant to paragraph (a) of subsection 4 of NRS 116.31162, if information required to verify whether a unit's owner or his or her successor in interest is entitled to the protections set forth in this section:

(a) Has been provided to the association pursuant to subsection 4, the association must verify whether the person is entitled to the protections set forth in this section.

(b) Has not been provided to the association pursuant to subsection 4, the association must make a good faith effort to verify whether the person is entitled to the protections set forth in this section.

6. Any person who knowingly initiates the foreclosure of a lien by sale in violation of this section:

(a) Is guilty of a misdemeanor; and

(b) May be liable for actual damages, reasonable attorney's fees and costs incurred by the injured party.

7. In imposing liability pursuant to paragraph (b) of subsection 6, a court shall, when determining whether to reduce such liability, take into consideration any due diligence used by the person before he or she initiated the foreclosure of the lien by sale.

8. Notwithstanding any other provision of law, any applicable statute of limitations or period within which a servicemember is required to submit proof of service that is prescribed by state law is tolled during the period of protection provided to a servicemember or dependent of a servicemember pursuant to this section.

9. As used in this section:

(a) "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and 1211.

(b) "Dependent" has the meaning ascribed to it in 50 U.S.C. § 3911.

(c) "Deployment" means the movement or mobilization of a servicemember from his or her home station to another location for more than 90 days pursuant to military orders.

(d) "Initiate the foreclosure of a lien by sale" means to take any action in furtherance of foreclosure of a lien by sale after taking the actions set forth in paragraph (a) of subsection 4 of NRS 116.31162.

(e) "Military" means the Armed Forces of the United States, a reserve component thereof or the National Guard.

(f) "Servicemember" means a member of the military.

Sec. 5.7. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 5, 6 or 7, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, *and section 5.3 of this act,* the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the total amount of the deficiency in payment, with a separate statement of:

(I) The amount of the association's lien that is prior to the first security interest on the unit pursuant to subsection 3 of NRS 116.3116 as of the date of the notice;

(II) The amount of the lien described in sub-subparagraph (I) that is attributable to assessments based on the periodic budget adopted by the association pursuant to NRS 116.3115 as of the date of the notice;

(III) The amount of the lien described in sub-subparagraph (I) that is attributable to amounts described in NRS 116.310312 as of the date of the notice; and

(IV) The amount of the lien described in sub-subparagraph (I) that is attributable to the costs of enforcing the association's lien as of the date of the notice.

(3) State that:

(I) If the holder of the first security interest on the unit does not satisfy the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116, the association may foreclose its lien by sale and that the sale may extinguish the first security interest as to the unit; and

(II) If, not later than 5 days before the date of the sale, the holder of the first security interest on the unit satisfies the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116 and, not later than 2 days before the date of the sale, a record of such satisfaction is recorded in the office of the recorder of the county in which the unit is located, the association may foreclose its lien by sale but the sale may not extinguish the first security interest as to the unit.

(4) State the name and address of the person authorized by the association to enforce the lien by sale.

(5) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

(d) The unit's owner or his or her successor in interest, or the holder of a recorded security interest on the unit, has, for a period which commences in the manner and subject to the requirements described in subsection 3 and which expires 5 days before the date of sale, failed to pay the assessments and other sums that are due to the association in accordance with subsection 1 of NRS 116.3116.

(e) The association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, an affidavit which states, based on the direct, personal knowledge of the affiant, the personal knowledge which the affiant acquired by a review of a trustee sale guarantee or a similar product or the personal knowledge which the affiant acquired by a review of the business records of the association or other person conducting the sale, which business records must meet the standards set forth in NRS 51.135, the following:

(1) The name of each holder of a security interest on the unit to which the notice of default and election to sell and the notice of sale was mailed, as required by subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635; and

(2) The address at which the notices were mailed to each such holder of a security interest.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days described in paragraph (c) of subsection 1 begins on the first day following:

(a) The date on which the notice of default and election to sell is recorded; or

(b) The date on which a copy of the notice of default and election to sell is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. An association may not mail to a unit's owner or his or her successor in interest a letter of its intent to mail a notice of delinquent assessment pursuant to paragraph (a) of subsection 1, mail the notice of delinquent assessment or take any other action to collect a past due obligation from a unit's owner or his or her successor in interest unless ~~[,]~~ *the association has complied with the provisions of subsections 4 and 5 of section 5.3 of this act and:*

(a) Not earlier than 60 days after the obligation becomes past due, the association mails to the address on file for the unit's owner:

(1) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

(2) A proposed repayment plan; and

(3) A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing; and

(b) Within 30 days after the date on which the information described in paragraph (a) is mailed, the past due obligation has not been paid in full or the unit's owner or his or her successor in interest has not entered into a repayment plan or requested a hearing before the executive board. If the unit's owner or his or her successor in interest requests a hearing or enters into a repayment plan within 30 days after the date on which the information described in paragraph (a) is mailed and is unsuccessful at the hearing or fails to make a payment under the repayment plan within 10 days after the due date, the association may take any lawful action pursuant to subsection 1 to enforce its lien.

5. The association may not foreclose a lien by sale if the association has not mailed a copy of the notice of default and election to sell and a copy of the notice of sale to each holder of a security interest on the unit in the manner and subject to the requirements set forth in subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635.

6. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

7. The association may not foreclose a lien by sale if the association has received notice pursuant to NRS 107.086 that the unit is subject to foreclosure mediation pursuant to that section, unless:

(a) The trustee of record has recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (e) of subsection 2 of NRS 107.086; or

(b) The unit's owner has failed to pay to the association any amounts enforceable as assessments pursuant to subsection 1 of NRS 116.3116 that become due during the pendency of foreclosure mediation pursuant to NRS 107.086, other than past due obligations as described in subsection 10 of NRS 107.086.

Sec. 6. This act becomes effective upon passage and approval.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 79 to Senate Bill No. 33 adds a prohibition on the foreclosure of a lien against a unit in a common-interest community owned by certain military personal or their dependents. It also requires a unit-owners' association to: inform unit owners that a service member or a dependent of a service member may be entitled to certain protections relating to foreclosure, and provide a person with the opportunity to submit verifying information showing that the person is entitled to the protections set forth in the measure.

Finally, it clarifies that a trustee who initiates a foreclosure sale pursuant to the direction or authorization of another person is not guilty of a misdemeanor and would not be liable for damages, attorney's fees and costs incurred by the injured party.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 50.

Bill read second time.

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

Amendment No. 154.

SUMMARY—Provides for advance directives governing the provision of psychiatric care. (BDR 40-174)

AN ACT relating to health care; establishing a procedure for a person to execute an advance directive for psychiatric care to direct a physician or other provider of health care in the event that the person is incapable of making or communicating decisions regarding psychiatric care; <u>requiring a physician or provider of health care to make a reasonable inquiry to determine whether a person has executed such an advance directive under certain circumstances;</u> requiring a physician or provider of health care to comply with such an advance directive under certain circumstances; providing immunity from civil

or criminal liability, or discipline for unprofessional conduct, to a physician or provider of health care ~~[who complies with]~~ under certain circumstances relating to compliance with such an advance directive; authorizing a person to register an advance directive for psychiatric care with the Secretary of State for deposit in the Registry of Advance Directives for Health Care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person may provide an advance directive concerning his or her health care in the form of a durable power of attorney for health care decisions, a declaration governing the withholding or withdrawal of life-sustaining treatment, a Physician Order for Life-Sustaining Treatment form or a do-not-resuscitate order. (NRS 162A.700-162A.865, 449.535-449.690, 449.694, 449.800-449.860, 450B.420) Existing law also provides for a Registry of Advance Directives for Health Care, in which certain health records of a patient may be deposited to facilitate treatment of that patient by any health care provider. (NRS 449.900-449.965)

Section 8 of this bill authorizes a person who is of sound mind and who is 18 or more years of age or an emancipated minor to execute an advance directive for psychiatric care to direct any provider of health care on how he or she wishes psychiatric care to be provided in the event that he or she is incapable of making decisions concerning such care or communicating such decisions. Section 8 also authorizes a person to designate another person to make decisions for him or her in the event that he or she is incapable of making such decisions. Section 9 of this bill sets forth a sample form that may be used by a person wishing to execute an advance directive for psychiatric care. Sections 10 and 11 of this bill establish ~~[: (1)]~~ the circumstances under which an advance directive for psychiatric care becomes operative . ~~[; and (2) that a physician or other provider of health care may assume that such an advance directive was validly executed.]~~ Section 13 of this bill provides that a person may revoke his or her advance directive for psychiatric care at any time, as long as he or she is capable of making such a decision at the time. Sections 12 and 13 of this bill require a physician or other provider of health care to enter an advance directive for psychiatric care or a revocation of such an advance directive into the medical record of the person executing the advance directive or revocation. Section 17 of this bill provides that an advance directive for psychiatric care validly executed pursuant to the laws of another state is valid in this State.

Section 14 of this bill sets forth the following circumstances under which a physician or other provider of health care may not comply with an advance directive for psychiatric care: (1) compliance with the advance directive is not consistent with generally accepted standards of care; (2) compliance is not consistent with the availability of treatments requested in the advance directive; (3) compliance would violate applicable laws; (4) the person executing the advance directive is involuntarily admitted to a mental health facility and a course of treatment is required by law; or (5) compliance would

endanger the life of the person executing the advance directive or any other person. Section 15 of this bill requires a physician or other provider of health care to promptly transfer the care of a person executing an advance directive if the provider is ~~[unwilling]~~ unable to comply with his or her advance directive.

Section 16 of this bill : (1) requires a physician or other provider of health care to make a reasonable inquiry as to whether a person determined to be incapable of making decisions relating to his or her psychiatric care has executed an advance directive for psychiatric care; and (2) shields a physician or other provider of health care from civil or criminal liability, or discipline for unprofessional conduct, ~~[if: (1) the physician or other provider of health care complies with an advance directive for psychiatric care without knowledge that the advance directive was previously revoked; (2) the actions of the physician or other provider of health care are consistent with reasonable medical standards; or (3) a decision of a physician or other provider of health care is made in good faith.]~~ under certain circumstances for actions taken or not taken relating to a person's psychiatric care.

Section 18 of this bill adds an advance directive for psychiatric care to the definition of "advance directive" for purposes of registering such an advance directive with the Secretary of State for deposit in the Registry of Advance Directives for Health Care.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Advance directive for psychiatric care" or "advance directive" means a writing executed in accordance with the requirements of section 8 of this act pursuant to which the principal makes a declaration of instructions, information and preferences regarding his or her psychiatric care.*

Sec. 4. *"Attending physician" has the meaning ascribed to it in NRS 449.550.*

Sec. 5. *"Principal" means the person who has executed an advance directive for psychiatric care.*

Sec. 6. *"Provider of health care" has the meaning ascribed to it in NRS 449.581.*

Sec. 7. *"Psychiatric care" means the provision of psychiatric services and psychiatric treatment and the administration of psychotropic medication.*

Sec. 8. *1. A person of sound mind ~~[and]~~ who is 18 or more years of age or who has been declared emancipated pursuant to NRS 129.080 to 129.140, inclusive, may execute at any time an advance directive for psychiatric care. The principal may designate another natural person of sound mind and 18 or more years of age to make decisions governing the provision of psychiatric*

care. The advance directive must be signed by the principal, or another at the principal's direction, and attested by two witnesses. Neither of the witnesses may be:

(a) The attending physician or provider of health care;

(b) An employee of the attending physician or provider of health care;

(c) An owner or operator of a medical facility in which the principal is a patient or resident or an employer of such an owner or operator; or

(d) A person appointed as an attorney-in-fact by the advance directive.

2. An advance directive becomes effective upon its proper execution and remains valid for a period of 2 years after the date of its execution unless revoked.

Sec. 9. *The form of an advance directive for psychiatric care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:*

NOTICE TO PERSON MAKING AN ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES AN ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS: THIS DOCUMENT ALLOWS YOU TO MAKE DECISIONS IN ADVANCE ABOUT CERTAIN TYPES OF PSYCHIATRIC CARE. THE INSTRUCTIONS YOU INCLUDE IN THIS ADVANCE DIRECTIVE WILL BE FOLLOWED IF TWO PROVIDERS OF HEALTH CARE, ONE OF WHOM MUST BE A PHYSICIAN OR LICENSED PSYCHOLOGIST AND THE OTHER OF WHOM MUST BE A PHYSICIAN, A PHYSICIAN ASSISTANT, A LICENSED PSYCHOLOGIST, A PSYCHIATRIST OR AN ADVANCED PRACTICE REGISTERED NURSE WHO HAS THE PSYCHIATRIC TRAINING AND EXPERIENCE PRESCRIBED BY THE STATE BOARD OF NURSING PURSUANT TO NRS 632.120, DETERMINES THAT YOU ARE INCAPABLE OF MAKING OR COMMUNICATING TREATMENT DECISIONS. OTHERWISE YOU WILL BE CONSIDERED CAPABLE TO GIVE OR WITHHOLD CONSENT FOR THE TREATMENTS. YOUR INSTRUCTIONS MAY BE OVERRIDDEN IF YOU ARE BEING HELD IN ACCORDANCE WITH CIVIL COMMITMENT LAW. BY EXECUTING A DURABLE POWER OF ATTORNEY FOR HEALTH CARE AS SET FORTH IN NRS 162A.700 TO 162A.865, INCLUSIVE, YOU MAY ALSO APPOINT A PERSON AS YOUR AGENT TO MAKE TREATMENT DECISIONS FOR YOU IF YOU BECOME INCAPABLE. THIS DOCUMENT IS VALID FOR TWO YEARS FROM THE DATE YOU EXECUTE IT UNLESS YOU REVOKE IT. YOU HAVE THE RIGHT TO REVOKE THIS DOCUMENT AT ANY TIME YOU HAVE NOT BEEN DETERMINED TO BE INCAPABLE. YOU MAY NOT REVOKE THIS ADVANCE DIRECTIVE WHEN YOU ARE FOUND INCAPABLE BY TWO

PROVIDERS OF HEALTH CARE, ONE OF WHOM MUST BE A PHYSICIAN OR LICENSED PSYCHOLOGIST [.] AND THE OTHER OF WHOM MUST BE A PHYSICIAN, A PHYSICIAN ASSISTANT, A LICENSED PSYCHOLOGIST, A PSYCHIATRIST OR AN ADVANCED PRACTICE REGISTERED NURSE WHO HAS THE PSYCHIATRIC TRAINING AND EXPERIENCE PRESCRIBED BY THE STATE BOARD OF NURSING PURSUANT TO NRS 632.120. A REVOCATION IS EFFECTIVE WHEN IT IS COMMUNICATED TO YOUR ATTENDING PHYSICIAN OR OTHER HEALTH CARE PROVIDER. THE PHYSICIAN OR OTHER PROVIDER SHALL NOTE THE REVOCATION IN YOUR MEDICAL RECORD. TO BE VALID, THIS ADVANCE DIRECTIVE MUST BE SIGNED BY TWO QUALIFIED WITNESSES, PERSONALLY KNOWN TO YOU, WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE. IT MUST ALSO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

NOTICE TO PHYSICIAN OR OTHER PROVIDER OF HEALTH CARE

Under Nevada law, a person may use this advance directive to provide consent or refuse to consent to future psychiatric care if the person later becomes incapable of making or communicating those decisions. By executing a durable power of attorney for health care as set forth in NRS 162A.700 to 162A.865, inclusive, the person may also appoint an agent to make decisions regarding psychiatric care for the person when incapable. A person is "incapable" for the purposes of this advance directive when in the opinion of two providers of health care, one of whom must be a physician or licensed psychologist and the other of whom must be a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, the person currently lacks sufficient understanding or capacity to make or communicate decisions regarding psychiatric care. If a person is determined to be incapable, the person may be found capable when, in the opinion of the person's attending physician or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 and has an established relationship with the person, the person has regained sufficient understanding or capacity to make or communicate decisions regarding psychiatric care. This document becomes effective upon its proper execution and remains valid for a period of 2 years after the date of its execution unless revoked. Upon being presented with this advance directive, the physician or other provider of health care must make it a part of the person's medical record. The physician or other provider must act in accordance with the statements expressed in the advance

directive when the person is determined to be incapable, except as otherwise provided in section 14 of this act. The physician or other provider shall promptly notify the principal and, if applicable, the agent of the principal, and document in the principal's medical record any act or omission that is not in compliance with any part of an advance directive. A physician or other provider may rely upon the authority of a signed, witnessed, dated and notarized advance directive . ~~[, as set forth in section 11 of this act.]~~

ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE

I, ..., being an adult of sound mind ~~[,]~~ *or an emancipated minor, willfully and voluntarily make this advance directive for psychiatric care to be followed if it is determined by two providers of health care, one of whom must be my attending physician or a licensed psychologist and the other of whom must be a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, that my ability to receive and evaluate information effectively or communicate decisions is impaired to such an extent that I lack the capacity to refuse or consent to psychiatric care. I understand that psychiatric care may not be administered without my express and informed consent or, if I am incapable of giving my informed consent, the express and informed consent of my legally responsible person, my agent named pursuant to a valid durable power of attorney for health care or my consent expressed in this advance directive for psychiatric care. I understand that I may become incapable of giving or withholding informed consent or refusal for psychiatric care due to the symptoms of a diagnosed mental disorder. These symptoms may include:*

.....

PSYCHOACTIVE MEDICATIONS

If I become incapable of giving or withholding informed consent for psychiatric care, my instructions regarding psychoactive medications are as follows: (Place initials beside choice.)

I consent to the administration of the following medications: [.....]

.....

I do not consent to the administration of the following medications: [.....]

.....

Conditions or limitations:

.....

ADMISSION TO AND RETENTION IN FACILITY

If I become incapable of giving or withholding informed consent for psychiatric care, my instructions regarding admission to and

retention in a medical facility for psychiatric care are as follows: (Place initials beside choice.)

I consent to being admitted to a medical facility for psychiatric care. [.....]

My facility preference is:

.....

I do not consent to being admitted to a medical facility for psychiatric care. [.....]

This advance directive cannot, by law, provide consent to retain me in a facility ~~[for more than 10]~~ beyond the specific number of days ~~[.]~~ , if any, provided in this advance directive.

Conditions or limitations:

.....

ADDITIONAL INSTRUCTIONS

These instructions shall apply during the entire length of my incapacity.

In case of a mental health crisis, please contact:

1.

Name:.....
Address: .....
Home Telephone Number: .....
Work Telephone Number: .....
Relationship to Me:.....

2.

Name:.....
Address: .....
Home Telephone Number: .....
Work Telephone Number: .....
Relationship to Me:.....

3. My physician:

Name: .....
Work Telephone Number: .....

4. My therapist or counselor:

Name: .....
Work Telephone Number: .....

The following may cause me to experience a mental health crisis:

.....

The following may help me avoid a hospitalization:

.....

I generally react to being hospitalized as follows:

.....

Staff of the hospital or crisis unit can help me by doing the following:

.....

I give permission for the following person or people to visit me:

.....

Instructions concerning any other medical interventions, such as electroconvulsive (ECT) treatment (commonly referred to as "shock treatment"):

.....

Other instructions:

.....

I have attached an additional sheet of instructions to be followed and considered part of this advance directive. [.....]

SHARING OF INFORMATION BY PROVIDERS

I understand that the information in this document may be shared by my provider of mental health care with any other provider who may serve me when necessary to provide treatment in accordance with this advance directive.

Other instructions about sharing of information:

.....

SIGNATURE OF PRINCIPAL

By signing here, I indicate that I am mentally alert and competent, fully informed as to the contents of this document, and understand the full impact of having made this advance directive for psychiatric care.

....

Signature of Principal Date

AFFIRMATION OF WITNESSES

We affirm that the principal is personally known to us, that the principal signed or acknowledged the principal's signature on this advance directive for psychiatric care in our presence, that the principal appears to be of sound mind and not under duress, fraud, or undue influence, and that neither of us is:

1. A person appointed as an attorney-in-fact by this document;

2. The principal's attending physician or provider of health care or ~~[a relative]~~ an employee of the physician or provider; or

3. The owner or operator, or employee of the owner or operator, of a medical facility in which the principal is a patient or resident . ~~[; or~~

~~*4. A person related within the third degree of consanguinity to the principal by blood, marriage, domestic partnership or adoption.]*~~

Witnessed by:

Witness:..... .....

Signature Date

Witness:..... .....

Signature Date

STATE OF NEVADA

COUNTY OF.....

CERTIFICATION OF NOTARY PUBLIC

STATE OF NEVADA

COUNTY OF.....

I, ..., a Notary Public for the County cited above in the State of Nevada, hereby certify that ..... appeared before me and swore or affirmed to me and to the witnesses in my presence that this instrument is an advance directive for psychiatric care and that he or she willingly and voluntarily made and executed it as his or her free act and deed for the purposes expressed in it.

I further certify that ..... and ....., witnesses, appeared before me and swore or affirmed that each witnessed ..... sign the attached advance directive for psychiatric care believing him or her to be of sound mind and also swore that at the time each witnessed the signing, each person was: (1) not the attending physician or provider of health care, or an employee of the physician or provider, of the principal; (2) not the owner or operator, or employee of the owner or operator, of a medical facility in which the principal is a patient or resident; and (3) not ~~[related within the third degree of consanguinity to the principal or the spouse or domestic partner of the principal.]~~ a person appointed as an attorney-in-fact by the attached advance directive for psychiatric care. I further certify that I am satisfied as to the genuineness and due execution of the instrument.

This is the ..... day of ....., ...

.....

Notary Public

My Commission expires: .....

Sec. 10. *An advance directive for psychiatric care becomes operative when it is communicated to a physician or any other provider of health care and the principal is determined by two providers of health care, one of whom must be the attending physician or a licensed psychologist and the other of whom must be a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, to be no longer able to make or communicate decisions regarding the provision of psychiatric care. If the principal is determined to be no longer able to make or communicate decisions regarding the provision of psychiatric care and subsequently the principal's attending physician or an advance practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 and has an established relationship with the principal determines that the principal has regained the ability to make or communicate decisions regarding the provision of psychiatric care, the advance directive is no longer operative. When the advance directive ~~[becomes]~~ is operative, a physician and any other provider of health care shall act in accordance with the provisions of the advance directive and with the instructions of a person designated pursuant to*

section 8 of this act, or comply with the requirements of section 15 of this act to transfer the care of the principal.

Sec. 11. ~~*[1. Unless he or she has knowledge to the contrary, a physician or other provider of health care may assume that an advance directive for psychiatric care complies with sections 2 to 17, inclusive, of this act and is valid.*~~

~~*2.]*~~ *Sections 2 to 17, inclusive, of this act create no presumption concerning the intention of a person who has revoked or has not executed an advance directive for psychiatric care.*

Sec. 12. *Upon being presented with an advance directive for psychiatric care, an attending physician or other provider of health care shall make the advance directive a part of the principal's medical record.*

Sec. 13. *1. A principal may revoke an advance directive for psychiatric care at any time and in any manner, as long as the principal is capable of making such a decision. The principal may exercise this right of revocation in any manner by which the principal is able to communicate an intent to revoke and by notifying the attending physician or other provider of health care of the revocation.*

2. The attending physician or other provider of health care shall make the revocation part of the principal's medical record.

Sec. 14. *1. When acting under the authority of an advance directive for psychiatric care, an attending physician or other provider of health care shall comply with the advance directive unless:*

(a) Compliance, in the opinion of the attending physician or other provider, is not consistent with generally accepted standards of care for the provision of psychiatric care for the benefit of the principal;

(b) Compliance is not consistent with the availability of psychiatric care requested;

(c) Compliance is not consistent with applicable law;

(d) The principal is admitted to a mental health facility or hospital pursuant to NRS 433A.145 to 433A.330, inclusive, and a course of treatment is required pursuant to those provisions; or

(e) Compliance, in the opinion of the attending physician or other provider, is not consistent with appropriate psychiatric care in case of an emergency endangering the life or health of the principal or another person.

2. In the event that one part of the advance directive is unable to be followed because of any of the circumstances set forth in subsection 1, all other parts of the advance directive must be followed.

Sec. 15. *A physician or other provider of health care who is* ~~*[unwilling]*~~ *unable to comply with sections 2 to 17, inclusive, of this act shall take all reasonable steps as promptly as practicable to transfer the psychiatric care of the principal to another physician or provider of health care.*

Sec. 16. *1. If two providers of health care, one of whom is a physician or a licensed psychologist and the other of whom is a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice*

registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, determine that a person is incapable of consenting or refusing to consent to psychiatric care, a physician or other provider of health care treating the person must make a reasonable inquiry as to whether the person has executed an advance directive for psychiatric care.

2. A physician or other provider of health care is not subject to civil or criminal liability, or discipline for unprofessional conduct, for ~~[giving effect to an advance directive for psychiatric care or the direction of a person designated in the advance directive pursuant to section 8 of this act in the absence of knowledge of the revocation of the advance directive.~~ ~~2.]~~ :

(a) Complying with a direction given or a decision made by a person that the physician or other provider believes, in good faith, has authority to act as an agent for a principal concerning decisions relating to psychiatric care;

(b) Refusing to comply with a direction given or a decision made by a person based on a good faith belief that the person lacks the authority to act as an agency for a principal concerning decisions relating to psychiatric care;

(c) Giving effect to an advance directive for psychiatric care that the physician or other provider assumed was valid;

(d) Disclosing information concerning psychiatric care to another person based on a good faith belief that such disclosure was either authorized or required;

(e) Refusing to comply with a direction given or a decision made by a person because of conflicts with the physician's or other provider's contractual network or payment policy restrictions;

(f) Refusing to comply with a direction given or a decision made by a person if such direction or decision violates accepted medical or clinical standards of care;

(g) Making a determination that causes an advance directive to become effective; or

(h) Failing to determine that a person lacks sufficient understanding or capacity to make or communicate decisions regarding psychiatric care, thereby preventing an advance directive from becoming effective.

3. A physician or other provider of health care whose action pursuant to sections 2 to 17, inclusive, of this act is in accord with reasonable medical standards is not subject to civil or criminal liability, or discipline for unprofessional conduct, with respect to that action.

~~[3.]~~ 4. A person designated in an advance directive for psychiatric care pursuant to section 8 of this act whose decision is made in good faith pursuant to sections 2 to 17, inclusive, of this act is not subject to civil or criminal liability, or discipline for unprofessional conduct, with respect to that decision.

Sec. 17. *1. An advance directive for psychiatric care executed in another state in compliance with the law of that state or of this State is valid for purposes of sections 2 to 17, inclusive, of this act.*

2. An instrument executed anywhere before the effective date of this act which clearly expresses the intent of the person executing the instrument to direct the provision of psychiatric care for the person when the person is otherwise rendered incapable of communicating with his or her attending physician, if executed in a manner which attests voluntary execution and has not been subsequently revoked, is effective under sections 2 to 17, inclusive, of this act.

3. As used in this section, "state" includes the District of Columbia, the Commonwealth of Puerto Rico and a territory or insular possession subject to the jurisdiction of the United States.

Sec. 18. NRS 449.905 is hereby amended to read as follows:

449.905 "Advance directive" means an advance directive for health care. The term includes:

1. A declaration governing the withholding or withdrawal of life-sustaining treatment as set forth in NRS 449.535 to 449.690, inclusive;

2. A durable power of attorney for health care as set forth in NRS 162A.700 to 162A.865, inclusive;

3. *An advance directive for psychiatric care as set forth in sections 2 to 17, inclusive, of this act;*

4. A do-not-resuscitate order as defined in NRS 450B.420; and

~~[4.]~~ *5.* A Physician Order for Life-Sustaining Treatment form as defined in NRS 449.693.

Sec. 19. NRS 449.945 is hereby amended to read as follows:

449.945 1. The provisions of NRS 449.900 to 449.965, inclusive, do not require a provider of health care to inquire whether a patient has an advance directive registered on the Registry or to access the Registry to determine the terms of the advance directive.

2. A provider of health care who relies in good faith on the provisions of an advance directive retrieved from the Registry is immune from criminal and civil liability as set forth in:

(a) NRS 449.630, if the advance directive is a declaration governing the withholding or withdrawal of life-sustaining treatment executed pursuant to NRS 449.535 to 449.690, inclusive, or a durable power of attorney for health care executed pursuant to NRS 162A.700 to 162A.865, inclusive;

(b) *Section 16 of this act, if the advance directive is an advance directive for psychiatric care executed pursuant to sections 2 to 17, inclusive, of this act;*

(c) NRS 449.691 to 449.697, inclusive, if the advance directive is a Physician Order for Life-Sustaining Treatment form; or

~~[(c)]~~ *(d)* NRS 450B.540, if the advance directive is a do-not-resuscitate order as defined in NRS 450B.420.

Sec. 20. This act becomes effective upon passage and approval.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 154 to Senate Bill No. 50 makes various changes, including an emancipated minor in the list of persons who may execute an Advance Directive for psychiatric care; clarifies who may not serve as a witness to such a directive; revises the example form that may be used for an Advanced Directive for psychiatric care; clarifies the circumstances in which a directive becomes, and is no longer operative; and requires a physician or provider of health care to make a reasonable inquiry to determine whether a person has executed an Advanced Directive under certain circumstances.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 116.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 80.

SUMMARY—Revises provisions governing warnings against trespassing. (BDR 15-76)

AN ACT relating to trespassing; revising provisions governing warning against trespassing; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a misdemeanor for a person to go upon the land or into any building of another in certain circumstances, including willfully going or remaining on land or in a building after being warned by the owner or occupant thereof not to trespass. ~~[Existing law specifies that one way to provide sufficient warning against trespassing is by fencing the area. The term fence is defined as a barrier sufficient to indicate an intent to restrict the area to human ingress, which includes, but is not limited to, a wall, hedge or chain link or wire mesh fence. Under existing law, a barrier constructed of barbed wire is not sufficient to indicate an intent to restrict the area to human ingress and is not adequate warning against trespassing.]~~ For the purposes of determining whether a person has been given sufficient warning not to trespass, the owner or occupant of land may: (1) paint the area in a certain manner depending on the use of the land; (2) fence the area; or (3) make an oral or written demand to vacate the land or building. (NRS 207.200)

This bill ~~[removes barbed wire barriers from the list of barriers that are not sufficient to indicate an intent to restrict the area to human ingress. This bill also specifically provides that a barrier in the form of a fence made of not less than five strands of barbed wire is adequate warning against trespassing.~~

~~The definition of "fence" amended by this bill and the provisions of existing law relating to trespassing are referenced in various other sections of the Nevada Revised Statutes, including, but not limited to, existing law that: (1) creates a cause of action for damages resulting from criminal trespass motivated by certain characteristics of the victim; (2) increases the penalty for criminal trespass motivated by certain characteristics of the victim; (3) sets forth the penalty for trespass upon the premises of a licensed gaming~~

~~establishment by certain persons; (4) prohibits posting a warning against trespass on certain property; (5) creates an action for trespass committed by an unmanned aerial vehicle; and (6) prohibits hunting, trapping or fishing upon certain property. (NRS 41.690, 207.185, 207.203, 207.205, 493.103, 503.240)]~~ : (1) revises provisions governing the requirements for painting certain posts, structures or natural objects to remove the distinction based on the use of the land; (2) provides that using an area as cultivated land provides sufficient warning against trespass; and (3) defines "cultivated land" for such purposes.

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

Section 1. NRS 207.200 is hereby amended to read as follows:

207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who, under circumstances not amounting to a burglary:

(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; or

(b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass,

➥ is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections 2 and 4.

2. A sufficient warning against trespassing, within the meaning of this section, is given by any of the following methods:

(a) ~~[If the land is used for agricultural purposes or for herding or grazing livestock, by painting]~~ *Painting* with fluorescent orange paint:

(1) Not less than 50 square inches ~~[of the exterior portion]~~ of a structure or natural object or the top 12 inches ~~[of the exterior portion]~~ of a post, whether made of wood, metal or other material, at:

(I) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 1,000 feet; and

(II) Each corner of the land, upon or near the boundary; and

(2) Each side of all gates, cattle guards and openings that are designed to allow human ingress to the area;

~~(b) [If the land is not used in the manner specified in paragraph (a), by painting with fluorescent orange paint not less than 50 square inches of the exterior portion of a structure or natural object or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material, at:~~

~~(1) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 200 feet; and~~

~~(2) Each corner of the land, upon or near the boundary;~~

~~(c)]~~ Fencing the area; ~~[or~~

~~(d)]~~ *(c) Using the area as cultivated land; or*

(d) By the owner or occupant of the land or building making an oral or written demand to any guest to vacate the land or building.

3. It is prima facie evidence of trespass for any person to be found on private or public property which is posted or fenced as provided in subsection 2 without lawful business with the owner or occupant of the property.

4. An entryman on land under the laws of the United States is an owner within the meaning of this section.

5. As used in this section:

(a) *"Cultivated land" means land that has been cleared of its natural vegetation and is presently planted with a crop, orchard, grove, pasture or trees or is fallow land as part of a crop rotation.*

(b) "Fence" means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, ~~*[a]*~~ hedge or ~~*[a fence made of]*~~ chain link ~~*[,]*~~ or wire mesh fence. The term does not include a barrier made ~~*[of not less than five strands]*~~ of barbed wire.

~~[(b)]~~ *(c)* "Guest" means any person entertained or to whom hospitality is extended, including, but not limited to, any person who stays overnight. The term does not include a tenant as defined in NRS 118A.170.

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

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 80 to Senate Bill No. 116 removes the distinction of land use in providing a warning against trespassing. In addition, it provides a definition of "cultivated land" and provides that using an area as "cultivated land" provides sufficient warning against trespassing.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 177.

Bill read second time and ordered to third reading.

Senate Bill No. 187.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 176.

SUMMARY— ~~[Proposes to revise provisions relating to the preservation and promotion of the arts and museums in this State.]~~ Makes an appropriation for the establishment of a fine arts museum in Las Vegas, Nevada, and the expansion of the Nevada Museum of Art in Reno, Nevada. (BDR ~~[33-267)]~~ S-267)

AN ACT ~~[relating to cultural resources; providing for the submission to the voters of the question whether the Nevada Revised Statutes should be amended to increase the duties of the Commission for Cultural Centers and Historic Preservation to include the preservation and promotion of the arts and museums in this State, to create in the State Treasury the Fund for the Preservation and Promotion of the Arts and Museums, to require the issuance~~

~~of general obligation bonds to fund the preservation and promotion of the arts and museums in this State and to establish a Committee to Award Financial Assistance to approve awards of financial assistance from the Fund; enacting, upon approval of the question by voters, various provisions relating to the preservation and promotion of the arts and museums in this State;~~ making an appropriation for the establishment of a fine arts museum in Las Vegas, Nevada, and the expansion of the Nevada Museum of Art in Reno, Nevada; and providing other matters properly relating thereto.

~~[Legislative Counsel's Digest:~~

~~Existing law creates the Commission for Cultural Centers and Historic Preservation, which acts in an advisory capacity to the State Department of Conservation and Natural Resources. The Commission is authorized to award financial assistance to governmental entities and certain organizations formed for educational or cultural purposes, including the preservation or promotion of objects, sites or information of historic, prehistoric, archeological, architectural or paleontological significance. The Commission is required to determine annually the amount of financial assistance it will grant, and the State Board of Finance is required to issue general obligation bonds in the amount to be granted by the Commission. Proceeds from the sale of bonds are required to be credited to the Fund for the Preservation and Promotion of Cultural Resources, and the Commission is authorized to expend money in the Fund only for projects identified in the Commission's plan to promote and preserve the State's cultural resources and administrative services provided by the Commission. (NRS 383.500-383.540)~~

~~Sections 8-12 of this bill require a question to be submitted to the voters of Nevada as to whether the Nevada Revised Statutes should be amended to: (1) increase the duties of the Commission to include the preservation and promotion of the arts and museums in this State; (2) create in the State Treasury the Fund for the Preservation and Promotion of the Arts and Museums; (3) require the State Board of Finance to issue general obligation bonds, in an amount of approximately $10,000,000 per year, but not to exceed $100,000,000 over any 10-year period to fund the preservation and promotion of the arts and museums in this State; and (4) establish a Committee to Award Financial Assistance to approve awards of financial assistance from the Fund.~~

~~Sections 2-7 and 13 of this bill enact various provisions to implement the question, which become effective only upon approval of the question by the voters. Section 3 requires the Commission to establish and annually revise a 10-year plan to preserve and promote the arts and museums in this State. Section 4 creates the Fund for the Preservation and Promotion of the Arts and Museums and authorizes the Commission to expend money in the Fund on certain projects and limited expenses. Sections 5 and 6 create the Committee to Award Financial Assistance and authorize the Committee to approve grants to be awarded from the Fund in accordance with the Commission's plan and certain guidelines. Section 13 requires the initial appointment of the members of the Committee. Section 7 requires the State Board of Finance to issue~~

~~general obligation bonds in an amount not to exceed $10,000,000 per year, plus any unused amount carried over from previous years, but not more than $100,000,000 within any 10-year period, to be deposited in the Fund. Such bonds are not exempt from the constitutional limit on the amount of debt of the State of Nevada. (Nev. Const. Art. 9, § 3)]~~

WHEREAS, The arts and cultural assets such as museums enhance the quality of life of, create equity between and unite diverse people in a community; and

WHEREAS, The arts and cultural assets act as powerful drivers of the economy, with the capability of creating jobs, attracting and generating investments and stimulating a local economy through tourism and commerce; and

WHEREAS, Access to quality arts and cultural assets is an important factor considered by businesses when locating or relocating to a community and attracting and retaining workers; and

WHEREAS, Education in the arts is necessary for the cultivation of a competitive workforce from among the pupils in this State; and

WHEREAS, Nevada is committed to celebrating and enhancing the arts, culture and heritage of this State; and

WHEREAS, Las Vegas, Nevada, is the largest metropolitan area in the United States without a fine arts museum; and

WHEREAS, The City of Las Vegas has agreed to provide the Art Museum at Symphony Park, a nonprofit organization formed by local community leaders and advocates to establish a fine arts museum in southern Nevada, with land for the development of the fine arts museum; and

WHEREAS, The Nevada Museum of Art, including the Donald W. Reynolds Center for the Visual Arts and E.L. Wiegand Gallery, located in Reno, Nevada, has earned local, national and international financial support and recognition as the oldest cultural institution in this State and is the only nationally accredited art museum in this State; and

WHEREAS, The Nevada Museum of Art and the Art Museum at Symphony Park are discussing a merger to unify the organizations into an accredited nonprofit entity responsible for establishing and operating fine arts museums and educational programs in this State; and

WHEREAS, Funding for the arts and cultural assets is a responsibility shared by private individuals, businesses, charitable foundations and the government at all levels; now, therefore,

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

Delete existing sections 1 through 15 of this bill and replace with the following new sections 1 through 4:

Section 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $10,000,000 for allocation pursuant to section 2 of this act to the nonprofit corporation formed to establish a fine

arts museum in Las Vegas, Nevada, and to expand the Nevada Museum of Art in Reno, Nevada, upon a showing to the Committee:

1. That the corporation has been incorporated under the laws of this State as a nonprofit corporation; and

2. That the purpose of the corporation is to establish a fine arts museum in Las Vegas, Nevada, and to expand the Nevada Museum of Art in Reno, Nevada.

Sec. 2. 1. Allocation of the money appropriated by section 1 of this act must be contingent upon matching money being obtained by the nonprofit corporation described in section 1 of this act, including without limitation, gifts, grants and donations to the nonprofit corporation from private and public sources of money other than the appropriation made by section 1 of this act. The Interim Finance Committee shall not direct the transfer of any portion of money from the appropriation made pursuant to section 1 of this act until the nonprofit corporation submits to the Committee proof satisfactory to the Committee that matching money in an equivalent amount has been committed.

2. Upon acceptance of the money allocated pursuant to subsection 1, the nonprofit corporation shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 21, 2018, that describes each expenditure made from the money allocated pursuant to subsection 1 from the date on which the money was received by the nonprofit corporation through December 1, 2018;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 20, 2019, that describes each expenditure made from the money allocated pursuant to subsection 1 from the date on which the money was received by the nonprofit corporation through June 30, 2019; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the nonprofit corporation, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money allocated pursuant to subsection 1.

Sec. 3. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

Sec. 4. This act becomes effective on July 1, 2017.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 176 to Senate Bill No. 187 strikes the language of the original bill and makes an appropriation for the establishment of a Fine Arts Museum in Las Vegas and the expansion of the Nevada Museum of Art in Reno.

Amendment adopted.

Senator Cancela moved that the bill be re-referred to the committee on Finance, upon return from reprint.

Bill ordered reprinted, engrossed and to the Committee on Finance, upon return from reprint.

Senate Bill No. 188.

Bill read second time and ordered to third reading.

Senate Bill No. 195.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 32.

SUMMARY—Revises provisions relating to common-interest communities and time shares. (BDR 10-470)

AN ACT relating to real property; revising provisions relating to the filling of vacancies on the executive board of a unit-owners' association; revising provisions relating to the procedure for electing the executive board of such an association; revising provisions governing the transfer of special declarant's rights in certain circumstances; revising provisions governing meetings of the executive board of a unit-owners' association; requiring a unit-owners' association to maintain directors and officers insurance; ~~[revising the duties, responsibilities and standards of practice for community managers;]~~ requiring certain disclosures to be included in a public offering statement filed with the Real Estate Division of the Department of Business and Industry by a developer of time shares; ~~[requiring certain disclosures to be included in a public offering statement provided to a prospective purchaser of a time share; revising provisions limiting the period of a developer's control of an association for a time share plan;]~~ revising provisions governing the management of a time-share plan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing documents of a unit-owners' association to require that vacancies on the executive board be filled by a vote of the membership of the association. (NRS 116.3103) Section 1 of this bill removes this provision and, instead, authorizes the executive board to fill any vacancy in its membership until the earlier of the unexpired portion of any term or the next regularly scheduled election of executive board members, notwithstanding any provision of the governing documents to the contrary.

Existing law sets forth provisions relating to the election of the executive board of a unit-owners' association, including the procedure the board may follow if, at the closing of the prescribed period for nominations for

membership on the board, the number of candidates nominated for membership is equal to or less than the number of members to be elected. (NRS 116.31034) Section 2 of this bill revises this procedure and provides that the board may determine that if such a situation occurs: (1) the nominated candidates are deemed to be elected to the board; and (2) the remaining vacancies on the board may be filled by appointment of the board until the next regularly scheduled election of members of the board. Section 4 of this bill requires the ballots for the election of members of the executive board to be counted at the annual meeting of members of the association.

Under existing law, upon a foreclosure or other involuntary sale of a declarant's unsold units, the purchaser acquires the special declarant's rights only under certain circumstances. (NRS 116.31043) Section 3 of this bill provides that the foreclosure or involuntary sale transfers the special declarant's rights unless the purchaser otherwise elects.

Existing law requires a unit-owners' association to provide notice to the units' owners 10 days before a meeting of the executive board. (NRS 116.31083) Section 5 of this bill exempts ~~[an]~~ executive ~~[session]~~ sessions of the board from this requirement ~~[. Instead, section]~~ and, depending on the purpose for which an executive session is being held, requires that notice of the executive session: (1) be given only to the person who may be subject to a hearing scheduled for that meeting; or (2) be posted within the common elements of the association and provided electronically to all units' owners who have provided an electronic mail address. Section 6 of this bill ~~[requires]~~ provides that if the board holds a meeting limited exclusively to an executive session relating to certain matters, the board is required to ~~[provide]~~ acknowledge such an executive session at the next regular meeting of the board ~~[a general description of the matters discussed at]~~ and include the acknowledgment in the minutes of the meeting . ~~[held exclusively in executive session.]~~

Existing law requires a unit-owners' association to maintain property insurance, commercial general liability insurance and crime insurance, subject to reasonable deductibles. (NRS 116.3113) Section 7 of this bill requires an association to maintain directors and officers insurance in a minimum aggregate amount of not less than $1,000,000.

Existing law authorizes the governing documents of a unit-owners' association to set forth rules that reasonably restrict parking in the common-interest community and authorizes an association to impose fines for a violation of the governing documents. (NRS 116.31031, 116.350) Section 8 of this bill specifically states that the governing documents may authorize the executive board to impose a fine for a violation of such a rule.

~~[. Existing law sets forth standards of practice for a community manager of a common-interest community or association of a condominium hotel. (NRS 116A.630) If a community manager violates any such standard or practice, he or she is subject to disciplinary action. (NRS 116A.400) Section 9 of this bill adds to the standards of practice a requirement that a community~~

~~manager or the employer of a community manager provide an annual financial audit of the records of the community manager or his or her employer to the Real Estate Division of the Department of Business and Industry and each of his or her clients. Such audit must be prepared by an independent certified public accountant in accordance with generally accepted accounting principles and must evaluate internal audit controls and whether the community manager or his or her employer is a going concern. If the audit indicates that the community manager or his or her employer may not be a going concern, section 9 requires the independent certified public accountant to provide a copy of the audit to the Division and the Division to provide a copy of the audit to each of the community manager's clients.]~~

Existing law requires a developer of a time share to file a public offering statement with the Real Estate Division of the Department of Business and Industry for approval for the purposes of applying for and being issued an initial permit to sell time shares by the Real Estate Administrator. The public offering statement must include certain disclosures. (NRS 119A.300, 119A.307) Section 10 of this bill requires certain additional disclosures to be included in a public offering statement that concern: (1) the expectations a person should have in purchasing a ~~[time-share interest;]~~ time share; and (2) the resale of a ~~[time-share interest. Section 11 of this bill revises the provision of existing law requiring the developer of a time share to provide the public offering statement to prospective buyers of a time share and sets forth certain additional required disclosures.~~

~~Existing law limits the period during which a developer of a time share may control the association for a time-share plan to the earlier of: (1) 120 days after the conveyance of 80 percent of the time shares; (2) 5 years after the developer has ceased to offer time shares; or (3) 5 years after any right to add new time shares was last exercised. (NRS 119A.522) Section 12 of this bill applies these limitations to the developer's reserved rights and right to relocate certain time shares under existing law.]~~ time share.

Existing law delineates the relationship between an association for a time-share plan and the manager of the time-share plan. (NRS 119A.530) Section 13 of this bill ~~[authorizes a majority of the board of the association to refuse to renew the agreement with the manager and]~~ requires the manager to make certain disclosures concerning the compensation of the manager.

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

Section 1. NRS 116.3103 is hereby amended to read as follows:

116.3103 1. Except as otherwise provided in the declaration, the bylaws, this section or other provisions of this chapter, the executive board acts on behalf of the association. In the performance of their duties, the officers and members of the executive board are fiduciaries and shall act on an informed basis, in good faith and in the honest belief that their actions are in the best interest of the association. Officers and members of the executive board:

(a) Are required to exercise the ordinary and reasonable care of officers and directors of a nonprofit corporation, subject to the business-judgment rule; and

(b) Are subject to conflict of interest rules governing the officers and directors of a nonprofit corporation organized under the law of this State.

2. The executive board may not act to:

(a) Amend the declaration.

(b) Terminate the common-interest community.

(c) Elect members of the executive board, but ~~[unless the governing documents provide that a vacancy on the executive board must be filled by a vote of the membership of the association,]~~ *notwithstanding any provision of the governing documents to the contrary,* the executive board may fill vacancies in its membership for the unexpired portion of any term or until the next regularly scheduled election of executive board members, whichever is earlier. Any executive board member elected to a previously vacant position which was temporarily filled by board appointment may only be elected to fulfill the remainder of the unexpired portion of the term.

(d) Determine the qualifications, powers, duties or terms of office of members of the executive board.

3. The executive board shall adopt budgets as provided in NRS 116.31151.

Sec. 2. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board

may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, ~~[then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:~~

~~(a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:~~

~~(1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and~~

~~(2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.~~

~~(b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.~~

~~6. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board,]~~ then:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section; *and*

(b) The nominated candidates shall be deemed to be duly elected to the executive board ~~[not later than 30 days after the date of the closing of the period for nominations described in subsection 5; and~~

~~(c) The association shall send to each unit's owner notification that the candidates nominated have been elected to the executive board.~~

~~7. If the notice described in subsection 5 is given and if,]~~ *at the meeting of the units' owners at which the ballots would have been counted pursuant to paragraph (e) of subsection 15.*

6. If the executive board makes the determination set forth in subsection 5, the secretary or other officer specified in the bylaws of the association shall

disclose the determination and the provisions of subsection 5 with the notice given pursuant to subsection 4.

7. If, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is less than the number of members to be elected to the executive board at the election, the executive board may fill the remaining vacancies on the executive board by appointment of the executive board at a meeting of the executive board held after the candidates are elected pursuant to subsection 5. Any such person appointed to the executive board shall serve as a member of the executive board until the next regularly scheduled election of members of the executive board. An executive board member elected to a previously appointed position which was temporarily filled by board appointment pursuant to this subsection may only be elected to fulfill the remainder of that term.

8. If, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:

(a) Prepare and mail ballots to the units' owners pursuant to this section; and

(b) Conduct an election for membership on the executive board pursuant to this section.

~~[8.]~~ *9.* Each person who is nominated as a candidate for membership on the executive board pursuant to subsection 4 ~~[or 5]~~ must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection ~~[6,]~~ *5,* in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.

~~[9.]~~ *10.* Except as otherwise provided in subsections ~~[10]~~ *11* and ~~[11,]~~ *12,* unless a person is appointed by the declarant:

(a) A person may not be a candidate for or member of the executive board or an officer of the association if:

(1) The person resides in a unit with, is married to, is domestic partners with, or is related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association;

(2) The person stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association; or

(3) The person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a candidate for or member of the executive board of a master association or an officer of that master association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

~~[10.]~~ *11.* A person, other than a person appointed by the declarant, who owns 75 percent or more of the units in an association may:

(a) Be a candidate for or member of the executive board or an officer of the association; and

(b) Reside in a unit with, be married to, be domestic partners with, or be related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association,

➥ unless the person owning 75 percent or more of the units in the association and the other person would constitute a majority of the total number of seats on the executive board.

~~[11.]~~ *12.* A person, other than a person appointed by the declarant, may:

(a) Be a candidate for or member of the executive board; and

(b) Reside in a unit with, be married to, be domestic partners with, or be related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association,

➥ if the number of candidates nominated for membership on the executive board is less than or equal to the number of members to be elected to the executive board.

~~[12.]~~ *13.* If a person is not eligible to be a candidate for or member of the executive board or an officer of the association pursuant to any provision of this chapter, the association:

(a) Must not place his or her name on the ballot; and

(b) Must prohibit such a person from serving as a member of the executive board or an officer of the association.

~~[13.]~~ *14.* An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

~~[14.]~~ *15.* Except as otherwise provided in subsection ~~[6]~~ *5* or NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at ~~[a]~~ *the* meeting of the ~~[association.]~~ *units' owners held pursuant to subsection 1 of NRS 116.3108.* A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

~~[15.]~~ *16.* An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association.

~~[16.]~~ *17.* A candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:

(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:

(1) Must be no longer than a single, typed page;

(2) Must not contain any defamatory, libelous or profane information; and

(3) May be sent with the secret ballot mailed pursuant to subsection ~~[14]~~ *15* or in a separate mailing; or

(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than $5 or by electronic mail at no cost:

(1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or

(2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:

(I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives.

(II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.

➥ The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not use the information for any other purpose, the association or its agent may refuse the request.

~~[17.]~~ *18.* An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection ~~[16.]~~ *17.*

~~[18.]~~ *19.* Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 3. NRS 116.3104 is hereby amended to read as follows:

116.3104 1. A special declarant's right created or reserved under this chapter may be transferred only by an instrument evidencing the transfer recorded in every county in which any portion of the common-interest community is located. ~~[The]~~ *Except as otherwise provided in subsection 3, the* instrument is not effective unless executed by the transferee.

2. Upon transfer of any special declarant's right, the liability of a transferor declarant is as follows:

(a) A transferor is not relieved of any obligation or liability arising before the transfer and remains liable for warranties imposed upon the transferor by this chapter. Lack of privity does not deprive any unit's owner of standing to maintain an action to enforce any obligation of the transferor.

(b) If a successor to any special declarant's right is an affiliate of a declarant, the transferor is jointly and severally liable with the successor for any obligations or liabilities of the successor relating to the common-interest community.

(c) If a transferor retains any special declarant's rights, but transfers other special declarant's rights to a successor who is not an affiliate of the declarant, the transferor is liable for any obligations or liabilities imposed on a declarant by this chapter or by the declaration relating to the retained special declarant's rights and arising after the transfer.

(d) A transferor has no liability for any act or omission or any breach of a contractual obligation or warranty arising from the exercise of a special declarant's right by a successor declarant who is not an affiliate of the transferor.

3. Unless otherwise provided in a mortgage, deed of trust or other agreement creating a security interest, in case of foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial sale or sale under the Bankruptcy Code or a receivership, of any units owned by a declarant or real estate in a common-interest community subject to developmental rights, a person acquiring title to all the property being foreclosed or sold ~~[, but only upon the person's request,]~~ succeeds to all special declarant's rights related to that property held by that declarant ~~[, or only to any rights reserved in the declaration pursuant to NRS 116.2115 and held by that declarant to maintain models, offices for sales and signs. The]~~ *and the instrument conveying title need not be executed by the transferee to be effective. If the person acquiring title to the property being foreclosed or sold*

pursuant to this section desires to succeed to some but not all of the special declarant's rights or none of the special declarant's rights, then the judgment or instrument conveying title ~~[must]~~ *may* provide for transfer of only the special declarant's rights requested ~~[.]~~ *, in which case the transferee shall succeed only to any special declarant's rights requested and such judgment or instrument must be executed by the transferee to be effective.*

4. Upon foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial sale or sale under the Bankruptcy Code or a receivership of all interests in a common-interest community owned by a declarant:

(a) The declarant ceases to have any special declarant's rights; and

(b) The period of declarant's control (NRS 116.31032) terminates unless the judgment or instrument conveying title provides for transfer of all special declarant's rights held by that declarant to a successor declarant.

Sec. 4. NRS 116.3108 is hereby amended to read as follows:

116.3108 1. A meeting of the units' owners must be held at least once each year at a time and place stated in or fixed in accordance with the bylaws. If the governing documents do not designate an annual meeting date of the units' owners, a meeting of the units' owners must be held 1 year after the date of the last meeting of the units' owners. If the units' owners have not held a meeting for 1 year, a meeting of the units' owners must be held on the following March 1. *At the annual meeting of the units' owners held pursuant to this subsection, the ballots for the election of members of the executive board must be opened and counted.*

2. An association shall hold a special meeting of the units' owners to address any matter affecting the common-interest community or the association if its president, a majority of the executive board or units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of votes in the association request that the secretary call such a meeting. To call a special meeting, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this subsection and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If the petition calls for a special meeting, the executive board shall set the date for the special meeting so that the special meeting is held not less than 15 days or more than 60 days after the date on which the petition is received. The association shall not adopt any rule or regulation which prevents or unreasonably interferes with the collection of the required percentage of signatures for a petition pursuant to this subsection.

3. Not less than 15 days or more than 60 days in advance of any meeting of the units' owners, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be given to the units' owners in the manner set forth in NRS 116.31068. The notice of the meeting must state the time and

place of the meeting and include a copy of the agenda for the meeting. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

4. The agenda for a meeting of the units' owners must consist of:

(a) A clear and complete statement of the topics scheduled to be considered during the meeting, including, without limitation, any proposed amendment to the declaration or bylaws, any fees or assessments to be imposed or increased by the association, any budgetary changes and any proposal to remove an officer of the association or member of the executive board.

(b) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items. In an emergency, the units' owners may take action on an item which is not listed on the agenda as an item on which action may be taken.

(c) A period devoted to comments by units' owners regarding any matter affecting the common-interest community or the association and discussion of those comments. Except in emergencies, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to paragraph (b).

5. The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the units' owners. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meeting to be made available to the units' owners. Except as otherwise provided in this subsection, a copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

6. Except as otherwise provided in subsection 7, the minutes of each meeting of the units' owners must include:

(a) The date, time and place of the meeting;

(b) The substance of all matters proposed, discussed or decided at the meeting; and

(c) The substance of remarks made by any unit's owner at the meeting if the unit's owner requests that the minutes reflect his or her remarks or, if the unit's owner has prepared written remarks, a copy of his or her prepared remarks if the unit's owner submits a copy for inclusion.

7. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of a meeting of the units' owners.

8. The association shall maintain the minutes of each meeting of the units' owners until the common-interest community is terminated.

9. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the units' owners if the unit's owner, before recording the meeting, provides notice of his or her intent to record the meeting to the other units' owners who are in attendance at the meeting.

10. The units' owners may approve, at the annual meeting of the units' owners, the minutes of the prior annual meeting of the units' owners and the minutes of any prior special meetings of the units' owners. A quorum is not required to be present when the units' owners approve the minutes.

11. As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 3 or 4.

Sec. 5. NRS 116.31083 is hereby amended to read as follows:

116.31083 1. A meeting of the executive board must be held at least once every quarter, and not less than once every 100 days and must be held at a time other than during standard business hours at least twice annually.

2. Except *as otherwise provided in subsection 3 or* in an emergency or unless the bylaws of an association require a longer period of notice, the secretary or other officer specified in the bylaws of the association shall, not less than 10 days before the date of a meeting of the executive board, cause notice of the meeting to be given to the units' owners. Such notice must be:

(a) Given to the units' owners in the manner set forth in NRS 116.31068; or

(b) Published in a newsletter or other similar publication that is circulated to each unit's owner.

3. *Notwithstanding any other provision of law or the governing documents of the association to the contrary, if the executive board holds a meeting limited exclusively to items for which the executive board may meet in executive session* ~~*[pursuant]*~~ *:*

(a) Pursuant to paragraph (c) or (d) of subsection 3 of NRS 116.31085, the secretary or other officer specified in the bylaws of the association is required to give notice of the meeting only to a person who may be subject to a hearing scheduled for that meeting.

(b) Pursuant to any provision of law other than paragraph (c) or (d) of subsection 3 of NRS 116.31085, the secretary or other officer specified in the bylaws of the association is required to:

(1) Post notice of the executive session in one or more prominent places within the common elements of the association; and

(2) Provide electronic notice of the executive session to all units' owners who have provided the association with an electronic mail address.

4. In an emergency, the secretary or other officer specified in the bylaws of the association shall, if practicable, cause notice of the meeting to be sent prepaid by United States mail to the mailing address of each unit within the common-interest community. If delivery of the notice in this manner is impracticable, the notice must be hand-delivered to each unit within the common-interest community or posted in a prominent place or places within the common elements of the association.

~~[4.]~~ *5.* The notice of a meeting of the executive board must state the time and place of the meeting and include a copy of the agenda for the meeting or the date on which and the locations where copies of the agenda may be conveniently obtained by the units' owners. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the audio recording, the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

~~[5.]~~ *6.* The agenda of the meeting of the executive board must comply with the provisions of subsection 4 of NRS 116.3108. A period required to be devoted to comments by the units' owners and discussion of those comments must be scheduled for both the beginning and the end of each meeting. During the period devoted to comments by the units' owners and discussion of those comments at the beginning of each meeting, comments by the units' owners and discussion of those comments must be limited to items listed on the agenda. In an emergency, the executive board may take action on an item which is not listed on the agenda as an item on which action may be taken.

~~[6.]~~ *7.* At least once every quarter, and not less than once every 100 days, unless the declaration or bylaws of the association impose more stringent standards, the executive board shall review, at a minimum, the following financial information at one of its meetings:

(a) A current year-to-date financial statement of the association;

(b) A current year-to-date schedule of revenues and expenses for the operating account and the reserve account, compared to the budget for those accounts;

(c) A current reconciliation of the operating account of the association;

(d) A current reconciliation of the reserve account of the association;

(e) The latest account statements prepared by the financial institutions in which the accounts of the association are maintained; and

(f) The current status of any civil action or claim submitted to arbitration or mediation in which the association is a party.

~~[7.]~~ *8.* The secretary or other officer specified in the bylaws shall cause each meeting of the executive board to be audio recorded and the minutes to be recorded or otherwise taken at each meeting of the executive board, but if the executive board is meeting in executive session, the meeting must not be audio recorded. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the audio recording of the meeting, the minutes of the meeting and a summary of the minutes of the meeting to be made available to the units' owners. Except as otherwise provided in this subsection, a copy of the audio recording, the minutes or a summary of the minutes must be provided to any unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

~~[8.]~~ *9.* Except as otherwise provided in subsection ~~[9]~~ *10* and NRS 116.31085, the minutes of each meeting of the executive board must include:

(a) The date, time and place of the meeting;

(b) Those members of the executive board who were present and those members who were absent at the meeting;

(c) The substance of all matters proposed, discussed or decided at the meeting;

(d) A record of each member's vote on any matter decided by vote at the meeting; and

(e) The substance of remarks made by any unit's owner who addresses the executive board at the meeting if the unit's owner requests that the minutes reflect his or her remarks or, if the unit's owner has prepared written remarks, a copy of his or her prepared remarks if the unit's owner submits a copy for inclusion.

~~[9.]~~ *10.* The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of its meetings.

~~[10.]~~ *11.* The association shall maintain the minutes of each meeting of the executive board until the common-interest community is terminated.

~~[11.]~~ *12.* A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the executive board, unless the executive board is meeting in executive session, if the unit's owner, before recording the meeting, provides notice of his or her intent to record the meeting to the members of the executive board and the other units' owners who are in attendance at the meeting.

~~[12.]~~ *13.* As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 2 , *3* or ~~[5.]~~ *6*.

Sec. 6. NRS 116.31085 is hereby amended to read as follows:

116.31085 1. Except as otherwise provided in this section, a unit's owner may attend any meeting of the units' owners or of the executive board and speak at any such meeting. The executive board may establish reasonable limitations on the time a unit's owner may speak at such a meeting.

2. An executive board may not meet in executive session to open or consider bids for an association project as defined in NRS 116.31086, or to enter into, renew, modify, terminate or take any other action regarding a contract.

3. An executive board may meet in executive session only to:

(a) Consult with the attorney for the association on matters relating to proposed or pending litigation if the contents of the discussion would otherwise be governed by the privilege set forth in NRS 49.035 to 49.115, inclusive.

(b) Discuss the character, alleged misconduct, professional competence, or physical or mental health of a community manager or an employee of the association.

(c) Except as otherwise provided in subsection 4, discuss a violation of the governing documents, including, without limitation, the failure to pay an assessment.

(d) Discuss the alleged failure of a unit's owner to adhere to a schedule required pursuant to NRS 116.310305 if the alleged failure may subject the unit's owner to a construction penalty.

4. An executive board shall meet in executive session to hold a hearing on an alleged violation of the governing documents unless the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted by the executive board. If the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted, the person:

(a) Is entitled to attend all portions of the hearing related to the alleged violation, including, without limitation, the presentation of evidence and the testimony of witnesses;

(b) Is entitled to due process, as set forth in the standards adopted by regulation by the Commission, which must include, without limitation, the right to counsel, the right to present witnesses and the right to present information relating to any conflict of interest of any member of the hearing panel; and

(c) Is not entitled to attend the deliberations of the executive board.

5. The provisions of subsection 4 establish the minimum protections that the executive board must provide before it may make a decision. The provisions of subsection 4 do not preempt any provisions of the governing documents that provide greater protections.

6. Except as otherwise provided in this subsection, any matter discussed by the executive board when it meets in executive session must be generally noted in the minutes of the meeting of the executive board. *If the executive board holds a meeting limited exclusively to an executive session* ~~[,]~~ *pursuant to paragraph (c) or (d) of subsection 3, at the next regularly scheduled meeting of the executive board, the executive board shall* ~~[disclose the date and generally the matters discussed at the meeting held exclusively in executive session,]~~ *acknowledge that the executive board met in accordance with paragraph (c) or (d) of subsection 3, as applicable, and include such* ~~[disclosures]~~ *an acknowledgment in the minutes of the meeting at which the* ~~[disclosures were]~~ *acknowledgment was made.* The executive board shall maintain minutes of any decision made pursuant to subsection 4 concerning an alleged violation and, upon request, provide a copy of the decision to the person who was subject to being sanctioned at the hearing or to the person's designated representative.

7. Except as otherwise provided in subsection 4, a unit's owner is not entitled to attend or speak at a meeting of the executive board held in executive session.

Sec. 7. NRS 116.3113 is hereby amended to read as follows:

116.3113 1. Commencing not later than the time of the first conveyance of a unit to a person other than a declarant, the association shall maintain, to the extent reasonably available and subject to reasonable deductibles ~~[:]~~ *, all of the following:*

(a) Property insurance on the common elements and, in a planned community, also on property that must become common elements, insuring against risks of direct physical loss commonly insured against, which insurance, after application of any deductibles, must be not less than 80 percent of the actual cash value of the insured property at the time the insurance is purchased and at each renewal date, exclusive of land, excavations, foundations and other items normally excluded from property policies . ~~[;]~~

(b) Commercial general liability insurance, including insurance for medical payments, in an amount determined by the executive board but not less than any amount specified in the declaration, covering all occurrences commonly insured against for bodily injury and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements and, in cooperatives, also of all units . ~~[; and]~~

(c) Crime insurance which includes coverage for dishonest acts by members of the executive board and the officers, employees, agents, directors and volunteers of the association and which extends coverage to any business entity that acts as the community manager of the association and the employees of that entity. Such insurance may not contain a conviction requirement, and

the minimum amount of the policy must be not less than an amount equal to 3 months of aggregate assessments on all units plus reserve funds or $5,000,000, whichever is less.

(d) Directors and officers insurance that is a nonprofit organization errors and omissions policy in a minimum aggregate amount of not less than $1,000,000 naming the association as the owner and the named insured. The coverage must extend to the members of the executive board and the officers, employees, agents, directors and volunteers of the association and to the community manager of the association and any employees thereof while acting as agents as insured persons under the policy terms. Coverage must be subject to the terms listed in the declaration.

2. In the case of a building that contains units divided by horizontal boundaries described in the declaration, or vertical boundaries that comprise common walls between units, the insurance maintained under paragraph (a) of subsection 1, to the extent reasonably available, must include the units, but need not include improvements and betterments installed by units' owners.

3. If the insurance described in subsections 1 and 2 is not reasonably available, the association promptly shall cause notice of that fact to be given to all units' owners. The declaration may require the association to carry any other insurance, and the association may carry any other insurance it considers appropriate to protect the association or the units' owners.

4. An insurance policy issued to the association does not prevent a unit's owner from obtaining insurance for the unit's owner's own benefit.

Sec. 8. NRS 116.350 is hereby amended to read as follows:

116.350 1. In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the executive board shall not and the governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.

2. Except as otherwise provided in subsection 3, the provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the parking or storage of recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law. *The governing documents of an association may authorize the executive board of the association to impose a fine pursuant to NRS 116.31031 for any violation of the rules authorized pursuant to this subsection.*

3. In any common-interest community, the executive board shall not and the governing documents must not prohibit a person from:

(a) Parking a utility service vehicle that has a gross vehicle weight rating of 20,000 pounds or less:

(1) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of the unit of a subscriber or

consumer, while the person is engaged in any activity relating to the delivery of public utility services to subscribers or consumers; or

(2) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of his or her unit, if the person is:

(I) A unit's owner or a tenant of a unit's owner; and

(II) Bringing the vehicle to his or her unit pursuant to his or her employment with the entity which owns the vehicle for the purpose of responding to emergency requests for public utility services; or

(b) Parking a law enforcement vehicle or emergency services vehicle:

(1) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of the unit of a person to whom law enforcement or emergency services are being provided, while the person is engaged in his or her official duties; or

(2) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of his or her unit, if the person is:

(I) A unit's owner or a tenant of a unit's owner; and

(II) Bringing the vehicle to his or her unit pursuant to his or her employment with the entity which owns the vehicle for the purpose of responding to requests for law enforcement services or emergency services.

4. An association may require that a person parking a utility service vehicle, law enforcement vehicle or emergency services vehicle as set forth in subsection 3 provide written confirmation from his or her employer that the person is qualified to park his or her vehicle in the manner set forth in subsection 3.

5. As used in this section:

(a) "Emergency services vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide emergency services.

(b) "Law enforcement vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide law enforcement services.

(c) "Utility service vehicle" means any motor vehicle:

(1) Used in the furtherance of repairing, maintaining or operating any structure or any other physical facility necessary for the delivery of public utility services, including, without limitation, the furnishing of electricity, gas, water, sanitary sewer, telephone, cable or community antenna service; and

(2) Except for any emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the motor vehicle is owned, leased or rented by the utility.

Sec. 9. [NRS 116A.630 is hereby amended to read as follows:

116A.630 In addition to any additional standards of practice for community managers adopted by the Commission by regulation pursuant to NRS 116A.400, a community manager shall:

1. Except as otherwise provided by specific statute, at all times:

(a) Act as a fiduciary in any client relationship; and

(b) Exercise ordinary and reasonable care in the performance of duties.

2. Comply with all applicable:

(a) Federal, state and local laws, regulations and ordinances; and

(b) Lawful provisions of the governing documents of each client.

3. Keep informed of new developments in the management of a common-interest community through continuing education, including, without limitation, new developments in law, insurance coverage and accounting principles.

4. Advise a client to obtain advice from an independent expert relating to matters that are beyond the expertise of the community manager.

5. Under the direction of a client, uniformly enforce the provisions of the governing documents of the association.

6. At all times ensure that:

(a) The financial transactions of a client are current, accurate and properly documented; and

(b) There are established policies and procedures that are designed to provide reasonable assurances in the reliability of the financial reporting, including, without limitation:

(1) Proper maintenance of accounting records;

(2) Documentation of the authorization for any purchase orders, expenditures or disbursements;

(3) Verification of the integrity of the data used in business decisions;

(4) Facilitation of fraud detection and prevention; and

(5) Compliance with all applicable laws and regulations governing financial records.

7. Prepare or cause to be prepared interim and annual financial statements that will allow the Division, the executive board, the units' owners and the accountant or auditor to determine whether the financial position of an association is fairly presented in accordance with all applicable laws and regulations.

8. Cause to be prepared, if required by the Division, a financial audit performed by an independent certified public accountant of the records of the community manager pertaining to the common-interest community, which must be made available to the Division.

9. Make the financial records of an association available for inspection by the Division in accordance with the applicable laws and regulations.

10. Cooperate with the Division in resolving complaints filed with the Division.

~~11. Upon written request, make the financial records of an association available to the units' owners electronically or during regular business hours required for inspection at a reasonably convenient location, which must be within 60 miles from the physical location of the common-interest community, and provide copies of such records in accordance with the applicable laws and regulations. As used in this subsection, "regular business hours" means Monday through Friday, 9 a.m. to 5 p.m., excluding legal holidays.~~

~~12. Maintain and invest association funds in a financial institution whose accounts are insured by the Federal Deposit Insurance Corporation, National Credit Union Share Insurance Fund, Securities Investor Protection Corporation, or a private insurer approved pursuant to NRS 678.755, or in government securities that are backed by the full faith and credit of the United States Government.~~

~~13. Except as required under collection agreements, maintain the various funds of the client in separate financial accounts in the name of the client and ensure that the association is authorized to have direct access to those accounts.~~

~~14. Provide notice to each unit's owner that the executive board is aware of all legal requirements pursuant to the applicable laws and regulations.~~

~~15. Maintain internal accounting controls, including, without limitation, segregation of incompatible accounting functions.~~

~~*16. On an annual basis, provide to the Division and each client of the community manager a financial audit of the records of the community manager or, if the community manager is acting on behalf of a corporation, partnership, limited partnership, limited-liability partnership, limited-liability company or other entity, the employer of the community manager, which is performed by an independent certified public accountant in accordance with generally accepted accounting principles and that evaluates:*~~

~~*(a) Internal accounting controls, including, without limitation, segregation of incompatible accounting functions; and*~~

~~*(b) Whether the community manager or the employer of the community manager is a going concern.*~~

~~*If the financial audit indicates that the community manager or the employer of the community manager may not be a going concern, the independent certified public accountant who prepared the audit shall provide a copy of the audit to the Division as soon as reasonably practicable, and the Division shall provide a copy of the audit to each client of the community manager.*~~

~~*17.* Ensure that the executive board develops and approves written investment policies and procedures.~~

~~[17.] *18.* Recommend in writing to each client that the client register with the Division, maintain its registration and file all papers with the Division and the Secretary of State as required by law.~~

~~[18.] *19.* Comply with the directions of a client, unless the directions conflict with the governing documents of the client or the applicable laws or regulations of this State.~~

~~[19.] *20.* Recommend in writing to each client that the client be in compliance with all applicable federal, state and local laws, regulations and ordinances and the governing documents of the client.~~

~~[20.] *21.* Obtain, when practicable, at least three qualified bids for any capital improvement project for the client.~~

~~[21.] *22.* Develop written collection policies, approved by the executive board, to comply with all applicable federal, state and local laws, regulations and ordinances relating to the collection of debt. The collection policies must require:~~

~~(a) That the executive board approve all write-offs of debt; and~~

~~(b) That the community manager provide timely updates and reports as necessary.]~~ (Deleted by amendment.)

Sec. 10. NRS 119A.307 is hereby amended to read as follows:

119A.307 1. The developer shall file a public offering statement with the Division for approval for use as prescribed in NRS 119A.300.

2. The public offering statement must include ~~[the]~~ :

(a) The following disclosures in substantially the following form, in at least 12-point bold type:

> This Public Offering Statement is prepared by the Developer to provide you with basic and relevant information on a specific time-share offering. The Developer or Owner of the offering that is the subject of this Public Offering Statement has provided certain information and documentation to the Real Estate Division of the Department of Business and Industry (the "Division") as required by law.
>
> The statements contained in this Public Offering Statement are only summary in nature. A prospective purchaser should review the purchase contract, all documents governing the time-share plan or provided or available to the purchaser and the sales materials. You should not rely upon oral representations as being correct. Refer to this public offering statement, the purchase contract and the documents governing the time-share plan for correct representations.
>
> While the Division makes every effort to confirm the information provided and to ensure that the offering will be developed, managed and operated as planned, there is no guarantee this will always be the case. The Division cannot and does not make any promise or guarantee as to the viability or continuance of the offering or the financial future of the Offering or any plan, club or association affiliated therewith.
>
> The information included in this Public Offering Statement is applicable as of its effective date. Expenses of operation are difficult to predict accurately and even if accurately estimated initially, most expenses increase with the age of facilities and with increases in the cost of living.
>
> The Division strongly suggests that before executing an agreement or contract, you read all of the documentation and information provided

to you and seek additional assistance if necessary to assure that you understand all aspects of the offering and are aware of any potential adverse circumstances that could result from a time-share purchase in this offering.

The purchaser of a time share may cancel, by written notice, the contract of sale until midnight of the fifth calendar day following the date of execution of the contract. The right of cancellation may not be waived. Any attempt by the Developer to obtain a waiver results in a contract which is voidable by the purchaser. The notice of cancellation may be delivered personally to the Developer or sent by certified mail, return receipt requested, or by providing notice by express, priority or recognized overnight delivery service, with proof of service, to the business address of the Developer. The Developer must, within 20 days after receipt of the notice of cancellation, return all payments made by the Purchaser.

~~[Be aware that:~~

~~The future value of a time share interest is very uncertain; do not count on appreciation.]~~

(b) The following disclosures in substantially the following form, in at least 12-point bold type on a separate page in a prominent place, as determined by the Division:

A time share is for personal use and is not an investment for a profit or tax advantage. The purchase of a ~~[time share interest]~~ time share should be based upon its value as a vacation experience or for spending leisure time, and not ~~[considered]~~ for purposes of acquiring an appreciating investment or with an expectation that the ~~[time share interest]~~ time share may be resold.

Resale of your ~~[time share interest]~~ time share may be subject to ~~[the Developer's restrictions, such as limitations]~~ conditions, including, without limitation, restrictions on the posting of signs, ~~[limitations]~~ restrictions on the rights of other parties to enter the project unaccompanied, ~~[membership prerequisites or approval requirements, or]~~ the Developer's first right of refusal ~~[.]~~ or the Developer's continued sale of time-share inventory. Any future purchaser may not receive any ancillary benefits which were not part of the time-share plan that the Developer may have offered at the time of purchase.

You should check your contract and the governing documents for any such ~~[restrictions]~~ conditions and also ~~[note]~~ check whether your purchase contract or note or any other obligation ~~[would affect your right to sell]~~ will be fully due and payable upon sale of your ~~[time share interest.~~

~~You should consider the competition that you may experience from the Developer in attempting to resell your time share interest and the possibility that real]~~ time share.

Real estate ~~[brokers]~~ agents may not be interested in listing your ~~[time share interest or unit.~~

~~*The Developer may have limited your resale rights. Any future purchaser (other than a transfer to an immediate family member or as the result of death or divorce) who buys your time share interest from you will have severely limited opportunities to reserve occupancy in the time share plan.]~~ time share.*

3. The public offering statement must include, without limitation, the following information in a form prescribed by the Division:

(a) A brief history of the developer's business background, experience in real estate and regulatory history.

(b) A description of any judgment against the developer or sales and marketing entity which has a material adverse effect on the developer or the time-share plan. If no such judgment exists, there must be a statement of such fact.

(c) The status of any pending proceeding to which the developer or sales and marketing entity is a party and which has a material adverse effect on the developer or the time-share plan. If no such proceedings exist, there must be a statement of such fact.

(d) The name and address of the developer, the name of the time-share plan and the address of each component site.

(e) A summary of the current annual budget of the project or the time-share plan, including:

(1) The projected assessments for each type of unit offered in the time-share plan; and

(2) A statement of property taxes assessed against the project and, if not included in the projected assessments, the projected amount of the purchaser's share of responsibility for the property taxes assessed against the project.

(f) A detailed description of the type of time-share plan being offered, a description of the type of interest and use rights the purchaser will receive and a description of the total number of time shares in the time-share plan at the time the permit is issued.

(g) A description of all restrictions, easements, reservations or zoning requirements which may limit the purchaser's use, sale, lease, transfer or conveyance of the time share. The description must include any restrictions to be imposed on time shares concerning the use of any of the accommodations or facilities, and whether there are restrictions upon children or pets. For the purposes of this paragraph:

(1) The description may reference a list of the documents containing the restrictions and state that the copies of the documents are available to the purchaser upon request.

(2) If there are any restrictions upon the sale, lease, transfer or conveyance of a time share, the description must include a statement, in at least 12-point bold type, in substantially the following form:

The sale, lease, transfer or conveyance of a time share is restricted or controlled.

(Immediately following this statement, a description of the nature of the restriction, limitation or control on the sale, lease, transfer or conveyance of the time share must be included.)

(3) If there are no restrictions, there must be a statement of that fact.

(h) A description of the duration, projected phases and operation of the time-share plan.

(i) A representation by the developer ensuring that the time-share plan maintains a one-to-one use night to use right ratio. For the purposes of the ratio calculation in this paragraph, each purchaser must be counted according to the use rights held by that purchaser in any calendar year. For the purposes of this paragraph, "one-to-one use night to use right ratio" has the meaning ascribed to it in NRS 119A.525.

(j) A summary of the organization of the association for the time-share plan, the voting rights of the members, the developer’s voting rights in that association, a description of what constitutes a quorum for voting purposes and at what point in the sales program the developer relinquishes his or her control of that association, if applicable, and any other information pertaining to that association which is material to the right of the purchaser to use a time share.

(k) A description of the existing or proposed accommodations, including a description of the type and number of time shares in the accommodations which is expressed in periods of 7-day use availability or other time increments applicable to the time-share plan and, if the accommodations are proposed or not yet completed or fully functional, an estimated date of completion. For the purposes of this paragraph, the type of accommodation must be described in terms of the number of bedrooms, bathrooms and sleeping capacity, and a statement of whether the accommodation contains a full kitchen. As used in this paragraph, "full kitchen" means a kitchen that includes, at a minimum, a dishwasher, range, sink, oven and refrigerator.

(l) A description of any existing or proposed amenities of the time-share plan and, if the amenities are proposed or not yet completed or fully functional, the estimated date of completion, including a description of the extent to which financial assurances have been made for the completion of any incomplete but promised amenities.

(m) The name and principal address of the manager, if any, of the project or time-share plan, as applicable, and a description of the procedures, if any, for altering the powers and responsibilities of the manager and for removing or replacing the manager.

(n) A description of any liens, defects or encumbrances on or affecting the title to the time share which materially affects the purchaser's use of the units or facilities within the time-share plan.

(o) Any special fee due from the purchaser at closing, other than customary closing costs, together with a description of the purpose of the fee.

(p) Any current or expected fees or charges to be paid by purchasers for the use of any amenities of the time-share plan.

(q) A statement of whether or not the amenities of the time-share plan will be used exclusively by purchasers of time-shares in, or authorized under, the time-share plan and, if the amenities are not to be used exclusively by such purchasers or authorized users, a statement of whether or not the purchasers of time shares in the time-share plan are required to pay any portion of the maintenance expenses of such amenities in addition to any fees for the use of such amenities.

(r) A statement indicating that hazard insurance coverage is provided for the project.

(s) A description of the purchaser's right to cancel the purchase contract.

(t) A statement of whether or not the purchaser's deposit will be held by an escrow agent until the expiration of any right to cancel the contract or, if the purchaser's deposit will not be held by such an escrow agent, a statement that the purchaser's deposit will be immediately released to the developer and that the developer has posted a surety bond.

(u) A statement that the deposit plus any interest earned must be returned to the purchaser if he or she elects to exercise his or her right of cancellation.

(v) If the time-share plan provides purchasers with the opportunity to participate in an exchange program, the name and address of the exchange company and a description of the method by which a purchaser may choose to participate in the exchange program.

(w) A description of the reservation system, if applicable, which must include:

(1) The name of the entity responsible for operating the reservation system, its relationship to the developer and the duration of any agreement for operation of the reservation system; and

(2) A summary of the rules and regulations governing access to and use of the reservation system, including, without limitation, the existence of and an explanation regarding any priority reservation features that affect a purchaser's ability to make reservations for the use of a given accommodation on a first-come, first-served basis.

(x) A description of the points system, if applicable, including, without limitation, whether additional points may be acquired by purchase or otherwise, in the future and the manner in which future purchases of points may be made, and the transferability of points to other persons, other years or other time-share plans. The description must include:

(1) A statement that no owner shall be prevented from using a time share as a result of changes in the manner in which point values may be used;

(2) A statement that in the event point values are changed or adjusted, no owner shall be prevented from using his or her home resort, if any, in the same manner as was provided for under the original purchase contract; and

(3) A description of any limitations or restrictions upon the use of point values.

(y) A statement as to whether any unit within the time-share plan is within a mixed-use project containing whole ownership condominiums.

(z) A statement that documents filed with the Division as part of the statement of record which are not delivered to the purchaser are available from the developer upon request.

(aa) For a time-share plan with more than one component site, a description of each component site. With respect to a component site, the information required by subparagraph (2) and paragraphs (d), (k), (l), (p), (q) and (r) may be disclosed in written, graphic, tabular or any other form approved by the Division. In addition to the information required by paragraphs (a) to (z), inclusive, the description of a time-share plan with more than one component site must include the following information:

(1) A general statement as to whether the developer has a right to make additions, substitutions or deletions of any accommodations, amenities or component sites, and a statement of the basis upon which accommodations, amenities or component sites may be added to, substituted for or deleted from the time-share plan.

(2) The location of each component site of the time-share plan, the historical occupancy of the units in each component site for the previous 12-month period, if the component site was part of the time-share plan during the previous 12-month time period, or any other description acceptable to the Division that reasonably informs a purchaser regarding the relative use demand per component site, as well as a statement of any periodic adjustment or amendment to the reservation system that may be needed in order to respond to actual use patterns and changes in use demand for the accommodations existing at that time within the time-share plan.

(3) The number of accommodations and time shares, expressed in periods of 7-day use availability or other time increments applicable to the time-share plan, committed to the time-share plan, and available for use by purchasers, and a statement describing how adequate periods of time for maintenance and repair will be provided.

(bb) Any other information that the developer, with the approval of the Administrator, decides to include in the public offering statement.

4. Copies of the following documents and plans, or proposed documents if the time-share plan has not been declared or created at the time the application for a permit is submitted, to the extent they are applicable, must be provided to the purchaser with the public offering statement:

(a) Copies of the time-share instruments.

(b) The estimated or, if applicable, actual operating budget of the time-share plan.

5. The public offering statement must include a list of the following documents, if applicable to the time-share plan, and must state that the documents listed are available to the purchaser upon request:

(a) Any ground lease or other underlying lease of the real property associated with the time-share plan.

(b) The management agreement of the project or time-share plan, as applicable.

(c) The floor plan of each type of accommodation and any existing plot plan showing the location of all accommodations and facilities declared as part of the time-share plan and filed with the Division.

(d) The lease for any facilities that are part of the time-share plan.

(e) Any executed agreement for the escrow of payments made to the developer before closing.

(f) Any letter from the escrow agent confirming that the escrow agent and its officers, directors or other partners are independent.

6. The Administrator may, upon finding that the subject matter is otherwise adequately covered or the information is unnecessary or inapplicable, waive any requirement set forth in this section.

Sec. 11. ~~[NRS 119A.400 is hereby amended to read as follows:~~

~~119A.400 1. Before the execution of any contract for the sale of a time share, the developer or, if the developer sells time shares through his or her project broker and sales agents, the project broker and sales agent, shall provide each prospective purchaser with:~~

~~(a) A copy of the developer's public offering statement which was approved by the Division pursuant to NRS 119A.307 and which must contain the date the developer's permit was originally issued and the effective date of the permit; [and]~~

~~(b) An addendum to the public offering statement summarizing any pending amendments to the public offering statement that have been submitted to the Division but have not yet been approved, along with a statement to the purchaser that the amendment has been submitted to the Division for approval [.]~~ *~~; and~~*

~~*(c) The following disclosures in substantially the following form, in at least 12 point bold type:*~~

~~*NOTICE TO PURCHASER*~~

~~*Law and regulations adopted by the Real Estate Commission require a prospective purchaser, before a written reservation or deposit is accepted from you, to place his or her initials next to each item below and sign this document, acknowledging the following:*~~

~~*(1) The contract I or we are about to enter is perpetual. It has no termination and I or we will be responsible for the pro rata share of all assessments and other expenses of the one or more properties in which I or we hold an ownership interest. All interests and obligations under the terms of this time-share purchase will be binding on my or our heirs and devisees.*~~

~~*(2) It may be difficult to sell this time share interest given limitations of the secondary market. If a subsequent sale is completed, net proceeds may be significantly less than the original price paid for the time share interest.*~~

~~*(3) Any attempt to sell this time-share interest may be subject to restrictions, including, without limitation, the Developer's first right of refusal, transfer fees, limitations on the posting of signs, limitations on the rights of other parties to enter the project unaccompanied, membership prerequisites or approval requirements and the Developer's continued sale of time-share inventory.*~~

~~*(4) I have been presented in plain language documents describing all give back, deed back, repurchase and any other ownership divestiture programs available through the Developer, the association or the seller. If none of these programs are available, I have been so informed.*~~

~~*(5) The following documents have been made available for my inspection:*~~

~~*(I) Purchase and sale contract.*~~

~~*(II) Exchange or affiliation program contract.*~~

~~*(III) The declaration of covenants, conditions and restrictions for the time-share plan.*~~

~~*(IV) The articles of incorporation, bylaws, rules and regulations for the association.*~~

~~*(V) Any other instrument that establishes or defines the common, mutual and reciprocal rights and responsibilities of the owners or lessees of interest in the time-share plan as members of the association or otherwise.*~~

~~*(6) Before executing an agreement or contract, you should read all of the documentation and information provided to you and seek additional assistance if necessary to assure that you understand all aspects of the offering and are aware of any potential adverse circumstances that could result from a time-share purchase in this Offering.*~~

~~2. The project broker or sales agent shall review the public offering statement with each prospective purchaser before the execution of any contract for the sale of a time share and obtain a receipt signed by the purchaser for a copy of the public offering statement. A prospective purchaser may request to receive the public offering statement in electronic format or paper format. If the prospective purchaser requests the public offering statement in electronic format, the developer shall provide to the purchaser the statement of the right of cancellation pursuant to NRS 119A.410 in a single separate document.~~

~~3. If a contract is signed by the purchaser, the signed receipt for a copy of the public offering statement must be kept by the project broker for 3 years and is subject to such inspections and audits as may be prescribed by regulations adopted by the Division.]~~ (Deleted by amendment.)

Sec. 12. ~~[NRS 119A.522 is hereby amended to read as follows:~~

~~119A.522 1. Except as otherwise provided in this section, a time share instrument may provide for a period of the developer's control of an association during which the developer, or a person designated by the developer, may~~

~~appoint and remove the officers of the association and the members of the board [.] , *exercise the developer's reserved rights pursuant to NRS 119A.524 and relocate certain time shares pursuant to NRS 119A.525.* Regardless of the period provided in the time share instrument, *the developer's reserved rights or an instrument authorizing the relocation of certain time shares*, the period of the developer's control of the association terminates no later than:~~

~~(a) One hundred and twenty days after conveyance of 80 percent of the time shares that may be created by the time share instrument to owners other than the developer;~~

~~(b) Five years after the developer has ceased to offer time shares for sale in the ordinary course of business; or~~

~~(c) Five years after any right to add new time shares was last exercised,~~

~~, whichever occurs earlier.~~

~~2. A developer may voluntarily surrender the right to appoint and remove officers and members of the board before the end of the period provided for in subsection 1 by executing and recording with the time share instrument a written instrument declaring the surrender. If such an instrument is recorded, the developer may require that, for the duration of the period of the developer's control, specified actions of the association or board, as described in the recorded instrument, be approved by the developer before they become effective.~~

~~3. Not later than 60 days after conveyance of 25 percent of the time shares that may be created pursuant to the time share instrument to owners other than the developer, at least one member and not less than 25 percent of the members of the board must be elected by owners other than the developer. Not later than 60 days after conveyance of 50 percent of the time shares that may be created pursuant to the time share instrument to owners other than the developer, not less than 33 1/3 percent of the members of the board must be elected by owners other than the developer.]~~ (Deleted by amendment.)

Sec. 13. NRS 119A.530 is hereby amended to read as follows:

119A.530 1. During any period in which the developer holds a valid permit and the developer or an affiliate of the developer is the manager, the developer or an affiliate of the developer shall provide for the management of the time-share plan and the project, by a written agreement with the association or, if there is no association, with the owners. The initial term of the agreement must expire upon the first annual meeting of the members of the association or at the end of 5 years, whichever comes first. All succeeding terms of the agreement must be renewed annually unless the manager refuses to renew the agreement or a majority of the members of the association who are entitled to vote, excluding the developer, ~~*[board]*~~ notifies the manager of its refusal to renew the agreement.

2. The agreement must provide that:

(a) The manager or a majority of the owners ~~*[board]*~~ may terminate the agreement for cause.

(b) The resignation of the manager will not be accepted until 90 days after receipt by the association, or if there is no association, by the owners, of the written resignation.

(c) A fidelity bond must be delivered by the manager to the association.

3. An agreement entered into or renewed on or after October 1, 2001, must contain a detailed, itemized schedule of all fees, compensation or other property that the manager is entitled to receive for services rendered to the association or any member of the association or otherwise derived from the manager's affiliation with the time-share plan or the project, or both . ~~[, unless the manager is the developer or an affiliate of the developer. Upon the request of the association, the]~~ *The* manager shall disclose to the association ~~[annual revenue received by the manager]~~ *annually and make available electronically to an owner upon request a report describing all fees, compensation or other property that the manager is entitled to receive for services rendered to the association or any member of the association or otherwise derived* from the manager's affiliation with the time-share plan or the project, or both.

4. Except as otherwise provided in this subsection, if the developer retains a property interest in the project, the parties to such an agreement must include the developer, the manager and the association. In addition to the provisions required in subsections 1 and 2, the agreement must provide:

(a) That the project will be maintained in good condition. Except as otherwise provided in this paragraph, any defect which is not corrected within 10 days after notification by the developer may be corrected by the developer. In an emergency situation, notice is not required. The association must repay the developer for any cost of the repairs plus the legal rate of interest. Each owner must be assessed for his or her share of the cost of repairs.

(b) That, if any dispute arises between the developer and the manager or association, either party may request from the American Arbitration Association or the Nevada Arbitration Association a list of seven potential fact finders from which one must be chosen to settle the dispute. The agreement must provide for the method of selecting one fact finder from this list.

(c) For the collection of assessments from the owners to pay obligations which may be due to the developer for breach of the covenant to maintain the premises in good condition and repair.

➥ If the developer is not made a party to this agreement, the developer shall be considered to be a third-party beneficiary of such an agreement.

5. The provisions of this section and NRS 119A.532 and 119A.534 do not apply to the management of a project located outside of this State.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 32 to Senate Bill No. 195 clarifies that notice for an executive board session must either be: given only to the person who may be the subject of a hearing for that meeting, or be posted within the common elements of the association and be provided electronically to all unit owners who have provided an electronic mail address. It removes the requirement for an annual financial audit of records from the standards of practice requirements for a community manager or the employer of a community manager. It removes certain disclosures from being included in a

public offering statement for time-shares. It also eliminates the requirement of a developer of a time-share to provide a public-offering statement and additional disclosures to prospective buyers.

Finally, removes the authority of a board of an association to refuse to renew an agreement with a manager of a time-share plan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 230.

Bill read second time and ordered to third reading.

Senate Bill No. 240.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 134.

SUMMARY—Revises provisions relating to gaming. (BDR 41-939)

AN ACT relating to gaming; ~~[defining the term "other event" for certain purposes relating to gaming;]~~ providing that certain laws governing pari-mutuel wagering on a race or sporting event apply to pari-mutuel wagering on ~~[certain]~~ other events; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who operates a sports pool to obtain all required gaming licenses before operating the sports pool. (NRS 463.160, 464.010) Existing law defines a "sports pool" as the business of accepting wagers on sporting events or other events by any system or method of wagering, including, without limitation, the pari-mutuel system of wagering. (NRS 463.0193) The regulations of the Nevada Gaming Commission provide that "other events" are events other than horse races, animal races or athletic sports events. (Nev. Gaming Comm'n Regs. §§ 22.010, 22.120) ~~[Section 1 of this bill defines the term "other event" in a manner consistent with the regulations.]~~ Sections 3-7 of this bill provide that existing laws governing pari-mutuel wagering on a race or sporting event apply to pari-mutuel wagering on other events. ~~[as defined in section 1.]~~

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

Section 1. ~~[Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~"Other event" means any event other than a horse race, dog race or sporting event.]~~ (Deleted by amendment.)

Sec. 2. ~~[NRS 463.013 is hereby amended to read as follows:~~

~~463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0133 to 463.01967, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 3. NRS 464.005 is hereby amended to read as follows:

464.005 As used in this chapter, unless the context otherwise requires:

1. "Gross revenue" means the amount of the commission received by a licensee that is deducted from off-track pari-mutuel wagering, plus breakage and the face amount of unpaid winning tickets that remain unpaid for a period specified by the Nevada Gaming Commission.

2. "Off-track pari-mutuel system" means a computerized system, or component of such a system, that is used with regard to a pari-mutuel pool to transmit information such as amounts wagered, odds and payoffs on races ~~[.]~~ *, sporting events or other events.*

3. "Off-track pari-mutuel wagering" means any pari-mutuel system of wagering approved by the Nevada Gaming Commission for the acceptance of wagers on:

(a) Horse or dog races which take place outside of this state; ~~[or]~~

(b) Sporting events ~~[.]~~ *; or*

(c) Other events.

4. "Operator of a system" means a person engaged in providing an off-track pari-mutuel system.

5. ~~*["Other event" has the meaning ascribed to it in section 1 of this act. —6.]*~~ "Pari-mutuel system of wagering" means any system whereby wagers with respect to the outcome of a race , ~~[or]~~ sporting *event or other* event are placed in a wagering pool conducted by a person licensed or otherwise permitted to do so under state law, and in which the participants are wagering with each other and not against that person. The term includes off-track pari-mutuel wagering.

Sec. 4. NRS 464.010 is hereby amended to read as follows:

464.010 1. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to operate, carry on, conduct or maintain in this state, any form of wagering under the pari-mutuel system on any racing , ~~[or]~~ sporting *event or other* event without having first procured and maintained all required federal, state, county and municipal licenses.

2. It is unlawful for any person to function as an operator of a system without having first obtained a state gaming license.

3. Where any other state license is required to conduct a racing , ~~[or]~~ sporting *event or other* event, that license must first be procured before the pari-mutuel system of wagering may be licensed in connection therewith.

Sec. 5. NRS 464.020 is hereby amended to read as follows:

464.020 1. The Nevada Gaming Commission is charged with the administration of this chapter for the protection of the public and in the public interest.

2. The Nevada Gaming Commission may issue licenses permitting the conduct of the pari-mutuel system of wagering, including off-track pari-mutuel wagering, and may adopt, amend and repeal regulations relating to the conduct of such wagering.

3. The wagering must be conducted only by the licensee at the times determined by the Nevada Gaming Commission and only:

(a) Within the enclosure wherein the race , ~~[or other]~~ sporting *event or other* event which is the subject of the wagering occurs; or

(b) Within a licensed gaming establishment which has been approved to conduct off-track pari-mutuel wagering.

➥ This subsection does not prohibit a person licensed to accept, pursuant to regulations adopted by the Nevada Gaming Commission, off-track pari-mutuel wagers from accepting wagers made by wire communication from patrons within the State of Nevada, from other states in which such wagering is legal or from places outside the United States in which such wagering is legal.

4. The regulations of the Nevada Gaming Commission may include, without limitation:

(a) Requiring fingerprinting of an applicant or licensee, or other method of identification.

(b) Requiring information concerning an applicant's antecedents, habits and character.

(c) Prescribing the method and form of application which any applicant for a license issued pursuant to this chapter must follow and complete before consideration of the applicant's application by the Nevada Gaming Commission.

(d) Prescribing the permissible communications technology and requiring the implementation of border control technology that will ensure that a person cannot place a wager with a ~~[race book]~~ *licensee* in this State from another state or another location where placing such a wager is illegal.

5. The Nevada Gaming Commission may appoint an Off-Track Pari-Mutuel Wagering Committee consisting of 11 persons who are licensed to engage in off-track pari-mutuel wagering. If the Commission appoints such a Committee, it shall appoint to the Committee:

(a) Five members from a list of nominees provided by the State Association of Gaming Establishments whose members collectively paid the most gross revenue fees to the State pursuant to NRS 463.370 in the preceding year;

(b) Three members who, in the preceding year, paid gross revenue fees pursuant to NRS 463.370 in an amount that was less than the average amount of gross revenue fees paid by licensees engaged in off-track pari-mutuel wagering in the preceding year; and

(c) Three other members.

➥ If a vacancy occurs in a position on the Committee for any reason, including, but not limited to, termination of a member, the Commission shall appoint a successor member who satisfies the same criteria in paragraph (a), (b) or (c) that applied to the member whose position has been vacated.

6. If the Nevada Gaming Commission appoints an Off-Track Pari-Mutuel Wagering Committee pursuant to subsection 5, the Commission shall:

(a) Grant to the Off-Track Pari-Mutuel Wagering Committee the exclusive right to negotiate an agreement relating to off-track pari-mutuel wagering with:

(1) A person who is licensed or otherwise permitted to operate a wagering pool in another state; and

(2) A person who is licensed pursuant to this chapter as an operator of a system.

(b) Require that any agreement negotiated by the Off-Track Pari-Mutuel Wagering Committee with a track relating to off-track pari-mutuel wagering must not set a different rate for intrastate wagers placed on the licensed premises of a race book and wagers placed through the use of communications technology.

(c) Require the Off-Track Pari-Mutuel Wagering Committee to grant to each person licensed pursuant to this chapter to operate an off-track pari-mutuel race pool the right to receive, on a fair and equitable basis, all services concerning wagering in such a race pool that the Committee has negotiated to bring into or provide within this State.

7. The Nevada Gaming Commission shall, and it is granted the power to, demand access to and inspect all books and records of any person licensed pursuant to this chapter pertaining to and affecting the subject of the license.

Sec. 6. NRS 464.025 is hereby amended to read as follows:

464.025 1. The Nevada Gaming Commission, upon the recommendation of the Nevada Gaming Control Board, may adopt regulations for:

(a) The conduct by a licensee of off-track pari-mutuel wagering on a race , ~~[or]~~ sporting *event or other* event; and

(b) The approval of the terms and conditions of any agreement between a licensee and an agency of the state in which the race , ~~[or]~~ sporting *event or other* event takes place or a person licensed or approved by that state to participate in the conduct of the race , ~~[or]~~ sporting *event or other* event or the pari-mutuel system of wagering thereon.

2. A person or governmental agency must not receive any commission or otherwise share in the revenue from the conduct of off-track pari-mutuel wagering in this state without the approval of the Nevada Gaming Commission. The Commission may approve any person or governmental agency after such investigation as the Nevada Gaming Control Board deems proper.

Sec. 7. NRS 464.040 is hereby amended to read as follows:

464.040 1. The total commission deducted from pari-mutuel wagering other than off-track pari-mutuel wagering by any licensee licensed pursuant to the provisions of this chapter must not exceed 18 percent of the gross amount of money handled in each pari-mutuel pool operated by the licensee during the period of the license.

2. The total commission deducted from off-track pari-mutuel wagering must be determined by the Nevada Gaming Commission and may be divided between the persons licensed or approved to participate in the conduct of the race or event or the pari-mutuel system of wagering thereon. Such licensure or approval must be obtained pursuant to this chapter or chapter 463 of NRS and pursuant to regulations which may be adopted by the Nevada Gaming Commission.

3. Except as otherwise provided in NRS 464.045 for off-track pari-mutuel wagering, each licensee shall pay to the Nevada Gaming Commission quarterly on or before the last day of the first month of the following quarter of operation for the use of the State of Nevada a tax at the rate of 3 percent on the total amount of money wagered on any race , ~~[or]~~ sporting *event or other* event.

4. The licensee may deduct odd cents less than 10 cents per dollar in paying bets.

5. Except as otherwise provided in NRS 464.045 for off-track pari-mutuel wagering, the amount paid to the Nevada Gaming Commission must be, after deducting costs of administration which must not exceed 5 percent of the amount collected, paid over by the Nevada Gaming Commission to the State Treasurer for deposit in the State General Fund.

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

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 134 to Senate Bill No. 240 removes the definition of "other event" from the bill in order to allow the Nevada Gaming Control Board and Gaming Commission to establish via regulation which kinds of other events may be suitable for pari-mutuel wagering.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 255.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 211.

SUMMARY—Revises provisions relating to common-interest communities. (BDR 10-789)

AN ACT relating to common-interest communities; revises provisions governing the cancellation of a resale of a home or unit in a common-interest community; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an owner of a home or unit in a common-interest community or his or her authorized agent to furnish a purchaser of the home or unit in a resale transaction with certain information, included in a resale package. Existing law also requires a purchaser of a home or unit in a common-interest community to hand-deliver or mail to the unit's owner or his or her authorized agent a notice of cancellation of the contract of purchase. (NRS 116.4109) Section 1 of this bill authorizes the purchaser to deliver a notice of cancellation by electronic transmission. ~~[Section 1 also provides that if a purchaser cancels a contract of sale, the unit's owner or his or her authorized agent may, within 90 days, furnish a copy of the resale package which was provided to that purchaser to a subsequent purchaser.]~~

Section 2 of this bill amends existing law to add to the information statement provided as part of a purchase of a unit in a common-interest community a

statement relating to a purchaser's option to deliver a notice of cancellation of a contract of purchase by electronic transmission. (NRS 116.41095)

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

Section 1. NRS 116.4109 is hereby amended to read as follows:

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his or her authorized agent shall, at the expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095.

(b) A statement from the association setting forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner.

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152.

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit’s owner has actual knowledge.

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit.

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the unit's owner or his or her authorized agent , ~~[or]~~ mail the notice of cancellation by prepaid United States mail to the unit's owner or his or her authorized agent ~~[.]~~ *or deliver the notice of cancellation by electronic transmission to the unit's owner or his or her authorized agent.* Cancellation is without penalty, and all payments made by the purchaser before cancellation

must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written request by a unit's owner or his or her authorized agent, the association shall furnish all of the following to the unit's owner or his or her authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d), (e) and (f) of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his or her authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.

(c) The other documents furnished pursuant to subsection 3 must be provided in electronic format to the unit's owner. The association may charge the unit's owner a fee, not to exceed $20, to provide such documents in electronic format. If the association is unable to provide such documents in electronic format, the association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter, to cover the cost of copying.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 days allowed by this section, the purchaser is not liable for the delinquent assessment.

6. Upon the request of a unit's owner or his or her authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his or her authorized agent, the association shall make the entire study of the reserves of the association which is required

by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

7. A unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit may request a statement of demand from the association. Not later than 10 days after receipt of a written request from the unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit for a statement of demand, the association shall furnish a statement of demand to the person who requested the statement. The association may charge a fee of not more than $150 to prepare and furnish a statement of demand pursuant to this subsection and an additional fee of not more than $100 to furnish a statement of demand within 3 days after receipt of a written request for a statement of demand. The statement of demand:

(a) Must set forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner; and

(b) Remains effective for the period specified in the statement of demand, which must not be less than 15 business days after the date of delivery by the association to the unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit, whichever is applicable.

8. If the association becomes aware of an error in a statement of demand furnished pursuant to subsection 7 during the period in which the statement of demand is effective but before the consummation of a resale for which a resale package was furnished pursuant to subsection 1, the association must deliver a replacement statement of demand to the person who requested the statement of demand. Unless the person who requested the statement of demand receives a replacement statement of demand, the person may rely upon the accuracy of the information set forth in the statement of demand provided by the association for the resale. Payment of the amount set forth in the statement of demand constitutes full payment of the amount due from the selling unit's owner.

~~*[9. Except as otherwise provided in this subsection, if a purchaser cancels a contract of purchase pursuant to subsection 2, the unit's owner or his or her authorized agent may furnish a copy of the resale package which was furnished to that purchaser to a subsequent purchaser. A unit's owner or his or her authorized agent may not furnish a copy of a resale package to a subsequent purchaser pursuant to this subsection more than 90 days after the date on which the association furnished the documents and certificate included in the resale package to the unit's owner or his or her authorized agent pursuant to subsection 3.]*~~

Sec. 2. NRS 116.41095 is hereby amended to read as follows:

116.41095 The information statement required by NRS 116.4103 and 116.4109 must be in substantially the following form:

BEFORE YOU PURCHASE PROPERTY IN A
COMMON-INTEREST COMMUNITY
DID YOU KNOW . . .

1. YOU GENERALLY HAVE 5 DAYS TO CANCEL THE PURCHASE AGREEMENT?

When you enter into a purchase agreement to buy a home or unit in a common-interest community, in most cases you should receive either a public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. Alternatively, if you are not the original purchaser and received a resale package, you may deliver the notice of cancellation by electronic transmission to the seller within the 5-day period in order to exercise your right to cancel. For more information regarding your right to cancel, see Nevada Revised Statutes 116.4108, if you received a public offering statement, or Nevada Revised Statutes 116.4109, if you received a resale package.

2. YOU ARE AGREEING TO RESTRICTIONS ON HOW YOU CAN USE YOUR PROPERTY?

These restrictions are contained in a document known as the Declaration of Covenants, Conditions and Restrictions. The CC&Rs become a part of the title to your property. They bind you and every future owner of the property whether or not you have read them or had them explained to you. The CC&Rs, together with other "governing documents" (such as association bylaws and rules and regulations), are intended to preserve the character and value of properties in the community, but may also restrict what you can do to improve or change your property and limit how you use and enjoy your property. By purchasing a property encumbered by CC&Rs, you are agreeing to limitations that could affect your lifestyle and freedom of choice. You should review the CC&Rs, and other governing documents before purchasing to make sure that these limitations and controls are acceptable to you. Certain provisions in the CC&Rs and other governing documents may be superseded by contrary provisions of

chapter 116 of the Nevada Revised Statutes. The Nevada Revised Statutes are available at the Internet address http://www.leg.state.nv.us/nrs/.

3. YOU WILL HAVE TO PAY OWNERS' ASSESSMENTS FOR AS LONG AS YOU OWN YOUR PROPERTY?

As an owner in a common-interest community, you are responsible for paying your share of expenses relating to the common elements, such as landscaping, shared amenities and the operation of any homeowners' association. The obligation to pay these assessments binds you and every future owner of the property. Owners' fees are usually assessed by the homeowners' association and due monthly. You have to pay dues whether or not you agree with the way the association is managing the property or spending the assessments. The executive board of the association may have the power to change and increase the amount of the assessment and to levy special assessments against your property to meet extraordinary expenses. In some communities, major components of the common elements of the community such as roofs and private roads must be maintained and replaced by the association. If the association is not well managed or fails to provide adequate funding for reserves to repair, replace and restore common elements, you may be required to pay large, special assessments to accomplish these tasks.

4. IF YOU FAIL TO PAY OWNERS' ASSESSMENTS, YOU COULD LOSE YOUR HOME?

If you do not pay these assessments when due, the association usually has the power to collect them by selling your property in a nonjudicial foreclosure sale. If fees become delinquent, you may also be required to pay penalties and the association's costs and attorney's fees to become current. If you dispute the obligation or its amount, your only remedy to avoid the loss of your home may be to file a lawsuit and ask a court to intervene in the dispute.

5. YOU MAY BECOME A MEMBER OF A HOMEOWNERS' ASSOCIATION THAT HAS THE POWER TO AFFECT HOW YOU USE AND ENJOY YOUR PROPERTY?

Many common-interest communities have a homeowners' association. In a new development, the association will usually be controlled by the developer until a certain number of units have been sold. After the period of developer control, the association may be controlled by property owners like yourself who are elected by homeowners to sit on an executive board and other boards and committees formed by the association. The association, and its executive board, are responsible for assessing homeowners for the cost of operating the association and the common or shared elements of the community and for the day to day operation and management of the community. Because homeowners sitting on the executive board and other boards and committees of the association may not have the experience or professional background

required to understand and carry out the responsibilities of the association properly, the association may hire professional community managers to carry out these responsibilities.

Homeowners' associations operate on democratic principles. Some decisions require all homeowners to vote, some decisions are made by the executive board or other boards or committees established by the association or governing documents. Although the actions of the association and its executive board are governed by state laws, the CC&Rs and other documents that govern the common-interest community, decisions made by these persons will affect your use and enjoyment of your property, your lifestyle and freedom of choice, and your cost of living in the community. You may not agree with decisions made by the association or its governing bodies even though the decisions are ones which the association is authorized to make. Decisions may be made by a few persons on the executive board or governing bodies that do not necessarily reflect the view of the majority of homeowners in the community. If you do not agree with decisions made by the association, its executive board or other governing bodies, your remedy is typically to attempt to use the democratic processes of the association to seek the election of members of the executive board or other governing bodies that are more responsive to your needs. If you have a dispute with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, the Nevada Real Estate Division and the Commission for Common-Interest Communities and Condominium Hotels. However, to resolve some disputes, you may have to mediate or arbitrate the dispute and, if mediation or arbitration is unsuccessful, you may have to file a lawsuit and ask a court to resolve the dispute. In addition to your personal cost in mediation or arbitration, or to prosecute a lawsuit, you may be responsible for paying your share of the association's cost in defending against your claim.

6. YOU ARE REQUIRED TO PROVIDE PROSPECTIVE PURCHASERS OF YOUR PROPERTY WITH INFORMATION ABOUT LIVING IN YOUR COMMON-INTEREST COMMUNITY? The law requires you to provide a prospective purchaser of your property with a copy of the community's governing documents, including the CC&Rs, association bylaws, and rules and regulations, as well as a copy of this document. You are also required to provide a copy of the association's current year-to-date financial statement, including, without limitation, the most recent audited or reviewed financial statement, a copy of the association's operating budget and information regarding the amount of the monthly assessment for common expenses, including the amount set aside as reserves for the repair, replacement

and restoration of common elements. You are also required to inform prospective purchasers of any outstanding judgments or lawsuits pending against the association of which you are aware. For more information regarding these requirements, see Nevada Revised Statutes 116.4109.

7. YOU HAVE CERTAIN RIGHTS REGARDING OWNERSHIP IN A COMMON-INTEREST COMMUNITY THAT ARE GUARANTEED YOU BY THE STATE?

Pursuant to provisions of chapter 116 of Nevada Revised Statutes, you have the right:

(a) To be notified of all meetings of the association and its executive board, except in cases of emergency.

(b) To attend and speak at all meetings of the association and its executive board, except in some cases where the executive board is authorized to meet in closed, executive session.

(c) To request a special meeting of the association upon petition of at least 10 percent of the homeowners.

(d) To inspect, examine, photocopy and audit financial and other records of the association.

(e) To be notified of all changes in the community's rules and regulations and other actions by the association or board that affect you.

8. QUESTIONS?

Although they may be voluminous, you should take the time to read and understand the documents that will control your ownership of a property in a common-interest community. You may wish to ask your real estate professional, lawyer or other person with experience to explain anything you do not understand. You may also request assistance from the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, Nevada Real Estate Division, at (telephone number).

Buyer or prospective buyer's initials:_____

Date:_____

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

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 211 to Senate Bill No. 255 removes subsection 1.9 from the bill which allowed a unit owner or his or her agent to provide a previously cancelled purchase contract to a subsequent purchaser within 90 days of the cancellation.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 213.

SUMMARY—Revises provisions governing ~~[the expedited process for the foreclosure of abandoned residential]~~ real property. (BDR ~~[S-822)]~~ 9-822)

AN ACT relating to real property; revising provisions governing the auction of property pursuant to the power of sale under a deed of trust; providing for the continuation of certain provisions relating to an expedited process for the foreclosure of abandoned residential property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the trustee under a deed of trust concerning owner-occupied housing has the power to sell the property to which the deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085, 107.086) Existing law requires such a sale to be made: (1) in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), at the courthouse in the county in which the property or some part thereof is situated; or (2) in a county whose population is 100,000 or more (currently Clark and Washoe Counties), at the public location in the county designated by the governing body of the county for that purpose. (NRS 107.081) Section 1 of this bill removes the population cap to require any such sale to be made at a public location in the county designated by the governing body of the county for that purpose.

Senate Bill No. 278 of the 2013 Legislative Session (S.B. 278): (1) established an expedited process for the foreclosure of abandoned residential property; and (2) authorized a board of county commissioners or the governing body of an incorporated city to establish by ordinance a registry of abandoned residential real property and a registry of real property in danger of becoming abandoned. (Chapter 330, Statutes of Nevada 2013, at page 1543) The provisions of S.B. 278 expire by limitation on June 30, 2017. ~~[This bill removes the prospective expiration, thereby: (1) establishing a permanent expedited procedure for the foreclosure of abandoned residential property; and (2) permanently authorizing a board of county commissioners or the governing body of an incorporated city to establish by ordinance a registry of abandoned residential real property and a registry of real property in danger of becoming abandoned.]~~ Section 2 of this bill extends the prospective expiration of the provisions of S.B. 278 to June 30, 2021.

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

Section 1. NRS 107.081 is hereby amended to read as follows:

107.081 1. All sales of property pursuant to NRS 107.080 must be made at auction to the highest bidder and must be made between the hours of 9 a.m. and 5 p.m. The agent holding the sale must not become a purchaser at the sale or be interested in any purchase at such a sale.

2. All sales of real property must be made ~~[:~~

~~(a) In a county with a population of less than 100,000, at the courthouse in the county in which the property or some part thereof is situated.~~

~~(b) In a county with a population of 100,000 or more,~~ at the public location in the county designated by the governing body of the county for that purpose.

~~[Section 1.]~~ *Sec. 2.* Section 7 of chapter 330, Statutes of Nevada 2013, at page 1555, is hereby amended to read as follows:

Sec. 7. This act becomes effective on July 1, 2013 ~~[.]~~ , and expires by limitation on June 30, ~~[2017.]~~ *2021.*

~~[Sec. 2.]~~ *Sec. 3.* This act becomes effective upon passage and approval.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 213 to Senate Bill No. 267 removes an existing population cap so that a foreclosure sale in a rural county can be held at a location designated by the county commission rather than at the county courthouse. It also adds a sunset date of June 30, 2021, for these expedited foreclosure provisions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 268.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 147.

SUMMARY—Revises various provisions relating to corrections. (BDR 16-546)

AN ACT relating to corrections; requiring the Director of the Department of Corrections to verify the full legal name and age of an offender who is to be released by obtaining certain documents before providing a photo identification card to the offender; ~~[requiring]~~ authorizing a sheriff, chief of police, town marshal or director of a facility for the detention of children, upon request, to provide ~~[a photo identification card]~~ certain information and assistance to a person who is to be released from a jail or detention facility; revising provisions governing the allowance of credits to a prisoner of a local detention facility who successfully completes a program of education ~~[or]~~ , a program of vocational education and training, a program of treatment for alcohol or drug abuse ~~[,]~~ or another approved program; revising the documents which may be furnished to the Department of Motor Vehicles as proof of the full legal name and age of the offender to apply for a driver's license or identification card; providing for the waiver of certain fees relating to driver's licenses and identification cards for certain persons who are released from a jail or detention facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to provide to an offender upon the offender's release from prison and if the offender requests it: (1) a photo identification card containing the name, the date of birth and a color picture of the offender; and (2) information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment if the offender

is eligible to acquire a driver's license or identification card from the Department of Motor Vehicles. (NRS 209.511) Section 1 of this bill requires the Director to verify the full legal name and age of the offender by obtaining certain documents to prove the name and age of the offender before providing the photo identification card. Section 2 of this bill ~~[similarly requires]~~ authorizes the sheriff of a county, the chief of police of a city, a town marshal or a director of a facility for the detention of children, if requested, to provide a prisoner or child, as applicable, with ~~[a photo identification card and]~~ certain information and assistance upon the person's release from the county, city or town jail or detention facility because of the expiration of the person's sentence or term of detention or commitment.

Existing law requires the deduction of 5 days from a prisoner's term of imprisonment in a county or municipal detention facility if the prisoner earns a general educational development certificate or an equivalent document for successfully completing an educational program for adults that is conducted jointly by the local detention facility and the school district in which the facility is located. (NRS 211.330) Section 3 of this bill provides that, under certain circumstances, a prisoner of a county, city or town jail or detention facility must be allowed a deduction of not more than 5 days from his or her term of imprisonment for : (1) earning a general educational development certificate or an equivalent document for successfully completing an educational program for adults ~~[.]~~ ; or (2) successfully completing a program of vocational education and training or another approved program.

Existing law authorizes the deduction of not more than 5 days from a prisoner's term of imprisonment in a county or municipal detention facility if the prisoner is awarded a certificate for successfully completing a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the local detention facility and a person who holds a license or certificate as an alcohol and drug abuse counselor or counselor intern. (NRS 211.340) Section 4 of this bill provides that, under certain circumstances, a prisoner of a county, city or town jail or detention facility must be allowed a deduction of 5 days from his or her term of imprisonment for receiving a certificate for successfully completing a program of treatment for the abuse of alcohol or drugs.

Sections 3 and 4 also provide that if the prisoner completes the applicable program ~~[of treatment or education, as applicable,]~~ with meritorious or exceptional achievement, the prisoner may be allowed up to an additional 5 days of credit.

Existing law sets forth the documents that an applicant is required to present to the Department of Motor Vehicles as proof of his or her full legal name and age to apply for an instruction permit, driver's license or identification card. (NRS 483.290, 483.860) Sections 5 and 8 of this bill revise these provisions to authorize as such proof the presentation of the photo identification card issued to a person by a county, city or town jail or facility for the detention of children

in this State upon the person's release from a county, city or town jail or detention facility as set forth in section 2.

Existing law provides for the waiver of: (1) certain fees for furnishing a duplicate driver's license for a person who was released from prison within the 90 days immediately preceding the person's application for the driver's license or identification card; and (2) the cost of producing a photograph for a driver's license or identification card. (NRS 483.417 ~~[,]~~ , 483.825) Sections 6 and 7 of this bill authorize the waiver of the fees for a person who was released from a county, city or town jail or a detention facility within the immediately preceding 90 days.

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

Section 1. NRS 209.511 is hereby amended to read as follows:

209.511 1. ~~[When]~~ *Except as otherwise provided in subsection 2, when* an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) Shall provide the offender with information relating to obtaining employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person;

(f) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card; or

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;

(g) May provide the offender with clothing suitable for reentering society;

(h) May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

(i) May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and

(j) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.

2. *The Director shall not provide an offender with a photo identification card pursuant to paragraph (f) of subsection 1 unless the Director has verified the full legal name and age of the offender by obtaining an original or certified copy of the documents required by the Department of Motor Vehicles pursuant to NRS 483.290 or 483.860, as applicable, furnished as proof of the full legal name and age of an applicant for a driver's license or identification card.*

3. The costs authorized in paragraphs (a), (f), (g), (h) and (j) of subsection 1 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

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

(a) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

(b) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

Sec. 2. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, when a prisoner is released from a county, city or town jail or detention facility or when a child is released from a juvenile detention facility by expiration of his or her term of imprisonment, detention or commitment, as applicable, the sheriff, chief of police, town marshal or director of the juvenile detention facility, as applicable, ~~[shall, at the expense of the county, city, town or juvenile detention facility, as applicable,]~~ may provide the prisoner or child, as applicable, with ~~[a photo identification card issued by the county, city, town or juvenile detention facility, as applicable, and information and reasonable assistance relating to acquiring]~~ information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the prisoner or child to obtain employment ~~[,]~~ or participate in transitional programming, if the prisoner or child requests ~~[:~~

~~*(a) A photo identification card; or*~~

~~*(b) Such]*~~ such *information and assistance and , if applicable, is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles.*

2. The sheriff, chief of police, town marshal or director of a juvenile detention facility, as applicable, shall not provide a prisoner or child with information or assistance relating to acquiring a driver's license or a photo identification card pursuant to ~~[paragraph (a) of]~~ subsection 1 unless ~~[the Director]~~ he or she has verified the full legal name and age of the prisoner or child by obtaining an original or certified copy of the documents required by the Department of Motor Vehicles pursuant to NRS 483.290 or 483.860, as

applicable, furnished as proof of the full legal name and age of an applicant for a driver's license or identification card.

3. As used in this section:

(a) "Juvenile detention facility" means:

(1) A local facility for the detention of children as defined in NRS 62A.190; or

(2) A regional facility for the detention of children as defined in NRS 62A.280.

(b) "Photo identification card" means a document which includes the name, the date of birth and a color picture of the prisoner or child.

Sec. 3. NRS 211.330 is hereby amended to read as follows:

211.330 1. ~~[In]~~ *A prisoner who has no serious infraction of the regulations of the county, city or town jail or detention facility in which the prisoner is incarcerated or detained, the terms and conditions of his or her residential confinement or the laws of this State recorded against the prisoner must be allowed, in* addition to the credits on a term of imprisonment provided for in NRS 211.310, 211.320 and 211.340, ~~[the sheriff of the county or the chief of police of the municipality in which a prisoner is incarcerated shall deduct]~~ *a deduction of not more than* 5 days from the prisoner's term of imprisonment for ~~[earning]~~ *:*

(a) Earning a general educational development certificate or an equivalent document by successfully completing an educational program for adults ~~[, conducted jointly by the local detention facility in which the prisoner is incarcerated and the school district in which the facility is located.]~~ *; or*

(b) Successfully completing:

(1) A program of vocational education and training; or

(2) Any other program approved by the sheriff of the county, the chief of police of the municipality or the director, as applicable, for the county, city or town jail or detention facility, as applicable, in which the prisoner is incarcerated or detained.

2. ~~[The provisions of this section apply to any prisoner who is sentenced on or after October 1, 1991, to a term of imprisonment of 90 days or more.]~~ *If the prisoner completes such a program with meritorious or exceptional achievement, the prisoner may be allowed not more than 5 days of credit for each such program in addition to the days allowed for the successful completion of the program pursuant to subsection 1.*

Sec. 4. NRS 211.340 is hereby amended to read as follows:

211.340 1. ~~[In]~~ *A prisoner who has no serious infraction of the regulations of the county, city or town jail or detention facility in which the prisoner is incarcerated or detained, the terms and conditions of his or her residential confinement or the laws of this State recorded against the prisoner must be allowed, in* addition to the credits on a term of imprisonment provided for in NRS 211.310, 211.320 and 211.330, ~~[the sheriff of the county or the chief of police of the municipality in which a prisoner is incarcerated may~~

~~deduct]~~ not more than 5 days from the prisoner's term of imprisonment if the prisoner:

(a) Successfully completes a program of treatment for the abuse of alcohol or drugs *;* ~~[which is conducted jointly by the local detention facility in which the prisoner is incarcerated and a person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern or a clinical alcohol and drug abuse counselor intern, pursuant to chapter 641C of NRS;]~~ and

(b) Is awarded a certificate evidencing the prisoner's successful completion of the program.

2. ~~[The provisions of this section apply to any prisoner who is sentenced on or after October 1, 1991, to a term of imprisonment of 90 days or more.]~~ *If the prisoner completes such a program with meritorious or exceptional achievement, the prisoner may be allowed not more than 5 days of credit in addition to the days allowed for the successful completion of the program pursuant to subsection 1.*

Sec. 5. NRS 483.290 is hereby amended to read as follows:

483.290 1. An application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by ~~[the]~~ *:*

(1) The Department of Corrections pursuant to NRS 209.511 ~~[.]~~ *; or*

(2) A county, city or town jail or detention facility or a juvenile detention facility in this State pursuant to section 2 of this act.

3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2.

4. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:

(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 6. NRS 483.417 is hereby amended to read as follows:

483.417 1. The Department shall waive the fee prescribed by NRS 483.410 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate driver's license to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department 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.

(c) A person who submits documentation from a county, city or town jail or detention facility or a juvenile detention facility verifying that the person was released from the county, city or town jail or detention facility or the juvenile detention facility, as applicable, within the immediately preceding 90 days.

2. A vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person or person released from prison *or a county, city or town jail or detention facility or a juvenile detention facility* for a duplicate driver's license.

3. If the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate driver's license furnished to a person pursuant to subsection 1, the person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:

(a) Applies to the Department for the renewal of his or her driver's license; and

(b) Is employed at the time of such application.

4. The Department may accept gifts, grants and donations of money to fund the provision of duplicate drivers' licenses without a fee to persons pursuant to subsection 1.

5. As used in this section, "juvenile detention facility" means:

(a) A local facility for the detention of children as defined in NRS 62A.190; or

(b) A regional facility for the detention of children as defined in NRS 62A.280.

Sec. 7. NRS 483.825 is hereby amended to read as follows:

483.825 1. The Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate identification card to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department 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.

(c) A person who submits documentation from a county, city or town jail or detention facility or a juvenile detention facility verifying that the person was released from the county, city or town jail or the juvenile detention facility, as applicable, within the immediately preceding 90 days.

2. A vendor that has entered into an agreement with the Department to produce photographs for identification cards pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person or person released from prison , *a county, city or town jail or*

detention facility or a juvenile detention facility for a duplicate identification card.

3. If the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate identification card furnished to a person pursuant to subsection 1, the person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:

(a) Applies to the Department for the renewal of his or her identification card; and

(b) Is employed at the time of such application.

4. The Department may accept gifts, grants and donations of money to fund the provision of duplicate identification cards without a fee to persons pursuant to subsection 1.

5. As used in this section ~~[, "photograph"]~~ *:*

(a) "Juvenile detention facility" means:

(1) A local facility for the detention of children as defined in NRS 62A.190; or

(2) A regional facility for the detention of children as defined in NRS 62A.280.

(b) "Photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 8. NRS 483.860 is hereby amended to read as follows:

483.860 1. Every applicant for an identification card must furnish proof of his or her full legal name and age by presenting:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by ~~[the]~~ *:*

(1) The Department of Corrections pursuant to NRS 209.511 ~~[.]~~ *; or*

(2) A county, city or town jail or detention facility or juvenile detention facility in this State pursuant to section 2 of this act.

2. The Director shall adopt regulations:

(a) Prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 1; and

(b) Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue an identification card to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

3. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 9. ~~[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. 10. This act becomes effective:

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

2. On October 1, 2017, for all other purposes.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 147 to Senate Bill No. 268 changes a "shall" to "may" concerning a sheriff providing information and assistance to a person entering a transitional program or being released from jail or detention. It also clarifies that a prisoner may earn "not more than" a 5-day deduction from his or her sentence for completing certain programs and may earn up to an additional 5 days for meritorious or exceptional performance in such a program.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 270.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 119.

SUMMARY—Revises provisions relating to water. (BDR 48-359)

AN ACT relating to water; requiring a claimant of pre-statutory water rights to submit proof of the claim to the State Engineer on or before a certain date; requiring the State Engineer to provide certain notice of this requirement; eliminating the procedure for taking proofs of claims on and after a certain date; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, water rights for surface water, artesian groundwater and percolating groundwater that were initiated by applying water to beneficial use before the statutes regulating those water sources were enacted by the Nevada Legislature in 1905, 1913 and 1939, respectively, are known as vested water rights. Existing law provides a procedure for determining the extent of all vested water rights on a water source, which is called an adjudication. As part of that procedure, claimants of vested rights are required to file proofs of appropriation with the State Engineer, which is known in existing law as the procedure of taking proofs. (NRS 533.090-533.320)

Section 1 of this bill requires any claimant of a pre-statutory water right to submit proof of the claim to the State Engineer on or before December 31, 2027, regardless of whether an adjudication has been ordered for a water source. If a claimant fails to submit such proof, the claim is deemed to be abandoned. Section 1 requires the State Engineer to provide notice of this requirement in various manners during the 10-year period before the deadline. Sections 2 and 5-8 of this bill conform provisions in existing law governing

the procedures of the State Engineer taking proofs to reflect the submission of any proofs pursuant to section 1 to the State Engineer before an adjudication has been ordered. Sections 3, 4, 9 and 11 of this bill eliminate the procedure of the State Engineer taking proofs in an adjudication on and after January 1, 2028, because section 1 requires proofs of all pre-statutory water rights to be on file with the State Engineer by December 31, 2027, or such claims are deemed to be abandoned.

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

Section 1. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A claimant of any vested water right must submit, on a form prescribed by the State Engineer, proof of the claim to the State Engineer on or before December 31, 2027. If a claimant fails to file such proof on or before December 31, 2027, the claim shall be deemed to be abandoned.

2. Until December 31, 2027, the State Engineer shall cause notice of the provisions of subsection 1 to be:

(a) Published annually for 4 consecutive weeks in ~~[four or more newspapers]~~ at least one newspaper of general circulation within the boundaries of each groundwater basin throughout the State.

(b) Posted on the Internet website maintained by the State Engineer.

Sec. 2. NRS 533.095 is hereby amended to read as follows:

533.095 1. As soon as practicable after the State Engineer shall make and enter the order granting the petition or selecting the streams upon which the determination of rights is to begin, the State Engineer shall prepare a notice setting forth the fact of the entry of the order and of the pendency of the proceedings.

2. The notice shall:

(a) Name a date when the State Engineer or the State Engineer's assistants shall begin the examination.

(b) Set forth that all claimants to rights in the waters of the stream system are required, as provided in this chapter, to make proof of their claims ~~[.]~~ , *except claimants who submitted proof of their claims pursuant to section 1 of this act.*

3. The notice shall be published for a period of 4 consecutive weeks in one or more newspapers of general circulation within the boundaries of the stream system.

Sec. 3. NRS 533.095 is hereby amended to read as follows:

533.095 1. As soon as practicable after the State Engineer shall make and enter the order granting the petition or selecting the streams upon which the determination of rights is to begin, the State Engineer shall prepare a notice setting forth the fact of the entry of the order and of the pendency of the proceedings.

2. The notice shall ~~[:~~

~~(a) Name]~~ *name* a date when the State Engineer or the State Engineer's assistants shall begin the examination.

~~[(b) Set forth that all claimants to rights in the waters of the stream system are required, as provided in this chapter, to make proof of their claims, except claimants who submitted proof of their claims pursuant to section 1 of this act.]~~

3. The notice shall be published for a period of 4 consecutive weeks in one or more newspapers of general circulation within the boundaries of the stream system.

Sec. 4. NRS 533.105 is hereby amended to read as follows:

533.105 1. If satisfactory data are available from the measurements and areas compiled by the United States Geological Survey or other persons, the State Engineer may dispense with the execution of such surveys and the preparation of such maps and stream measurements, except insofar as is necessary to prepare them to conform with the rules and regulations, as provided in NRS 533.100.

2. If the surveys are executed and maps are prepared and filed with the State Engineer at the instance of the person claiming a right to the use of water, the proportionate cost thereof, as determined by the State Engineer, to be assessed and collected for the adjudication of the relative rights, as provided in this chapter, shall be remitted to the claimant after the completion of the determination; but the map must conform with the rules and regulations of the State Engineer and shall be accepted only after the State Engineer is satisfied that the data shown thereon are substantially correct. Such measurements, maps and determinations shall be exhibited for inspection ~~[at the time of taking proofs and]~~ during the period during which ~~[such]~~ proofs *of claims* and evidence are kept open for inspection in accordance with the provisions of this chapter.

Sec. 5. NRS 533.110 is hereby amended to read as follows:

533.110 1. Upon the filing of such measurements, maps and determinations, the State Engineer shall prepare a notice setting forth the date when the State Engineer is to commence the taking of proofs *, except proofs submitted pursuant to section 1 of this act,* as to the rights in and to the waters of the stream system, and the date prior to which the same must be filed. The date set prior to which the proofs must be filed shall not be less than 60 days from the date set for the commencement of the taking of proofs. The notice shall be deemed to be an order of the State Engineer as to its contents. The State Engineer shall cause the notice to be published for a period of 4 consecutive weeks in one or more newspapers of general circulation within the boundaries of the stream system, the date of the last publication of the notice to be not less than 15 days prior to the date fixed for the commencement of the taking of proofs by the State Engineer.

2. At or near the time of the first publication of the notice, the State Engineer shall send by registered or certified mail to each person, or deliver to each person, in person, hereinafter designated as claimant, claiming rights in or to the waters of the stream system, insofar as such claimants can be

reasonably ascertained, *who has not submitted proof pursuant to section 1 of this act*, a notice equivalent in terms to the published notice setting forth the date when the State Engineer will commence the taking of proofs, and the date prior to which proofs must be filed with the State Engineer. The notice must be mailed at least 30 days prior to the date fixed for the commencement of the taking of proofs.

Sec. 6. NRS 533.115 is hereby amended to read as follows:

533.115 The State Engineer shall, in addition, enclose with the notice to be mailed as provided in NRS 533.110, blank forms upon which ~~[the]~~ *a* claimant *who has not submitted proof pursuant to section 1 of this act* shall present in writing all particulars necessary for the determination of the claimant's right in or to the waters of the stream system, the statement to include the following:

1. The name and post office address of the claimant.

2. The nature of the right or use on which the claim for appropriation is based.

3. The time of the initiation of such right and a description of works of diversion and distribution.

4. The date of beginning of construction.

5. The date when completed.

6. The dates of beginning and completion of enlargements.

7. The dimensions of the ditch as originally constructed and as enlarged.

8. The date when water was first used for irrigation or other beneficial purposes and, if used for irrigation, the amount of land reclaimed the first year, the amount in subsequent years, with the dates of reclamation, and the area and location of the lands which are intended to be irrigated.

9. The character of the soil and the kind of crops cultivated, the number of acre-feet of water per annum required to irrigate the land, and such other facts as will show the extent and nature of the right and compliance with the law in acquiring the same, as may be required by the State Engineer.

Sec. 7. NRS 533.120 is hereby amended to read as follows:

533.120 1. Each claimant shall be required to certify to his or her statement *presented pursuant to NRS 533.115* under oath. The State Engineer and the State Engineer's assistants authorized to take proofs are hereby authorized to administer such oaths.

2. Oaths shall be administered and blank forms furnished by the State Engineer and the State Engineer's assistants without charge.

Sec. 8. NRS 533.125 is hereby amended to read as follows:

533.125 1. The State Engineer shall commence the taking of *any* proofs *not submitted pursuant to section 1 of this act* on the date fixed and named in the notice provided for in NRS 533.110 for the commencement of the taking of proofs. The State Engineer shall proceed therewith during the period fixed by the State Engineer and named in the notice, after which no proofs shall be received by or filed by the State Engineer. The State Engineer may, in his or her discretion, for cause shown, extend the time in which proofs may be filed.

2. Upon neglect or refusal of any person to make proof of his or her claim or rights in or to the waters of such stream system, as required by this chapter, prior to the expiration of the period fixed by the State Engineer during which proofs may be filed, the State Engineer shall determine the right of such person from such evidence as the State Engineer may obtain or may have on file in the Office of the State Engineer in the way of maps, plats, surveys and transcripts, and exceptions to such determination may be filed in court, as provided in this chapter.

Sec. 9. NRS 533.140 is hereby amended to read as follows:

533.140 1. As soon as practicable , ~~[after the expiration of the period fixed in which proofs may be filed,]~~ the State Engineer shall assemble all proofs *related to the stream or stream system* which have been filed with the State Engineer ~~[,]~~ and prepare, certify and have printed an abstract of all such proofs. The State Engineer shall also prepare from the proofs and evidence taken or given before the State Engineer, or obtained by the State Engineer, a preliminary order of determination establishing the several rights of claimants to the waters of the stream.

2. When the abstract of proofs and the preliminary order of determination is completed, the State Engineer shall then prepare a notice fixing and setting a time and place when and where the evidence taken by or filed with the State Engineer and the proofs of claims must be open to the inspection of all interested persons, the period of inspection to be not less than 20 days. The notice shall be deemed an order of the State Engineer as to the matters contained therein.

3. A copy of the notice, together with a printed copy of the preliminary order of determination and a printed copy of the abstract of proofs, must be delivered by the State Engineer, or sent by registered or certified mail, at least 30 days before the first day of such period of inspection, to each person who has ~~[appeared and]~~ filed proof ~~[, as provided in this section.]~~ *related to the stream or stream system.*

4. The State Engineer shall be present at the time and place designated in the notice and allow, during that period, any persons interested to inspect such evidence and proof as have been filed with ~~[or taken by]~~ the State Engineer in accordance with this chapter.

Sec. 10. NRS 533.250 is hereby amended to read as follows:

533.250 1. Any and all maps, plats, surveys and evidence on file in the Office of the State Engineer relating to any proof of appropriation involved in the proceeding for the determination of the relative rights in and to the waters of any stream system, obtained or filed under the provisions of this chapter or any preceding act relating to the Office of State Engineer, shall be admissible in court and shall have the same force and effect as though obtained and submitted under the provisions of this chapter.

2. At least 90 days prior to the rendering of his or her order of determination of the relative rights in and to the waters of any stream system, the State Engineer shall notify all parties in interest of his or her intention to

consider such maps, plats and evidence, and of his or her intention to submit the findings of the State Engineer to the court under the provisions of this chapter. ~~[The notice shall be given in the manner prescribed in NRS 533.110.]~~

3. Within 60 days after such notice, any party in interest may file with the State Engineer any additional or supplementary maps, plats, surveys or evidence, or objections to the admissibility of any evidence hitherto presented and on file in the office of the State Engineer, in relation to his or her claim of water right or adverse to the claim or claims of the water right of any other party or parties in interest, in order so to perfect his or her claim in accordance with the provisions of this chapter, and the State Engineer shall consider the whole thereof in rendering such order of determination, and the same shall become a part of the record which shall be submitted to the court as provided by NRS 533.165 to 533.235, inclusive.

Sec. 11. NRS 533.364 is hereby amended to read as follows:

533.364 1. In addition to the requirements of NRS 533.370, before approving an application for an interbasin transfer of more than 250 acre-feet of groundwater from a basin which the State Engineer has not previously inventoried or for which the State Engineer has not conducted, or caused to be conducted, a study pursuant to NRS 532.165 or 533.368, the State Engineer or a person designated by the State Engineer shall conduct an inventory of the basin from which the water is to be exported. The inventory must include:

(a) The total amount of surface water and groundwater appropriated in accordance with a decreed, certified or permitted right;

(b) An estimate of the amount and location of all surface water and groundwater that is available for appropriation in the basin; and

(c) The name of each owner of record set forth in the records of the Office of the State Engineer for each decreed, certified or permitted right in the basin.

2. The provisions of this section do not:

(a) Require the State Engineer to initiate or complete a determination of the surface water or groundwater rights pursuant to NRS 533.090 to 533.320, inclusive, *and section 1 of this act,* or to otherwise quantify any vested claims of water rights in the basin before approving an application for an interbasin transfer of groundwater from the basin; or

(b) Prohibit the State Engineer from considering information received from or work completed by another person to include in the inventory, if the inventory is otherwise conducted in accordance with the provisions of subsection 1.

3. The State Engineer shall charge the applicant a fee to cover the cost of the inventory. The amount of the fee must not exceed the cost to the State Engineer of conducting the inventory.

4. The State Engineer shall complete any inventory conducted pursuant to subsection 1 within 1 year after commencing the inventory.

Sec. 12. NRS 533.110, 533.115, 533.120 and 533.125 are hereby repealed.

Sec. 13. 1. This section and sections 1, 2, 5 to 8, inclusive, and 11 of this act become effective on July 1, 2017.

2. Sections 3, 4, 9, 10 and 12 of this act become effective on January 1, 2028.

LEADLINES OF REPEALED SECTIONS

533.110 Notice of commencement of taking of proofs as to rights; time for filing; publication and mailing of notice.

533.115 Blank forms enclosed with notice; contents of statement.

533.120 Statements to be certified under oath; no fee for administering or furnishing blank form.

533.125 Commencement of taking of proofs; extension of time; determination of rights if claimant neglects or refuses to make proof.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 119 to Senate Bill No. 270 clarifies that the required notice by the State Engineer regarding proofs of vested claims must be published annually for four consecutive weeks in at least one newspaper of general circulation within the boundaries of each groundwater basin throughout the State.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 290.

Bill read second time and ordered to third reading.

Senate Bill No. 295.

Bill read second time and ordered to third reading.

Senate Bill No. 306.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 218.

SUMMARY—Revises provisions relating to offenders. (BDR 16-298)

AN ACT relating to offenders; expanding the authorization for offenders to have access to telecommunications devices under certain circumstances; directing the Board of State Prison Commissioners to create a pilot program of education and training for certain offenders; setting forth the goals and functions of the pilot program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits offenders from having access to telecommunications devices except under certain circumstances. (NRS 209.417) Section 1 of this bill authorizes: (1) an offender to use a telecommunications device for visits and correspondence under certain circumstances; and (2) the Director of the Department of Corrections to adopt regulations, with the approval of the Board of State Prison Commissioners, governing the use of telecommunications devices for certain purposes related to education and employment.

Existing law requires the Board of State Prison Commissioners to adopt regulations to establish programs of general education, vocational education and training and other rehabilitation for offenders. (NRS 209.389) Section 3 of this bill provides for the development, creation and operation of a pilot program that will operate in this State from July 1, 2017, through June 30, ~~[2021.]~~ 2019, and focus its efforts on a program of education and training for certain offenders.

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

Section 1. NRS 209.417 is hereby amended to read as follows:

209.417 1. Except as otherwise provided in this section, the warden or manager of an institution or facility shall ensure that no offender in the institution or facility, or in a vehicle of the Department, has access to a telecommunications device.

2. *An offender, if authorized pursuant to NRS 209.423, may use a telecommunications device for visits and correspondence between the offender and appropriate friends, relatives and others, subject to the limitations set forth in NRS 209.419.*

3. An offender may use a telephone or, for the purpose of communicating with his or her child pursuant to NRS 209.42305, any other approved telecommunications device subject to the limitations set forth in NRS 209.419.

~~[3.]~~ *4.* The ~~[Department]~~ *Director* may ~~[enter into an agreement with]~~ , *with the approval of the Board, adopt regulations authorizing* an offender who is assigned to transitional housing, a center for the purpose of making restitution pursuant to NRS 209.4827 to 209.4843, inclusive, or a specific program of education or vocational training ~~[authorizing the offender]~~ to use a telecommunications device:

(a) To access a network, including, without limitation, the Internet, for the purpose of:

(1) Obtaining educational or vocational training that is approved by the Department;

(2) Searching for or applying for employment; or

(3) Performing essential job functions.

(b) For any other purpose if a telecommunications device is required by an employer of the offender to perform essential job functions.

~~[4.]~~ *5.* As used in this section, "telecommunications device" means a device, or an apparatus associated with a device, that can enable an offender to communicate with a person outside of the institution or facility at which the offender is incarcerated. The term includes, without limitation, a telephone, a cellular telephone, a personal digital assistant, a transmitting radio or a computer that is connected to a computer network, is capable of connecting to a computer network through the use of wireless technology or is otherwise capable of communicating with a person or device outside of the institution or facility.

Sec. 1.5. NRS 212.165 is hereby amended to read as follows:

212.165 1. A person shall not, without lawful authorization, knowingly furnish, attempt to furnish, or aid or assist in furnishing or attempting to furnish to a prisoner confined in an institution or a facility of the Department of Corrections, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A person shall not, without lawful authorization, carry into an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, a portable telecommunications device. A person who violates this subsection is guilty of a misdemeanor.

3. A prisoner confined in an institution or a facility of the Department, or any other place where prisoners are authorized to be or are assigned by the Director of the Department, shall not, without lawful authorization, possess or have in his or her custody or control a portable telecommunications device. A prisoner who violates this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. A prisoner confined in a jail or any other place where such prisoners are authorized to be or are assigned by the sheriff, chief of police or other officer responsible for the operation of the jail, shall not, without lawful authorization, possess or have in his or her custody or control a portable telecommunications device. A prisoner who violates this subsection and who is in lawful custody or confinement for a charge, conviction or sentence for:

(a) A felony is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A gross misdemeanor is guilty of a gross misdemeanor.

(c) A misdemeanor is guilty of a misdemeanor.

5. A sentence imposed upon a prisoner pursuant to subsection 3 or 4:

(a) Is not subject to suspension or the granting of probation; and

(b) Must run consecutively after the prisoner has served any sentences imposed upon the prisoner for the offense or offenses for which the prisoner was in lawful custody or confinement when the prisoner violated the provisions of subsection 3 or 4.

6. A person who was convicted and sentenced pursuant to subsection 4 may file a petition, if the underlying charge for which the person was in lawful custody or confinement has been reduced to a charge for which the penalty is less than the penalty which was imposed upon the person pursuant to subsection 4, with the court of original jurisdiction requesting that the court, for good cause shown:

(a) Order that his or her sentence imposed pursuant to subsection 4 be modified to a sentence equivalent to the penalty imposed for the underlying charge for which the person was convicted; and

(b) Resentence him or her in accordance with the penalties prescribed for the underlying charge for which the person was convicted.

7. A person who was convicted and sentenced pursuant to subsection 4 may file a petition, if the underlying charge for which the person was in lawful custody or confinement has been declined for prosecution or dismissed, with the court of original jurisdiction requesting that the court, for good cause shown:

(a) Order that his or her original sentence pursuant to subsection 4 be reduced to a misdemeanor; and

(b) Resentence him or her in accordance with the penalties prescribed for a misdemeanor.

8. No person has a right to the modification of a sentence pursuant to subsection 6 or 7, and the granting or denial of a petition pursuant to subsection 6 or 7 does not establish a basis for any cause of action against this State, any political subdivision of this State or any agency, board, commission, department, officer, employee or agent of this State or a political subdivision of this State.

9. As used in this section:

(a) "Facility" has the meaning ascribed to it in NRS 209.065.

(b) "Institution" has the meaning ascribed to it in NRS 209.071.

(c) "Jail" means a jail, branch county jail or other local detention facility.

(d) "Telecommunications device" has the meaning ascribed to it in subsection ~~[4]~~ 5 of NRS 209.417.

Sec. 2. The Legislature finds and declares that:

1. It is in the interest of the State to enhance the existing programs of education and training for certain offenders for the purpose of:

(a) Increasing employment and education opportunities for offenders who are released from custody; and

(b) Reducing the risk of recidivism.

2. Offenders convicted of a crime under the laws of this State and sentenced to imprisonment in the state prison:

(a) Should be offered education and training to prepare the offender for a seamless transition to higher education upon release from custody; and

(b) Who receive such education and training will improve his or her quality of life.

3. It is the intent of the Legislature that resources be provided for the operation of the pilot program described in section 3 of this act.

4. The purpose of the pilot program described in section 3 of this act is to reduce future costs to this State and increase the employability of offenders by enhancing the programs of education and training for certain offenders.

Sec. 3. 1. The Board in consultation with the College of Southern Nevada shall develop, create and administer a pilot program of education and training for certain offenders with a view towards increasing the employability of those offenders.

2. Under the auspices of the pilot program, the College of Southern Nevada shall, in cooperation with the Board:

(a) Expand opportunities for offenders in Clark County to:

(1) Successfully complete the high school equivalency assessment provided by the State Board of Education;

(2) Participate in programs related to college and career readiness;

(3) Receive vocational education and training; and

(4) Receive counseling related to the reentry of offenders;

(b) Provide job placement assistance to offenders upon release of custody; and

(c) Partner with the Department of Employment, Training and Rehabilitation, other local agencies and nonprofit organizations whose purpose is to provide counseling, services and assistance relating to the reentry of offenders.

3. To the extent possible, the pilot program must:

(a) Establish the conditions under which an offender may be selected to participate in the pilot program; and

(b) Be conducted with the goal of selecting 50 female offenders and 50 male offenders to participate in the pilot program.

4. As used in this section:

(a) "Board" means the Board of State Prison Commissioners as defined by Section 21 of Article 5 of the Nevada Constitution.

(b) "Offender" means any person convicted of a crime under the laws of this State and sentenced to imprisonment in the state prison.

Sec. 4. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $300,000 to allow the College of Southern Nevada to carry out the pilot program of education and training for certain offenders pursuant to section 3 of this act.

Sec. 5. Any remaining balance of the appropriation made by section 4 of this act must not be committed for expenditure after June 30, ~~[2021,]~~ 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September ~~[17, 2021,]~~ 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September ~~[17, 2021.]~~ 20, 2019.

Sec. 6. 1. This act becomes effective upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act, and on July 1, 2017, for all other purposes.

2. Sections 2 and 3 of this act expire by limitation on June 30, ~~[2021.]~~ 2019.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 218 to Senate Bill No. 306 revises the sunset date for the offender education and training pilot program from June 30, 2021, to June 30, 2019.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 325.
Bill read second time and ordered to third reading.

Senate Bill No. 337.
Bill read second time and ordered to third reading.

Senate Bill No. 362.
Bill read second time and ordered to third reading.

Senate Bill No. 376.
Bill read second time and ordered to third reading.

Senate Bill No. 379.
Bill read second time and ordered to third reading.

Senate Bill No. 383.
Bill read second time and ordered to third reading.

Senate Bill No. 400.
Bill read second time and ordered to third reading.

Senate Bill No. 408.
Bill read second time and ordered to third reading.

Senate Bill No. 426.
Bill read second time and ordered to third reading.

Senate Bill No. 434.
Bill read second time and ordered to third reading.

Senate Bill No. 454.
Bill read second time and ordered to third reading.

Senate Bill No. 460.
Bill read second time and ordered to third reading.

Senate Bill No. 465.
Bill read second time and ordered to third reading.

Senate Bill No. 470.
Bill read second time and ordered to third reading.

Senate Bill No. 473.
Bill read second time and ordered to third reading.

Senate Bill No. 476.
Bill read second time and ordered to third reading.

Senate Bill No. 478.
Bill read second time and ordered to third reading.

Senate Bill No. 493.

Bill read second time and ordered to third reading.

Senate Bill No. 512.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 178.

SUMMARY—Revises provisions relating to fees for the use of certain state lands. (BDR 26-906)

AN ACT relating to state lands; requiring the State Land Registrar to establish certain fees by regulation for the use of state lands; revising provisions relating to the accounting and use of the proceeds of certain fees for the use of state lands; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Land Registrar is required to charge fees in certain amounts for the use of certain state lands. (NRS 322.110, 322.120) Sections 1 and 2 of this bill require the State Land Registrar to establish the amount of these fees by regulation. Section 5 of this bill provides that the existing fees remain in effect until the State Land Registrar has established such fees by regulation.

Under existing law, the proceeds of certain fees for authorization to use certain state lands must be paid to the State General Fund. Section 4 of this bill provides that the proceeds of certain fees relating to navigable bodies of water that are in excess of $50,000 must be accounted for separately and used by the State Land Registrar to carry out programs to preserve, protect, restore and enhance the natural environment of the Lake Tahoe Basin.

WHEREAS, The Legislature of the State of Nevada by chapter 459, Statutes of Nevada 1993, established a fee schedule in 1993 for the application for and use of lands owned by the State, including, without limitation, sovereign lands under navigable waters, which was incorporated in Nevada Revised Statutes as NRS 322.110 and 322.120; and

WHEREAS, The Legislature of the State of Nevada amended the statutes establishing the fee schedule in 1995 by chapters 293 and 645, Statutes of Nevada 1995; and

WHEREAS, This fee schedule has not been modified since 1995; and

WHEREAS, The fees charged under this fee schedule are less than the fair market value for the use of state land and less than what other western states and agencies charge for comparable uses; and

WHEREAS, The State Land Registrar is authorized to charge a nonrefundable application fee and annual use fee for various uses of state land pursuant to NRS 322.110 and 322.120; and

WHEREAS, The fees charged by the State Land Registrar require modification in order to enable the State Land Registrar to charge a more appropriate fee for the application for and use of state lands; now, therefore,

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

Section 1. NRS 322.110 is hereby amended to read as follows:

322.110 1. Except as otherwise provided in this section or by specific statute, the State Land Registrar shall charge ~~[the following nonrefundable fees:]~~ *a nonrefundable fee in an amount established by regulation for the following:*

(a) For the consideration of an application for the issuance of any lease, easement, permit, license or other authorization for:

(1) Any commercial use of state land other than an agricultural use . ~~[, a fee of $200.]~~

(2) Any agricultural use of state land . ~~[, a fee of $150.]~~

(3) Any other use of state land . ~~[, a fee of $100.]~~

(b) For the consideration of an application for the amendment of any lease, easement, permit, license or other authorization for:

(1) Any commercial use of state land other than an agricultural use . ~~[, a fee of $100.]~~

(2) Any agricultural use of state land . ~~[, a fee of $75.]~~

(3) Any other use of state land . ~~[, a fee of $50.]~~

2. The State Land Registrar shall charge a nonrefundable fee ~~[of $10]~~ *in an amount established by regulation* for the consideration of an application for the issuance or amendment of a permit to engage in recreational dredging.

3. The State Land Registrar may waive any fee for the consideration of an application regarding any permit, license or other authorization for the use of state land for which no fee is charged.

Sec. 2. NRS 322.120 is hereby amended to read as follows:

322.120 Except as otherwise provided *in this section or* by specific statute, the State Land Registrar shall charge *a fee in an amount established by regulation* for the issuance of:

1. A permit for:

(a) The commercial use of a pier or other facility for loading passengers on vessels in a navigable body of water . ~~[, a fee of $125 per year.]~~

(b) The multiple residential use of a pier or other facility for loading passengers on vessels in a navigable body of water . ~~[, a fee of $62.50 per year.]~~

(c) The single residential use of a pier or other facility for loading passengers on vessels in a navigable body of water . ~~[, a fee of $50 per year.]~~

(d) Any other use of a pier or other facility for loading passengers on vessels in a navigable body of water . ~~[, a fee of $62.50 per year.]~~

2. A permit for:

(a) The commercial use:

(1) Of a boat hoist, boat house, boat ramp, boat slip, deck or a similar device or structure in or on a navigable body of water, ~~[a fee of $50 per year,]~~ except that no fee may be charged for a boat hoist, boat house or deck which is attached to a pier.

(2) Of a mooring buoy or similar device for mooring vessels in or on a navigable body of water . ~~[, a fee of $10 per month or $100 per year.]~~

(b) Any other use:

(1) Of a boat hoist, boat house, boat ramp, boat slip, deck or a similar device or structure in or on a navigable body of water, ~~[a fee of $25 per year,]~~ except that no fee may be charged for a boat hoist, boat house or deck which is attached to a pier.

(2) Of a mooring buoy or similar device for mooring vessels in or on a navigable body of water . ~~[, a fee of $5 per month or $30 per year.]~~

(c) Any use of a boat-fueling facility in or on a navigable body of water . ~~[, a fee of $250 per year.]~~

Sec. 3. NRS 322.125 is hereby amended to read as follows:

322.125 1. The State Land Registrar shall grant a person credit towards the fee ~~[required]~~ *imposed* pursuant to NRS 322.120 for the commercial use of state land in an amount equal to:

(a) The amount that the total fees charged to that person pursuant to that section for the previous year exceeded one and one-half cents for each gallon of fuel sold plus 5 percent of that person's gross revenue from the commercial use of that state land, excluding the sale of fuel, for that year;

(b) The amount that the United States Forest Service returned to the State of Nevada from money that the person was required to pay pursuant to a lease or permit to use federal land during the previous year which is attributable to revenues earned on land belonging to the State of Nevada; and

(c) The difference between the fee for a permit for commercial use and the fee for a permit for multiple residential use if during the previous year the person paid the fee for a permit for commercial use but did not conduct that commercial use.

2. A person who is eligible for a credit pursuant to subsection 1 shall demonstrate to the satisfaction of the State Land Registrar that the person is entitled to such a credit.

3. If the amount of a credit granted pursuant to this section exceeds the amount of the fee imposed pursuant to NRS 322.120 for the year in which the credit will be used, the excess credit is forfeited and the State Land Registrar shall not grant a refund or apply the credit to any other year.

Sec. 4. NRS 322.160 is hereby amended to read as follows:

322.160 The proceeds of any fee charged pursuant to NRS 322.100 to 322.130, inclusive, must be accounted for by the State Land Registrar and:

1. If the fee is for any authorization to use land granted to the State by the Federal Government for educational purposes, the proceeds must be paid into the State Treasury for credit to the State Permanent School Fund.

2. If the fee is for any authorization to use any other state land, *except as otherwise provided in this subsection,* the proceeds must be paid into the State Treasury for credit to the State General Fund. *If the proceeds of the fees charged pursuant to NRS ~~[322.110 and]~~ 322.120 to use any other state land exceed $50,000 in any fiscal year, the amount which is in excess of $50,000*

must be accounted for separately and used by the State Land Registrar to carry out programs to preserve, protect, restore and enhance the natural environment of the Lake Tahoe Basin.

Sec. 5. Notwithstanding the amendatory provisions of this act, the fees set forth in NRS 322.110 and 322.120, as those sections existed on June 30, 2017, remain in effect until the regulations establishing fees pursuant to NRS 322.110 and 322.120, as amended by sections 1 and 2 of this act, respectively, are adopted by the State Land Registrar and filed with the Secretary of State.

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

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 178 to Senate Bill No. 512 removes the reference to NRS 322.110 to clarify that the application fees and any revenue generated from NRS 322.110 authority will continue to be deposited into the General Fund.

Amendment adopted.

Senator Cancela moved that the bill be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 515.

Bill read second time and ordered to third reading.

Senate Bill No. 517.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 170.

SUMMARY—Establishes the Nevada ~~[Transportation]~~ State Infrastructure Bank. (BDR 35-602)

AN ACT relating to ~~[transportation;]~~ state financial administration; establishing the Nevada ~~[Transportation]~~ State Infrastructure Bank; providing for governance of the Bank by a Board of Directors; establishing the powers and duties of the Board; providing for administration of the Bank by an Executive Director; establishing the powers and duties of the Executive Director; authorizing the Bank to perform certain acts in connection with the financing of certain transportation facilities ~~[,]~~ and utility infrastructure; authorizing certain governmental entities to perform certain acts in connection with certain transportation facilities ~~[,]~~ and utility infrastructure; providing civil immunity for certain persons for certain official actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-36 of this bill establish the Nevada ~~[Transportation]~~ State Infrastructure Bank. The purpose of the Bank is to provide loans and other financial assistance to various units of State and local government for the

development, construction, improvement, operation and ownership of certain transportation facilities ~~[.]~~ and utility infrastructure. Section 19 creates the Bank within the Department of Transportation and provides for its governance by a Board of Directors. Section 20 establishes certain powers and duties of the Board. These powers include the authority to accept money appropriated by the Legislature, made available by the Federal Government and provided by certain other sources. Section 20 further authorizes the Bank to issue bonds or other securities to raise money to carry out its statutory purposes and powers. Section 21 provides for the appointment by the Governor of an Executive Director to administer, manage and conduct the affairs of the Bank and establishes the powers and duties of the Executive Director. Section 22 creates the Nevada ~~[Transportation]~~ State Infrastructure Bank Fund to be administered by the Board and used exclusively to capitalize and carry on the business of the Bank.

Section 23 establishes certain procedures relating to: (1) applications for a loan or other financial assistance from the Bank in connection with a project to develop, construct, improve, operate or own a transportation facility ~~[,]~~ or utility infrastructure; (2) determination by the Executive Director of eligible projects; and (3) selection by the Board of Directors of projects that qualify to obtain such a loan or assistance. Section 24 requires a borrower whose project is qualified to receive a loan or other financial assistance to enter into a financing agreement with the Bank and, in the case of a loan, to issue some kind of security to the Bank that evidences the borrower's obligation to repay the loan.

Section 25 authorizes the Bank to ~~[act as an insurer or reinsurer]~~ provide or arrange or enter into an agreement for insurance or reinsurance in connection with a loan or satisfaction of a related obligation made by the Bank. Section 26 authorizes the Bank to provide security for any revenue bonds issued by the Bank.

Section 27 provides that any debt or obligation issued by the Bank is not a debt, liability or obligation of this State or of any political subdivision thereof, or a pledge of the faith and credit of this State or a political subdivision, other than the Bank itself.

Section 28 provides that if a borrower who has received a loan from the Bank fails to make a payment of any money owed to the Bank, the Bank may, under certain circumstances, require other state agencies that are in possession of State or other money that is allotted or appropriated to the borrower to withhold that money from that borrower and apply an amount necessary to pay the amount due.

Section 29 provides a grant of immunity from civil liability to the officers and employees of the Bank for certain official acts under certain circumstances. Section 30 exempts the Bank from all notice, publication, hearing and other procedural requirements that may otherwise apply to its actions. Section 31 exempts the property of the Bank and its income from

taxation, and section 32 exempts the bonds and other securities issued by the Bank from most forms of taxation.

Section 33 provides that any authority given to a qualified borrower to issue bonds by this bill is supplemental to, and not in lieu of, any existing authority to issue bonds.

Section 34 also provides that the provisions of this bill are intended to supplement, not supplant, other existing laws concerning the development, construction, improvement, operation and ownership of transportation facilities and utility infrastructure and the issuance of bonds and other securities by this State and political subdivisions thereof. However, section 34 also provides that if there is a conflict between those laws and this bill, the provisions of this bill control.

Section 35 requires the Board of Directors of the Bank to submit an annual report concerning its operations to the Governor and the Legislature.

Section 36 authorizes the Department of Transportation, to the extent that money is available for that purpose, to provide technical advice, support and assistance to the Bank.

Sections 37-42 of this bill make various conforming changes.

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

Section 1. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 36, inclusive, of this act.

Sec. 2. *As used in sections 2 to 36, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to ~~[18,]~~ 18.5, inclusive, of this act, have the meanings ascribed to them in those sections.*

Sec. 3. *"Bank" means the Nevada ~~[Transportation]~~ State Infrastructure Bank created by section 19 of this act.*

Sec. 4. *"Board of Directors" means the Board of Directors of the Bank established pursuant to section 19 of this act.*

Sec. 5. *"Eligible costs" means ~~[:~~*

~~1. As]~~ , as applied to a qualified project to be financed from ~~[the]~~ :

1. The federal highway account, the costs that are permitted under applicable federal laws, requirements, procedures and guidelines in regard to establishing, operating and providing assistance from the Bank.

2. ~~[As applied to a qualified project to be financed from the]~~ The state and local highway account, the costs necessary for the qualified project, including, without limitation, the costs of preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, facilities and other costs necessary for the qualified project.

3. ~~[As applied to any qualified project to be financed from a]~~ The federal utility infrastructure account, the costs necessary for the qualified projects, including, without limitation, the costs of preliminary engineering studies, environmental studies, property right acquisition, legal and financial services

associated with the development of the qualified project, construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.

4. A federal nonhighway account, the costs that are permitted under applicable federal laws, requirements, procedures and guidelines which may include, without limitation, the costs of preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.

[4. As applied to any qualified project to be financed from a]

5. A state and local nonhighway account, the costs necessary for the qualified project, including, without limitation, the costs of preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.

6. The state and local utility infrastructure account, the costs necessary for the qualified project, including, without limitation, the costs of preliminary engineering studies, environmental studies, property right acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, equipment, facilities and other nonoperating costs necessary for the qualified project.

Sec. 6. *"Eligible project" means the development, construction, repair, improvement, operation or ownership of a transportation facility [.] or utility infrastructure.*

Sec. 7. *"Executive Director" means the Executive Director of the Bank appointed pursuant to section 21 of this act.*

Sec. 8. *"Federal highway account," ["and] "federal nonhighway account" and "federal utility infrastructure account" mean the federal highway account, [and all] any federal nonhighway [accounts] account and the federal utility infrastructure account established pursuant to section 22 of this act.*

Sec. 9. *1. "Financing agreement" means any agreement entered into between the Bank and a qualified borrower pertaining to a loan or other financial assistance for a qualified project and may include nonfinancial provisions relating to the qualified project, including, without limitation, terms and conditions relating to the regulation and supervision of a qualified project.*

2. The term includes, without limitation, a loan agreement, a trust indenture, a security agreement, a reimbursement agreement, a guarantee agreement, a bond or note, and an ordinance, resolution or similar instrument.

Sec. 10. *"Governmental unit" means:*

1. The State of Nevada, including, without limitation, any board, commission, agency, department, division or instrumentality thereof; [and]

2. A political subdivision of the State of Nevada, including, without limitation, a county, city, town, school district, general or local improvement district or a combination of two or more of those entities acting jointly ~~[or]~~ , including, without limitation, in conjunction with ~~[an operator of public transit.]~~ a regional transportation commission; and

3. A public or private utility.

Sec. 11. *"Loan" means any form of direct financial assistance that is provided by the Bank to a qualified borrower to defray all or part of the anticipated or actual costs of a qualified project and is required to be repaid by the borrower over a period of time.*

Sec. 12. *"Loan obligation" means a bond, note or other evidence of a qualified borrower's obligation to repay a loan given by the Bank.*

Sec. 13. *"Other financial assistance" means any use of money by the Bank for the benefit of a qualified borrower, including, without limitation, a grant, contribution, credit enhancement, capital or debt reserve for bonds or other debt instrument financing, an interest rate subsidy, letter of credit or other credit instrument, security for a bond or other debt financing instrument and other lawful forms of financing and methods of leveraging funds that are approved by the Board of Directors and, in the case of money made available to the State by the Federal Government, as allowed by applicable federal law.*

Sec. 14. *"Project revenue" means any rate, rent, fee, assessment, charge or other receipt derived or to be derived by a qualified borrower from a qualified project or made available from a special source and, if so provided in the applicable financing agreement, derived from any system of which the qualified project is a part or from any other revenue-producing facility under the ownership or control of the qualified borrower, including, without limitation, the proceeds of a grant, gift, appropriation and loan, including, without limitation the proceeds of a loan made by the Bank, investment earnings, payments to a reserve for capital or current expenses, proceeds of insurance or condemnation and proceeds from the sale or other disposition of property and from any other special source as may be provided by the qualified borrower.*

Sec. 15. *"Qualified borrower" means a governmental unit, or an entity established by agreement between a governmental unit and a private entity, that is authorized to develop, construct, improve, operate or own a qualified project.*

Sec. 16. *"Qualified project" means an eligible project that has been selected by the Bank to receive a loan or other financial assistance.*

Sec. 17. *"State and local highway account ," ~~[" means]~~ "state and local nonhighway account" and "state and local utility infrastructure account" mean the ~~[account for]~~ state and local highway ~~[funds and all accounts for]~~ account, any state and local nonhighway ~~[funds]~~ account and the state and local utility infrastructure account established ~~[by the Bank]~~ pursuant to section 22 of this act.*

Sec. 18. *"Transportation facility" ~~[has the meaning ascribed to it in NRS 408.5471 and also]~~ means any existing, enhanced, upgraded or new facility used or useful for the safe transport of persons, information or goods by one or more modes of transport, including, without limitation, a road, railroad, bridge, tunnel, overpass, mass transit, light rail, commuter rail, conduit, ferry, boat, vessel, intermodal or multimodal system, a system using autonomous technology, as defined in NRS 482A.025, and any rights-of-way necessary for the facility. The term includes ~~[all]~~ :*

1. Related or ancillary facilities used or useful for providing, operating, maintaining or generating revenue for a transportation facility, including, without limitation, administrative buildings, structures, rest areas, maintenance yards and buildings, rail yards, rolling stock, storage facilities, ports of entry, vehicles, control systems, communication systems, information systems, energy systems, parking facilities and other related equipment or property needed or used to support the transportation facility or the transportation of persons, information or goods; and

2. All improvements, including equipment, necessary to the full utilization ~~[thereof,]~~ of a transportation facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead tracks, bridges, causeways, terminals for railroad, automotive and air transportation ~~[,]~~ and transportation facilities incidental to the project . ~~[, and the dredging and improving of harbors and waterways.]~~

Sec. 18.5. "Utility infrastructure" means any infrastructure located off-site from an existing utility which allows for the connection of the utility to the boundary of a master-planned industrial or business park and includes, without limitation, the engineering and construction of the infrastructure.

Sec. 19. *1. The Nevada ~~[Transportation]~~ State Infrastructure Bank is hereby created within the Department.*

2. The purpose of the Bank is to provide loans and other financial assistance to various units of State and local government for the development, construction, improvement, operation and ownership of transportation facilities ~~[,]~~ and utility infrastructure.

3. The Bank is administered by a Board of Directors consisting of ~~[five]~~ seven members as follows:

(a) The ~~[Commissioner of the Division of Financial Institutions]~~ Director of the Department of Business and Industry or his or her designee ; ~~[, who shall serve as Chair of the Board of Directors;]~~

(b) The State Treasurer or his or her designee;

(c) The Director of the Department of Transportation or his or her designee;

(d) The Executive Director of the Office of Economic Development; ~~[and]~~

(e) ~~[A person]~~ The Administrator of the State Public Works Division of the Department of Administration; and

(f) Two representatives of the general public, appointed by the Governor [.] , at least one of whom must reside in a county whose population is 700,000 or more.

➥ *A person designated or appointed to serve as a member of the Board of Directors pursuant to this subsection serves at the pleasure of the officer who designated or appointed him or her.*

4. [Three] The Board shall elect annually, from among its members, a Chair and Vice Chair.

5. Four members of the Board of Directors constitute a quorum for the transaction of business, and the affirmative vote of at least [three] four members of the Board of Directors is required to take action.

[5.] 6. A meeting of the Board of Directors must be conducted in accordance with the provisions of chapter 241 of NRS.

[6. A person designated or appointed to serve as a member of the Board of Directors shall be deemed a public officer or employee and subject to the provisions of chapter 281A of NRS.]

7. Except as otherwise provided in this subsection, members of the Board of Directors serve without compensation, except that each member of the Board of Directors is entitled, while engaged in the business of the Board of Directors, to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses provided to a member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be paid by the state agency or political subdivision that employs him or her. [A] Each member of the Board of Directors who is not an officer or employee of this State or a political subdivision of this State is entitled to receive $100 for each full day of attending a meeting of the Board of Directors.

8. Each member of the Board of Directors who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Board of Directors and perform any work necessary to carry out the duties of the Board of Directors in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Board of Directors to make up the time that he or she is absent from work to carry out his or her duties as a member of the Board of Directors or to use annual vacation or compensatory time for the absence.

Sec. 20. *1. In administering the affairs of the Bank, the Board of Directors has all the powers necessary, useful or appropriate to fund, operate and administer the Bank and to perform its other functions, including, without limitation, the power to:*

(a) Have perpetual succession;

(b) Make, and from time to time amend and repeal bylaws, rules and regulations to carry into effect the powers and purposes of the Bank;

(c) Sue and be sued in the name of the Bank;

(d) Have a seal and alter it at its pleasure, although the failure to affix the seal does not affect the validity of an instrument executed on behalf of the Bank;

(e) Make loans to qualified borrowers to finance the eligible costs of qualified projects and to acquire, hold and sell loan obligations at prices and in a manner as the Board of Directors determines advisable;

(f) Provide qualified borrowers with other financial assistance necessary to defray all or part of the eligible costs of a qualified project;

(g) Enter into contracts, arrangements and agreements with qualified borrowers and other persons and execute and deliver all financing agreements and other instruments necessary or convenient to carry out its statutory purposes and powers;

(h) Enter into agreements with a department, agency or instrumentality of the United States or of this State or another state for the purpose of providing for the financing of qualified projects;

(i) Establish:

(1) Policies and procedures to govern the:

(I) Selection of qualified projects; and

(II) Issuance and administration of loans and other financial assistance provided by the Bank; and

(2) Fiscal controls and accounting procedures to ensure proper accounting and reporting by the Bank and eligible borrowers;

(j) Acquire by purchase, lease, donation or other lawful means property and other assets of every kind and character or any interest in such property or assets and sell, convey, pledge, lease, exchange, transfer and dispose of all or any part of such property and assets;

(k) Procure insurance, guarantees, letters of credit and other forms of collateral or security or credit support for the payment of bonds or other securities issued by the Bank and the payment of premiums or fees on such insurance, guarantees, letters of credit and other forms of collateral or security or credit support;

(l) Collect or authorize the trustee under any trust indenture that secures any bonds or other securities issued by the Bank to collect amounts due from a qualified borrower under any loan obligation owned by the Bank, including, without limitation, taking any lawful action required to obtain payment of any sums in default;

(m) Unless restricted by the terms of an agreement with holders of bonds or other securities issued by the Bank, consent to any modification of the terms of any loan obligations owned by Bank, including, without limitation, the rate of interest, period of repayment and payment of any installment of principal or interest;

(n) Borrow money through the issuance of bonds and other securities as provided in sections 2 to 36, inclusive, of this act;

(o) Incur expenses to obtain accounting, management, legal, financial consulting and other professional services necessary to the operations of the Bank;

(p) Incur expenses for the costs of administering the operations of the Bank;

(q) Establish advisory committees, which may include persons from the private sector with banking and financial expertise;

(r) Procure insurance against losses in connection with the Bank's property, assets or activities, including, without limitation, insurance against liability for any act of the Bank or of its employees or agents, or establish cash reserves to enable the Bank to act as a self-insurer against such losses;

(s) ~~[Collect]~~ Impose and collect fees and charges in connection with a loan or other financial assistance provided by the Bank;

(t) Apply for, receive and accept from any source, aid, grants or contributions of money, property, labor or other things of value to be used to carry out the statutory purposes and powers of the Bank;

(u) Enter into contracts or agreements for the servicing and processing of financial agreements;

(v) Accept and hold, with or without payment of interest, money deposited with the Bank;

(w) Request technical advice, support and assistance from the Department of Transportation; and

(x) Do all other things necessary or convenient to exercise any power granted or reasonably implied by sections 2 to 36, inclusive, of this act.

2. Except as otherwise provided in sections 2 to 36, inclusive, of this act, the Bank may exercise any fiscal power granted to the Bank in sections 2 to 36, inclusive, of this act, without the review or approval of any other department, division or agency of the State or political subdivision thereof.

3. This section does not authorize the Bank to be or conduct business as a:

(a) Bank or trust company within the jurisdiction or under the control of an agency of United States or this State; or

(b) Bank, banker or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange or securities dealers' law of the United States or of this State.

4. The Bank must, before accepting a deposit from any person or governmental unit, provide a notice to the depositor stating that the deposit is not insured by the Federal Deposit Insurance Corporation.

5. For the purposes of this section, the provisions of titles 55 and 56 of NRS do not apply to the Bank.

Sec. 21. *1. The Governor shall appoint an Executive Director of the Bank. The Executive Director is in the unclassified service of the State and serves at the pleasure of the Governor.*

2. The Executive Director shall administer, manage and conduct the business and affairs of the Bank subject to the direction of the Board of Directors, any conditions that the Board of Directors may from time to time

prescribe or as delegated by the Board of Directors. Except as otherwise provided in this subsection, the Executive Director may exercise any power, function or duty conferred by law on the Bank in connection with the administration, management and conduct of the business and affairs of the Bank, including, without limitation:

(a) Hiring such employees in either the classified or unclassified service of the State as are necessary to carry out the statutory purposes and powers of the Bank;

(b) Entering into contracts concerning investments, guarantees or credit enhancements;

(c) Establishing procedures, guidelines, criteria, terms, conditions or other requirements of any contract, bond, loan, grant or other program in order to carry out the intents and purposes of the Bank in authorizing the contract, bond, loan, grant or other program;

(d) Declining to guarantee any risk or to enter into any contract;

(e) Reinsuring any risk or any part of any risk, as provided in section 25 of this act;

(f) Making rules for payments through the Bank and determining to whom and through whom the payments are to be made;

(g) Investing and reinvesting any money belonging to the Bank;

(h) Entering into any contract or agreement, executing any instrument, conducting all business and affairs and performing any act necessary or convenient to carrying out the statutory purposes and powers of the Bank; and

(i) Executing any instrument or performing any act necessary or convenient to carry out his or her duties pursuant to sections 2 to 36, inclusive, of this act.

Sec. 22. *1. The Nevada ~~[Transportation]~~ State Infrastructure Bank Fund is hereby created as an enterprise fund. The Fund is a continuing fund without reversion.*

2. The Fund is administered by the Board of Directors.

3. The Bank may establish accounts and subaccounts within the Fund, but must establish:

(a) A federal highway account;

(b) One or more federal nonhighway accounts;

(c) A state and local highway account; ~~[and]~~

(d) One or more state and local nonhighway accounts ~~[.]~~ ;

(e) A federal utility infrastructure account; and

(f) A state and local utility infrastructure account.

4. Except as otherwise provided in subsection 7, all money received by the Bank pursuant to sections 2 to 36, inclusive, of this act must be deposited in the Fund.

5. The Bank may accept for deposit into the Fund:

(a) Any money appropriated by the Legislature;

(b) Federal funds made available to the State;

(c) Gifts, grants, donations and contributions from a governmental unit, private entity and any other source;

(d) Any money paid or credited to the Bank, by contract or otherwise, including, without limitation:

(1) Payment of principal and interest on a loan or other financial assistance provided to a qualified borrower by the Bank; and

(2) Interest earned from the investment or reinvestment of the Bank's money;

(e) Proceeds from the issuance of bonds or other securities pursuant to section 20 of this act; and

(f) Money from any other lawful source that is made available to the Bank and is not already dedicated for another purpose.

6. The Bank shall comply with all applicable federal law governing the use of federal funds, including, without limitation:

(a) Any conditions or limitations on expenditures;

(b) Reporting; and

(c) The commingling of federal funds.

7. Earnings on balances in the federal accounts must be credited and invested in accordance with federal law. Earnings on state and local accounts must be deposited in the Fund to the credit of the respective state ~~*[or]*~~ *and local highway account* , ~~*[or respective]*~~ *state and local nonhighway account and state and local utility infrastructure account that generates the earnings.*

8. Money in the Fund may be used only:

(a) For the capitalization of the Bank; and

(b) To carry out the statutory purposes and powers of the Bank.

9. A local government may use money from any source that is made available to the local government for the purposes of developing, constructing, improving, operating or owning a transportation facility or utility infrastructure or any other purpose set forth in sections 2 to 36, inclusive, of this act, to make a gift, grant, donation or contribution to the Bank or to satisfy any obligation owed by the local government to the Bank, including, without limitation, payments of principal and interest.

Sec. 23. *1. A governmental unit, or an entity established by agreement between a governmental unit and a private entity that wishes to obtain a loan or other financial assistance from the Bank to develop, construct, improve, operate or own an eligible project must apply to the Bank in the manner prescribed by the Bank.*

2. The Executive Director shall:

(a) Review each application and determine whether the transportation facility or utility infrastructure described in the application is an eligible project; and

(b) As requested by the Board of Directors, submit information to the Board of Directors concerning any eligible project.

3. The Board of Directors shall, from time to time, designate qualified projects from among the eligible projects. The Board of Directors may give preference to an eligible project that has demonstrated local financial support.

4. The Bank may provide a loan and other financial assistance to a qualified borrower to pay for all or part of the eligible costs of a qualified project. The term of the loan or other financial assistance may not exceed the anticipated useful life of the project. A loan or other financial assistance may be provided in anticipation of reimbursement for or direct payment of all or part of the eligible costs of a qualified project.

5. The Bank shall determine the form and content of loan applications, financing agreements and loan obligations, including, without limitation:

(a) The period for repayment and the rate or rates of interest on a loan; and

(b) Any nonfinancial provisions included in a financing statement or loan obligation, including, without limitation, terms and conditions relating to the regulation and supervision of a qualified project.

6. The terms and conditions set forth in a financing agreement or loan obligation for a loan or other financial assistance provided by the Bank with money from a federal account must comply with all applicable federal requirements.

Sec. 24. *1. A qualified borrower that wishes to obtain a loan or other financial assistance from the Bank must enter into a financing agreement with the Bank and may be required to issue a loan obligation to the Bank. Except as otherwise provided by specific statute, a qualified borrower entering into a financing agreement with the Bank or issuing a loan obligation to the Bank may perform any act, take any action, adopt any proceedings and make and carry out any contract or agreement with the Bank as may be agreed to by the Bank and the qualified borrower for carrying out the purposes contemplated by sections 2 to 36, inclusive, of this act.*

2. A qualified borrower may, in addition to any authorization set forth in this section, use any authorization granted by any other statute that permits the qualified borrower to borrow money and issue obligations in obtaining a loan or other financial assistance from the Bank to the extent determined necessary or useful by the qualified borrower in connection with any financing agreement and the issuance, securing or sale of a loan obligation to the Bank.

3. A qualified borrower may:

(a) Receive, apply, pledge, assign and grant security interests in its project revenues to secure its obligations as provided in sections 2 to 36, inclusive, of this act; and

(b) Fix, revise, charge and collect fees, rates, rents, assessments and other charges of general or special application for the operation or services of a qualified project, the system of which it is a part and any other revenue-producing facilities from which the qualified borrower derives project revenues to meet its obligations under a financing agreement or to otherwise provide for the development, construction, improvement, operation or ownership of a qualified project.

Sec. 25. *1. The Bank may provide insurance or reinsurance for loans or portions thereof made by the Bank to finance a qualified project, or for their debt service, including, without limitation, amounts payable as premiums of*

penalties in the event of mandatory or optional prepayment, and for reserves, or portions thereof, or the yield therefrom, established to secure bonds or other securities issued to fund those loans or reserves.

2. The Bank may:

(a) Arrange an agreement for insurance or reinsurance with a user, mortgagor, lending institution, insurer and any other entity authorized to arrange such agreements in this State; and

(b) Enter into an agreement for insurance or reinsurance with any authorized insurer to reinsure or insure those risks in this State.

3. The Bank may fix a rate or rates of premium for insurance or reinsurance. The rates are not required to be uniform and may reflect any risk and classification of risk that the Bank determines to be reasonable.

4. The Bank may exercise any other power that is necessary or incidental to insurance, reinsurance and related matters.

5. The Bank shall make reasonable provisions for the security of loans made by the Bank, and any insurance, reinsurance and other financing arrangements negotiated by the Bank.

6. Any insurance or reinsurance provided by the Bank does not constitute a debt or pledge of the faith and credit of the State or any subdivision of the State.

7. For the purposes of this section, the provisions of title 57 of NRS do not apply to the Bank . ~~[shall be deemed to be an authorized insurer, as defined in NRS 679A.030, and a reinsurer, as defined in NRS 681A.370, and authorized to transact insurance or reinsurance on the same basis as a holder of a certificate of authority issued by the Commissioner of Insurance.]~~

Sec. 26. *The Bank may provide security for any issue of revenue bonds by the Bank through any commonly-accepted financial instrument, including, without limitation:*

1. A deed of trust on the resources, facilities and revenues of one or more projects;

2. A credit enhancement, including, but not limited to, a letter of credit, bond insurance or surety bond provided by a private financial institution; and

3. Insurance, reinsurance or a guarantee provided by the Bank itself.

Sec. 27. *1. Any obligation to a third person made by the Bank, including, without limitation, a bond or other security issued by the Bank pursuant to section 20 of this act and any insurance, reinsurance or reserve provided by the Bank pursuant to section 25 of this act:*

(a) Does not constitute a debt, liability or obligation of this State or of any political subdivision thereof, or a pledge of the faith and credit of this State or of any political subdivision thereof, but is payable solely from the revenues or assets of the Bank; and

(b) Must contain on the face thereof a statement to the effect that the Bank is not obligated to pay the obligation or any interest thereon except from the revenues or assets, if any, pledged therefor and that neither the faith and credit

nor the taxing power of this State or of any political subdivision thereof is pledged to the payment of the principal of or the interest on the obligation.

2. This section does not prohibit the Bank from:

(a) Pledging the full faith and credit of the Bank for the satisfaction of any obligation to a third person made by the Bank; or

(b) Issuing a bond guarantee or credit enhancement for bonds issued by a qualified borrower.

3. The Bank shall not act as a surety or guarantor for a private utility or any other private entity including, without limitation, an association, company or corporation, and the provisions of sections 2 to 36, inclusive, of this act, must be construed to deem the Bank to be such a surety or guarantor.

Sec. 28. *1. Except as otherwise provided in this section, if a qualified borrower that has obtained a loan or other financial assistance from the Bank fails to remit in full any amount due to the Bank on the date the amount is due under the terms of any note or other loan obligation given to the Bank by the qualified borrower, the Bank shall notify the appropriate state agencies or officers, including, without limitation, the State Controller, who shall withhold all or a portion of any state money or other money administered by the State and its agencies, boards and instrumentalities that is allotted or appropriated to the qualified borrower and apply an amount necessary to the payment of the amount due.*

2. This section does not authorize the State or an agency, board or instrumentality thereof, or the State Controller to withhold any money allocated or appropriated to a qualified borrower if to do so would violate the terms of:

(a) An appropriation by the Legislature;

(b) ~~[The terms of any]~~ Any federal law;

(c) ~~[The terms of a]~~ A contract to which the State is a party; ~~[or]~~

(d) A contract to which a governmental unit or a qualified borrower is a party; or

(e) A judgment of a court that is binding on the State.

Sec. 29. *The Board of Directors and any member thereof, and any officer, employee, agent or committee member is not liable in a civil action for any act performed on behalf of the Bank in good faith and within the scope of their duties or the exercise of their authority pursuant to sections 2 to 36, inclusive, of this act.*

Sec. 30. *Except as otherwise provided in sections 2 to 36, inclusive, of this act, and notwithstanding any other provision of law, the Bank is not required to provide any notice or publication or to conduct any hearing or other proceeding before performing any act authorized in sections 2 to 36, inclusive, of this act.*

Sec. 31. *The Bank is an instrumentality of this State, and its property and income are exempt from all taxation by this State and any political subdivision thereof.*

Sec. 32. *1. Except as otherwise provided in subsection 2, bonds and other securities issued by the Bank pursuant to the provisions of sections 2 to 36, inclusive, of this act, their transfer and the income therefrom must forever be and remain free and exempt from taxation by this State or any subdivision thereof.*

2. The provisions of subsection 1 do not apply to the tax on estates imposed pursuant to the provisions of chapter 375A of NRS or the tax on generation-skipping transfers imposed pursuant to the provisions of chapter 375B of NRS.

Sec. 33. *Notwithstanding any provision of sections 2 to 36, inclusive, of this act to the contrary, this act is supplemental to, and not in lieu of, the right of any qualified borrower to issue general obligation bonds or other bonds that it is otherwise lawfully authorized to issue.*

Sec. 34. *To the extent possible, the provisions of sections 2 to 36, inclusive, of this act are intended to supplement other statutory provisions governing the development, construction, improvement, operation and ownership of transportation facilities* and utility infrastructure *and the issuance of bonds and other securities by this State and political subdivisions thereof, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of sections 2 to 36, inclusive of this act. If there is a conflict between such other provisions and the provisions of sections 2 to 36, inclusive, of this act, the provisions of sections 2 to 36, inclusive, of this act control.*

Sec. 35. *The Board of Directors shall, not later than 90 days after the end of each fiscal year:*

1. Prepare a report on the operations of the Bank during that year; and

2. Submit the report prepared pursuant to subsection 1 to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to:

(1) If the report is prepared in an even-numbered year, the next regular session of the Legislature; or

(2) If the report is prepared in an odd-numbered year, the Legislative Commission.

Sec. 36. *The Department of Transportation may, to the extent that money is available for that purpose, provide technical advice, support and assistance to the Bank.*

Sec. 37. NRS 408.111 is hereby amended to read as follows:

408.111 1. The Department consists of a Director, two Deputy Directors, a Chief Engineer and the *:* ~~[following divisions:]~~

(a) Administrative Division.

(b) Operations Division.

(c) Engineering Division.

(d) Planning Division.

(e) Nevada ~~*[Transportation]*~~ *State Infrastructure Bank.*

2. The head of a Division is an assistant director. Assistant directors are in the unclassified service of the State.

Sec. 38. NRS 408.116 is hereby amended to read as follows:

408.116 *Except as otherwise provided in sections 2 to 36, inclusive, of this act:*

1. All legal notices, writs, service and process issued or ordered by a court of competent jurisdiction wherein the Department is named as a defendant must be personally served upon both the Director and the Chair of the Board or, in the absence of the Director and the Chair of the Board, the process must be served personally upon both the Secretary of State and one of the Deputy Directors.

2. All legal actions brought and defended by the Department must be in the name of the State of Nevada on relation of its Department.

3. This section is not a consent on the part of the Department to be sued.

Sec. 39. NRS 408.172 is hereby amended to read as follows:

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

2. *Except as otherwise provided in sections 2 to 36, inclusive, of this act:*

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

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

~~[4.]~~ *(c)* The Chief Counsel and assistant attorneys are in the unclassified service of the State.

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

Sec. 40. NRS 408.265 is hereby amended to read as follows:

408.265 ~~[All]~~ *Except as otherwise provided in sections 2 to 36, inclusive, of this act, all* money received from the Government of the United States and by virtue of the provisions of any Act of Congress for the engineering, planning, surveying, acquiring of property, constructing, reconstructing or improving of any highway in the State must be put into the State Treasury and become a part of the State Highway Fund and that Fund must not be used for any other purpose.

Sec. 41. NRS 408.389 is hereby amended to read as follows:

408.389 1. Except as otherwise provided in subsection 2, *and sections 2 to 36, inclusive, of this act,* the Department shall not purchase any equipment which exceeds $50,000, unless the purchase is first approved by the Board.

2. Before the Board may approve the purchase of any mobile equipment which exceeds $50,000, the Department shall:

(a) Prepare and present to the Board an analysis of the costs and benefits, including, without limitation, all related personnel costs, that are associated with:

(1) Purchasing, operating and maintaining the same item of equipment;

(2) Leasing, operating and maintaining the same item of mobile equipment; or

(3) Contracting for the performance of the work which would have been performed using the mobile equipment; and

(b) Justify the need for the purchase based on that analysis.

3. The Board shall not:

(a) Delegate to the Director its authority to approve purchases of equipment pursuant to subsection 1; or

(b) Approve any purchase of mobile equipment which exceeds $50,000 and for which the Department is unable to provide justification pursuant to subsection 2.

Sec. 42. As soon as practicable after the effective date of this section, the Governor shall appoint ~~[a member]~~ two members to the Board of Directors of the Nevada ~~[Transportation]~~ State Infrastructure Bank as required by section 19 of this act and an Executive Director of the Nevada ~~[Transportation]~~ State Infrastructure Bank as required by section 21 of this act.

Sec. 43. 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. 44. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 43, inclusive, of this act become effective only upon the Director of the Department of Transportation providing notice to the Governor and the Director of the Legislative Counsel Bureau that sufficient money is available to capitalize and carry on the business of the Nevada ~~[Transportation]~~ State Infrastructure Bank created by section 19 of this act.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Amendment No. 170 to Senate Bill No. 517 makes various changes, including amending the bill generally throughout to authorize the infrastructure bank to provide loans and other financial assistance to "utility infrastructure projects"; changing the definition of "governmental unit," to include a regional transportation commission; changing the definition of "transportation facility" to broaden the definition.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Goicoechea, the privilege of the floor of the Senate Chamber for this day was extended to Norman Christensen, M.D.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Dr. Howard Baron, Dr. Eric Boyden, Dr. Keith Brill, Weldon Havins, M.D., J.D., Dr. Thomas Hunt, Joseph

Iser, M.D., Sandra Koch, M.D., Timothy McFarren, M.D., Marietta Nelson, M.D., Dr. Andrew Pasternak and Dr. Ronald Swanger.

On request of President Hutchison, the privilege of the floor of the Senate Chamber for this day was extended to Clayton Taylor and Terilyn Taylor.

Senator Ford moved that the Senate adjourn until Tuesday, April 18, 2017, at 11:00 a.m.

Motion carried.

Senate adjourned at 7:57 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate