

**THE SEVENTY-FIFTH DAY**

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CARSON CITY (Friday), April 21, 2017

Senate called to order at 11:17 a.m.

President pro Tempore Denis presiding.

Roll called.

All present

Prayer by the Chaplain, Captain Mark Cyr.

My Heavenly Father, we seek You today and ask for Your presence. We ask for Your Holy Spirit to be present with our State Senate as they work hard for our State and its people. Unite, comfort, empower, encourage and strengthen our leaders. Father, many of them have traveled a great distance to serve You and have sacrificed both their careers and time with their loved ones. Bless them for this sacrifice they make to serve their communities. Bless their families and homes as well. Protect them, be with them and give them a clear vision for the great State of Nevada.

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

AMEN.

Pledge of Allegiance to the Flag.

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

## REPORTS OF COMMITTEES

*Mr. President pro Tempore:*

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 204, 209 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 pro Tempore:*

Your Committee on Education, to which was referred Assembly Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MOISES DENIS, *Chair**Mr. President pro Tempore:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 317, 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

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

Your Committee on Judiciary, to which were referred Senate Bills Nos. 169, 338, 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair**Mr. President pro Tempore:*

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 343, 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.

JULIA RATTI, *Chair*

*Mr. President pro Tempore:*

Your Committee on Transportation, to which was referred Senate Bill No. 339, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK A. MANENDO, *Chair*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill No. 194 be taken from the General File and placed on the General File, third Agenda.

Motion carried.

Senator Woodhouse moved that Senate Bill No. 458 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

Senator Woodhouse moved that Senate Bill No. 428 be taken from the Secretary's desk and re-referred to the Committee on Finance.

Motion carried.

Senator Kieckhefer moved that Senate Bill No. 509 be taken from the General File and placed on the Secretary's desk.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 305.

Bill read second time.

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

Amendment No. 156.

SUMMARY—Revises provisions regarding certain proceedings concerning children. (BDR 38-926)3

AN ACT relating to child welfare; requiring a court to appoint an attorney to represent a child in certain proceedings; providing ~~that a guardian ad litem appointed for a child who may be in need of protection is not entitled to compensation;~~ for the compensation of the attorney; excluding certain persons from appointment as a guardian ad litem; increasing the maximum amount of the fee that a board of county commissioners may impose for recording certain documents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes, but does not require, the court to appoint an attorney to represent a child who is alleged to have been abused or neglected in civil child protection proceedings and proceedings to terminate parental rights. (NRS 128.100, 432B.420) Sections 1 and 4 of this bill: (1) require the court to appoint an attorney to represent a child who is alleged to have been abused or neglected in such proceedings; and (2) provide that the child is deemed to be a party to such proceedings. Section 1 further provides for the compensation

of the attorney who is so appointed. Section 3 of this bill makes a conforming change.

Existing law requires a court to appoint a guardian ad litem for a child after a petition is filed that the child is in need of protection. (NRS 432B.500) Section 2 of this bill ~~{provides that}~~ prohibits the court from appointing an attorney who has been appointed to represent the child to also serve as a guardian ad litem. ~~{who is so appointed is not entitled to compensation or payment for expenses, and excludes certain persons from appointment.}~~

Existing law authorizes a board of county commissioners to impose a fee of not more than \$3 for recording certain documents to fund the provision of legal services to abused and neglected children. (NRS 247.305) Section 4.5 of this bill increases the maximum amount of this fee to \$6.

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

Section 1. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive. Except as otherwise provided in subsection ~~{2,}~~ 3, if the person is indigent, the court may appoint an attorney to represent the person.

2. *A child who is alleged to have been abused or neglected shall be deemed to be a party to any proceedings under NRS 432B.410 to 432B.590, inclusive.* The court ~~{may, if it finds it appropriate,}~~ shall appoint an attorney to represent the child. The child ~~{may}~~ must be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive. ~~{If the child is represented by an attorney, the}~~ *The attorney representing the child has the same authority and rights as an attorney representing* ~~{a}~~ *any other party to the proceedings.*

~~{2,}~~ 3. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

- (a) Shall appoint an attorney to represent the parent; *and*
  - (b) ~~{May appoint an attorney to represent the Indian child; and~~
  - ~~{c)}~~ May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,
- ↪ as provided in the Indian Child Welfare Act.

~~{3,}~~ 4. Each attorney, other than a public defender ~~{,}~~ or an attorney compensated through a program for legal aid described in NRS 19.031 and 247.305, if appointed under the provisions of subsection 1 ~~{,}~~ or 2, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime. ~~{Except as otherwise provided in NRS 432B.500, an attorney appointed to represent a child may also be appointed as guardian ad litem for the child.}~~

Sec. 2. NRS 432B.500 is hereby amended to read as follows:

432B.500 1. After a petition is filed that a child is in need of protection pursuant to NRS 432B.490, the court shall appoint a guardian ad litem for the child. The person so appointed:

(a) Must meet the requirements of NRS 432B.505 or, if such a person is not available, a representative of an agency which provides child welfare services, a juvenile probation officer, an officer of the court or another volunteer.

(b) Must not be a parent or other person responsible for the child's welfare.

(c) *Must not be an attorney appointed to represent the child pursuant to NRS 432B.420.*

~~[(d)) Is not entitled to compensation or payment for expenses.]~~

2. A guardian ad litem appointed pursuant to this section shall:

(a) Represent and protect the best interests of the child until excused by the court;

(b) Thoroughly research and ascertain the relevant facts of each case for which the guardian ad litem is appointed, and ensure that the court receives an independent, objective account of those facts;

(c) Meet with the child wherever the child is placed as often as is necessary to determine that the child is safe and to ascertain the best interests of the child;

(d) Explain to the child the role of the guardian ad litem and, when appropriate, the nature and purpose of each proceeding in the case;

(e) Participate in the development and negotiation of any plans for and orders regarding the child, and monitor the implementation of those plans and orders to determine whether services are being provided in an appropriate and timely manner;

(f) Appear at all proceedings regarding the child;

(g) Inform the court of the desires of the child, but exercise independent judgment regarding the best interests of the child;

(h) Present recommendations to the court and provide reasons in support of those recommendations;

(i) Request the court to enter orders that are clear, specific and, when appropriate, include periods for compliance;

(j) Review the progress of each case for which the guardian ad litem is appointed, and advocate for the expedient completion of the case; and

(k) Perform such other duties as the court orders.

Sec. 3. NRS 128.023 is hereby amended to read as follows:

128.023 1. If proceedings pursuant to this chapter involve the termination of parental rights of the parent of an Indian child, the court shall:

(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.

(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.

(c) If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.

2. If the court determines that the parent of an Indian child for whom termination of parental rights is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; *and*

(b) ~~May appoint an attorney to represent the Indian child; and~~

~~—(c)—~~ May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

↪ as provided in the Indian Child Welfare Act.

Sec. 4. NRS 128.100 is hereby amended to read as follows:

128.100 1. ~~1. Except as otherwise provided in subsection 2, in any proceeding for terminating parental rights, or any rehearing or appeal thereon, or any proceeding for restoring parental rights, the court may appoint an attorney to represent the child as his or her counsel . and, if the child does not have a guardian ad litem appointed pursuant to NRS 432B.500, as his or her guardian ad litem.~~ The child may be represented by an attorney at all stages of any proceedings for terminating parental rights. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.

2. *In any proceeding for the termination of parental rights to a child who has been placed outside of his or her home pursuant to chapter 432B of NRS, or any rehearing or appeal thereon, or any proceeding for restoring parental rights to such a child, the court shall appoint an attorney to represent the child as his or her counsel. The child shall be deemed to be a party to any proceeding described in this section and must be represented by an attorney at all stages of such proceedings. The attorney representing the child has the same authority and rights as an attorney representing any other party to the proceedings.*

3. If the parent or parents of the child desire to be represented by counsel, but are indigent, the court may appoint an attorney for them.

~~{3}~~ 4. Each attorney appointed under the provisions of this section is entitled to the same compensation and expenses from the county as provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with crimes.

Sec. 4.5. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

(a) For recording any document, for the first page .....\$10

(b) For each additional page .....\$1

- (c) For recording each portion of a document which must be separately indexed, after the first indexing .....\$3
- (d) For copying any record, for each page .....\$1
- (e) For certifying, including certificate and seal .....\$4
- (f) For a certified copy of a certificate of marriage .....\$10
- (g) For a certified abstract of a certificate of marriage .....\$10

(h) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of \$5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of \$1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than ~~[\$3]~~ \$6 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder

shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children. ~~It~~ including, without limitation, to compensate attorneys appointed to represent such children pursuant to NRS 128.100 and 432B.420.

5. Except as otherwise provided in this subsection or subsection 6 or by specific statute, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

6. Except as otherwise provided in subsection 7, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

- (a) The county in which the county recorder's office is located.
- (b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:
  - (1) Conveys to the State, or to that city or town, an interest in land;
  - (2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;
  - (3) Imposes a lien in favor of the State or that city or town; or
  - (4) Is a notice of the pendency of an action by the State or that city or town.

7. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

8. If the amount of money collected by a county recorder for a fee pursuant to this section:

- (a) Exceeds by \$5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.
- (b) Exceeds by more than \$5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

9. Except as otherwise provided in subsection 2, 3, 4 or 8 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

10. For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. ~~[This act becomes effective on July 1, 2017.] Deleted by amendment.)~~

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 156 makes various changes to Senate Bill No. 305. Specifically, the amendment clarifies that an attorney compensated through a county legal-aid program is not entitled to certain compensation and payment for expenses from the county; authorizes a board of county commissioners to impose a fee of up to \$3 for recording certain documents to fund the provision of legal services to abused and neglected children, increasing the fee maximum to \$6; and prohibits the court from appointing an attorney who has been appointed to represent the child to also serve as a guardian ad litem; and revises the effective date from July 1, 2017, to October 1, 2017.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 19.

Bill read second time and ordered to third reading.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 78.

Bill read third time.

Remarks by Senator Manendo.

Senate Bill No. 78 authorizes a local government to transfer money from an enterprise fund to the general fund of the local government on or after July 1, 2021, for the purpose of subsidizing the general fund if on or before July 1, 2018, the Committee on Local Government Finance has approved a plan adopted by the governing body of the local government to eliminate such transfers, which includes without limitation, a plan to reduce the amount of such transfers by at least 3.3 percent each fiscal year during the term of the plan; and the local government reduces the amount of the transfers in accordance with the plan.

Each approved plan is subject to annual review by the Committee.

Roll call on Senate Bill No. 78:

YEAS—21.

NAYS—None.

Senate Bill No. 78 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 83.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 83 expands the purpose and powers of the Nevada Indian Commission. The bill authorizes the Commission to facilitate relations between the State of Nevada and tribal governments within Nevada to coordinate and enhance consultation, under certain circumstances; it acts as a coordinating agency and point of contact for intergovernmental and interagency



programs relating to tribal governments, intertribal organizations, Indian-owned businesses and this State; and assist in establishing policy and serve as a clearinghouse for programs in this State that affect American Indians residing in Nevada.

Roll call on Senate Bill No. 83:

YEAS—21.

NAYS—None.

Senate Bill No. 83 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 105.

Bill read third time.

Remarks by Senators Segerblom and Hammond.

SENATOR SEGERBLOM:

Senate Bill No. 105 authorizes and requests the Governor to annually proclaim August 9 as "Indigenous Peoples Day" to celebrate the thriving culture and significant value that Indigenous People add to the State of Nevada and the United States of America. We have 27 sovereign Tribes in the State of Nevada, and it is time we have our own special day for them.

SENATOR HAMMOND:

Many of you have met my children; they are wonderful. I often talk about tough votes, this is not one of those. Having grown up in Alaska and lived in the mountain west, I have had the opportunity to get to know and be educated by Native peoples throughout our Country. Their lifestyles and traditions are fascinating, enduring and we have a great deal to learn from them. Their love of family, deep spiritual beliefs and the reverence with which they show respect for their ancestors are all things we can and should be learning from. Those are things I have learned from friends and acquaintances.

But since becoming a father, I have had opportunities to learn even more. Tanya's and my youngest child, Isabella, is of Yupik and Athabaskan ancestry. My oldest, Tomas, and his sister, Olivia, are of Mexican ancestry, and our Sophia has a long history of Latter-Day Saints pioneers and settlers who continue to provide inspiration to the faithful around the world.

As I vote on this, I look forward to August 9th of each year when I can sit down with Tomas and Olivia and Isabella and Sophia and teach them about their traditions and history and give them the ability to pass this on to their own children. Our cultures stay alive when they are given the opportunity to be shared, respected and honored. All of us come from somewhere, and we have an obligation to our elders to never forget that. I thank my colleagues who are voting "yes" today for providing me and parents across Nevada with this wonderful opportunity.

Roll call on Senate Bill No. 105:

YEAS—21.

NAYS—None.

Senate Bill No. 105 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 108.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 108 requires the State Board of Education to create a subcommittee to study the manner in which to include in high school social-studies coursework instruction in criminal law related to certain crimes that frequently involve persons less than 18 years of age.

It also requires such instruction to emphasize personal responsibility for understanding and complying with the law and lists specific topics to be covered. The instruction must also include relevant information to assist victims and witnesses of such crimes. The bill further requires the State Board of Education to report such findings to the Legislative Committee on Education on or before July 1, 2018.

Roll call on Senate Bill No. 108:

YEAS—21.

NAYS—None.

Senate Bill No. 108 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 145.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 145 establishes, as part of the Solar Energy Systems Incentive Program, an incentive program for the installation of energy-storage systems, which include energy-storage systems by a customer of an electric utility; and energy-storage systems that have a nameplate capacity of at least 100 kilowatts but not more than 1,000 kilowatts. The measure also creates the Electric Vehicle Infrastructure Demonstration Program and requires the Public Utilities Commission of Nevada (PUCN) to adopt regulations concerning the Program. Each utility is authorized to recover the costs of carrying out the Program.

The available money for the existing Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program, and the Waterpower Energy Systems Demonstration Program are combined into a single pool of money from which the PUCN may authorize the payment of an incentive to a program.

For the period beginning on January 1, 2018, and ending on December 31, 2023, the PUCN must authorize the payment of incentives in an amount of not more than \$1 million per year for the installation of solar-energy systems and distributed-generation systems at locations throughout the service territories of electric utilities that benefit low-income customers. The measure also repeals the provisions requiring each electric utility to create a Lower Income Solar Energy Pilot Program.

Roll call on Senate Bill No. 145:

YEAS—20.

NAYS—Gustavson.

Senate Bill No. 145 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 183.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 183 provides that the Local Government Budget and Finance Act applies to all housing authorities. The bill also revises requirements for certain commissioners of a regional housing authority in a county whose population is 700,000 or more by requiring that one of the persons appointed by each of four governing bodies of the regional housing authority be an elected member of the governing bodies making the appointments; limiting the service of commissioners to no more than two terms; and making relevant education a factor for consideration for the governing bodies making certain appointments.

Roll call on Senate Bill No. 183:

YEAS—21.

NAYS—None.

Senate Bill No. 183 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 199.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 199 provides for the operation of an estate distillery, which is defined as an establishment where at least 85 percent of the agricultural materials, in the aggregate, are grown on land owned or controlled by the owner of the distillery. An estate distillery may sell and transport not more than 75,000 cases of spirits each calendar year to a wholesale liquor dealer within Nevada and to manufacture not more than 400,000 cases of spirits per calendar year. Additionally, the total amount of spirits sold at retail by an estate distillery for off-premises consumption must not exceed 7,500 cases per year. A person must first obtain a license from the State in order to operate an estate distillery.

Roll call on Senate Bill No. 199:

YEAS—21.

NAYS—None.

Senate Bill No. 199 having received a two-thirds majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 215.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 215 sets forth various events under which a person must and may change his or her full legal name on a driver's license or identification card. The bill provides the types of documentation required as evidence of an applicable event. A person may choose various options for a full legal name, including a hyphenated last name or replacing a middle name with his or her last name and using the last name of his or her adoptive parents or spouse as his or her last name. To assist in implementing these changes, the bill removes the requirement for the Director of the Department of Motor Vehicles to define the term "full legal name" and instead defines the term in statutes for purposes of obtaining driver's licenses, instruction permits, driver authorization cards, identification cards and motorcycle driver's licenses.

Roll call on Senate Bill No. 215:

YEAS—21.

NAYS—None.

Senate Bill No. 215 having received a two-thirds majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

## MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill No. 451 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 226.

Bill read third time.

Remarks by Senator Atkinson.

Senate Bill No. 226 requires a driver affiliated with a transportation network company (TNC) to provide verification to the TNC that he or she holds a valid State business registration not later than six months after the driver is allowed to receive connections to potential passengers and annually thereafter on or before the anniversary date of the agreement with the TNC. A TNC must terminate an agreement with a driver who fails to provide this information. The Nevada Transportation Authority must provide the name of each driver affiliated with a TNC to the Secretary of State, who must keep the information confidential.

Roll call on Senate Bill No. 226:

YEAS—17.

NAYS—Goicoechea, Gustavson, Kieckhefer, Roberson—4.

Senate Bill No. 226 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 245.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 245 expands the method by which the facsimile signature of a county treasurer is authorized to be produced to allow use of the most efficient device or other method of facsimile reproduction reasonably available and imposes requirements for the safekeeping of any facsimile image or impression or any registered key, password or other securing device or procedure if severable from the device or other method of facsimile reproduction.

Roll call on Senate Bill No. 245:

YEAS—21.

NAYS—None.

Senate Bill No. 245 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

## MOTIONS, RESOLUTIONS AND NOTICES

Senator Manendo moved that Senate Bill No. 246 be taken from the General File and placed on the Secretary's desk.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 259.

Bill read third time.

Remarks by Senator Manendo.

Senate Bill No. 259 requires a person whose driver's license, permit or privilege has been revoked for suspicion of driving under the influence (DUI) to install at his or her own expense an ignition interlock device in each vehicle the person owns or operates as a condition to obtaining a

restricted license. The bill requires a court to order persons convicted of an offense involving DUI of alcohol or a controlled substance to install an ignition interlock device, with certain exceptions. The bill also authorizes a juvenile court to order the installation of an ignition interlock device for a child convicted of an offense involving DUI of alcohol or a controlled substance.

Finally, the bill provides that a person who provides a sample of his or her breath for an ignition interlock device for another person is guilty of a misdemeanor.

Roll call on Senate Bill No. 259:

YEAS—21.

NAYS—None.

Senate Bill No. 259 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 260.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 260 authorizes a pharmacist to engage in a collaborative practice of pharmacy pursuant to a collaborative practice agreement entered into with one or more practitioners who practice in the same geographic region as the pharmacist. The "collaborative practice of pharmacy" is defined as the management of drug therapy and testing to address chronic diseases and public health issues including, without limitation, outbreaks and occurrences of specific diseases and disorders in collaboration with one or more practitioners and in accordance with a collaborative practice agreement.

A pharmacist is authorized to engage in the collaborative practice of pharmacy in accordance with an agreement with an operator of an institutional pharmacy, or his or her designee, while providing treatment and care to patients of the medical facility in conjunction with which the institutional pharmacy is operated.

Roll call on Senate Bill No. 260:

YEAS—21.

NAYS—None.

Senate Bill No. 260 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 274.

Bill read third time.

Remarks by Senators Farley, Hardy, Hammond, Ratti and Gansert.

SENATOR FARLEY:

Senate Bill No. 274 makes various changes to sibling visitation in child-welfare cases involving certain children who are placed with someone other than a parent and separate from their siblings.

Specifically, the bill requires a child-welfare agency to update a child's sibling visitation plan to reflect any change in the placement of the child or his or her siblings; require the court to provide any sibling granted a right to visitation with notice of a hearing to review the placement of the child and the case number of the relevant proceedings and allow the sibling to inspect records to petition the court for visitation or enforce an order of visitation; revises various provisions concerning agreements for a post-adoptive contact between the natural parent and the child or the adoptive parents and the child; and it requires the court to incorporate a sibling visitation order in the decree of adoption, unless a petition to exclude or amend the order or visitation is filed.

I want to go on record, this bill does not create or change any of the current rights, it makes sure that siblings are able to exercise their rights as granted to them either by court proceedings or by a judge. It gives a sibling the information they need to be able to visit their siblings.

SENATOR HARDY:

A concern I had in Committee that has not yet been resolved is about a sibling who has done something to another sibling and who still has the ability to find out where that sibling is.

SENATOR HAMMOND:

This bill was discussed and visitation was discussed. I have had experience with families who have adopted younger siblings and older siblings have caused disruptions within the family dynamic when visiting.

For that reason, I am concerned about opening the door for siblings to visit when they may not be wanted by either the younger sibling or the family who has brought in the child. I will be voting "no" today.

SENATOR RATTI:

Often when we hear cases where we are looking at what is in the best interest of the child, these issues can be challenging. This bill is an attempt to solve issues we hear time and again from foster children who have expressed that they have lost touch with their siblings, and they express that sibling connection is important to their quality of their life. The protections for those whom this contact may not be in the best interest of is adequately addressed in this bill.

For a child to be reconnected with their sibling, there has to be a court-ordered child visitation plan. This plan must be in place, and the only reason a child is not seeing their sibling is because they have moved or something else has happened to cause them to lose touch. This bill allows the child to come back to the court, ask to reconnect with the sibling with whom they have a visitation plan, and the court is then able to facilitate this. The court may decide to make a different plan if they decide it is in the best interest of the child. It is a compelling interest, as we have many foster children who tell us they have lost touch with their siblings, and it is an important and compelling need for them. This is a balanced way to keep the best interest of the child and allow them to remain in contact with their siblings.

SENATOR GANSERT:

Because there is a process and a review before the information is provided, I will be supporting this bill. The process is important so this does not happen automatically.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:55 a.m.

#### SENATE IN SESSION

At 12:06 p.m.

President pro Tempore Denis presiding.

Quorum present.

Senator Farley moved that the bill be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senate Bill No. 320.

Bill read third time.

**Remarks by Senator Manendo.**

Senate Bill No. 320 sets forth conditions relating to towing a motor vehicle from a residential complex. The bill requires the owner of the real property or an authorized agent of the owner to notify the vehicle's owner 48 hours prior to towing by placing a sticker on the vehicle providing the date and time that the tow will take place. Vehicles may only be towed for a parking violation, if the vehicle is not registered or if the registration has been expired for not less than 60 days. For any issue related to the health and safety of the residents of the residential complex, notification of the vehicle's owner 48 hours prior to towing is not required.

Senate Bill No. 320 also allows the owner or possessor of a multilevel parking garage that is operated for a resort hotel to immobilize an illegally parked vehicle in the garage by means of a boot, wheel clamp or other mechanical device under certain circumstances. The bill also provides procedures for paying for removing a boot, wheel clamp or other mechanical device.

**Roll call on Senate Bill No. 320:**

YEAS—21.

NAYS—None.

Senate Bill No. 320 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 356.**

Bill read third time.

Remarks by Senators Atkinson, Roberson and Farley.

**SENATOR ATKINSON:**

Senate Bill No. 356 makes various changes relating to collective-bargaining, including, but not limited to increasing the amount of time within which the Local Government Employee-Management Relations Board must conduct a hearing related to certain complaints; eliminating the restrictions on the continuation of collective-bargaining agreements beyond their expiration date; thereby reinstating the ability of the parties to a collective-bargaining agreement to include an "evergreen" provision; providing for a principal, assistant principal, or other school administrator, below the rank of superintendent, associate superintendent, or assistant superintendent to participate in collective bargaining; reinstating the requirement for four negotiation sessions, rather than eight, as well as the requirement to hold a hearing within 30 days after selection of the arbiter and 7 days after notice to the parties; eliminating various restrictions and deadlines on arbitration; and repealing three existing statutes—a provision that placed restrictions on an employer's ability to grant leave to employees to perform services for an employee organization and two provisions that made principals at-will employees for certain periods of time or based upon the performance of their schools or upon the transfer rate of teachers at their schools.

**SENATOR ROBERSON:**

Senate Bill No. 356 would be a gutting of a compromise collective-bargaining bill that had bipartisan support in both Houses, and I think it was unanimous in the Assembly; Senate Bill 241 of the 2015 Session, which I sponsored. I will be opposing this bill.

**SENATOR FARLEY:**

I rise in support of Senate Bill No. 356. I supported Senate Bill 241 last Session because employers and labor organizations came together to find a compromise that was supposed to be workable for both sides. There are some provisions in this bill that I am not in agreement with; however, I believe the bill fixes some unintended consequences of the previous legislation that have unfolded over the last two years that were not seen when we passed the legislation.

As Legislators, we should be willing to admit when we have made mistakes and when policies need to be fixed. This bill will address situations where a local government employee, who is on track to receive wages or benefits but because of the proximity of their contract's expiration date,

could not get the raises or was unreasonably delayed. I am not comfortable with the idea that someone who has done everything they should to earn the pay or promotion they should, could lose that or see it significantly delayed because of contract negotiations beyond their control. The point of passing a compromise bill last Session was to take away the incentives for strategic delays in contract negotiations. However, we have heard that the practical effects of that bill has been the opposite. There are many hard-working public servants who do a good job and they should not pay for unforeseen and unintended consequences.

SENATOR ROBERSON:

As a sponsor of the bill last Session, I disagree with the proposition that there have been unintended consequences. Part of the reason we brought that bill forward was that organizations like the SCIU refused to come to the table for months, or years, to bargain in good faith. What Senate Bill 241 of the 2015 Session did was require both sides of the negotiation to come to the table and have a certain number of meetings within a certain time period so we could have good-faith bargaining. Because there were evergreen clauses in contracts, certain organizations had incentives to stall and delay and not come to the table. It is unfortunate that in the case I believe you are alluding to between the SCIU and Clark County, that certain employees did not get certain increases in pay. They did finally get that money, but it is not the blame of that bill, it is not the blame of Clark County, it is the blame of the leaders of SCIU, who at the time, purposely stalled because they did not want to come to the table in good faith. We passed a good bill last Session and we could have gone farther. We worked with the other side, and I worked with union leaders across the State on that bill. Nearly every union organization in the State came to the table and publically supported that bill in Committee.

Now, to say two years later, never mind, there are unintended consequences, I do not buy that argument. This is a re-trade on an agreement among a lot of groups and a lot of people. This is a gutting of a good and productive collective-bargaining reform from 2015. I will be opposed.

SENATOR ATKINSON:

I appreciate the remarks from the Minority Leader. This may be one of those incidences where we are going to have to agree to disagree. I believe the comments of my colleague from District 8 were accurate and that there have been unintended consequences. The unions and some management will tell you some things did not work out as planned.

The Minority Leader is correct, we did make a deal and no one likes to go back on a deal. At the same time, this is the Legislature, and the Legislature's job is to review things we have done, things we have passed and things we did not pass. It is our job to negotiate again and make sure those things are working effectively. Some of us are finding those things are not working effectively and there have been employees that have been harmed. I have heard from a lot of them, and I am sure many of you have as well. Sometimes, we get caught up in political whims, but those whims sometimes affect every-day working people. The people it has affected are those who did not receive raises. Some of the unions and management will also tell you that the clause about the union leave is not being applied consistently. We did not give clear direction in this area and grievances are being filed. This bill puts this back in place and allows them to do what they were doing in the past. You are right; we did make a deal, but that does not mean that deal cannot be fixed. There are some things that are wrong; we recognize that. We can argue all day long on the evergreen clause, and we are going to have to work on that, but there are other things that affected folks that we can fix today.

SENATOR ROBERSON:

You mentioned the paid union-leave issue, which does not affect the paid rank and file union members, it affects union leaders. My intent was clear last Session that there will be no taxpayer paid union-leave time for union leaders unless it is bargained for in a new contract going forward, and that concessions must be made to equal the compensation that is being given by management for that paid union-leave time. This is a huge cost to the taxpayers. It does not affect the rank-and-file union member who is working hard all day and not getting rich. This is a small group of union leaders who want taxpayers to pay them, not to do their day jobs for the county or a municipality, but to conduct union activities on the taxpayer's dime. My intent, and the language



in Senate Bill 241 from the 2015 Session, was clear from my perspective. This is, to me, the most egregious portion of Senate Bill No. 356. I will be opposing this bill.

SENATOR ATKINSON:

I, again, say, maybe it was, but I can assure you that it is not being applied correctly and everyone has not interpreted it in the same way what we thought was clear. It has not been clear to folks and it has not been applied correctly. No one is suggesting anything should be done at taxpayer expense. Those members are representing other members. When else are they going to represent them? It has to be on work time. I do not know how else they would represent them if there is an arbitration or a hearing. This is one of those areas where we will agree to disagree. It is being done in some organizations, and it is not being done in others. We should not bind people by a bad deal. There are parts of the previous bill that were a bad deal, it is our duty to fix it.

Roll call on Senate Bill No. 356:

YEAS—12.

NAYS—Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Roberson, Settlemeyer—9.

Senate Bill No. 356 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 366.

Bill read third time.

Remarks by Senator Cancela.

Senate Bill No. 366 requires the director of the Department of Health and Human Services to prepare a semiannual report that discloses certain employers in the State that have 50 or more employees who are enrolled in Medicaid and whether the employees have access to an employer-based health plan. The report must not contain individually identifiable health information, must comply with the federal Health Insurance Portability and Accountability Act, and must be posted on the Department's website and submitted to the Governor and the Legislature.

In addition, the bill creates the Advisory Committee on Medicaid Innovation within the Department's Division of Health Care Financing and Policy. The Advisory Committee must study and provide recommendations on issues such as public or private prescription purchasing coalitions, access to health insurance and any federal Medicaid waivers for which the State may apply.

Roll call on Senate Bill No. 366:

YEAS—21.

NAYS—None.

Senate Bill No. 366 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 384.

Bill read third time.

Remarks by Senators Ratti and Goicoechea.

SENATOR RATTI:

I came to Senate Bill No. 384 because a similar bill was introduced last Session by Senator Debbie Smith. I think you all know how I feel about my predecessor and what I have been trying to do to fill those very big shoes. When this concept came before me, I found myself having a difference of opinion with Senator Smith's approach. Her bill sought to make all public retiree

information private. I felt we should be striking more of a balance. I believe in the Fourth Estate and the role of an independent media to provide government oversight. I think it makes government better at the end of the day. There are third-party advocacy groups that bring important information to life as well. It was important for me to make sure our independent media and third-party advocacy groups still had access to sufficient information to do meaningful analysis that could help us make better policy in the future.

With that said, I still felt the retired public employees had a compelling interest. They brought forward a fear of their information being so readily available to the public that it made their members targets, particularly targets of the identity theft and fraud that unfortunately so often go after our vulnerable senior population.

For example, in the Public Employees' Retirement System (PERS) information, if the public has access to two pieces of information that were important to the members of the independent media with whom I spoke, something like a retirement date, years of service and amount of a benefit, you are then narrowing down the information enough to know this is probably a 70- to 75-year-old woman who is getting a retirement benefit of a certain amount of money. That person then could become a target for a whole lot of people in the world who would like to take advantage of that person.

What I tried to do was address both the compelling public interest of the Fourth Estate and independent advocacy groups and the fears of our retired senior public employees that we not put so much of that information out there. I am sure you are all familiar with the series of court cases that looked to address this issue. In one of those cases, the ruling was that any information that PERS put into a file was available to the public, which made public things like a person's beneficiaries and other information that was not appropriate.

I was also trying to end the court cases with this legislation. What PERS needs is clarity regarding what is and what is not private. The balance I struck is a series of pieces of information, and those include identifying number, last public employer, years of service, retirement date, amount of annual pension and benefit type of a member.

What I excluded was everything else and the name. Hopefully, this provides enough information in the public space so we can have the third-party review to allow us to be better policy makers, but it protects our most vulnerable senior retired public employees from identity theft. This bill also makes sure that whether this information is contained in a personnel file or another report, any information but that listed above is stricken from sharing with the public. I urge your support of this bill.

SENATOR GOICOECHEA:

I voted for this bill coming out of Committee, but after reconsidering, I have notified the Chair that I will be changing my vote. We went too far with this bill. While we are working, in many cases, our salary is published. I agree this may make a person somewhat vulnerable and that addresses should not be listed. I think names and salaries should be listed. I will be opposing this bill.

Roll call on Senate Bill No. 384:

YEAS—11.

NAYS—Cannizzaro, Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Roberson, Settlemeyer—10.

Senate Bill No. 384 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 393.

Bill read third time.

Remarks by Senators Parks, Gansert and Segerblom.

SENATOR PARKS:

Senate Bill No. 393 requires the Director of the Department of Corrections to develop and establish standard specifications for acquiring supplies, materials, equipment and services used or required by the Department, any of which may be purchased from programs within the Department, in accordance with the provisions of the State Purchasing Act.

The bill also authorizes the Director to purchase from these programs supplies, materials, equipment and services used or required by the Department. When calculating its required profit-and-loss reports regarding programs for the employment of offenders, the Department must not include the cost to purchase goods manufactured by offenders.

Finally, the bill deletes the current prohibition on offenders conducting telemarketing or opinion polls.

SENATOR GANSERT:

I voiced my concerns to the sponsors and said I would work with them on those. Specifically, the Director of Corrections is able to come up with an alternative plan to how State Purchasing works now, and that should be externally vetted, perhaps by the Legislative Commission. I would like a check on whatever plan is outside of the State Purchasing normal process.

SENATOR SEGERBLOM:

We will work on the other side to make sure that is corrected. I did not want to delay the bill as we are close to the deadline.

Roll call on Senate Bill No. 393:

YEAS—21.

NAYS—None.

Senate Bill No. 393 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 397.

Bill read third time.

Remarks by Senators Spearman and Kieckhefer.

SENATOR SPEARMAN:

Senate Bill No. 397 revises several provisions relating to unlawful employment practices and governing the filing of complaints of employment discrimination with the Nevada Equal Rights Commission.

The bill revises the powers of the Commission to order remedies for unlawful employment practices by setting forth a tiered system of civil penalties, rather than a flat civil penalty, which progressively increases if an employer is found to have multiple instances of pay discrimination within a 5-year period. Specifically, the penalty is \$10,000 for a first offense, \$15,000 for a second offense and \$25,000 for the third offense. Certain penalties and fines imposed by the Commission must be deposited in the State General Fund, and the Commission is authorized to present a claim for recommendation to the Interim Finance Committee if it is necessary to pay attorney's fees or the costs of an investigation or both. Back pay may be awarded for a period beginning two years before the date of filing an unlawful employment practice complaint and ending on the date the Commission issues an order regarding the complaint, and the Commission may require the awarding of reasonable attorney fees to the complainant.

Finally, this bill prohibits an employer, employment agency or labor organization from discriminating against any person with respect to employment or membership, as applicable, for inquiring about, discussing or disclosing information about wages unless the person has access to information about the wages of other persons as part of his or her essential job functions and discloses the information to a person who does not have access to that information.

This is legislation that is not only due but past due. When we look at circumstances related to employment-payment practices and wages for women and men, it has been clearly documented in

several studies that on average, white women earn at least 78 cents for every dollar that their male counterpart earns. African-American women earn 68 cents and Latinas earn 64 cents. As we move down the spectrum, it is not just about the money they lose while working, but this also counts towards their retirement.

I would like to share a story a woman in her 70's shared with me. She had worked alongside men and did not know until she retired that she was making much less than her male counterparts who were doing the same thing. At 70-plus years of age, she was concerned because if she had made the same wage while she was working, she would have been able to purchase a home, part of the American dream. Instead, she is living on her Social Security and a small pension check. I think that is wrong, and I think as Nevadans we are better than that. The question also comes up as to whether or not the penalties are too stiff. My answer to that is: "If you don't do the crime, you don't do the time." This is not made for people who are already following the law, this is designed for those who habitually offend and habitually pay their employees less based upon gender. I urge my colleagues to consider the long-term ramifications for women who have worked hard, done what they were supposed to do and, at the end of the day, have not been paid equitably.

SENATOR KIECKHEFER:

The final provisions of this bill, particularly those relating to the discussion of wages are important provisions, and I can support an effort to try to balance this gap that has been so greatly discussed. Unfortunately, that good part does not outweigh some of the negative parts of this bill. This bill gives the Nevada Equal Rights Commission (NERC) far too much power. The great irony of this bill is that it creates unequal treatment under the law based on discrimination; the bill itself is discriminatory. If you are discriminated against because you are Black, gay, Hispanic or elderly, you are treated differently in this bill than if you are discriminated because you are a woman. In section 2, subsection 3, it allows NERC, in cases involving unlawful employment practices relating to discrimination on the basis of sex and sex alone, to pay an amount determined to be appropriate by the Commission as compensatory damages or punitive damages. You do not get this same protection if you are discriminated against for any other reason. Creating strata and categories for what is worse discrimination and better discrimination is not a direction this Body should go. I cannot support it, and I encourage my colleagues to vote against this bill.

Roll call on Senate Bill No. 397:

YEAS—12.

NAYS—Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Roberson, Settlemeyer—9.

Senate Bill No. 397 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 406.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 406 makes various changes relating to court reporters and court reporting firms. The measure revises the qualifications for a certificate of registration as a court reporter. A natural person may obtain a temporary certificate of registration from the Certified Court Reporters' Board of Nevada to engage in the practice of court reporting on a temporary basis if there is an acknowledged shortage or the applicant is an active member of or the spouse of an active member of the Armed Forces of the United States and meets certain other requirements. The bill sets forth the fee for the issuance and the renewal of a temporary certificate of registration. The Board may, after notice and hearing, impose upon a natural person or business entity that violates any law or regulation governing certified court reporters and court reporting firms an administrative fine of not more than \$5,000 for each violation for which the administrative fine is imposed.

Roll call on Senate Bill No. 406:

YEAS—21.

NAYS—None.

Senate Bill No. 406 having received a two-thirds majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 429.

Bill read third time.

Remarks by Senator Cancela.

Senate Bill No. 429 authorizes a governing body of a city or county to establish by ordinance an urban agriculture zone for the purpose of promoting the development and operation of urban agriculture. This bill provides that a master plan may also include an urban agricultural element, which must include a plan to inventory any vacant lands owned by the city or county and blighted lands in the city or county to determine if such lands may be suitable for urban farming or gardening.

A governing body of a city or county is authorized to establish by ordinance the terms and conditions for the use of vacant or blighted land owned by the city or county for the purpose of community gardening.

Roll call on Senate Bill No. 429:

YEAS—21.

NAYS—None.

Senate Bill No. 429 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 448.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 448 extends provisions authorizing a public body to accept a request from a person wishing to develop, construct, improve, maintain or operate a transportation facility to certain other facilities, including tourism improvement projects. The bill also provides for the use of a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for an eligible facility. The measure establishes procedures for the financing of certain eligible facilities and for the disposition of money that is received and is to be retained by a public body pursuant to a public-private partnership.

Roll call on Senate Bill No. 448:

YEAS—21.

NAYS—None.

Senate Bill No. 448 having received a two-thirds majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 452.

Bill read third time.

Remarks by Senator Farley.

Senate Bill No. 452 authorizes a person who is unable to provide satisfactory information to the Department of Motor Vehicles for a certificate of title to obtain a certificate of title by filing a

bond with the Department. The bond must be in an amount equal to one and one-half times the value of the vehicle and meet certain conditions, and it must be returned by the Department at the end of three years unless an action to recover on the bond is pending. Similar provisions are set forth regarding salvage titles.

Finally, the bill provides that a right of action against the Department for certain actions related to providing a certificate of title does not exist.

Roll call on Senate Bill No. 452:

YEAS—21.

NAYS—None.

Senate Bill No. 452 having received a two-thirds majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 469.

Bill read third time.

Remarks by Senators Parks, Settlemeyer, Kieckhefer, Ratti, Roberson and Gansert.

SENATOR PARKS:

Senate Bill No. 469 reduces from 25 percent to 16.67 percent of the budgeted ending-fund balance of a local government, other than a school district, the amount that must be excluded from collective bargaining negotiations and cannot be considered by a fact finder or arbitrator in determining the local government employer's ability to pay.

SENATOR SETTELMAYER:

This bill seems to be a direct dial-back of a bill from last Session, Senate Bill 168, which gave counties the ability to have up to three months of a savings account in case of an economic emergency. I will be voting "no".

SENATOR KIECKHEFER:

Legislation that discourages our local governments from being fiscally responsible and saving money for bad times is not good policy.

SENATOR RATTI:

I am often baffled by the dialogue on this particular concept, because an ending-fund balance is not a rainy-day fund, it is specifically excluded from being a rainy day fund. We have legislation and statute that sets aside a rainy-day fund process, and we purposefully put money into that fund.

This discussion is typically about how much money is left on the table for collective-bargaining purposes and the real need of local governments to manage their cash flow. I was in support of the legislation from the past Session to raise the amount from 8.3 percent—which is essentially one month of ending balance—because it was not sufficient for most local governments to manage their cash flow. We did an analysis in the City of Sparks during the last Session to determine the right number, and we needed 12.5 percent to manage our cash flow. The legislation in this Session which brings it to 16.8 percent, or the equivalent of 2 months, is appropriate because it still allows governments to manage cash flow, but it also leaves the appropriate amount of money on the table for collective bargaining. I support this bill.

SENATOR KIECKHEFER:

My colleague correctly points out the difference between a rainy-day fund and an ending-fund balance. But, as people who manage budgets for government, we use our ending-fund balances for specific purposes to make effective use of dollars, whether it is for one-time expenditures or to maintain technology improvements at the State or local level it can be for different purposes, but maintaining and then using that ending-fund balance as a vehicle to manage the budget for the next fiscal year is a valuable tool. Having a supply of cash that can be used to meet the needs of those constituents is a valuable purpose. I will remain opposed.

SENATOR RATTI:

I agree that we use ending-fund balances to manage the upcoming budget for the next year and that is part of the calculation, but all of the other items discussed need to be in the budget. Local governments are not allowed the flexibility to keep a slush fund that can be moved to where expenses are needed. We have to create detailed budgets, which are approved by the State. If we vary too far off that budget, there are consequences. The concept of having extra money in the ending-fund budget helps to do anything but manage cash flow and to assist in, if you had a good year budgeting for the next year, or if you had a bad year, you will have a more challenging next year. This makes no sense to me from my experience.

SENATOR ROBERSON:

We have had efforts this year to raise property taxes to help the funding of local governments. Many of us are opposed to that. Past studies have shown that local government employees are among the highest paid local government employees in the Country. They are paid significantly higher than comparable positions in the private sector and significantly, higher than what we pay our State employees. Anything we can do to help local governments rein in their spending so they can provide the services our communities need is positive.

What is interesting, and what no one is talking about, is that in Clark County most of the elected officials are Democrats and are supported by the labor organizations and they tell the Republicans to do more regarding collective-bargaining reform. They were thrilled with the collective-bargaining reforms we passed last Session but did not think we went far enough. They will not say that publically, but it is true. They say it over and over because they are tasked with managing their money and providing needed services to the community. When we are paying local government employees some of the highest salaries in the Country, it makes it difficult for them to provide the services our taxpayers and community members need. That is why you see this push to raise property taxes this Session. I will be opposing this bill.

SENATOR GANSERT:

I rise in opposition. I am one of the handful of Legislators, here, who was serving during the recession, and I do not think anyone was anticipating the depth or length of the recession we faced. Many local governments were on the brink and had difficult times. Now, they have some rainy-day funds, which are restricted, but then, they did not have those funds. My concern is that they have enough money set aside, with flexibility, given the duration of some of the contracts they face. Having to budget year-to-year is difficult if everything is on the table and there is not enough of an ending balance if something shifts in the economy or region. For those reasons, I will be opposing this bill.

SENATOR RATTI:

I served in local government during the depth of the recession and a 25-percent ending-fund balance would have made no meaningful difference when facing what we were facing in the City of Sparks, which was eliminating 35 percent of our staff. Having a higher ending-fund balance does not give you any more actual revenue. In Sparks, we were lucky to get above 5 or 6 percent. Coming out of the recession, most local governments have not been able to make any recovery on that ending-fund balance. It is not because that delta is on the table for bargaining, it is because there is a structural deficit in how we fund local governments. Until we address that structural deficit, ending-fund balances will not give local governments any more money. It is a tool to manage cash flow and 16.8 percent is an appropriate dollar amount consistent with nationwide best practice.

Roll call on Senate Bill No. 469:

YEAS—12.

NAYS—Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Roberson, Settelmeyer—9.

Senate Bill No. 469 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 480.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 480 requires certain health-care providers to notify a child-welfare agency if the provider knows or has reasonable cause to believe that an infant is affected by a fetal alcohol spectrum disorder or prenatal substance abuse, regardless of whether the substance use was legal or illegal. The bill amends existing State law to align it with certain requirements of the federal Child Abuse Prevention and Treatment Act.

Roll call on Senate Bill No. 480:

YEAS—21.

NAYS—None.

Senate Bill No. 480 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 481.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 481 makes various changes to the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons with Speech Disabilities. Specifically, the bill changes the Subcommittee's name to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired; it requires the Governor to appoint the director of the Commission and provides the director serves without compensation; it revises membership requirements and the duties of the Commission; and requires the Legislative Committee on Health Care to study during the 2017–2018 Interim, grants and other sources of money that may be available to transform the director's position into a full-time, paid position. The Committee must report its findings to the Department of Health and Human Services, the Governor and the Director of the Legislative Counsel Bureau.

Roll call on Senate Bill No. 481:

YEAS—21.

NAYS—None.

Senate Bill No. 481 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

#### SECOND READING AND AMENDMENT

Senate Bill No. 169.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 431.

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

AN ACT relating to crimes; requiring ~~the Department of Public Safety~~ each law enforcement agency in this State to establish a sexual assault forensic evidence kit tracking program; requiring a law enforcement agency to submit sexual assault forensic evidence kits to a forensic laboratory within a certain period of time after receipt thereof; requiring a forensic laboratory, upon



request of a victim, to test a sexual assault forensic evidence kit within a certain period after receipt thereof and to report certain information concerning sexual assault forensic evidence kits on an annual basis; prohibiting employees and contractors of and volunteers for certain entities from engaging in sexual conduct with children or young adults under the care, custody, control or supervision of the entity; ~~providing that employees and contractors of and volunteers for certain entities who engage in sexual conduct with children or young adults under the care, custody, control or supervision of the entity are subject to various statutory provisions relating to sex offenders; increasing the statute of limitations for sexual assault;~~ making various changes to the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~4~~ 1.3 of this bill requires ~~the Department of Public Safety~~ each law enforcement agency that receives sexual assault forensic evidence kits, also known as "SAFE kits," to: (1) establish a program to track ~~sexual assault forensic evidence~~ SAFE kits; and (2) provide access to the program ~~for~~ to certain victims and agencies. ~~It and (3) submit a biannual report concerning the program to the Governor and the Director of the Legislative Counsel Bureau for transmittal to a Subcommittee of the Advisory Commission on the Administration of Justice. Section 1 also requires certain agencies and persons with custody of sexual assault forensic evidence kits to participate in the program. Finally, section 1~~ Section 1.3 also provides civil immunity to certain persons who participate in the program in good faith and without gross negligence.

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

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

additionally evaluate, review and submit a report to the Commission regarding the submittal, storage and testing of ~~[sexual assault forensic evidence]~~ SAFE kits.

Existing law ~~[(1)]~~ imposes criminal penalties on certain employees of or volunteers at a school who engage in sexual conduct with certain pupils. ~~[(2)]~~ ~~and (2) provides that a person who commits such an offense is subject to various statutory provisions relating to sex offenders. (NRS 176.0931, 176.133, 176.135, 176A.110, 176A.410, 178.5698, 179.245, 179D.097, 179D.495, 201.540, 213.1099, 213.1214, 213.1243, 213.1245) This~~ Section 8 of this bill enacts similar provisions to impose criminal penalties on certain employees or contractors of and volunteers for certain entities who engage in sexual conduct with a child or young adult under the care, custody, control or supervision of the entity. ~~[(1)]~~

~~[(1)]~~ Section 8 ~~of this bill~~ provides that a person is guilty of a category C felony if he or she: (1) is ~~[(21)]~~ 25 years of age or older; (2) is ~~[(licensed to conduct a foster home or)]~~ in a position of authority as an employee or contractor of or volunteer for an agency which provides child welfare services, a department of juvenile justice services, foster home or the Youth Parole Bureau; and (3) engages in sexual conduct with a person who is 16 years of age or older but less than ~~[(21)]~~ 18 years of age and who is under the care, custody, control or supervision of the agency, department or Bureau.

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

~~[(Existing law: (1) requires a court to include a special sentence of lifetime supervision for any person convicted of certain sexual offenses; and (2) provides certain conditions of lifetime supervision. (NRS 176.0931, 213.1243) Sections 11 and 18 of this bill add to the list of sexual offenses that require a sentence of lifetime supervision and for which certain conditions of lifetime supervision apply an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.]~~

~~[(Existing law: (1) requires a person convicted of certain sexual offenses to undergo a psychosexual evaluation as part of the presentence investigation and report prepared by the Division of Parole and Probation of the Department of Public Safety; and (2) prohibits the court from granting probation to or suspending the sentence of a person convicted of certain sexual offenses, unless the person who conducts the psychosexual evaluation certifies that the person convicted of the sexual offense does not represent a high risk to reoffend. (NRS 176.133, 176.139, 176A.110) Sections 12 and 13 of this bill]~~

~~add to the list of sexual offenses that require a psychosexual evaluation as part of the presentence investigation and report a certification that the person convicted does not represent a high risk to reoffend before the person may be granted probation or have his or her sentence suspended an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.~~

~~Existing law requires the prosecuting attorney, sheriff or chief of police, upon request, to inform a victim or witness of certain sexual offenses: (1) when the defendant is released from custody at any time before or during the defendant's trial; and (2) of the final disposition of the case involving the victim or witness. (NRS 178.5698) Section 14 of this bill adds to the list of offenses that are subject to such notification requirements an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.~~

~~Existing law allows a person convicted of certain offenses to petition the court for the sealing of all records relating to the conviction, but does not authorize the sealing of records relating to a conviction of certain sexual offenses. (NRS 179.245) Section 15 of this bill adds to the list of sexual offenses for which the sealing of records is not authorized an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.~~

~~Existing law defines the term "sexual offense" for the purpose of requiring persons convicted of certain sexual offenses to register as a sex offender, to comply with certain mandatory conditions of probation or parole and to fulfill certain other requirements. (NRS 118A.335, 176A.410, 179D.097, 213.1099, 213.1245) Section 16 of this bill revises the list of sexual offenses to which these statutory provisions apply to include an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.~~

~~Existing law requires the Department of Corrections to assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner. The State Board of Parole Commissioners must consider the assessment before determining whether to grant or revoke the parole of a person convicted of a sexual offense. (NRS 213.1214) Section 19 of this bill adds to the list of sexual offenses that require such an assessment an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a~~

~~department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.~~

~~Existing law requires that criminal proceedings for sexual assault must commence, by way of indictment, information or complaint, within 20 years after the commission of the offense. (NRS 171.085) Section 9 of this bill requires that a criminal proceeding for sexual assault be commenced within 30 years after the commission of the offense.]~~

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto ~~to a new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.7 of this act.

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

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

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

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

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

*3. ~~{The Department shall, on or before January 1 and July 1 of each year, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice and post on the Internet website maintained by the Department a report concerning the statewide program to track sexual assault forensic evidence kits. The report must include:~~*

~~*(a) The number of sexual assault forensic evidence kits in the program in each county;*~~

~~*(b) The number of sexual assault forensic evidence kits where genetic marker analysis has been completed in each county during the last 6 months.*~~

~~—(e) The number of sexual assault forensic evidence kits added to the program in each county during the last 6 months.~~

~~—(d) The number of sexual assault forensic evidence kits where genetic marker analysis has been requested but not completed in each county.~~

~~—(e) For this State as a whole and each county, the average and median time between a forensic medical examination and receipt by a forensic laboratory for genetic marker analysis overall and during the last 6 months.~~

~~—(f) For this State as a whole and each county, the average and median time between receipt by a forensic laboratory and genetic marker analysis overall and during the last 6 months.~~

~~—(g) The number of sexual assault forensic evidence kits in each county awaiting genetic marker analysis more than 1 year and 6 months after forensic medical examination.~~

~~—4. Each law enforcement agency, prosecutor, forensic laboratory and provider of health care who performs forensic medical examinations in this State shall participate in the statewide program to track sexual assault forensic evidence kits for the purpose of tracking the status of any sexual assault forensic evidence kits in the custody of the agency, prosecutor, laboratory or provider, or a third party under contract with such agency, prosecutor, laboratory or provider.~~

~~—5.†~~ Any agency or person who acts pursuant to this section in good faith and without gross negligence is immune from civil liability for those acts.

~~† 6. As used in this section:~~

~~—(a) "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.~~

~~—(b) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.~~

~~—(c) "Genetic marker analysis" has the meaning ascribed to it in NRS 176.00118.~~

~~—(d) "Sexual assault forensic evidence kit" means the forensic evidence obtained from a forensic medical examination.†~~

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

(a) Has chosen to remain anonymous; or

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

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

3. Each forensic laboratory that receives a sexual assault forensic evidence kit from a law enforcement agency shall, on or before August 31 of each year, submit a report to the Subcommittee to Review DNA of the Advisory

Commission on the Administration of Justice created by NRS 176.01246 and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. The report must contain the total number of sexual assault forensic evidence kits which have:

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

(b) Not been tested.

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

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

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

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

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

4. "Offense involving a pupil ~~{ }~~ or child" means any of the following offenses:

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

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

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

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

~~{3}~~ 6. "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

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

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

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

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

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

~~74~~ 11. "Victim" means a person who is a victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking.

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

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

200.377 The Legislature finds and declares that:

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

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

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

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

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

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

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

5. The public has no overriding need to know the individual identity of the victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking.

6. The purpose of NRS 200.3771 to 200.3774, inclusive, is to protect the victims of sexual offenses, offenses involving a pupil *or child* or sex trafficking from harassment, intimidation, psychological trauma and the unwarranted invasion of their privacy by prohibiting the disclosure of their identities to the public.

Sec. 4. NRS 200.3771 is hereby amended to read as follows:

200.3771 1. Except as otherwise provided in this section, any information which is contained in:

(a) Court records, including testimony from witnesses;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

➡ that reveals the identity of a victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.

2. A defendant charged with a sexual offense, an offense involving a pupil *or child* or sex trafficking and the defendant's attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and the defendant's attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.

3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;

(b) The disclosure will not place the victim at risk of personal harm; and

(c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

4. Nothing in this section prohibits:

(a) Any publication or broadcast by the media concerning a sexual offense, an offense involving a pupil *or child* or sex trafficking.

(b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:

(1) The organization or agency needs identifying information of victims to offer such services; and

(2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.

5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.

Sec. 5. NRS 200.3772 is hereby amended to read as follows:

200.3772 1. A victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual offense, offense involving a pupil *or child* or sex trafficking, including, without limitation, criminal intelligence and investigative reports, court records and media releases.

2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the sexual offense, offense involving a pupil *or child* or sex trafficking. The form must be provided by the law enforcement agency.



3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall make a good faith effort to:

(a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency's possession; and

(b) Notify the prosecuting attorney of the pseudonym.

➡ The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.

4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual offense, offense involving a pupil *or child* or sex trafficking.

5. The information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or the defendant's attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or the defendant's attorney is subject to the conditions and restrictions specified in subsection 2 of NRS 200.3771. A person who violates this subsection is guilty of a misdemeanor.

6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual offense, offense involving a pupil *or child* or sex trafficking, or the identity of the victim is at issue.

7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:

(a) Disclosing any information contained on the form filed by a victim pursuant to this section that reveals the identity of the victim; or

(b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.

Sec. 6. NRS 200.3773 is hereby amended to read as follows:

200.3773 1. A public officer or employee who has access to any records, files or other documents which include the photograph, likeness, name, address, telephone number or other fact or information that reveals the identity of a victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking shall not intentionally or knowingly disclose the identifying information to any person other than:

(a) The defendant or the defendant's attorney;

(b) A person who is directly involved in the investigation, prosecution or defense of the case;

(c) A person specifically named in a court order issued pursuant to NRS 200.3771; or

(d) A nonprofit organization or public agency approved to receive the information pursuant to NRS 200.3771.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 7. NRS 200.3774 is hereby amended to read as follows:

200.3774 The provisions of NRS 200.3771, 200.3772 and 200.3773 do not apply if the victim of the sexual offense, offense involving a pupil or child or sex trafficking voluntarily waives, in writing, the confidentiality of the information concerning the victim's identity.

Sec. 8. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, a person who:*

(a) *Is ~~(21)~~ 25 years of age or older;*

(b) *Is ~~licensed to conduct a foster home or~~ in a position of authority as an employee or contractor of or volunteer for an entity which provides services to children; and*

(c) *Engages in sexual conduct with a person who is 16 years of age or older but less than ~~(21)~~ 18 years of age and:*

(1) *Who is under the care, custody, control or supervision of the entity at which the person is employed or volunteering or of which the person is a contractor; and*

(2) *With whom the person has had contact in the course of performing his or her duties as an employee, contractor or volunteer,*

*➡ is guilty of a category C felony and shall be punished as provided in NRS 193.130.*

2. *The provisions of this section do not apply to a person who is an employee or contractor of or volunteer for an entity which provides services to children and who is married to ~~for~~ the person under the care, custody, control or supervision of the entity ~~for~~ at the time an act prohibited by this section is committed.*

3. *A person convicted pursuant to this section is not subject to the registration or community notification requirements of chapter 179D of NRS.*

4. *As used in this section:*

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

(b) *"Department of juvenile justice services" means:*

(1) *In a county whose population is less than 100,000, the probation department of the juvenile court established pursuant to NRS 62G.010 to 62G.070, inclusive;*

(2) *In a county whose population is 100,000 or more but less than 700,000, the department of juvenile services established pursuant to NRS 62G.100 to 62G.170, inclusive; and*

(3) *In a county whose population is 700,000 or more, the department of juvenile justice services established by ordinance pursuant to NRS 62G.210 or, if a department of juvenile justice services has not been established by ordinance pursuant to NRS 62G.210, the department of juvenile justice services established pursuant to NRS 62G.300 to 62G.370, inclusive.*

(c) "Entity which provides services to children" means:

- (1) An agency which provides child welfare services;
- (2) A department of juvenile justice services;
- (3) A foster home; or
- (4) The Youth Parole Bureau.

(d) "Foster home" has the meaning ascribed to it in NRS 424.014.

(e) "Youth Parole Bureau" has the meaning ascribed to it in NRS 62A.350.

Sec. 8.3. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection 2, a person who:

- (a) Is 21 years of age or older;
- (b) Is or was employed by a public school or private school in a position of authority or is or was volunteering at a public or private school ~~in a position of authority~~ in a position of authority; and

(c) Engages in sexual conduct with a pupil who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and:

(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

➡ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. The provisions of this section do not apply to a person who is married to the pupil ~~at the time an act prohibited by this section is committed~~.

3. The provisions of this section must not be construed to apply to sexual conduct between two pupils.

Sec. 8.7. NRS 201.550 is hereby amended to read as follows:

201.550 1. Except as otherwise provided in subsection 3, a person who:

- (a) Is 21 years of age or older;
- (b) Is employed in a position of authority by a college or university; and
- (c) Engages in sexual conduct with a student who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and who is enrolled in or attending the college or university at which the person is employed,

➡ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. For the purposes of subsection 1, a person shall be deemed to be employed in a position of authority by a college or university if the person is employed as:

- (a) A teacher, instructor or professor;
- (b) An administrator; or
- (c) A head or assistant coach.

3. The provisions of this section do not apply to a person who is married to the student ~~at the time an act prohibited by this section is committed~~.

4. The provisions of this section must not be construed to apply to sexual conduct between two students.

3. The provisions of this section must not be construed to apply to sexual conduct between two pupils.

Sec. 9. ~~[NRS 171.085 is hereby amended to read as follows:~~

~~171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and 171.095, an indictment for:~~

~~1. Theft, robbery, burglary, forgery, arson, sex trafficking, a violation of NRS 90.570, a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.~~

~~2. Sexual assault must be found, or an information or complaint filed, within [20] 30 years after the commission of the offense.~~

~~3. Any felony other than the felonies listed in subsections 1 and 2 must be found, or an information or complaint filed, within 3 years after the commission of the offense.] (Deleted by amendment.)~~

Sec. 10. NRS 176.01246 is hereby amended to read as follows:

176.01246 1. There is hereby created the Subcommittee to Review ~~[Arrestee]~~ DNA of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee which must include, without limitation:

(a) A member experienced in defending criminal actions.

(b) A member of a minority community organization whose mission includes the protection of civil rights for minorities.

3. The Chair of the Commission shall designate one of the members of the Subcommittee as Chair of the Subcommittee.

4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

5. The Subcommittee shall consider issues relating to DNA ~~[of arrested persons]~~ and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues. The issues considered by the Subcommittee and the report submitted by the Subcommittee must include, without limitation:

(a) The costs and procedures relating to the methods, implementation and utilization of the provisions for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons; ~~[and]~~

(b) The collection and review of information concerning the number of requests for the destruction of biological specimens and purging of DNA profiles and DNA records of arrested persons and the number and percentage of such requests that are denied ~~[ ]~~ ; and

(c) *The submittal, storage and testing of sexual assault forensic evidence kits, including, without limitation, the review of any report required pursuant to section ~~11~~ 1.7 of this act.*

6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.

7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses as provided for state officers and employees generally.

8. As used in this section:

(a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.

(b) "DNA" has the meaning ascribed to it in NRS 176.09114.

(c) "DNA profile" has the meaning ascribed to it in NRS 176.09115.

(d) "DNA record" has the meaning ascribed to it in NRS 176.09116.

(e) *"Sexual assault forensic evidence kit" has the meaning ascribed to it in ~~section 1 of this act.~~ NRS 200.364.*

Sec. 11. ~~{NRS 176.0931 is hereby amended to read as follows:~~

~~176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.~~

~~2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.~~

~~3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:~~

~~(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;~~

~~(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and~~

~~(c) The person is not likely to pose a threat to the safety of others, as determined by a person professionally qualified to conduct psychosexual evaluations, if released from lifetime supervision.~~

~~4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.~~

~~5. As used in this section:~~

~~— (a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:~~

~~— (1) An offense that involves:~~

~~— (I) A victim less than 18 years of age;~~

~~— (II) A crime against a child as defined in NRS 179D.0357;~~

~~— (III) A sexual offense as defined in NRS 179D.097;~~

~~— (IV) A deadly weapon, explosives or a firearm;~~

~~— (V) The use or threatened use of force or violence;~~

~~— (VI) Physical or mental abuse;~~

~~— (VII) Death or bodily injury;~~

~~— (VIII) An act of domestic violence;~~

~~— (IX) Harassment, stalking, threats of any kind or other similar acts;~~

~~— (X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or~~

~~— (XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.~~

~~— (2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:~~

~~— (I) A tribal court;~~

~~— (II) A court of the United States or the Armed Forces of the United States.~~

~~— (b) "Person professionally qualified to conduct psychosexual evaluations" has the meaning ascribed to it in NRS 176.133.~~

~~— (c) "Sexual offense" means:~~

~~— (1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 [.] or section 8 of this act;~~

~~— (2) An attempt to commit an offense listed in subparagraph (1); or~~

~~— (3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.} (Deleted by amendment.)~~

Sec. 12. ~~{NRS 176.133 is hereby amended to read as follows:~~

~~— 176.133 — As used in NRS 176.133 to 176.161, inclusive, unless the context otherwise requires:~~

~~— 1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:~~

~~— (a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;~~

~~— (b) A psychologist licensed to practice in this State;~~

~~— (c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;~~

~~—(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;~~

~~—(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or~~

~~—(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.~~

~~—2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.~~

~~—3. "Sexual offense" means:~~

~~—(a) Sexual assault pursuant to NRS 200.366;~~

~~—(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;~~

~~—(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;~~

~~—(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;~~

~~—(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;~~

~~—(f) Incest pursuant to NRS 201.180;~~

~~—(g) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;~~

~~—(h) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;~~

~~—(i) Lewdness with a child pursuant to NRS 201.230;~~

~~—(j) Sexual penetration of a dead human body pursuant to NRS 201.450;~~

~~—(k) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;~~

~~—(l) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;~~

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

~~—(n) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;~~

~~—[(n)] (o) An attempt to commit an offense listed in paragraphs (a) to [(m),] (n), inclusive, if punished as a felony; or~~

~~—[(o)] (p) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 176A.110 is hereby amended to read as follows:~~

~~—176A.110 1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 3 unless:~~

~~—(a) If a psychosexual evaluation of the person is required pursuant to NRS 176.139, the person who conducts the psychosexual evaluation certifies in the report prepared pursuant to NRS 176.139 that the person convicted of~~

~~the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment; or~~

~~— (b) If a psychosexual evaluation of the person is not required pursuant to NRS 176.139, a psychologist licensed to practice in this State who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychosexual evaluations certifies in a written report to the court that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment.~~

~~— 2. This section does not create a right in any person to be certified or to continue to be certified. No person may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for not certifying a person pursuant to this section or for refusing to consider a person for certification pursuant to this section.~~

~~— 3. The provisions of this section apply to a person convicted of any of the following offenses:~~

~~— (a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366;~~

~~— (b) Statutory sexual seduction pursuant to NRS 200.368;~~

~~— (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;~~

~~— (d) Abuse or neglect of a child pursuant to NRS 200.508;~~

~~— (e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;~~

~~— (f) Incest pursuant to NRS 201.180;~~

~~— (g) Open or gross lewdness pursuant to NRS 201.210;~~

~~— (h) Indecent or obscene exposure pursuant to NRS 201.220;~~

~~— (i) Sexual penetration of a dead human body pursuant to NRS 201.450;~~

~~— (j) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;~~

~~— (k) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;~~

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

~~— (m) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;~~

~~— [(m)] (n) A violation of NRS 207.180;~~

~~— [(n)] (o) An attempt to commit an offense listed in paragraphs (b) to [(m)], (n), inclusive;~~

~~— [(o)] (p) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193. (Deleted by amendment.)~~



Sec. 14. ~~[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 213.121 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 2 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) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to section 8 of this act;~~

~~(13) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;~~

~~[(13)] (14) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or~~

~~[(14)] (15) An attempt to commit an offense listed in this paragraph.]~~

~~(Deleted by amendment.)~~

Sec. 15. ~~[NRS 179.245 is hereby amended to read as follows:~~

~~179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:~~

~~—(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~—(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~—(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~—(d) Except as otherwise provided in paragraph (c), any gross misdemeanor after 5 years from the date of release from actual custody or discharge from probation, whichever occurs later;~~

~~—(e) A violation of NRS 422.540 to 422.570, inclusive, other than a felony, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or~~

~~—(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.~~

~~2. A petition filed pursuant to subsection 1 must:~~

~~—(a) Be accompanied by the petitioner's current, verified records received from:~~

~~—(1) The Central Repository for Nevada Records of Criminal History; and~~

~~—(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;~~

~~—(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;~~

~~—(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and~~

~~—(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:~~

~~—(1) Date of birth of the petitioner;~~

~~—(2) Specific conviction to which the records to be sealed pertain; and~~

~~—(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.~~

~~3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the~~

~~prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.~~

~~4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.~~

~~5. A person may not petition the court to seal records relating to a conviction of:~~

~~(a) A crime against a child;~~

~~(b) A sexual offense;~~

~~(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;~~

~~(d) A violation of NRS 484C.430;~~

~~(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;~~

~~(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or~~

~~(g) A violation of NRS 488.420 or 488.425.~~

~~6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.~~

~~7. As used in this section:~~

~~(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.~~

~~(b) "Sexual offense" means:~~

~~(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~

~~(2) Sexual assault pursuant to NRS 200.366.~~

~~(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.~~

~~—(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.~~

~~—(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.~~

~~—(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.~~

~~—(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.~~

~~—(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~—(9) Incest pursuant to NRS 201.180.~~

~~—(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.~~

~~—(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.~~

~~—(12) Lewdness with a child pursuant to NRS 201.230.~~

~~—(13) Sexual penetration of a dead human body pursuant to NRS 201.450.~~

~~—(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~

~~—(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~

~~—(16) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to section 8 of this act.~~

~~—(17) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.~~

~~—[(17)] (18) An attempt to commit an offense listed in this paragraph.]~~

~~(Deleted by amendment.)~~

Sec. 16. ~~[NRS 179D.097 is hereby amended to read as follows:~~

~~179D.097 1. "Sexual offense" means any of the following offenses:~~

~~—(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~

~~—(b) Sexual assault pursuant to NRS 200.366.~~

~~—(c) Statutory sexual seduction pursuant to NRS 200.368.~~

~~—(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.~~

~~—(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this subsection.~~

~~—(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.~~

~~—(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.~~

~~—(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~—(i) Incest pursuant to NRS 201.180.~~

~~—(j) Open or gross lewdness pursuant to NRS 201.210.~~

~~—(k) Indecent or obscene exposure pursuant to NRS 201.220.~~

~~—(l) Lewdness with a child pursuant to NRS 201.230.~~

~~—(m) Sexual penetration of a dead human body pursuant to NRS 201.450.~~

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

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

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

~~—(q) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.~~

~~—[(q)] (r) Sex trafficking pursuant to NRS 201.300.~~

~~—[(r)] (s) Any other offense that has an element involving a sexual act or sexual conduct with another.~~

~~—[(s)] (t) An attempt or conspiracy to commit an offense listed in paragraphs (a) to [(r)], (s), inclusive.~~

~~—[(t)] (u) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.~~

~~—[(u)] (v) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:~~

~~—(1) A tribal court.~~

~~—(2) A court of the United States or the Armed Forces of the United States.~~

~~—[(v)] (w) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:~~

~~—(1) A tribal court.~~

~~—(2) A court of the United States or the Armed Forces of the United States.~~

~~—(3) A court having jurisdiction over juveniles.~~

~~2. Except for the offenses described in paragraphs (n), [and] (o) and (p) of subsection 1, the term does not include an offense involving consensual sexual conduct if the victim was:~~

~~(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or~~

~~(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.] (Deleted by amendment.)~~

Sec. 17. ~~[NRS 179D.495 is hereby amended to read as follows:~~

~~179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph [(r)] (s) of subsection 1 of NRS 179D.097, paragraph (c) of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.] (Deleted by amendment.)~~

Sec. 18. ~~[NRS 213.107 is hereby amended to read as follows:~~

~~213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context otherwise requires:~~

~~1. "Board" means the State Board of Parole Commissioners.~~

~~2. "Chief" means the Chief Parole and Probation Officer.~~

~~3. "Division" means the Division of Parole and Probation of the Department of Public Safety.~~

~~4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.~~

~~5. "Sex offender" means any person who has been or is convicted of a sexual offense.~~

~~6. "Sexual offense" means:~~

~~(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 [;] or section 8 of this act;~~

~~(b) An attempt to commit any offense listed in paragraph (a); or~~

~~(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.~~

~~7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.] (Deleted by amendment.)~~

Sec. 19. ~~[NRS 213.1214 is hereby amended to read as follows:~~

~~213.1214 1. The Department of Corrections shall assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner using a currently accepted standard of assessment.~~

~~The completed assessment must include, without limitation, a determination of the prisoner's level of risk to reoffend in a sexual manner, including, without limitation, whether the prisoner is a high risk to reoffend in a sexual manner for the purposes of subsection 3 of NRS 213.1215. The Director shall ensure a completed assessment is provided to the Board before, but not sooner than 120 days before, a scheduled parole hearing.~~

~~2. The Director shall:~~

~~(a) Ensure that any employee of the Department who completes an assessment pursuant to subsection 1 is properly trained to assess the risk of an offender to reoffend in a sexual manner.~~

~~(b) Establish a procedure to:~~

~~(1) Ensure the accuracy of each completed assessment provided to the Board; and~~

~~(2) Correct any error occurring in a completed assessment provided to the Board.~~

~~3. This section does not create a right in any prisoner to be assessed or reassessed more frequently than the prisoner's regularly scheduled parole hearings or under a current or previous standard of assessment and does not restrict the Department from conducting additional assessments of a prisoner if such assessments may assist the Board in determining whether parole should be granted or continued. No cause of action may be brought against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for assessing, not assessing or considering or relying on an assessment of a prisoner, if such decisions or actions are made or conducted in compliance with the procedures set forth in this section.~~

~~4. The Board shall consider an assessment prepared pursuant to this section before determining whether to grant or revoke the parole of a person convicted of a sexual offense.~~

~~5. The Board may adopt by regulation the manner in which the Board will consider an assessment prepared pursuant to this section in conjunction with the standards adopted by the Board pursuant to NRS 213.10885.~~

~~6. As used in this section:~~

~~(a) "Director" means the Director of the Department of Corrections.~~

~~(b) "Reoffend in a sexual manner" means to commit a sexual offense.~~

~~(c) "Sex offender" means a person who, after July 1, 1956, is or has been:~~

~~(1) Convicted of a sexual offense; or~~

~~(2) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subparagraph [(20)] (21) of paragraph (d).~~

~~The term includes, but is not limited to, a sexually violent predator or a nonresident sex offender who is a student or worker within this State.~~

~~(d) "Sexual offense" means any of the following offenses:~~

~~(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a~~



~~child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~

~~— (2) Sexual assault pursuant to NRS 200.366.~~

~~— (3) Statutory sexual seduction pursuant to NRS 200.368.~~

~~— (4) Battery with intent to commit sexual assault pursuant to NRS 200.400.~~

~~— (5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.~~

~~— (6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.~~

~~— (7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.~~

~~— (8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~— (9) Incest pursuant to NRS 201.180.~~

~~— (10) Open or gross lewdness pursuant to NRS 201.210.~~

~~— (11) Indecent or obscene exposure pursuant to NRS 201.220.~~

~~— (12) Lewdness with a child pursuant to NRS 201.230.~~

~~— (13) Sexual penetration of a dead human body pursuant to NRS 201.450.~~

~~— (14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~

~~— (15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~

~~— (16) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to section 8 of this act.~~

~~— (17) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.~~

~~— [(17)] (18) An attempt or conspiracy to commit an offense listed in subparagraphs (1) to [(16)], (17), inclusive.~~

~~— [(18)] (19) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.~~

~~— [(19)] (20) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this paragraph. This subparagraph includes, but is not limited to, an offense prosecuted in:~~

~~— (I) A tribal court.~~

~~— (II) A court of the United States or the Armed Forces of the United States.~~

~~— [(20)] (21) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this paragraph, if the person who committed the offense resides or has resided or~~

is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, but is not limited to, an offense prosecuted in:

- ~~—— (I) A tribal court.~~
- ~~—— (II) A court of the United States or the Armed Forces of the United States.~~
- ~~—— (III) A court having jurisdiction over juveniles.~~

~~→ Except for the offenses described in subparagraphs 14, [and] 15 [,] and 16, the term does not include an offense involving consensual sexual conduct if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense. (Deleted by amendment.)~~

Sec. 20. ~~[NRS 480.110 is hereby amended to read as follows:~~

~~480.110 Except as otherwise provided therein, the Department shall execute, administer and enforce, and perform the functions and duties provided in:~~

- ~~1. Chapters 176A and 213 of NRS relating to parole and probation;~~
- ~~2. Section 1 of this act relating to tracking sexual assault forensic evidence kits;~~
- ~~3. Chapter 414 of NRS relating to emergency management;~~
- ~~[3.] 4. Chapter 414A of NRS;~~
- ~~[4.] 5. Chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;~~
- ~~[5.] 6. Chapter 459 of NRS relating to the transportation of hazardous materials;~~
- ~~[6.] 7. Chapter 477 of NRS relating to the State Fire Marshal; and~~
- ~~[7.] 8. NRS 486.363 to 486.377, inclusive, relating to the education and safety of motorcycle riders. (Deleted by amendment.)~~

Sec. 21. ~~[The Department of Public Safety shall, on or before January 1, 2018, submit to the Governor and the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice created by NRS 176.01246 a report concerning the status of the program to track sexual assault forensic evidence kits required by section 1 of this act and a plan for launching the program, including a plan for phased implementation.] (Deleted by amendment.)~~

Sec. 21.5. 1. The amendatory provisions of section 1.7 of this act apply to any sexual assault forensic evidence kit received by a forensic laboratory from a law enforcement agency on or after July 1, 2017.

2. Each forensic laboratory shall, on or before August 31, 2017, submit its first report to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice.

3. As used in this section:

(a) "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.

(b) "Sexual assault forensic evidence kit" has the meaning ascribed to it in NRS 200.364 as amended by section 2 of this act.

~~Sec. 22. [The amendatory provisions of section 9 of this act apply to a person who:~~

~~1. Committed sexual assault, as defined in NRS 200.366, before October 1, 2017, if the applicable statute of limitations has commenced but has not yet expired on October 1, 2017.~~

~~2. Commits sexual assault, as defined in NRS 200.366, on or after October 1, 2017.] (Deleted by amendment.)~~

Sec. 22.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the legislature.

Sec. 23. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 24. 1. This section and sections ~~[1, 10, 21, 22]~~ 1.7 and 21 to 23 , inclusive, of this act become effective on July 1, 2017.

2. Sections 2 to 9, inclusive, and 11 to 20, inclusive, of this act become effective on October 1, 2017.

3. Sections 1.3 and 10 of this act become effective on January 1, 2020.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 431 to Senate Bill No. 169 requires each law enforcement agency in this State to establish a sexual assault forensic evidence (SAFE) kit tracking program and, under most circumstances, to submit such a kit to a testing laboratory within 30 days of receiving it. It also requires a forensic laboratory to test a SAFE kit within 180 days of receipt.

Additionally, it requires forensic laboratories to submit a report of their findings to the Subcommittee to review DNA of the Advisory Commission on the Administration of Justice and to the Legislature on or before August 31 of each year. The report must include the number of SAFE kits that have been in the lab's possession for over one year and have not been tested.

It provides that the amendatory provisions regarding SAFE kit testing are prospective, applying to kits received on or after July 1, 2017. It clarifies that a person who is 25 years or older, who is in a position of authority as an employee, contractor or volunteer with an entity that provides services to children, and who engages in sexual conduct with a child who is between 16 and 18 years of age and who is under the care or supervision of the entity, is guilty of a category C felony. If the two persons involved in the sexual conduct are married at the time, these provisions do not apply.

Finally, it deletes provisions setting forth that a person convicted under these provisions would be subject to sex-offender registration and community notification, lifetime supervision and would have to undergo psychosexual evaluation.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 204.

Bill read second time.

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

Amendment No. 572.

SUMMARY—Requires the Public Utilities Commission of Nevada to investigate and establish ~~the requirement~~ biennial targets for certain electric utilities to procure energy storage systems under certain circumstances. (BDR 58-642)

AN ACT relating to energy; requiring the Public Utilities Commission of Nevada to investigate and establish ~~the requirement~~ biennial targets for certain electric utilities to procure energy storage systems if certain criteria are satisfied; requiring energy storage systems procured by an electric utility to satisfy such ~~requirements~~ targets to meet certain criteria; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 7 of this bill requires the Public Utilities Commission of Nevada to investigate and determine, on or before October 1, 2018, whether it is in the public interest to establish by regulation ~~the requirement~~ biennial targets for the procurement of energy storage systems by an electric utility. Under section 7, in making this determination, the Commission must consider whether energy storage systems will achieve certain purposes, including, without limitation: (1) the integration of renewable energy resources into the transmission and distribution grid; (2) the improvement in the reliability of the electric grid; (3) a reduction in the emission of greenhouse gases; and (4) certain other purposes. Section 7 further provides that, in measuring the benefits and costs of energy storage systems, the Commission is required to consider all known and measurable benefits and costs, including, without limitation, certain benefits and costs listed in section 7.

If the Commission determines that the benefits of the procurement of energy storage systems exceed the costs, section 8 of this bill requires the Commission to establish by regulation ~~annual requirements~~ biennial targets for the procurement of energy storage systems by an electric utility. In addition to such a ~~requirement~~ target, these regulations must include, without limitation: (1) provisions setting forth the locations for the implementation of energy storage systems; (2) requirements for the utility to submit annual or ~~biannual~~ biennial plans to meet targets for the procurement of energy storage systems; (3) a process for reevaluating the ~~annual requirements~~ biennial targets at least once every 3 years; (4) a procedure by which the electric utility may obtain a waiver or deferral of ~~an annual requirement~~ biennial targets if the electric utility is not able to identify energy storage systems that provide benefits to its customers that exceed the costs of such systems; (5) a requirement for the electric utility to include information concerning energy storage systems in the resource plans filed by the electric utility with the Commission.

Section 9 of this bill establishes the ~~requirements~~ criteria for an energy storage system procured by an electric utility to ~~comply with~~ meet any ~~annual requirements~~ biennial targets for the procurement of energy storage systems established by the Commission. Under section 9, such a system: (1) may be centralized or distributed; (2) may be owned by the electric utility or any other person; and (3) must meet certain other criteria.

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

Section 1. The Legislature hereby finds and declares that:

1. Energy storage systems ~~may~~ provide opportunities to:

(a) Reduce costs to ratepayers by avoiding or deferring the need for new generation of energy and for upgrades to systems for the transmission and distribution of energy;

(b) Reduce the use of fossil fuels for meeting demand during peak load periods and for providing ancillary services;

(c) Assist electric utilities with integrating sources of renewable energy into the grids for the transmission and distribution of electricity and with enhancing grid stability;

(d) Support diversification of energy resources and enhance grid security; and

(e) Reduce the emission of greenhouse gases and other air pollutants.

2. There exist ~~significant barriers to obtaining the benefits of energy storage systems, including, without limitation, inadequate evaluation of the use of energy storage on the transmission and distribution grid through long-term resource planning and a lack of recognition of advances in the technology and market for energy storage systems.~~ opportunities in the current energy storage market which can be enhanced through the sharing of system capabilities, recognition of technological advances, improvement of price structures and use of a collaborative approach to generation, transmission and distribution planning.

3. For the reasons set forth in subsection 1, it is in the public interest to remove the barriers to the use of energy storage systems in this State by investigating the ~~potential~~ costs and benefits of energy storage systems and, if such an investigation indicates that the benefits of energy storage systems exceed the costs of such systems, implementing ~~annual requirements~~ biennial targets for the procurement of energy storage systems by an electric utility in this State.

Sec. 2. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 9, inclusive, of this act.

Sec. 3. *As used in sections 3 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Electric utility" has the meaning ascribed to it in NRS 704.187.*

Sec. 5. *"Energy storage system" means commercially available technology that is capable of retaining energy, storing the energy for a period of time and delivering the energy after storage, including, without limitation, by chemical, thermal or mechanical means.*

Sec. 6. *"Procure" or "procurement" means to acquire by ownership or by a contractual right to use the energy from, or the capacity of, an energy storage system.*

Sec. 7. 1. *On or before October 1, 2018, the Commission shall determine whether it is in the public interest to establish by regulation ~~requirements~~ biennial targets for the procurement of energy storage systems by an electric utility.*

2. *In making the determination required by subsection 1, the Commission shall consider:*

*(a) Whether the procurement of energy storage systems by an electric utility will achieve the following purposes:*

*(1) The integration of renewable energy resources which generate electricity on an intermittent basis into the transmission and distribution grid of the electric utility.*

*(2) The improvement of the reliability of the systems for the transmission and distribution of electricity.*

*(3) The increased use of renewable energy resources to generate electricity.*

*(4) The reduction of the need for the additional generation of electricity during periods of peak demand.*

*(5) The avoidance or deferral of investment by the electric utility in generation, transmission and distribution of electricity.*

*(6) The replacement of ancillary services provided by facilities using fossil fuels with ancillary services provided by the use of energy storage systems.*

*(7) The reduction of greenhouse gas emissions.*

*(b) The interconnection of energy storage systems at each point of the electric grid, including, without limitation, in the transmission and distribution of electricity and at the site of the customer.*

3. *For the purposes of subsection 1, the Commission shall determine that the establishment of ~~requirements~~ targets for the procurement of energy storage systems by an electric utility is in the public interest if the benefits to customers of the electric utility exceed the costs of the procurement of energy storage systems. In calculating the benefits and costs of the procurement of energy storage systems, the Commission shall consider all known and measurable benefits and costs, including, without limitation:*

*(a) A reduction in the need for the additional generation of electricity during periods of peak demand;*

*(b) A reduction in line losses;*

*(c) The benefits and costs related to ancillary services;*

*(d) Avoided costs for additional generation, transmission and generation capacity;*

*(e) The benefits arising from a reduction of greenhouse gas emissions and the emission of other air pollutants;*

*(f) The benefits and costs related to voltage support;*

*(g) The benefits of diversifying the types of resources used for the generation of electricity;*

*(h) The administrative costs incurred by the electric utility;*

(i) The cost to the electric utility of the integration of energy storage systems into the transmission and distribution grid; and

(j) The cost of energy storage systems.

Sec. 8. If, pursuant to section 7 of this act, the Commission determines that it is in the public interest to establish by regulation ~~requirements~~ targets for the procurement of energy storage systems by an electric utility, the Commission shall adopt regulations:

1. Establishing ~~annual requirements~~ biennial targets for the procurement of energy storage systems by the electric utility; ~~which increase over time;~~

2. Setting forth the ~~locations~~ points of interconnection on the electric grid for the implementation of energy storage systems;

3. Establishing that an energy storage system may be owned by the electric utility or any other person;

4. Establishing requirements for the filing by the electric utility of annual or ~~biannual~~ biennial plans to meet biennial targets for the procurement and implementation of energy storage systems;

5. Prescribing a procedure by which the Commission must, at least once every 3 years, reevaluate the ~~annual requirements~~ biennial targets for the procurement of energy storage systems by the electric utility;

6. Establishing a procedure by which an electric utility may obtain a waiver or deferral of the ~~requirement to procure~~ biennial targets for the procurement of energy storage systems if the electric utility is not able to identify energy storage systems that provide benefits to customers of the utility that exceed the costs of energy storage systems; and

7. Requiring the electric utility to include such information as the Commission may require in each plan submitted by the electric utility pursuant to NRS 704.741.

Sec. 9. 1. If the Commission adopts regulations pursuant to section 8 of this act to establish ~~annual requirements~~ biennial targets for the procurement of energy storage systems by an electric utility, to meet the ~~annual requirements~~ targets set forth in those regulations, the electric utility

~~1. May~~ may procure ~~an~~ energy storage ~~system~~ systems that ~~is~~ are either centralized or distributed and either owned by the utility or by any other person ~~1~~, as prescribed by regulation of the Commission.

2. ~~Must procure an electric~~ Electric energy storage ~~system that~~ systems procured by an electric utility to meet any biennial targets for the procurement of energy storage systems established by regulation pursuant to section 8 of this act must:

(a) ~~Reduces~~ Reduce peak demand for electricity;

(b) ~~Avoids~~ Avoid or defers investment by the electric utility in assets for the generation, transmission and distribution of electricity;

(c) ~~Improves~~ Improve the reliability of the operation of the transmission or distribution grid;

(d) ~~Reduces~~ Reduce the emission of greenhouse gases or other air pollutants; or

(e) ~~Integrates~~ Integrate renewable energy into the electric grid.

Sec. 10. This act becomes effective on July 1, 2017.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 572 makes five changes to Senate Bill No. 204. First, the amendment replaces the word "requirement" with "target" throughout the bill; second, it changes annual targets to biennial targets throughout the bill; third, clarifies the language in the preamble of the bill; fourth, it removes the requirements that targets increase over time and leaves discretion to the Public Utilities Commission of Nevada; and finally, it replaces the word "locations" with "point of interconnection" to remove ambiguity in section 8 of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 209.

Bill read second time.

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

Amendment No. 581.

SUMMARY—Revises provisions relating to insurance. (BDR 53-485)

AN ACT relating to insurance; authorizing an insurer to process ~~certain~~ claims of industrial insurance at an office located outside of this State; requiring that persons processing ~~certain~~ claims of industrial insurance be accessible to an employer and his or her employees who are located in this State; removing the requirement that an insurer who provides industrial insurance provide an office in this State; authorizing the Commissioner of Insurance to accept an independent audit in lieu of an examination of a nonprofit organization of surplus lines brokers; limiting when a surplus lines broker may charge a fee; authorizing the Commissioner to adopt regulations for the charging and collection of certain fees for the purchase of individual or group life or health insurance or an individual or group annuity; authorizing an employee or authorized representative of a vendor to receive compensation for selling or offering portable electronics insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an insurer who provides industrial insurance to provide an office in this State that is operated by the insurer or its third-party administrator. Such an office must have persons authorized to act for the insurer who may receive information related to a claim and provide services to an employer and his or her employees. Additionally, an insurer shall provide a statewide toll-free telephone service to its in-state office or accept collect calls from injured employees. (NRS 616B.027) Section 1 of this bill authorizes persons who are authorized to act for the insurer to handle, at an office located outside of this State, a claim of industrial insurance that ~~exceeds \$300,000.~~ is filed in this State. Section 1 further requires that such persons located outside



of this State be accessible: (1) through electronic communications, videoconferencing, teleconferencing or other available technology that is provided by the insurer; and (2) by a statewide toll-free telephone service provided by the insurer or by the insurer accepting collect calls from injured employees ~~on all days other than Saturdays, Sundays and legal holidays in the jurisdiction in which the office is located from 9 a.m. to 5 p.m. Pacific time.~~ Section 1 additionally sets forth that such persons located outside of this State are subject to the jurisdiction of the courts of this State and to service of process. Section 1 additionally authorizes the Administrator of the Division of Industrial Relations of the Department of Business and Industry to adopt regulations concerning: (1) the handling of a claim that ~~exceeds \$300,000;~~ is filed in this State at an office located outside of this State; and (2) the accessibility to persons located outside of this State who are working on such claims.

Section 3 of this bill amends existing law by removing the requirement that an insurer who provides industrial insurance provide an office in this State that is operated by the insurer or its third-party administrator. Sections 2, 4 and 5 of this bill make conforming changes.

Existing law requires the Commissioner of Insurance to make an examination of the affairs, transactions, accounts, records and assets of a nonprofit organization of surplus lines brokers. (NRS 685A.075) Section 7 of this bill authorizes the Commissioner to accept the report of an independent audit in lieu of an examination if the Commissioner deems an independent audit to be in the best interest of the residents of this State.

Existing law authorizes a surplus lines broker to charge a fee for procuring surplus lines coverage. (NRS 685A.155) Section 8 of this bill limits existing law by only authorizing a broker who places any insurance coverage with an authorized insurer to charge a fee for procuring surplus lines coverage.

Existing law authorizes the Commissioner to adopt regulations to allow for the charging and collection of a fee by an insurance broker, consultant or financial planner for consultation or related advice on the purchase of life or health insurance or an annuity. (NRS 686A.230) Section 11 of this bill clarifies existing law by authorizing the Commissioner to adopt regulations to allow for the charging and collection of a fee by an insurance broker, consultant or financial planner for consultation or related advice on the purchase of individual or group life or health insurance or an individual or group annuity.

Section 12 of this bill authorizes an employee or authorized representative of a vendor to receive from the vendor compensation for the selling or offering of coverage under a policy of portable electronics insurance. Section 6 of this bill makes conforming changes.

Existing law authorizes the Commissioner, with the approval of the State Board of Examiners, to enter into a multi-state agreement to preserve the ability of this State to collect premium tax on multi-state risks. (NRS 685A.185) Section 13 of this bill repeals this provision. Sections 9 and 10 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 616B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Persons authorized to act for an insurer at an office located outside of this State may process a claim ~~that~~*

~~*(a) Exceeds \$300,000; and*~~

~~*(b) Is*~~ filed in this State.

2. ~~*[Persons]*~~ *In processing a claim filed in this State, persons authorized to act for an insurer at an office located outside of this State ~~if, in processing a claim that exceeds \$300,000,~~* may receive information related to that claim and provide the services to an employer and his or her employees required by chapters 616A to 617, inclusive, of NRS. Such persons must be accessible:

(a) Through electronic communications, videoconferencing, teleconferencing or other available technology that is provided by the insurer; and

(b) *By a statewide toll-free telephone service provided by the insurer or by the insurer accepting collect calls from injured employees ~~on all days, other than Saturdays, Sundays and legal holidays in the jurisdiction in which the office is located, from 9 a.m. to 5 p.m. Pacific time.~~*

3. *In processing a claim filed in this State pursuant to this section, persons authorized to act for an insurer at an office located outside of this State are, to the extent not inconsistent with the Nevada Constitution or the United States Constitution, subject to the jurisdiction of the courts of this State and to service of process as provided in NRS 14.065.*

4. *The Administrator may adopt regulations concerning the:*

(a) *Processing of a claim ~~that exceeds \$300,000~~ filed in this State at an office located outside of this State pursuant to subsection 1; and*

(b) *Access required by subsection 2 to persons who are authorized to act for an insurer pursuant to subsection 1.*

5. *As used in this section, "Pacific time" means the actual measure of time that is used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of the Nevada Constitution.*

Sec. 2. NRS 616B.021 is hereby amended to read as follows:

616B.021 1. An insurer shall provide access to the files of claims in its offices.

2. The physical records in a file concerning a claim filed in this State may be kept at an office located outside this State if all records in the file are accessible at its offices ~~located in this State~~ on computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original. If a claim filed in this State is open, the records in the file must be reproduced and available for inspection during

regular business hours within 24 hours after requested by the employee or the employee's designated agent, the employer or the employer's designated agent, or the Administrator or the Administrator's designated agent. If a claim filed in this State is closed, the records in the file must be reproduced and available for inspection during regular business hours within 14 days after requested by such persons.

3. Upon request, the insurer shall make copies or other reproductions of anything in the file and may charge a reasonable fee for this service. Copies or other reproductions of materials in the file which are requested by the Administrator or the Administrator's designated agent, or the Nevada Attorney for Injured Workers or his or her designated agent must be provided free of charge.

4. The Administrator may adopt regulations concerning the:

- (a) Maintenance of records in a file on claims that are open or closed; and
- (b) Preservation, examination and use of records which have been stored on computer or in a microphotographic, electronic or similar format by an insurer.

5. This section does not require an insurer to allow inspection or reproduction of material regarding which a legal privilege against disclosure has been conferred.

Sec. 3. NRS 616B.027 is hereby amended to read as follows:

616B.027 1. Every insurer *and third-party administrator* shall:

(a) Provide ~~{an office}~~ in this State : ~~{operated by the insurer or its third party administrator in which:}~~

(1) A complete file of ~~{each}~~ a claim ~~{is accessible,}~~ *filed by the employee or the representative of the employee*, in accordance with the provisions of NRS 616B.021 ~~{;}~~, *upon request of the employee or his or her representative;* and

(2) Persons authorized to act for the insurer and, if necessary, licensed pursuant to chapter 683A of NRS, *including, without limitation, persons authorized pursuant to section 1 of this act, who* may receive information related to a claim and provide the services to an employer and his or her employees required by chapters 616A to 617, inclusive, of NRS . ~~{; and~~

~~—(3) An employee or his or her employer, upon request, is provided with information related to a claim filed by the employee or a copy or other reproduction of the information from the file for that claim, in accordance with the provisions of NRS 616B.021.}~~

(b) Provide statewide toll-free telephone service ~~{to the office maintained pursuant to paragraph (a)}~~ or accept collect calls from injured employees.

2. Each private carrier shall provide:

- (a) Adequate services to its insured employers in controlling losses; and
- (b) Adequate information on the prevention of industrial accidents and occupational diseases.

Sec. 4. NRS 616B.500 is hereby amended to read as follows:

616B.500 1. An insurer may enter into a contract to have his or her plan of insurance administered by a third-party administrator.

2. An insurer shall not enter into a contract with any person for the administration of any part of the plan of insurance unless that person ~~[maintains an office in this State and]~~ has a certificate issued by the Commissioner pursuant to NRS 683A.08524.

Sec. 5. NRS 616B.503 is hereby amended to read as follows:

616B.503 1. A person shall not act as a third-party administrator for an insurer without a certificate issued by the Commissioner pursuant to NRS 683A.08524.

2. A person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS shall:

(a) Administer from one or more offices ~~[located in this State]~~ all of the claims arising under each plan of insurance that the person administers and maintain in those offices all of the records concerning those claims;

(b) Administer each plan of insurance directly, without subcontracting with another third-party administrator; and

(c) Upon the termination of the person's contract with an insurer, transfer forthwith to a certified third-party administrator chosen by the insurer all of the records in the person's possession concerning claims arising under the plan of insurance.

3. The Commissioner may, under exceptional circumstances, waive the requirements of subsection 2.

Sec. 6. NRS 683A.325 is hereby amended to read as follows:

683A.325 1. Except as otherwise provided in NRS 683A.3687 ~~[,]~~ *or 691D.220*, a producer of insurance who is appointed as an agent may pay a commission or compensation for or on account of the selling, soliciting, procuring or negotiating of insurance in this State only to a licensed and appointed producer of insurance of the insurer with whom insurance was placed or to a licensed producer acting as a broker.

2. A licensee shall not accept any commission or compensation to which the licensee is not entitled pursuant to the provisions of this title.

Sec. 7. NRS 685A.075 is hereby amended to read as follows:

685A.075 1. A nonprofit organization of surplus lines brokers may be formed to:

(a) Facilitate and encourage compliance by its members with the laws of this State and the rules and regulations of the Commissioner concerning surplus lines insurance;

(b) Provide a means for the review of all surplus lines coverage written in this State;

(c) Communicate with organizations of admitted insurers with respect to the proper use of the surplus lines market;

(d) Receive and disseminate to brokers information relative to surplus lines coverages; and

(e) Charge members a filing fee, approved by the Commissioner, for the review of surplus lines coverages.

2. Every such organization shall exercise its powers through a board of directors and shall file with the Commissioner:

(a) A copy of its constitution, articles of agreement or association or certificate of incorporation;

(b) A copy of its bylaws, rules and regulations governing its activities;

(c) A copy of its plan of operations established and approved by the Commissioner;

(d) A current list of its members;

(e) The name and address of a resident of this State upon whom notices or orders of the Commissioner or processes issued at the direction of the Commissioner may be served; and

(f) An agreement that the Commissioner may examine the organization in accordance with the provisions of this section.

3. The Commissioner shall make an examination of the affairs, transactions, accounts, records and assets of such an organization and any of its members as often as the Commissioner deems necessary for the protection of the interests of the people of this State, but no less frequently than once every 3 years. The officers, managers, agents and employees of such an organization may be examined at any time, under oath, and shall provide to the Commissioner all books, records, accounts, documents or agreements governing its method of operation. The Commissioner shall furnish two copies of the examination report to the organization examined and shall notify the organization that it may, within 20 days thereof, request a hearing on the report or on any facts or recommendations set forth therein. If the Commissioner finds such an organization or any member thereof to be in violation of this chapter, the Commissioner may, in addition to any administrative fine or penalty imposed pursuant to this Code, issue an order requiring the discontinuance of such violations. *In lieu of an examination conducted pursuant to this subsection, the Commissioner may accept the report of an independent audit of such an organization if the Commissioner deems that an independent audit is in the best interest of the residents of this State.*

4. The board of directors of such an organization must consist of not fewer than five persons. The members of the board must be appointed by the Commissioner and serve at the pleasure of the Commissioner.

5. A broker must be a member of such an organization as a condition of continued licensure under this chapter.

Sec. 8. NRS 685A.155 is hereby amended to read as follows:

685A.155 A broker *who places any insurance coverage with an authorized insurer pursuant to subsection 3 of NRS 685A.060* may charge a fee for procuring surplus lines coverage. Except as otherwise provided by agreement between the insurer and broker, the fee must not exceed 20 percent of the premium charged, after deduction of any other commissions, fees and charges payable to the broker.

Sec. 9. NRS 685A.175 is hereby amended to read as follows:

685A.175 1. A broker who has written coverage for which this State is the insured's home state shall pay, by the date described in subsection 2, the tax for each calendar quarter as directed by the Commissioner and shall file as directed by the Commissioner a copy of a quarterly report which includes an accounting of:

- (a) The aggregate gross premiums for the quarter;
- (b) The aggregate of the return premiums received; *and*
- (c) The amount of tax remitted to the Commissioner . ~~[-; and~~
- ~~—(d) The distribution of the exposures of insureds by state in accordance with the requirements of any multi state agreement entered into by the Commissioner pursuant to NRS 685A.185.]~~

↪ The report must be on a form approved by the Commissioner.

2. The tax filings and payments required by subsection 1 must be submitted by:

- (a) February 15 for the calendar quarter ending the preceding December 31.
- (b) May 15 for the calendar quarter ending the preceding March 31.
- (c) August 15 for the calendar quarter ending the preceding June 30.
- (d) November 15 for the calendar quarter ending the preceding September 30.

Sec. 10. NRS 685A.180 is hereby amended to read as follows:

685A.180 1. ~~[Except as otherwise provided in subsection 6, on]~~ On or before the date described in subsection 2 of NRS 685A.175 for each quarter, each broker shall pay as directed by the Commissioner a tax on surplus lines coverages for which this State is the insured's home state written by the broker in unauthorized insurers during the preceding calendar quarter at the same rate of tax as imposed by law on the premiums of similar coverages written by authorized insurers, in addition to any fees imposed pursuant to NRS 685A.075.

2. ~~[Except as otherwise provided in subsection 6, on]~~ On or before the date described in subsection 2 of NRS 685A.175 for each quarter, each insured for which this State is the home state shall pay as directed by the Commissioner a tax on independently procured insurance written for the insured by an unauthorized insurer during the preceding calendar quarter at the same rate of tax as imposed by law on the premiums of similar coverages written by authorized insurers, in addition to any fees imposed pursuant to NRS 685A.075.

3. For the purposes of this section, the "premium" on surplus lines coverages includes:

- (a) The gross amount charged by the insurer for the insurance, less any return premium;
- (b) Any fee allowed by NRS 685A.155;
- (c) Any policy fee;
- (d) Any membership fee;
- (e) Any inspection fee; and

(f) Any other fees or assessments charged by the insurer as consideration for the insurance.

↪ Premium does not include any additional amount charged for state or federal tax, or for executing or completing affidavits or reports of coverage.

4. All taxes collected as directed by the Commissioner pursuant to this section ~~[and not intended for disbursement to other states by a clearinghouse established through any multi-state agreement entered into by the Commissioner pursuant to NRS 685A.185]~~ must be promptly deposited with the State Treasurer ~~[,]~~ to the credit of the State General Fund.

5. A broker who receives a credit for tax paid shall refund to each insured the amount of the credit attributable to the insured when the insurer pays a return premium or within 30 days, whichever is earlier.

~~{6. If the Commissioner has entered into a multi-state agreement pursuant to NRS 685A.185, the Commissioner may require that each broker who has written surplus line coverages for multi-state risks for which this State is the insured's home state and each insured for which this State is the home state who has obtained independently procured insurance for multi-state risks pay a premium tax:~~

~~—(a) For the portion of the premium allocated to Nevada, at the tax rate applicable to nonadmitted insurance pursuant to this chapter;~~

~~—(b) For the portion of the premium allocated to any other state that also participates in the multi-state agreement, at the tax rate applicable to nonadmitted insurance as established by that state; and~~

~~—(c) For the portion of the premium allocated to any other state that does not participate in the multi-state agreement, at the tax rate applicable to nonadmitted insurance pursuant to this chapter. The tax for this portion of the premium must be deposited with the State Treasurer, to the credit of the State General Fund, after it is processed by the clearinghouse established through the multi-state agreement.]~~

Sec. 11. NRS 686A.230 is hereby amended to read as follows:

686A.230 1. A person shall not willfully collect any sum as a premium or charge for insurance which is not then provided or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as authorized by this Code.

2. Except as otherwise provided in subsection 3, a person shall not willfully collect as a premium or charge for insurance any sum in excess of the premium or charge applicable to the insurance and as specified in the policy, in accordance with the applicable classifications and rates as filed with and approved by the Commissioner. In cases where classifications, premiums or rates are not required by this Code to be so filed and approved, the premiums and charges must not be in excess of those specified in the policy and as fixed by the insurer. This subsection does not prohibit:

(a) The charging and collection by surplus lines brokers licensed under chapter 685A of NRS of the amount permitted by chapter 685A of NRS and regulations adopted by the Commissioner.

(b) The charging and collection by a life insurer of amounts actually to be expended for the medical examination of any applicant for life insurance or for reinstatement of a life insurance policy.

3. The Commissioner may adopt regulations to allow the charging and collection of a fee by an insurance broker, consultant or financial planner:

(a) In lieu of any other charge or commission for solicitation, negotiation or procurement of a policy of insurance which covers commercial or business risks;

(b) For consultation or any related advice on the insuring of commercial or business risks which does not result in the procurement of a policy of insurance; and

(c) For consultation or related advice on the purchase of *individual or group* life or health insurance or an *individual or group* annuity, whether or not it results in the purchase of a policy of insurance or annuity. In such a case, the fee must be set forth in a written contract signed by the client before the consultation begins.

4. An agent or broker who provides consultation or related advice pursuant to this section shall do so pursuant to a written contract specifying the compensation the agent or broker will receive. The compensation may be in addition to or in lieu of a commission and is not a premium as defined in NRS 679A.115.

Sec. 12. NRS 691D.220 is hereby amended to read as follows:

691D.220 1. Notwithstanding any other provision of law, an employee or authorized representative of a vendor that holds a license as a producer of insurance in portable electronics insurance issued by the Commissioner pursuant to NRS 683A.261 or 683A.271 may, without a license issued by the Commissioner, sell or offer coverage under a policy of portable electronics insurance at any location at which the vendor does business if:

(a) The employee or authorized representative of the vendor sells or offers coverage under a policy of portable electronics insurance only on behalf of, and under the supervision of, the vendor; and

(b) Before the employee or authorized representative of the vendor sells or offers coverage under a policy of portable electronics insurance, he or she completes a program of training provided by the vendor pursuant to NRS 691D.300.

2. An employee or authorized representative of a vendor who sells or offers coverage under a policy of portable electronics insurance pursuant to this section shall not advertise, represent or otherwise hold himself or herself out as a licensed producer of insurance unless the person is licensed as a producer of insurance.

3. *An employee or authorized representative of a vendor who sells or offers coverage under a policy of portable electronics insurance pursuant to this section may receive from that vendor compensation related to the selling or offering of coverage under a policy of portable electronics insurance.*

Sec. 13. NRS 685A.185 is hereby repealed.



Sec. 14. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTION

685A.185 Multi-state agreement to collect premium tax on multi-state risks.

1. The Commissioner may, with the approval of the State Board of Examiners, on behalf of the State enter into a multi-state agreement to preserve the ability of this State to collect premium tax on multi-state risks.

2. If, within 18 months after the Commissioner enters into a multi-state agreement pursuant to subsection 1, the Commissioner conducts a hearing pursuant to the provisions of chapter 233B of NRS concerning participation in the multi-state agreement, the Commissioner shall submit to the State Board of Examiners and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the findings of the Commissioner pursuant to the hearing.

3. The State Board of Examiners shall review and may accept the findings of the Commissioner. If the Commissioner finds and the State Board of Examiners accepts that because of the effect of the multi-state agreement on the gross receipt of premiums collected in this State:

(a) It is in the best interest of the State to continue to participate in the multi-state agreement, the State Board of Examiners may approve the State's continued participation in the multi-state agreement.

(b) It is not in the best interest of the State to continue to participate in the multi-state agreement, the State Board of Examiners may approve the State's withdrawal from the multi-state agreement.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 581 to Senate Bill No. 209 deletes the requirement that claims must exceed \$300,000 for a person authorized to act for an insurer at an office outside of the State to process a claim, and it adds a requirement that an insurer adjust on the claim must be available by phone from 9 to 5 pacific time and that the insurer adjuster working on the claim must have jurisdictional authority to process a work or a claim in Nevada.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 317.

Bill read second time.

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

Amendment No. 450.

SUMMARY—Revises provisions relating to preferences in bidding for certain contracts for businesses based in this State. (BDR 27-936)

AN ACT relating to procurement; establishing provisions relating to preferences in bidding for certain contracts with Nevada-based businesses for state purchasing; revising provisions relating to preferences in bidding for contracts for certain public works projects; ~~providing penalties;~~ and providing other matters properly relating thereto.

## Legislative Counsel's Digest:

Existing law grants a preference of 5 percent for a bid or proposal for a state purchasing contract which is submitted by a local business owned and operated by a veteran with a service-connected disability. (NRS 333.3361-333.3369) Sections 2-8 of this bill create a preference of 5 percent for a bid or proposal for a state purchasing contract which is submitted by a Nevada-based business. To qualify for this preference, section 3 requires such a business to certify that: (1) at least 50 percent of all workers employed for the state purchasing contract will hold a valid Nevada driver's license or identification card; (2) all vehicles used primarily for the state purchasing contract will be either registered in this State or partially apportioned to this State; and (3) certain records will be maintained and made available for inspection within this State. Section 5 establishes that a bid ~~for proposal~~ which qualifies for the preference will be deemed to ~~be~~ cost 5 percent ~~lower~~ less than the actual cost of the bid ~~for~~ and a proposal ~~factually submitted~~ which qualifies for the preference will be deemed to have a score 5 percent higher than the actual score of the proposal. Section 6 imposes certain penalties and restrictions upon a business that makes a material misrepresentation or commits a fraudulent act in applying for a preference or fails to comply with the requirements for a preference.

Existing law requires that a contractor, applicant to serve as a construction manager at risk or design-build team that wishes to receive a preference in bidding for a contract for a public work submit an affidavit to the public body sponsoring or financing the public work certifying that: (1) at least 50 percent of all workers employed on the public work will hold a valid Nevada driver's license or identification card; (2) all vehicles used primarily for the public work will be either registered in this State or partially apportioned to this State; (3) at least 50 percent of all design professionals working on the public work will hold a valid Nevada driver's license or identification card; and (4) certain records will be maintained and made available for inspection within this State. (NRS 338.0117) Section 11 of this bill requires a contractor, applicant or design-build team which is awarded a contract for a public work as a result of such a preference to submit an affidavit confirming compliance with these requirements quarterly and upon completion of the public work. Sections 12-16 of this bill revise the bidding preference that a contractor, applicant to serve as a construction manager at risk or design-build team who meets these requirements receives for certain public works contracts from 5 percent to 10 percent.

~~[ Existing law prohibits a contractor from being qualified to bid on certain state and local public works if the contractor has, within the preceding year, materially breached a contract for a public work that cost more than \$25,000,000 and prohibits a contractor who has materially breached a contract for a public work which exceeds \$5,000,000 from receiving a preference in bidding for public works for 5 years. (NRS 338.1379, 338.1382, 338.1389, 338.1415, 338.147, 408.333) Existing law also imposes a penalty of 1 percent of the cost of the contract upon a contractor, applicant or design-build team~~

~~who is awarded a contract as a result of a bidding preference and subsequently fails to comply with the requirements to receive that preference. (NRS 338.0117) Section 11 of this bill makes a willful failure to comply with the requirements to receive a bidding preference a misdemeanor and creates a separate violation for each worker, vehicle or design professional by which the contractor, applicant or design build team falls below the requirements. Section 7 creates a similar misdemeanor for a business that receives a preference on a state purchasing contract as a Nevada based business and willfully fails to comply with the requirements for such a preference.]~~

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

Section 1. Chapter 333 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Nevada-based business" means a business which certifies that, for the duration of a state purchasing contract, collectively, and not on any specific day:*

1. *At least 50 percent of the workers employed by the business for the state purchasing contract will hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada;*

2. *All vehicles used primarily for the state purchasing contract will be:*

(a) *Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or*

(b) *Registered in this State; and*

3. *The business will maintain and make available for inspection within this State its records concerning payroll relating to the state purchasing contract.*

Sec. 4. *"State purchasing contract" means a contract awarded pursuant to the provisions of this chapter.*

Sec. 5. 1. *For the purposes of awarding a formal contract solicited pursuant to subsection 2 of NRS 333.300, if a business qualifies as a Nevada based business and submits a bid or proposal and is a responsive and responsible bidder, the cost of the bid for proposal shall be deemed to be 5 percent lower than the cost of the bid for proposal actually submitted ~~for~~, and the score assigned to the proposal pursuant to NRS 333.335 shall be deemed to be 5 percent higher than the score actually awarded.*

2. *The preference described in subsection 1 may not be combined with any other preference.*

Sec. 6. 1. *In addition to any other remedy or penalty provided by law, if the Purchasing Division determines that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for a preference described in section 5 of this act or has failed to comply with the requirements of that section, the business:*

(a) Shall pay to the Purchasing Division, if awarded a state purchasing contract, a penalty in the amount of 1 percent of the cost of the state purchasing contract;

(b) Shall not bid on a state purchasing contract or a contract awarded by any local government for 1 year after the date upon which the Purchasing Division makes such a determination; and

(c) Shall not apply for or receive a preference described in section 5 of this act for 5 years after the date upon which the Purchasing Division makes such a determination.

2. If the Purchasing Division determines, as described in subsection 1, that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for a preference described in section 5 of this act or has failed to comply with the requirements of that section, the business may apply to the Administrator to review the decision pursuant to chapter 233B of NRS.

Sec. 7. ~~In addition to any other remedy or penalty provided by law, any person who willfully makes a material misrepresentation or otherwise commits a fraudulent act in applying for a preference described in section 5 of this act or who willfully fails to comply with the requirements of that section is guilty of a misdemeanor and shall be punished by a fine of not more than \$10,000. For the purposes of this section, a separate violation occurs for each:~~

~~1. Worker who would need to hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada in order for at least 50 percent of the workers employed by the business for the state purchasing contract to hold such a license or card; and~~

~~2. Vehicle used primarily for the state purchasing contract which is not registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826, or registered in this State.] (Deleted by amendment.)~~

Sec. 8. The Purchasing Division may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of sections 2 to 8, inclusive, of this act. The regulations may include, without limitation, provisions setting forth:

1. The method by which a business may apply to receive a preference described in section 5 of this act;

2. The documentation or other proof that a business must submit to demonstrate that it qualifies for a preference described in section 5 of this act; and

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

Sec. 9. NRS 333.310 is hereby amended to read as follows:

333.310 1. An advertisement must contain a general description of the classes of commodities or services for which a bid or proposal is wanted and must state:

(a) The name and location of the department, agency, local government, district or institution for which the purchase is to be made.

(b) Where and how specifications and quotation forms may be obtained.

(c) If the advertisement is for bids, whether the Administrator is authorized by the using agency to be supplied to consider a bid for an article that is an alternative to the article listed in the original request for bids if:

(1) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(2) The purchase of the alternative article results in a lower price; and

(3) The Administrator deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(d) Notice of the ~~the [preference]~~ preferences set forth in NRS 333.3366 ~~[.]~~ and section 5 of this act.

(e) The date and time not later than which responses must be received by the Purchasing Division.

(f) The date and time when responses will be opened.

↪ The Administrator or a designated agent of the Administrator shall approve the copy for the advertisement.

2. Each advertisement must be published:

(a) In at least one newspaper of general circulation in the State. The selection of the newspaper to carry the advertisement must be made in the manner provided by this chapter for other purchases, on the basis of the lowest price to be secured in relation to the paid circulation; and

(b) On the Internet website of the Purchasing Division.

Sec. 9.5. NRS 333.3366 is hereby amended to read as follows:

333.3366 1. For the purpose of awarding a formal contract solicited pursuant to subsection 2 of NRS 333.300, if:

(a) A local business owned and operated by a veteran with a service-connected disability submits a bid or proposal for a contract for which the estimated cost is more than \$50,000 but not more than \$250,000 and is a responsive and responsible bidder, the cost of the bid ~~for proposal~~ shall be deemed to be 5 percent lower than the cost of the bid ~~for proposal~~ actually submitted ~~[.]~~, and the score assigned to the proposal pursuant to NRS 333.335 shall be deemed to be 5 percent higher than the score actually awarded.

(b) A local business owned and operated by a veteran with a service-connected disability which is determined to be 50 percent or more by the United States Department of Veterans Affairs submits a bid or proposal for a contract for which the estimated cost is more than \$250,000 but less than \$500,000 and is a responsive and responsible bidder, the cost of the bid ~~for proposal~~ shall be deemed to be 5 percent lower than the cost of the bid ~~for proposal~~ actually submitted ~~[.]~~, and the score assigned to the proposal pursuant to NRS 333.335 shall be deemed to be 5 percent higher than the score actually awarded.

2. The preferences described in subsection 1 may not be combined with any other preference.

Sec. 10. NRS 333.340 is hereby amended to read as follows:

333.340 1. Every contract or order for goods must be awarded to the lowest responsible bidder. To determine the lowest responsible bidder, the Administrator:

(a) Shall consider, if applicable:

- (1) The granting of the preference described in NRS 333.3366.
- (2) *The granting of the preference described in section 5 of this act.*
- (3) The required standards adopted pursuant to NRS 333.4611.

(b) May consider:

- (1) The location of the using agency to be supplied.
- (2) The qualities of the articles to be supplied.
- (3) The total cost of ownership of the articles to be supplied.
- (4) Except as otherwise provided in subparagraph (5), the conformity of the articles to be supplied with the specifications.

(5) If the articles are an alternative to the articles listed in the original request for bids, whether the advertisement for bids included a statement that bids for an alternative article will be considered if:

(I) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(II) The purchase of the alternative article results in a lower price; and

(III) The Administrator deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(6) The purposes for which the articles to be supplied are required.

(7) The dates of delivery of the articles to be supplied.

2. If a contract or an order is not awarded to the lowest bidder, the Administrator shall provide the lowest bidder with a written statement which sets forth the specific reasons that the contract or order was not awarded to him or her.

3. As used in this section, "total cost of ownership" includes, but is not limited to:

- (a) The history of maintenance or repair of the articles;
- (b) The cost of routine maintenance and repair of the articles;
- (c) Any warranties provided in connection with the articles;
- (d) The cost of replacement parts for the articles; and
- (e) The value of the articles as used articles when given in trade on a subsequent purchase.

Sec. 11. NRS 338.0117 is hereby amended to read as follows:

338.0117 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project, collectively, and not on any specific day:

(a) At least 50 percent of the workers employed on the public work, including, without limitation, any employees of the contractor, applicant or

design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada;

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) If applying to receive a preference in bidding pursuant to subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, at least 50 percent of the design professionals working on the public work, including, without limitation, employees of the design-build team and of any subcontractor or consultant engaged in the design of the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada; and

(d) The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work that is awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 as a result of the contractor, applicant or design-build team receiving a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to (d), inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to (d), inclusive, of subsection 1 entitles the public body to a penalty only as provided in subsections 5 and 6.

3. A person who submitted a bid on the public work or an entity who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1 may file, before the substantial completion of the public work, a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required

proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. ~~{A}~~ *In addition to any other remedy or penalty provided by law, a public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1, a penalty as described in subsection 6 for a failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1. If a public body recovers a penalty pursuant to this subsection, the public body shall report to the State Contractors' Board the date of the failure to comply, the name of each entity which failed to comply and the cost of the contract to which the entity that failed to comply was a party. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.*

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract as a result of that preference, the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build team and a subcontractor and each contract between a subcontractor and a lower tier subcontractor must provide that:

(a) If a party to the contract causes the contractor, applicant or design-build team to fail to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1, the party is liable to the public body for a penalty in the amount of 1 percent of the cost of the largest contract to which he or she is a party;

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that caused the failure to comply with a requirement of paragraphs (a) to (d), inclusive, of subsection 1; and

(c) No other party to the contract is liable to the public body for a penalty.

7. *A contractor, applicant or design-build team that submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded a contract as a result of that preference shall submit to the public body that awarded the contract an affidavit from a certified public accountant setting forth that the contractor, applicant or design-build team has complied with the requirements of paragraphs (a) to (d), inclusive, of subsection 1:*

*(a) On each January 1, April 1, July 1 and October 1 while engaged on the public work, for the preceding calendar quarter; and*

*(b) Upon completion of the public work, for the duration of the public work.*



8. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to (d), inclusive, of subsection 1.

~~[ 8. In addition to any other remedy or penalty provided by law, any person who willfully fails to comply with the requirements of paragraphs (a), (b) and (c) of subsection 1 is guilty of a misdemeanor and shall be punished by a fine of not more than \$10,000. For the purpose of this subsection, a separate violation occurs for:~~

~~— (a) Each worker who would need to hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada in order for at least 50 percent of the workers employed on the public work to hold such a license or card;~~

~~— (b) Each vehicle used primarily for the public work which is not registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826, or registered in this State; and~~

~~— (c) If receiving a preference in bidding pursuant to subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, each design professional who would need to hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada in order for at least 50 percent of the design professionals working on the public work to hold such a license or card.]~~

9. As used in this section:

(a) "Lower tier subcontractor" means a subcontractor who contracts with another subcontractor to provide labor, materials or services to the other subcontractor for a construction project.

(b) "Vehicle used primarily for the public work" does not include any vehicle that is present at the site of the public work only occasionally and for a purpose incidental to the public work including, without limitation, the delivery of materials. Notwithstanding the provisions of this paragraph, the term includes any vehicle which is:

(1) Owned or operated by the contractor or any subcontractor who is engaged on the public work; and

(2) Present at the site of the public work.

Sec. 12. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than ~~5~~ 10 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➤ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months

immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall ~~at the time for the renewal of his or her contractor's license pursuant to NRS 624.283,~~ annually submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes ~~or~~ or fails to submit an affidavit as required by subsection 7 of NRS 338.0117, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information ~~or~~ or the failure to submit the affidavit; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds \$5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work

wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 13. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than ~~{5}~~ 10 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➡ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive

12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall ~~at the time for the renewal of his or her contractor's license pursuant to NRS 624.283,~~ *annually* submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, ~~or~~ or fails to submit an affidavit as required by subsection 7 of NRS 338.0117, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information, ~~or~~ or the failure to submit the affidavit; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds \$5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.



Sec. 14. NRS 338.1693 is hereby amended to read as follows:

338.1693 1. The public body or its authorized representative shall appoint a panel consisting of at least three but not more than seven members, a majority of whom must have experience in the construction industry, to rank the proposals submitted to the public body by evaluating the proposals as required pursuant to subsections 2 and 3.

2. The panel appointed pursuant to subsection 1 shall rank the proposals by:

(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and

(b) Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.

3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of ~~{5}~~ 10 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

4. After the panel appointed pursuant to subsection 1 ranks the proposals, the public body or its authorized representative shall, except as otherwise provided in subsection 8, select at least the two but not more than the five applicants whose proposals received the highest scores for interviews.

5. The public body or its authorized representative may appoint a separate panel to interview and rank the applicants selected pursuant to subsection 4. If a separate panel is appointed pursuant to this subsection, the panel must consist of at least three but not more than seven members, a majority of whom must have experience in the construction industry.

6. During the interview process, the panel conducting the interview may require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, but in no event shall the proposed amount of compensation exceed 20 percent of the scoring for the selection of the most qualified applicant. All presentations made at any interview conducted pursuant to this subsection or subsection 5 may be made only by key personnel employed by the applicant, as determined by the applicant, and the employees of the applicant who will be directly responsible for managing the preconstruction and construction of the public work.

7. After conducting such interviews, the panel that conducted the interviews shall rank the applicants by using a ranking process that is separate from the process used to rank the applicants pursuant to subsection 2 and is based only on information submitted during the interview process. The score

to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant. When ranking the applicants, the panel that conducted the interviews shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

8. If the public body did not receive at least two proposals, the public body may not contract with a construction manager at risk.

9. Upon receipt of the final rankings of the applicants from the panel that conducted the interviews, the public body or its authorized representative shall enter into negotiations with the most qualified applicant determined pursuant to the provisions of this section for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

10. The public body or its authorized representative shall:

(a) Make available to all applicants and the public the following information, as determined by the panel appointed pursuant to subsection 1 and the panel that conducted the interviews, as applicable:

- (1) The final rankings of the applicants;
  - (2) The score assigned to each proposal received by the public body; and
  - (3) For each proposal received by the public body, the score assigned to each factor that the public body specified in the request for proposals; and
- (b) Provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.

Sec. 15. NRS 338.1727 is hereby amended to read as follows:

338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:

(a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the public body.

2. If one or more of the finalists selected pursuant to NRS 338.1725 is disqualified or withdraws, the public body may select a design-build team from the remaining finalist or finalists.

3. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of ~~{5}~~ 10 percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design-build team if the contractors submit signed affidavits that meet the requirements of subsection 1 of NRS 338.0117, and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team, and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to a preference in bidding on public works, or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.

4. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly and be responsive to the criteria that the public body will use to select a design-build team to design and construct the public work described in subsection 1. A design-build team that submits a final proposal which is not responsive shall not be awarded the contract and shall not be eligible for the partial reimbursement of costs provided for in subsection 7.

5. A final proposal is exempt from the requirements of NRS 338.141.

6. After receiving and evaluating the final proposals for the public work, the public body or its authorized representative shall enter into negotiations with the most qualified applicant, as determined pursuant to the criteria set forth pursuant to subsections 1 and 3, and award the design-build contract to the design-build team whose proposal is selected. If the public body or its authorized representative is unable to negotiate with the most qualified applicant a contract that is determined by the parties to be fair and reasonable, the public body may terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

7. If a public body selects a final proposal and awards a design-build contract pursuant to subsection 6, the public body shall:

(a) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (j) of subsection 2 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(b) Make available to the public the results of the evaluation of final proposals that was conducted and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

8. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive.

(b) Must specify:

(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

(c) May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.

(d) Except as otherwise provided in paragraph (e), must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.

(e) May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.

(f) Must require that the design-build team to whom a contract is awarded assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.

9. Upon award of the design-build contract, the public body shall make available to the public copies of all preliminary and final proposals received.

Sec. 16. NRS 408.3886 is hereby amended to read as follows:

408.3886 1. After selecting the finalists pursuant to NRS 408.3885, the Department shall provide to each finalist a request for final proposals for the project. The request for final proposals must:

(a) Set forth the factors that the Department will use to select a design-build team to design and construct the project, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the Department.

2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the Department shall assign, without limitation, a relative weight of ~~{5}~~ 10 percent to the design-build team's possession of both a certificate of eligibility to receive a preference in bidding on public works by the prime contractor on the design-build team, if the design-build team submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117, and a certificate of eligibility to receive a preference when competing for public works by all persons who hold a certificate of registration to practice architecture or a license as a professional engineer on the design-build team, and a relative weight of at least 30 percent for the proposed cost of design and construction of the project. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular project because of the provisions of this subsection relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that project.

3. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the Department will use to select a design-build team to design and construct the project described in subsection 1 and comply with the provisions of NRS 338.141.

4. After receiving the final proposals for the project, the Department shall:

(a) Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2;

(b) Reject all the final proposals; or

(c) Request best and final offers from all finalists in accordance with subsection 5.

5. If the Department determines that no final proposal received is cost-effective or responsive and the Department further determines that requesting best and final offers pursuant to this subsection will likely result in the submission of a satisfactory offer, the Department may prepare and provide to each finalist a request for best and final offers for the project. In conjunction with preparing a request for best and final offers pursuant to this subsection, the Department may alter the scope of the project, revise the estimates of the costs of designing and constructing the project, and revise the selection factors

and relative weights described in paragraph (a) of subsection 1. A request for best and final offers prepared pursuant to this subsection must set forth the date by which best and final offers must be submitted to the Department. After receiving the best and final offers, the Department shall:

(a) Select the most cost-effective and responsive best and final offer, using the criteria set forth in the request for best and final offers; or

(b) Reject all the best and final offers.

6. If the Department selects a final proposal pursuant to paragraph (a) of subsection 4 or selects a best and final offer pursuant to paragraph (a) of subsection 5, the Department shall hold a public meeting to:

(a) Review and ratify the selection.

(b) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 408.3883. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(c) Make available to the public a summary setting forth the factors used by the Department to select the successful design-build team and the ranking of the design-build teams who submitted final proposals and, if applicable, best and final offers. The Department shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

7. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive; and

(b) Must specify:

(1) An amount that is the maximum amount that the Department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the Department will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

8. A design-build team to whom a contract is awarded pursuant to this section shall:

(a) Assume overall responsibility for ensuring that the design and construction of the project is completed in a satisfactory manner; and

(b) Use the workforce of the prime contractor on the design-build team to construct at least 15 percent of the project.

Sec. 17. This act becomes effective ~~on~~:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, ~~2017~~ 2018, for all other purposes.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 450 to Senate Bill No. 317 deletes the provisions making certain actions a misdemeanor; requires a contractor, applicant or design-build team which is awarded a contract for a public work as a result of such a preference to submit an affidavit confirming compliance with certain requirements quarterly and upon the completion of the public work. It also postpones the effective date by one year from July 1, 2017, to July 1, 2018.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 338.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 433.

SUMMARY—Revises provisions relating to contractors. (BDR 2-518)

AN ACT relating to contractors; revising provisions governing the statute of limitations to bring an action against an original contractor for the recovery of certain wages and benefits; revising provisions relating to mechanics' and materialmen's lien claimants; creating the notification requirement that a potential claimant to indebtedness for labor must provide to an original contractor or subcontractor; revising provisions relating to the liability of an original contractor for indebtedness incurred by a subcontractor for labor costs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada State Legislature in 2015 enacted Senate Bill No. 223 to remedy and correct problems with the imposition of vicarious liability on general contractors, the enforcement of construction-related liens and the collection of debt that arises from the failure to pay workers' wages or benefits. (Chapter 345, Statutes of Nevada 2015, p. 1930) The United States District Court for the District of Nevada in *Board of Trustees of the Glazing Health and Welfare Trust v. Chambers*, 168 F.Supp.3d 1320 (D. Nev. 2016), ruled that Senate Bill No. 223 was preempted by the Employee Retirement Income Security Act of 1974 (ERISA) as Senate Bill No. 223 attempted to regulate ERISA benefit trusts, which includes a Taft-Hartley trust, a health or welfare fund and an express trust fund. This bill sets forth amendments that would prevent the provisions of law amended in Senate Bill No. 223 from being preempted.

Existing law provides that no action may be commenced against a prime contractor more than 1 year after the employee should have received certain wages or contributions. (NRS 11.209) Section 1 of this bill replaces the term "prime contractor" with "original contractor." Section 1 additionally increases the statute of limitations in which to commence a legal action from 1 year to 2 years.

Existing law defines the term "laborer" for inclusion in the definition of "lien claimant" to include an express trust fund to which any portion of the total compensation of a laborer, including any fringe benefit, must be paid. Existing

law lists certain financial items that are not fringe benefits. (NRS 108.2214) Section 2 of this bill deletes these provisions. Section 2 additionally provides that a potential claimant under section 5 of this bill is a lien claimant.

Existing law provides notification requirements that apply to a prime contractor or subcontractor if they participate in a health or welfare fund as it relates to potential lien rights. Section 3 of this bill removes this preempted language. Section 3 additionally exempts a potential claimant under section 5 from the notification requirement for a right to a lien. Section 4 of this bill creates new notification requirements and penalties that a potential claimant under section 5 must provide to an original contractor or subcontractor.

Existing law provides that a prime contractor is liable for the indebtedness for labor incurred by a subcontractor or contractor acting under, by or for the prime contractor. Existing law additionally provides that a prime contractor is not liable for any payment to a health or welfare fund or any other plan for the benefit of employees. (NRS 608.150) Section 5 removes this preempted language and requires an original contractor to be liable for the indebtedness for labor that is incurred by a subcontractor or other contractor.

Existing law imposes the duty on the administrator of a Taft-Hartley trust to provide a notice of delinquency when a benefit payment that is owed to the trust is not received. (NRS 338.700) Section 8 of this bill repeals this provision of law.

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

Section 1. NRS 11.209 is hereby amended to read as follows:

11.209 1. No action against ~~{a prime}~~ *an original* contractor for the recovery of wages due an employee of a subcontractor *or other contractor acting under, by or for the original contractor*, or contributions, ~~{or}~~ premiums *or benefits* required to be made or paid on account of the employee, *or any other indebtedness for labor performed by the employee owed to an employee* may be commenced more than ~~{1 year}~~ *2 years* after the date the ~~{employee should have received those wages from or those contributions or premiums}~~ *indebtedness for labor* should have been made or paid by the subcontractor.

2. ~~{No action against a prime contractor for the recovery of benefits due an employee of a subcontractor may be commenced more than 1 year after the date the employee should have received those benefits from the subcontractor.~~

~~—3.~~ As used in this section, ~~{prime}~~ *"original contractor"* has the meaning ascribed to it in NRS ~~{108.2214}~~ *608.150*.

Sec. 2. NRS 108.2214 is hereby amended to read as follows:

108.2214 ~~{1.}~~ "Lien claimant" means any person who provides work, material or equipment with a value of \$500 or more to be used in or for the construction, alteration or repair of any improvement, property or work of improvement. The term includes, without limitation, every artisan, builder, potential claimant under NRS 608.150, contractor, laborer, lessor or renter of equipment, materialman, miner, subcontractor or other person who provides



work, material or equipment, and any person who performs services as an architect, engineer, land surveyor or geologist, in relation to the improvement, property or work of improvement.

~~{2. As used in this section, "laborer" includes, without limitation, an express trust fund to which any portion of the total compensation of a laborer, including any fringe benefit, must be paid pursuant to an agreement with that laborer or the collective bargaining agent of that laborer. For the purposes of this subsection, "fringe benefit" does not include any interest, liquidated damages, attorney's fees, costs or other penalties that may be incurred by the employer of the laborer for failure to pay any such compensation under any law or contract.}~~

Sec. 3. NRS 108.245 is hereby amended to read as follows:

108.245 1. Except as otherwise provided in subsection 5, every lien claimant, other than one who performs only labor ~~{}~~ *or is a potential claimant under NRS 608.150*, who claims the benefit of NRS 108.221 to 108.246, inclusive, shall, at any time after the first delivery of material or performance of work or services under a contract, deliver in person or by certified mail to the owner of the property a notice of right to lien in substantially the following form:

#### NOTICE OF RIGHT TO LIEN

To: .....  
(Owner's name and address)

The undersigned notifies you that he or she has supplied materials or equipment or performed work or services as follows:

.....  
(General description of materials, equipment, work or services)  
for improvement of property identified as (property description or street address) under contract with (general contractor or subcontractor). This is not a notice that the undersigned has not been or does not expect to be paid, but a notice required by law that the undersigned may, at a future date, record a notice of lien as provided by law against the property if the undersigned is not paid.

.....  
(Claimant)

A subcontractor or equipment or material supplier who gives such a notice must also deliver in person or send by certified mail a copy of the notice to the prime contractor for information only. The failure by a subcontractor to deliver the notice to the prime contractor is a ground for disciplinary proceedings against the subcontractor under chapter 624 of NRS but does not invalidate the notice to the owner.

2. Such a notice does not constitute a lien or give actual or constructive notice of a lien for any purpose.

3. No lien for materials or equipment furnished or for work or services performed, except labor, may be perfected or enforced pursuant to NRS 108.221 to 108.246, inclusive, unless the notice has been given.

4. The notice need not be verified, sworn to or acknowledged.

5. A prime contractor or other person who contracts directly with an owner or sells materials directly to an owner is not required to give notice pursuant to this section.

6. A lien claimant who is required by this section to give a notice of right to lien to an owner and who gives such a notice has a right to lien for materials or equipment furnished or for work or services performed in the 31 days before the date the notice of right to lien is given and for the materials or equipment furnished or for work or services performed anytime thereafter until the completion of the work of improvement.

~~{7. Upon commencement of work on a project, any prime contractor or subcontractor participating in a health or welfare fund or any other plan for the benefit of employees is required to notify such fund or plan of the name and location of the project so that the fund or plan may protect potential lien rights under NRS 108.221 to 108.246, inclusive.~~

~~—8. As used in this section, "one who performs only labor" does not include an express trust fund to which any portion of the total compensation of a laborer, including, without limitation, any fringe benefit, must be paid pursuant to an agreement with that laborer or the collective bargaining agent of that laborer.~~

Sec. 4. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any *potential* claimant to indebtedness for labor under NRS 608.150 shall, within 90 days after receiving the written request described in subsection 2, provide to the original contractor, subcontractor or other contractor who submitted the written request a written notice that includes, without limitation:

(a) Any claim that is asserted under this section;

(b) The basis for any such claim; and

(c) Either:

(1) The amount of any such claim;

(2) An explanation of what data is needed to calculate the amount of any such claim; or

(3) A statement that no amount is due under any such claim.

2. The written request required pursuant to subsection 1 must:

(a) Be submitted by an original contractor, subcontractor or other contractor;

(b) Be directed to the claimant described in subsection 1; and

(c) Identify the:

(1) Original contractor, subcontractor or other contractor;

(2) Dates that work commenced and ended or is expected to end; and

(3) Nature and location of any project to which the contract applies.

3. If the written notice that the claimant is required to provide pursuant to subsection 1 indicates that no amount is due under any such claim or if the claimant fails to respond within 90 days after receiving the written request

*described in subsection 2, the claimant shall be prohibited from bringing any substantially similar claim that is related to the project ~~[, dates of that project]~~ and the original contractor, subcontractor or other contractor ~~[of that project]~~ that ~~[are identified by the claimant in his or her claim.]~~ accrued before the claimant's receipt of such written notice.*

4. As used in this section:

(a) "Contractor" has the meaning ascribed to it in NRS 624.020.

(b) "Original contractor" includes a contractor or any other person who enters into a contract ~~[pursuant to]~~ described in subsection 1 of NRS 608.150.

Sec. 5. NRS 608.150 is hereby amended to read as follows:

608.150 1. Except as otherwise provided in subsections 2 and 3, every ~~[prime]~~ original contractor ~~[making or taking]~~ entering into any contract in this State for the erection, construction, alteration, maintenance or repair, including, without limitation, repairs made under a warranty, of any building or structure, including, without limitation, any equipment or fixtures related thereto, or other work of improvement, shall assume and is liable for the indebtedness for labor incurred by any subcontractor or any contractors acting under, by or for the ~~[prime]~~ original contractor in performing any labor, construction or other work included in the subject of the ~~[prime]~~ original contract, for labor, and for the requirements imposed by chapters 616A to 617, inclusive, of NRS. ~~[The provisions of this section shall only apply if:~~

~~— (a) A third party has entered into a contract with the original contractor for such work as described in this section; and~~

~~— (b) The original contractor subcontracted all or part of that work that is to be provided to the third party to a subcontractor or other contractor acting under, by or for the original contractor.]~~

2. ~~[The]~~ Except as otherwise provided in subsection 6, the provisions of subsection 1 do not require ~~[a prime]~~ an original contractor to assume or be liable for any liability of a subcontractor or other contractor ~~[for any penalty, including, without limitation, interest, liquidated damages, attorney's fees or costs for the failure of the subcontractor or other contractor to make any contributions or other payments under any other law or agreement, including, without limitation, to a health or welfare fund or any other plan for the benefit of employees in accordance with a collective bargaining agreement.]~~ in excess of the indebtedness for labor incurred by a subcontractor or any other contractor acting under, by or for the original contractor if such indebtedness for labor had been paid when originally due.

3. The provisions of subsection 1 do not require ~~[a prime]~~ an original contractor to assume or be liable for any liability of a subcontractor or other contractor for any amount for which the ~~[prime]~~ original contractor did not receive proper notice in accordance with ~~[NRS 338.700.]~~ section 4 of this act.

4. It is unlawful for any ~~[prime]~~ original contractor or any other person to fail to comply with the provisions of subsection 1, or to attempt to evade the responsibility imposed thereby, or to do any other act or thing tending to render nugatory the provisions of this section.

5. The district attorney of any county wherein the defendant may reside or be found ~~[shall]~~, or any *potential claimant pursuant to this section* may institute civil proceedings against any such ~~[prime]~~ original contractor failing to comply with the provisions of this section in a civil action for the amount of ~~[all wages and benefits]~~ any indebtedness for labor that may be owing or have accrued as a result of the failure of any subcontractor acting under the ~~[prime]~~ original contractor, and any property of the ~~[prime]~~ original contractor, not exempt by law, is subject to attachment and execution for the payment of any judgment that may be recovered in any action under the provisions of this section.

6. *In any court action regarding a claim instituted pursuant to this section, the court shall award costs and reasonable attorney's fees to the prevailing party. If the claimant is the prevailing party, the court shall award to the claimant the applicable interest that has accrued after the claimant provided to the original contractor, subcontractor or other contractor the written notice of such claim pursuant to section 4 of this act ~~[-]~~ or otherwise notifies the original contractor of a claim under NRS 608.150.*

7. As used in this section ~~[- "prime contractor"]~~ :

(a) "Contractor" has the meaning ascribed to it in NRS ~~[108.22164.]~~ 624.020.

(b) "Original contractor" includes a contractor or any other person who enters into a contract ~~[pursuant to]~~ described in subsection 1.

Sec. 6. 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 4 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. 7. 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 4 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. 7.5. Except as otherwise provided in this section, the provisions of:

1. NRS 108.2214, 108.245 and 608.150, as amended by sections 2, 3 and 5 of this act, apply retroactively to October 1, 2015, in all actions pending in a court of competent jurisdiction on or before July 1, 2017.

2. Subsections 1, 5 and 7 of NRS 608.150, as amended by section 5 of this act, apply retroactively to January 1, 2012.

3. Section 4 of this act apply to a claim that arises on or after July 1, 2017.

Sec. 8. NRS 338.700 is hereby repealed.

Sec. 9. This act becomes effective on July 1, 2017.

#### TEXT OF REPEALED SECTION

338.700 Duty of administrator of Taft-Hartley trust to provide notice of delinquency of benefit payment owed to trust.

1. If an administrator of a Taft-Hartley trust which is formed pursuant to 29 U.S.C. § 186(c)(5) does not receive a benefit payment owed to the trust within 60 days after the date on which the payment is deemed delinquent, the administrator shall provide a notice of the delinquency to the general contractor and, if applicable, the subcontractor, who is responsible for the benefit payment. The notice of delinquency must be provided in the manner set forth in subsections 2, 3 and 4.

2. The notice required pursuant to subsection 1 must be given to the general contractor and, if applicable, the subcontractor, who is responsible for the delinquent benefit payment, within 15 days after the expiration of the 60-day period described in subsection 1.

3. The notice required pursuant to subsection 1 must be given to the general contractor and, if applicable, the subcontractor, who is responsible for the delinquent benefit payment, by electronic mail, telephone and:

(a) Personal delivery; or

(b) Registered or certified mail, return receipt requested, to the last known address of the general contractor and, if applicable, the subcontractor.

4. The notice required pursuant to subsection 1 must include, without limitation:

(a) The amount owed;

(b) The name and address of the general contractor and, if applicable, the subcontractor, who is responsible for the delinquent benefit payment; and

(c) A demand for full payment of the amount not paid.

5. For the purposes of this section, "general contractor" includes a prime contractor.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 443 to Senate Bill No. 338 inserts the word "potential" in front of the word "claimant" throughout the bill to clarify at what stage of the process these provisions apply. It also clarifies that certain provisions in section 4 apply to an "original" contractor and adds a provision in section 5.6 regarding the notification of an original contractor by a claimant that a claim exists.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 339.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 169.

SUMMARY—Revises provisions relating to the ~~{Department of Motor Vehicles,}~~ issuance of vintage license plates. (BDR 43-80)

AN ACT relating to the Department of Motor Vehicles; ~~limiting the amount of fees and penalties that the Department may charge for the late renewal of registration of a vehicle or a driver's license or the late payment of certain excise taxes on special fuel; revising provisions relating to registration reinstatement fees the Department may charge a registered owner who failed to have insurance coverage on a vehicle in certain circumstances;}~~ revising the provisions governing the requirements for the issuance of vintage license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~—[Existing law prohibits the Department of Motor Vehicles from imposing an additional fee against the owner of a vehicle for the delinquent or late registration of that vehicle if the owner was a member of the Armed Forces of the United States deployed to a combat or combat supporting position at the time of the expiration of the prior registration. (NRS 482.209) Sections 1 and 4 of this bill provide that any such additional fee for delinquent or late registration by a person other than such a member of the Armed Forces of the United States must not exceed one half of the fee for registration.]~~

~~—Existing law authorizes the installment payment of registration fees and governmental services taxes on a fleet of vehicles for each vehicle with a gross weight in excess of 26,000 pounds. (NRS 482.482) A person who fails to make such a payment when due must pay the Department a penalty of 10 percent of the amount of the unpaid fee, plus interest on the unpaid fee at the rate of 1 percent per month or fraction of a month from the date the fee and tax were due until the date of payment. Section 3 of this bill provides that such a penalty plus interest must not exceed 50 percent of the unpaid fee.~~

~~—Under existing law, a registered owner who failed to have liability insurance on a date specified by the Department is required, with respect to a vehicle that is not dormant, to pay to the Department a reinstatement fee as follows: (1) for a first offense, \$250; (2) for a second offense, \$500; and (3) for a third or subsequent offense, \$750. (NRS 482.557, 485.317) If the vehicle is dormant, a registered owner who allowed the insurance coverage for that vehicle to expire without first cancelling the registration must pay a fee of \$50 to reinstate the registration of the vehicle, in addition to the registration fee. (NRS 482.480, 485.317) Sections 5 and 8 of this bill require the Department to adopt regulations which establish the amount of the reinstatement fee and limit that amount to not more than one half of the registration fee.~~

~~—Existing law provides a penalty of \$10 for each person renewing a driver's license after it has expired for a period of 30 days or more, with certain exceptions. (NRS 483.386, 483.410) Sections 6 and 7 of this bill revise those provisions to require the Department to adopt regulations which establish the~~

~~amount of the penalty and limit that amount to not more than one-half of the fee to renew the driver's license.~~

~~Under existing law, certain off-highway vehicles must be registered with the Department of Motor Vehicles. (NRS 490.082) The Commission on Off-Highway Vehicles must determine the fee for annual registration, which must not be less than \$20 or more than \$30. (NRS 490.084) The registration of an off-highway vehicle expires 1 year after its issuance. If the owner of an off-highway vehicle which is required to be registered fails to renew the registration before it expires, the registration may be reinstated upon the payment to the Department of the annual renewal fee and a late fee of \$25. (NRS 490.082) Section 9 of this bill deletes the \$25 amount of the late fee, and section 10 of this bill instead requires the Commission to determine the amount of the late fee, which must not exceed one-half of the amount of the registration fee.~~

~~Under existing law, a special-fuel user who fails to file a tax return or pay any excise tax by the date due is required to pay, in addition to any tax that may be due, a delinquent fee of \$50 and a penalty of 10 percent of the amount of tax owed, plus interest on the amount of any tax that may be due at a rate established by the Department in accordance with the provisions of a cooperative agreement, from the date the tax was due until the date of payment. (NRS 366.395) Section 11 of this bill provides that the total amount of the penalty plus any accrued interest must not exceed 50 percent of the amount of tax owed.~~ Existing law provides that the Department of Motor Vehicles may produce and issue vintage license plates to residents of Nevada for any motor vehicle manufactured not later than 1942. This bill extends the date to qualify for vintage license plates to motor vehicles manufactured not later than 1961.

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

Delete existing sections 1 through 13 of this bill and replace with the following new sections 1 and 2:

*Section 1.* NRS 482.3818 is hereby amended to read as follows:

482.3818 1. The Department may produce and issue vintage license plates to residents of Nevada for any motor vehicle manufactured not later than ~~1942~~ 1961.

2. Vintage license plates issued pursuant to this section must be produced by the Department:

(a) Using only digital technology for the production of the plates; and  
(b) To appear, insofar as is practicable, the same as the license plates that were issued in Nevada during the year of manufacture of the particular motor vehicle to which the vintage license plates will be affixed.

3. The fee for vintage license plates issued pursuant to this section is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The vintage license plates are renewable upon the payment of \$10.

4. If, during a registration year, the holder of vintage 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. 2. This act becomes effective on January 1, 2018.*

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Amendment No. 169 to Senate Bill No. 339 removes all of the provisions in the bill and instead changes the year 1942 to 1961 in relation to vintage license plates to allow more vehicles to qualify for such plates. The amendment also changes the effective date to January 1, 2018.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 343.

Bill read second time.

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

Amendment No. 465.

SUMMARY—Requires the ~~{Office of Economic Development}~~ Secretary of State to collect and report information related to gender equality in the workplace. (BDR 18-990)

AN ACT relating to gender equality; requiring the ~~{Office of Economic Development}~~ Secretary of State to conduct an annual survey of ~~{certain employers}~~ certain businesses to collect data and information related to issues of gender equality in the workplace; requiring the ~~{Office on an annual basis to create and maintain a gender equality index and}~~ Secretary of State to make certain information relating to the survey available on the Internet and to certain educational institutions and to submit ~~{a}~~ an annual report regarding the survey to the Governor and the Director of the Legislative Counsel Bureau ~~{on issues of gender equality in the workplace}~~; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill requires the ~~{Office of Economic Development}~~ Secretary of State to design and conduct an annual survey of ~~{employers}~~ businesses which are applying for or renewing a state business registration in this State ~~{with 50 or more employees}~~ to collect data and information related to issues of gender equality in the workplace. ~~{The Office must use the data and information to create and maintain a gender equality index that scores or rates each employer on issues of gender equality in the workplace. The index must be made}~~ Section 3 provides that a response to the survey is voluntary



but requires that any response be signed under the penalty of perjury. Section 3.3 of this bill requires the Secretary of State to make available: (1) the responses to the survey on the Internet website of the Office ~~of the Secretary of State~~; and ~~the Office must~~ (2) upon request, aggregate data relating to the survey to researchers at certain educational institutions. Section 3.3 also requires the Secretary of State to submit an annual report on the survey to the Governor and the Director of the Legislative Counsel Bureau. ~~on issues of gender equality in the workplace.~~

~~Section 4 of this bill provides that if an employer does not respond to the Office's survey, the Office may rate the employer on issues of gender equality if the Office is otherwise able to obtain sufficient information about the employer.~~

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

Section 1. Chapter ~~234~~ 225 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~2, 3 and~~ 2 to 4 , inclusive, of this act.

Sec. 2. ~~["Employer" means any entity that performs a service or engages in a trade for profit and has 50 or more employees.] (Deleted by amendment.)~~

Sec. 2.5. As used in sections 2.5 to 3.7, inclusive, of this act, "business" has the meaning ascribed to it in NRS 76.020.

Sec. 3. ~~[Under the direction of the Executive Director, the Office shall:]~~

1. ~~[Design]~~ The Secretary of State shall design and conduct an annual survey of ~~employers~~ businesses in this State for the purpose of collecting data and information ~~from each employer~~ related to issues of gender equality in the workplace. ~~[The survey may be conducted using a web based system.]~~

2. ~~[On or before July 1 of each year, use the data and information collected pursuant to such survey:]~~

~~—(a) To create and maintain a gender equality index that scores or rates each employer on issues of gender equality in the workplace. The index must be made available on the Internet website of the Office.~~

~~—(b) To create and submit a report to the Governor and the Director of the Legislative Counsel Bureau on issues of gender equality in the workplace.]~~  
The Secretary of State shall consult with the Nevada Commission for Women created by NRS 2331.020 regarding the design of the survey.

3. The Secretary of State shall cause the survey to be provided to each business in this State at the time the business submits to the Secretary of State an application for a state business registration pursuant to NRS 76.100 or a renewal of a state business registration pursuant to NRS 76.130.

4. A business is not required to respond to the survey, and the Secretary of State shall not penalize or otherwise take any adverse action against a business that does not respond to the survey.

5. If a business responds to the survey, the response must be signed under penalty of perjury by, as applicable:

(a) The owner of a business that is owned by a natural person;  
(b) A member or partner of an association or partnership;  
(c) A general partner of a limited partnership;  
(d) A managing partner of a limited-liability partnership;  
(e) A manager or managing member of a limited-liability company; or  
(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the response.

6. The Secretary of State shall authorize and provide for:  
(a) A business to receive the survey electronically and to submit electronically its response to the survey; and  
(b) A person who signs a response to the survey pursuant to subsection 5 to sign the response electronically.

Sec. 3.3. 1. The Secretary of State shall make available:  
(a) The responses to the survey conducted pursuant to section 3 of this act on the Internet website of the Office of the Secretary of State in such a manner that the responses are accessible electronically by the name of the business that submitted the response; and

(b) Aggregate data relating to the survey conducted pursuant to section 3 of this act for research purposes, to any college, university or institute that is part of or affiliated with the Nevada System of Higher Education upon request.

2. The Secretary of State shall annually compile the responses to the survey received during the immediately preceding year into a report and submit the report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, to the Legislative Commission.

Sec. 3.7. The Secretary of State may adopt such regulations as he or she determines to be necessary or advisable to carry out the provisions of sections 3 and 3.3 of this act.

Sec. 4. ~~[If an employer does not respond to a survey conducted pursuant to section 3 of this act, the Office may rate the employer on issues of gender equality if the Office is otherwise able to obtain sufficient information about the employer on such issues.]~~ (Deleted by amendment.)

Sec. 5. ~~[NRS 231.002 is hereby amended to read as follows:~~  
~~— 231.002 — As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 231.003 to 231.009, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 6. ~~[NRS 231.053 is hereby amended to read as follows:~~  
~~— 231.053 — After considering any advice and recommendations of the Board, the Executive Director:~~

~~— 1. Shall direct and supervise the administrative and technical activities of the Office.~~

~~— 2. Shall develop and may periodically revise a State Plan for Economic Development, which:~~

~~— (a) Must include a statement of:~~

~~—(1) New industries which have the potential to be developed in this State;~~  
~~—(2) The strengths and weaknesses of this State for business incubation;~~  
~~—(3) The competitive advantages and weaknesses of this State;~~  
~~—(4) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;~~  
~~—(5) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and~~  
~~—(6) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities; and~~  
~~—(b) Must not include provisions for the granting of any abatement, partial abatement or exemption from taxes or any other incentive for economic development to a person who will locate or expand a business in this State that is subject to the tax imposed pursuant to NRS 362.120 or the gaming license fees imposed by the provisions of NRS 463.370.~~  
~~—3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.~~  
~~—4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section and declare void any contract between the Office and that regional development authority.~~  
~~—5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.~~  
~~—6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.~~  
~~—7. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, and sections 3 and 4 of this act, and 231.1555 to 231.1597, inclusive.~~  
~~—8. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.} (Deleted by amendment.)~~

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

Sec. 7.5. The Secretary of State shall design and begin conducting the initial survey required by section 3 of this act before January 1, 2018.

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

Senator Farley moved the adoption of the amendment.

Remarks by Senator Farley.

Amendment No. 465 to Senate Bill No. 343 transfers the responsibility for developing the gender-equality survey from the Governor's Office of Economic Development to the Secretary of State's Office and requires the Secretary of State to develop the survey consultation with the Nevada Commission for Women.

The amendment specifies that the survey must include an option to be completed electronically and must be provided to each business at the time the business submits an initial application or renewal for a state business license.

A business is not required to respond to the survey and the Secretary of State is prohibited from taking any action against a business for not responding. However, each business that does respond is required to sign the survey under penalty of perjury.

The Secretary of State must compile and submit an annual report to the Governor and the Legislature regarding the survey responses, must make the response information available on its website in a manner that is searchable according to each business and, upon request, must provide aggregate data to institutions affiliated with the Nevada System of Higher Education for research purposes.

Finally, the amendment requires the Secretary of State to begin conducting the survey no later than January 1, 2018.

Amendment adopted.

Senator Ratti 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.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill No. 317 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 416.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 332.

SUMMARY—Authorizes the formation of apprenticeship programs for medical marijuana establishment agents. (BDR 40-1140)

AN ACT relating to marijuana; authorizing a medical marijuana establishment, ~~for~~ an association of medical marijuana establishments or a joint committee consisting of representatives of a labor organization and medical marijuana establishments to propose and enter into an agreement to

carry out a program of apprenticeship for medical marijuana establishment agents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who volunteers or works at or provides labor to a medical marijuana establishment as a medical marijuana establishment agent to register with the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 453A.332) Existing law also requires the State Apprenticeship Council to register and approve or reject proposed programs and standards for apprenticeship. (NRS 610.095) This bill authorizes a medical marijuana establishment ~~for~~ an association of medical marijuana establishments or a joint committee consisting of representatives of a labor organization and medical marijuana establishments to propose and enter into an agreement to carry out a program of apprenticeship for medical marijuana establishment agents.

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

Section 1. NRS 453A.352 is hereby amended to read as follows:

453A.352 1. The operating documents of a medical marijuana establishment must include procedures:

(a) For the oversight of the medical marijuana establishment; and

(b) To ensure accurate recordkeeping, including, without limitation, the provisions of NRS 453A.354 and 453A.356.

2. Except as otherwise provided in this subsection, a medical marijuana establishment:

(a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

(b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

↪ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. A medical marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:

(a) Directly or indirectly assist patients who possess valid registry identification cards; and

(b) Assist patients who possess valid registry identification cards or letters of approval by way of those patients' designated primary caregivers.

↪ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card or letter of approval if he or she qualifies for nonresident reciprocity pursuant to NRS 453A.364.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Division during the registration process for the cultivation facility. Such an enclosed, locked facility must be accessible only by medical marijuana establishment agents who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.

5. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver. Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the marijuana. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, or the designated primary caregiver of a person who holds a letter of approval may sell usable marijuana to a medical marijuana dispensary one time and may sell marijuana plants to a cultivation facility one time.

6. A medical marijuana establishment shall not allow any person to consume marijuana on the property or premises of the establishment.

7. Medical marijuana establishments are subject to reasonable inspection by the Division at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the Division of the establishment.

8. *A medical marijuana establishment ~~is~~ an association of medical marijuana establishments or a joint committee consisting of representatives of a labor organization and medical marijuana establishments may, in accordance with the provisions of chapter 610 of NRS, propose and enter into an agreement to carry out a program of apprenticeship for medical marijuana establishment agents.*

9. As used in this section, "labor organization" has the meaning ascribed to it in NRS 613.230.

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

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Amendment No. 332 to Senate Bill No. 416 authorizes a medical-marijuana establishment, an association of medical-marijuana establishments or a joint committee consisting of representatives of one or more medical-marijuana establishments and a labor organization to propose and enter into an agreement to carry out an apprenticeship program for medical-marijuana establishment agents.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 464.

Bill read second time.

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

Amendment No. 315.

SUMMARY—~~[Revises provisions relating to]~~ Authorizes the Las Vegas Convention and Visitors Authority to require bidders, contractors or subcontractors to enter into agreements with labor organizations concerning employees who perform work on [convention centers], the renovation or expansion of the Las Vegas Convention Center. (BDR ~~[28-1041]~~ S-1041)

AN ACT relating to public works; ~~[revising provisions relating to]~~ authorizing the Las Vegas Convention and Visitors Authority to require bidders, contractors or subcontractors to enter into agreements with labor organizations concerning the employees who perform work on ~~[a public work that is part of a convention hall]~~ the renovation or expansion of the Las Vegas Convention Center; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Senate Bill No. 1 (S.B. 1) of the 30th Special Session of the Legislature established a method to finance the renovation or expansion of the Las Vegas Convention Center. (Sections 53-61.7 of chapter 2, Statutes of Nevada 2016, 30th Special Session, pp. 54-60) Existing law, with certain exceptions, prohibits a public body from: (1) requiring or prohibiting a bidder, ~~for~~ contractor or subcontractor from entering into or adhering to any agreement with one or more labor organizations in regard to a public work; or (2) discriminating against a bidder, ~~for~~ contractor or subcontractor for entering or not entering into, or adhering or refusing to adhere to, any agreement with one or more labor organizations in regard to the public work. [Existing law authorizes a public body to exempt a particular public work from those restrictions if the public body makes a finding, after notice and a hearing, that: (1) special circumstances require such an exemption to avert an imminent threat to public health or safety; or (2) the public work is a part of critical infrastructure for an airport or a water system.] (NRS 338.1405) [Section 1 of this bill authorizes a public body to grant such an exemption for a public work that is a part of critical infrastructure for a convention hall.]

~~—Senate Bill No. 1 (S.B. 1) of the 30th Special Session of the Legislature established a method to finance the renovation or expansion of the Las Vegas Convention Center. (Sections 53-61.7 of chapter 2, Statutes of Nevada 2016, 30th Special Session, pp. 54-60) S.B. 1 required any contract or agreement entered into by a prime contractor, construction manager or project manager for the construction of the renovation and expansion of the Convention Center to require that at least 15 percent of the project be subcontracted to small local businesses. Under this provision, a contractor that subcontracts work on the project to a small local business is prohibited from imposing requirements on the small local business relating to the employees selected by the small local business to perform the subcontracted work. (Section 61.5 of chapter 2,~~

~~Statutes of Nevada 2016, 30th Special Session, p. 59))~~ Section ~~[2]~~ 1.5 of this bill creates an exception to this ~~[requirement]~~ prohibition by authorizing ~~the contractor that is subcontracting work to a small local business to~~ the Las Vegas Convention and Visitors Authority to require ~~the small local business to~~ a bidder, contractor or subcontractor to enter into and adhere to an agreement with one or more labor organizations ~~[that relates to the employees selected by the small local business to perform the subcontracted work.]~~ in regard to the project to renovate or expand the Convention Center, which is authorized by S.B. 1. However, section 1.5 maintains the provision of S.B. 1 that prohibits a contractor that subcontracts work on the project to a small local business from imposing requirements on the small local business relating to the employees selected by the small local business to perform the subcontracted work.

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

Section 1. ~~[NRS 338.1405 is hereby amended to read as follows:~~

~~338.1405 1. The Legislature hereby finds and declares that the provisions of this section prohibiting requirements for certain terms in contracts entered into by a public body for a public work or entered into by the awardee of a grant, tax abatement, tax credit or tax exemption from a public body are:~~

~~(a) Intended to provide:~~

~~(1) More economical, nondiscriminatory, neutral and efficient contracts for public works by public bodies in this State as market participants; and~~

~~(2) Fair and open competition in awarding contracts, grants, tax abatements, tax credits and tax exemptions.~~

~~(b) The best method for effectuating the intent of paragraph (a).~~

~~2. Except as otherwise provided in subsection 5 or 6, a public body, in any advertisement, solicitation, specification, contract or any other document related to a contract for a public work, shall not:~~

~~(a) Require or prohibit an eligible bidder, contractor or subcontractor from entering into or adhering to an agreement with one or more labor organizations in regard to the public work or any construction project integrated into the public work.~~

~~(b) Discriminate against an eligible bidder, contractor or subcontractor for becoming or remaining or refusing to become or remain a signatory to, or for adhering or refusing to adhere to, an agreement with one or more labor organizations in regard to the public work or any construction project integrated into the public work.~~

~~3. Except as otherwise provided in subsection 5 or 6, a public body shall not award a grant, tax abatement, tax credit or tax exemption that is conditioned upon a requirement that the awardee include a term described in paragraph (a) or (b) of subsection 2 in a contract for any construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption.~~



~~4. The provisions of subsections 2 and 3 do not:~~

~~(a) Prohibit a public body from awarding a contract for a public work or a grant, tax abatement, tax credit or tax exemption to an owner who is not a public body, an eligible bidder, a contractor or a subcontractor who enters into, who is a party to or who adheres to an agreement with a labor organization if:~~

~~— (1) Entering into, being or becoming a party to or adhering to an agreement with a labor organization is not a condition for awarding the contract, grant, tax abatement, tax credit or tax exemption; and~~

~~— (2) The public body does not discriminate against an owner who is not a public body, an eligible bidder, a contractor or a subcontractor in the awarding of the contract, grant, tax abatement, tax credit or tax exemption based upon the status of entering into, being or becoming a party to or adhering to an agreement with a labor organization;~~

~~(b) Prohibit an eligible bidder, contractor or subcontractor from voluntarily entering into or complying with an agreement entered into with one or more labor organizations in regard to a contract:~~

~~— (1) With a public body for a public work; or~~

~~— (2) Funded in whole or in part by a grant, tax abatement, tax credit or tax exemption from a public body;~~

~~(c) Prohibit employers or other parties from entering into agreements or engaging in any other activity protected by the Labor Management Relations Act of 1947, 29 U.S.C. §§ 151 et seq.;~~

~~(d) Interfere with labor relations of parties that are left unregulated by the Labor Management Relations Act of 1947, 29 U.S.C. §§ 151 et seq.; or~~

~~(e) Affect any provision of NRS 338.020 to 338.090, inclusive.~~

~~5. A public body may exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from the provisions of subsection 2 if the public body makes a finding, after notice and a hearing, that a special circumstance requires such an exemption to avert an imminent threat to the public health or safety. A finding of a special circumstance pursuant to this subsection must not be based on the possibility or presence of a labor dispute concerning:~~

~~(a) The use of a contractor or subcontractor who is not a signatory to or does not adhere to an agreement with one or more labor organizations; or~~

~~(b) Employees on the public work who are not members of or affiliated with a labor organization.~~

~~6. A public body may exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from the provisions of subsection 2 if the public body makes a finding, after notice and a hearing, that the public work or construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption, as applicable, is a part of critical infrastructure for:~~

~~(a) An airport, including, without limitation, a runway, taxiway, air traffic control tower or project to improve airport security; [or]~~

~~(b) A water system [ ]; or~~

~~(c) A convention hall.~~

~~7. As used in this section [ "labor" ]:~~

~~(a) "Convention hall" means a facility which incorporates both space for exhibitions and a substantial number of smaller spaces for meetings, and which is primarily for use by trade shows, public shows, conventions or related activities.~~

~~(b) "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work. (Deleted by amendment.)~~

Sec. 1.5. The Southern Nevada Tourism Improvements Act, being chapter 2, Statutes of Nevada 2016, 30th Special Session, at page 59, is hereby amended by adding thereto a new section to be designated as section 61.3, immediately following section 61, to read as follows:

Sec. 61.3. 1. Notwithstanding the provisions of NRS 338.1405 and except as otherwise provided in section 61.5 of this act, in any advertisement, solicitation, specification, contract or any other document related to a contract for the project described in paragraph (a) of subsection 3 of section 59 of this act, the Convention Authority may require an eligible bidder, contractor or subcontractor to enter into or adhere to an agreement with one or more labor organizations in regard to the project or any construction project integrated into the project.

2. As used in this section:

(a) "Contract" means a written contract entered into between a contractor and the Convention Authority for the provision of labor, materials, equipment or supplies for the project described in paragraph (a) of subsection 3 of section 59 of this act.

(b) "Contractor" has the meaning ascribed to it in NRS 338.010.

(c) "Eligible bidder" has the meaning ascribed to it in NRS 338.010.

(d) "Labor organization" has the meaning ascribed to it in NRS 338.1405.

(e) "Subcontractor" has the meaning ascribed to it in NRS 338.010.

Sec. 2. [Section 61.5 of chapter 2, Statutes of Nevada 2016, 30th Special Session, at page 59, is hereby amended to read as follows:

~~Sec. 61.5. 1. Except as otherwise provided in subsection 8, any contract or other agreement entered into by any prime contractor, construction manager or project manager selected by the Convention Authority for the project described in paragraph (a) of subsection 3 of section 59 of this act must include a provision requiring that at least 15 percent of the project must be subcontracted to small local businesses.~~

~~2. A business shall be deemed to be a small local business for the purposes of this section if:~~

~~—(a) The business is financially and operationally independent from any other business;~~

~~—(b) The business is not temporary and has operated for at least 4 years before entering into the contract or agreement;~~

~~—(c) The business maintains its principal place of business in a fixed location within this State;~~

~~—(d) The business has obtained all necessary licenses and registrations within the State of Nevada; and~~

~~—(e) The annual revenues of the business for each of the immediately preceding 3 fiscal years has not exceeded:~~

~~—(1) For public works projects, \$20,000,000;~~

~~—(2) For any other construction projects, \$10,000,000;~~

~~—(3) For any goods, materials, equipment and general services contracts, \$10,000,000;~~

~~—(4) For professional services including, without limitation, architectural and engineering services, \$2,500,000; and~~

~~—(5) For trucking services, \$3,500,000.~~

~~—3. A contractor that subcontracts work to a small local business pursuant to a contract or other agreement described in subsection 1 shall allow the small local business to be covered by any bond or insurance of the contractor and may require the subcontractor to pay a proportionate share of the cost for such coverage by the bond or insurance.~~

~~—4. A small local business to which work is subcontracted by a contractor pursuant to a contract or other agreement described in subsection 1 must ensure that its employees are hired in a manner that does not discriminate against any person on any basis prohibited by law. Such a contractor that subcontracts such work—~~

~~—(a) Except as otherwise provided in paragraph (b), shall not impose any requirements on the small local business relating to the employees selected by the small local business to perform the subcontracted work [.] ; and~~

~~—(b) May require the small local business to enter into and adhere to an agreement with one or more labor organizations that relates to the employees selected by the small local business to perform the subcontracted work.~~

~~—5. A contractor that subcontracts work to a small local business pursuant to a contract or other agreement described in subsection 1 shall provide a mentorship program to assist the small local business to develop skills necessary to carry out the work that is subcontracted.~~

~~—6. A prime contractor, construction manager or project manager and each contractor that subcontracts work to a small local business pursuant to a contract or other agreement described in subsection 1 shall submit information to the Oversight Panel verifying that the prime contractor, construction manager, project manager or contractor has~~

~~complied with the provisions of this section, and shall maintain all records, including, without limitation, any information required by the Oversight Panel, to ensure compliance with this section for not less than 5 years after the expiration of the subcontract. Such records must be made available for inspection to the Oversight Panel upon request.~~

~~7. Unless the requirements of subsection 1 are waived by the Convention Authority pursuant to subsection 8, the failure of a prime contractor, construction manager or project manager to comply with the requirements of subsection 1 shall be deemed a material breach of contract.~~

~~8. The Convention Authority may waive the requirements of subsection 1 if a prime contractor, construction manager or project manager presents proof satisfactory to the Convention Authority that there is an insufficient number of small local businesses available and qualified to subcontract for the work to be performed. Such proof must include, without limitation, evidence that:~~

~~(a) Reasonable efforts were made to notify small local businesses of the availability of work to be performed under a contract or other agreement described in subsection 1, which must include evidence of public advertisement calling for bids for a period of not less than 20 days before the date on which such bids must be submitted; and~~

~~(b) In considering the availability and qualifications of a small local business to perform work under a contract or other agreement described in subsection 1, a contractor reasonably considered the work experience, safety history and financial stability of the small local business.~~

~~9. As used in this section, "labor organization" has the meaning ascribed to it in NRS 338.1405.~~ (Deleted by amendment.)

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

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 315 to Senate Bill No. 464 replaces language in the bill to clarify the narrow scope of the bill is to authorize the Las Vegas Convention and Visitors Authority to require a bidder, contractor or subcontractor to enter into and adhere to a project labor agreement in regard to the project to renovate and expand the convention center, which is authorized by Senate Bill 1 of the 30th Special Session.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

#### WAIVERS AND EXEMPTIONS NOTICE OF EXEMPTION

April 21, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bill No. 428.

MARK KRMPOTIC  
Fiscal Analysis Division

Senator Ford moved that the Senate recess until 3:00 p.m.  
Motion carried.

Senate in recess at 1:14 p.m.

### SENATE IN SESSION

At 3:12 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. 131, 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, *Vice Chair*

*Mr. President:*

Your Committee on Education, to which was referred Senate Bill No. 252, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

*Mr. President:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 182, 250, 411, 413, 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

*Mr. President:*

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NICOLE J. CANNIZZARO, *Chair*

*Mr. President:*

Your Committee on Natural Resources, to which was referred Senate Bill No. 221, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

YVANNA D. CANCELA, *Chair*

### GENERAL FILE AND THIRD READING

Senate Bill No. 194.

Bill read third time.

Remarks by Senators Denis, Settlemeyer, Hardy and Gansert.

SENATOR DENIS:

Senate Bill No. 194 targets the most highly trafficked species around the world resulting in unsustainable declines in populations. The illegal wildlife trade has become the world's fourth largest trans-national organized crime behind only drug, arms and human trafficking. The ivory trade alone is worth over \$3 billion annually. Wildlife trafficking has mutated into a highly profitable and a relatively low-risk business for criminal organizations and terrorist groups. Profits are utilized to fund these criminal networks which can then fuel corruption and insecurity that threaten security of individual communities and entire nations.

Nevada has a long tradition of conservation. Senate Bill No. 194 will give authorities better tools to combat the intra-state illegal wildlife trade and close State loopholes. According to traffic, the wildlife-trade-monitoring network State bans have reduced the availability of elephant ivory. The report suggests that shifts are occurring to new locations where laws have not been enacted or are lax. Laws have been passed along the entire Pacific Coast and Hawaii; Nevada is the logical target, further increasing the State's illegal wildlife trade. Wildlife populations continue to decrease and trafficking continues to increase.

After discussions with several Legislators, sportsmen and NRA members, the following changes were made from the original bill: whales were removed from the bill; shark was changed to shark fin allowing for sale of shark teeth and other parts that are not leading to species decline. There are certain exemptions for these such as antiques, musical instruments, knives and firearms. This bill does not affect hunting. Handgrips were attempted to be added, but the Legislative Counsel Bureau stated they were covered under the original language because the animal part would be fixed.

We have worked with sportsmen and NRA members to exempt the sales of legally hunted trophies, but we were informed these regulations were under the guidelines of federal law and are not in the control of the State.

It is time for Nevada to take the responsible steps to decrease the demand for these products. The 2017 Legislators have the responsibility to leave a legacy of environmental stewardship.

I hope you will support this bill.

SENATOR SETTELMEYER:

There was a lot of discussion about this bill in the Commerce, Labor and Energy Committee, and there are still concerns about it. Hopefully, they can be addressed in the Assembly.

I rise in opposition to the bill as it is problematic for a second offense to create a felony. A felony charge can cause constitutional rights, such as gun ownership or child visitation, to be taken away from an individual. This bill is aimed at the concept of extinction and trying to detract people from harvesting things that will cause animals to go extinct, but mammoths are included in this bill. Mammoths became extinct over 1,000 years ago, so there is no reason for them to be listed in the bill.

The bill talks about how one proves the right to ownership of an item. How will the courts be able to determine this? If someone is on their deathbed and decides to leave an ivory-handled Colt 45 to a family member, how will that decision be proven to a judge if it is not in a will? I find it problematic that if something is given to a family member, it cannot be sold, thereby giving the item no value. A pair of ivory handled grips are worth \$3,000. If that item needed to be sold to pay for a funeral or other expense, the value of that item has been taken away.

The bill tried to exempt firearms, but it states that the part has to be fixed to the firearm. By definition, removable grips are not fixed; they are removable.

Lastly, how will law enforcement be able to determine if a piece of ivory is from an elephant or from another source such as an elk? For those reasons, I am voting against this bill.

SENATOR HARDY:

One of the challenges with this bill is the concept of "knowingly" or "should know." We have not adequately addressed the issue of intent, and I am not sure there is a way to do that at this point in time.

SENATOR GANSERT:

I share the same concerns about inheriting an item without a chain of ownership and the impact that might have on being able to sell the item. We may be able to solve this by adding language that states selling an illegal item willingly or knowingly is a felony. A felony is a high-level crime for something that may not be intentional.

SENATOR DENIS:

These issues have been discussed, and we will work on them as the bill moves to the Assembly. The bill mentions that although the handle of a gun may be removable, if it is a *de minimus* part, which is 20 percent or less of the actual item, it is under that amount. Handles are generally not more than 20 percent of the item.

The intent of this bill is to keep people from trafficking these items. It is one thing to sell a piano that was passed on from a grandparent; it is another thing to buy and sell many items containing these materials. The intent is to stop people from selling these things and reduce the demand for them. We are willing to do what we need to in regards to this bill, but we need to move forward.

Roll call on Senate Bill No. 194:

YEAS—14.

NAYS—Goicoechea, Gustavson, Hammond, Kieckhefer, Roberson, Settlemeyer—6.

EXCUSED—Atkinson.

Senate Bill No. 194 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

#### SECOND READING AND AMENDMENT

Senate Bill No. 131.

Bill read second time.

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

Amendment No. 577.

SUMMARY—Requires certain pharmacies to , upon request, provide a prescription reader ~~(upon request)~~ or advice on obtaining a prescription reader. (BDR 54-665)

AN ACT relating to pharmacies; requiring each retail community pharmacy in this State to provide a prescription reader upon the request of a person to whom a drug is dispensed ~~for~~ or advice on obtaining a prescription reader; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires prescriptions to be dispensed in a container to which is affixed a label or other device that contains certain information unless otherwise specified by the prescribing practitioner. (NRS 639.2801) This bill requires a retail community pharmacy that dispenses a drug to: (1) notify the person to whom the drug is dispensed of the availability of a prescription reader; and (2) upon request, provide to the person to whom the drug is dispensed a prescription reader ~~to the person free of charge;~~ or directions or advice on obtaining a prescription reader.

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 2, a retail community pharmacy shall notify each person to whom a drug is dispensed that a prescription reader is available to the person ~~free of charge.~~ The retail community pharmacy shall, upon the request ~~and free of charge,~~ of a person to whom a drug is dispensed:*

*(a) Provide a prescription reader to the person to whom the drug is dispensed to use for at least the duration of the prescription ~~for~~ and*

~~[(b) Ensure that the]~~ attach to the container of the drug a label or other device ~~[attached to the container of the drug]~~ that is capable of conveying the information prescribed in NRS 639.2801 to a person using the prescription reader ~~[.]~~ ; or

(b) Provide directions or advice to the person on obtaining a prescription reader appropriate to his or her visual or print impairment.

2. The requirements of subsection 1 do not apply if:

(a) The drug is not dispensed in a container to which is affixed a label or other device pursuant to NRS 639.2801; or

(b) The drug is dispensed through the mail.

3. As used in this section:

(a) "Prescription reader" means a device designed to convey audibly the information contained on the label or other device affixed to the container of a prescription drug to a person who is visually impaired or otherwise would have difficulty reading the label.

(b) "Retail community pharmacy" means a pharmacy that is licensed by the Board and dispenses drugs directly to the general public at retail prices. The term does not include:

(1) A pharmacy that dispenses prescription medications to patients solely through the mail;

(2) A nonprofit pharmacy designated by the Board pursuant to NRS 639.2676;

(3) An institutional pharmacy;

(4) A pharmacy in a correctional institution; or

(5) A pharmacy operated by a governmental entity.

Sec. 2. This act becomes effective on January 1, 2018.

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

Amendment No. 577 to Senate Bill No. 131 requires a retail community pharmacy that dispenses a drug to notify the person to whom the drug is being dispensed of the availability of a prescription reader; and upon request, provide to that person a prescription reader or directions or advice on obtaining a prescription reader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 182.

Bill read second time.

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

Amendment No. 445.

SUMMARY—Revises ~~[certain fees charged by]~~ provisions governing sheriffs, [and] constables [.] and deputy constables. (BDR 20-607)

AN ACT relating to local law enforcement agencies; revising provisions governing the fees charged by a sheriff or constable; prohibiting a deputy



constable from being a bail agent, bail enforcement agent or bail solicitor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent due by the month or shorter period defaults in the payment of rent. Existing law authorizes a sheriff or constable to serve certain notices during a summary eviction. (NRS 40.253) Additionally, existing law authorizes a sheriff or a constable to charge and collect certain fees for serving notices required by law, before the commencement of a proceeding for any type of eviction. Further, existing law provides that a constable is entitled to a \$21 fee for each service in a summary eviction, except service of any notice required by law before the commencement of the proceeding, and for serving notice of and executing a writ of restitution. (NRS 248.275, 258.125) Section 1 of this bill authorizes a sheriff to charge and collect the same \$21 fee that a constable is entitled to collect for each service in a summary eviction, except service of any notice required by law before commencement of the proceeding, and for serving notice of and executing a writ of restitution.

Existing law requires a sheriff or constable to mail a notice of a writ of execution before levying on the property of a judgment debtor. (NRS 21.075, 21.076, 21.111) Existing law also authorizes a sheriff to charge and collect a \$2 fee for mailing a notice of a writ of execution. (NRS 248.275) Section 2 of this bill entitles a constable to collect the same \$2 fee that a sheriff is authorized to collect for mailing such a notice.

Under existing law, jailers, police officers, justices of the peace, municipal judges, sheriffs, deputy sheriffs and constables are not authorized to be bail agents, bail enforcement agents or bail solicitors. Existing law prohibits such persons from receiving any benefits, directly or indirectly, from the execution of any bail bond. (NRS 697.340) Section 2.5 of this bill adds deputy constables to the list of persons who are not authorized to be bail agents, bail enforcement agents or bail solicitors and prohibits deputy constables from receiving any benefits, directly or indirectly, from the execution of any bail bond.

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

Section 1. NRS 248.275 is hereby amended to read as follows:

248.275 1. The sheriff of each county in this State may charge and collect the following fees:

For serving a summons or complaint, or any other process, by which an action or proceeding is commenced, except as a writ of habeas corpus, on every defendant.....	\$17
For traveling and making such service, per mile in going only, to be computed in all cases the distance actually traveled, for each mile .....	2

If any two or more papers are required to be served in the same suit at the same time, where parties live in the same direction, one mileage only may be charged.	
For taking a bond or undertaking in any case in which the sheriff is authorized to take a bond or undertaking .....	\$5
For a copy of any writ, process or other paper, if demanded or required by law, for each page .....	3
For serving every rule or order.....	15
For serving one notice required by law before the commencement of a proceeding for any type of eviction .....	26
For serving not fewer than 2 nor more than 10 such notices to the same location, each notice.....	20
For serving not fewer than 11 nor more than 24 such notices to the same location, each notice.....	17
For serving 25 or more such notices to the same location, each notice.....	15
For mileage in serving such a notice, for each mile necessarily and actually traveled in going only .....	2
But if two or more notices are served at the same general location during the same period, mileage may only be charged for the service of one notice.	
<i>For each service in a summary eviction, except service of any     notice required by law before the commencement of the     proceeding, and for serving notice of and executing a writ     of restitution.....</i>	<i>21</i>
For serving a subpoena, for each witness summoned.....	15
For traveling, per mile in serving subpoenas, or a venire in going only, for each mile .....	2
When two or more witnesses or jurors live in the same direction, traveling fees must be charged only for the most distant.	
For serving an attachment on property, or levying an execution, or executing an order of arrest or order for the delivery of personal property, together with traveling fees, as in cases of summons .....	15
For making and posting notices and advertising for sale on execution or any judgment or order of sale, not to include the cost of publication in a newspaper .....	15
For issuing each certificate of sale of property on execution or order of sale, and for recording the original certificate with the county recorder, which must be collected from the party receiving the certificate.....	5
For drawing and executing every sheriff's deed, to be paid by the grantee, who shall in addition pay for the acknowledgment thereof.....	20

For serving a writ of possession or restitution, putting any person into possession entitled thereto ..... \$21

For traveling in the service of any process, not otherwise provided in this section, for each mile necessarily traveled, for going only, for each mile ..... 2

For mailing a notice of a writ of execution ..... 2

➔ The sheriff may charge and collect \$2 per mile traveled, for going only, on all papers not served, where reasonable effort has been made to effect service, but not to exceed \$20.

2. The sheriff may also charge and collect:

(a) For commissions for receiving and paying over money on execution or process, where lands or personal property have been levied on, advertised or sold, on the first \$500, 4 percent; on any sum in excess of \$500, and not exceeding \$1,000, 2 percent; on all sums above that amount, 1 percent.

(b) For commissions for receiving and paying over money on executions without levy, or where the lands or goods levied on are not sold, on the first \$3,500, 2 percent, and on all amounts over that sum, one-half of 1 percent.

(c) For service of any process in a criminal case, or of a writ of habeas corpus, the same mileage as in civil cases, to be allowed, audited and paid as are other claims against the county.

(d) For all services in justice courts, the same fees as are allowed in subsection 1 and paragraphs (a), (b) and (c) of this subsection.

3. The sheriff is also entitled to further compensation for his or her trouble and expense in taking possession of property under attachment, execution or other process and of preserving the property, as the court from which the writ or order may issue certifies to be just and reasonable.

4. In service of a subpoena or a venire in criminal cases, the sheriff is entitled to receive mileage for the most distant only, where witnesses and jurors live in the same direction.

5. The fees allowed for the levy of an execution, for advertising and for making and collecting money on an execution or order of sale, must be collected from the defendants, by virtue of the execution or order of sale, in the same manner as the execution is directed to be made.

6. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, all fees collected by a sheriff must be paid into the county treasury of his or her county on or before the fifth working day of the month next succeeding the month in which the fees are collected.

Sec. 2. NRS 258.125 is hereby amended to read as follows:

258.125 1. Constables are entitled to the following fees for their services:

For serving a summons or other process by which a suit is commenced in civil cases..... \$17

For summoning a jury before a justice of the peace ..... 7

For taking a bond or undertaking ..... 5

For serving an attachment against the property of a defendant ..... 15

For serving subpoenas, for each witness .....	\$15
For a copy of any writ, process or order or other paper, when demanded or required by law, per folio.....	3
For drawing and executing every constable's deed, to be paid By the grantee, who must also pay for the acknowledgment thereof.....	20
For each certificate of sale of real property under execution .....	5
For levying any writ of execution or writ of garnishment, or executing an order of arrest in civil cases, or order for delivery of personal property, with traveling fees as for summons .....	15
For serving one notice required by law before the commencement of a proceeding for any type of eviction .....	26
For serving not fewer than 2 nor more than 10 such notices to the same location, each notice .....	20
For serving not fewer than 11 nor more than 24 such notices to the same location, each notice .....	17
For serving 25 or more such notices to the same location, each notice .....	15
Except as otherwise provided in subsection 3, for mileage in serving such a notice, for each mile necessarily and actually traveled in going only.....	2
But if two or more notices are served at the same general location during the same period, mileage may only be charged for the service of one notice.	
For each service in a summary eviction, except service of any notice required by law before commencement of the proceeding, and for serving notice of and executing a writ of restitution .....	21
For making and posting notices, and advertising property for sale on execution, not to include the cost of publication in a newspaper .....	15
For each warrant lawfully executed, unless a higher amount is established by the board of county commissioners .....	48
<i>For mailing a notice of a writ of execution.....</i>	<i>2</i>
Except as otherwise provided in subsection 3, for mileage in serving summons, attachment, execution, order, venire, subpoena, notice, summary eviction, writ of restitution or other process in civil suits, for each mile necessarily and actually traveled, in going only.....	2
But when two or more persons are served in the same suit, mileage may only be charged for the most distant, if they live in the same direction.	
Except as otherwise provided in subsection 3, for mileage in making a diligent but unsuccessful effort to serve a summons,	

attachment, execution, order, venire, subpoena or other process in civil suits, for each mile necessarily and actually traveled, in going only ..... \$2  
But mileage may not exceed \$20 for any unsuccessful effort to serve such process.

2. A constable is also entitled to receive:

(a) For receiving and taking care of property on execution, attachment or order, and for executing an order of arrest in civil cases, the constable's actual necessary expenses, to be allowed by the court which issued the writ or order, upon the affidavit of the constable that the charges are correct and the expenses necessarily incurred.

(b) For collecting all sums on execution or writ, to be charged against the defendant, on the first \$3,500, 2 percent thereof, and on all amounts over that sum, one-half of 1 percent.

(c) For service in criminal cases, the same fees as are allowed sheriffs for like services, to be allowed, audited and paid as are other claims against the county.

(d) For removing or causing the removal of, pursuant to NRS 487.230, a vehicle that has been abandoned on public property, \$100.

(e) For providing any other service authorized by law for which no fee is established by this chapter, the fee provided for by ordinance by the board of county commissioners.

3. For each service for which a constable is otherwise entitled pursuant to subsection 1 to a fee based on the mileage necessarily and actually traveled in performing the service, a board of county commissioners may provide by ordinance for the constable to be entitled, at the option of the person paying the fee, to a flat fee for the travel costs of that service.

4. Deputy sheriffs acting as constables are not entitled to retain for their own use any fees collected by them, but the fees must be paid into the county treasury on or before the fifth working day of the month next succeeding the month in which the fees were collected.

5. Constables shall, on or before the fifth working day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except fees which may be retained as compensation.

Sec. 2.5. NRS 697.340 is hereby amended to read as follows:

697.340 1. A bail agent, general agent or bail solicitor shall not:

(a) Suggest or advise the employment of or name for employment any particular attorney to represent his or her principal.

(b) Solicit business in or about any place where prisoners are confined or in or about any court.

(c) Pay a fee or rebate or give or promise anything of value to any person in order to secure a settlement, compromise, remission or reduction of the amount of any undertaking or bail bond.

(d) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except for legal services actually rendered.

(e) Pay a fee or rebate or give or promise anything of value to the principal or anyone in his or her behalf.

(f) Participate in the capacity of an attorney at a trial or hearing of a person on whose bond the bail agent, general agent or bail solicitor is surety, except for the purposes of surrendering the defendant, making motions to set aside orders of bail forfeitures and motions to exonerate bails and protecting his or her financial interest in such a bond.

2. The following persons may not be bail agents, bail enforcement agents or bail solicitors and shall not, directly or indirectly, receive any benefits from the execution of any bail bond:

- (a) Jailers;
- (b) Police officers;
- (c) Justices of the peace;
- (d) Municipal judges;
- (e) Sheriffs, deputy sheriffs, ~~and~~ constables ~~and~~ and deputy constables;
- (f) Any person having the power to arrest or having anything to do with the control of federal, state, county or municipal prisoners; and
- (g) Trustees or prisoners incarcerated in any jail, prison or any other place used for the incarceration of persons.

3. A bail agent shall not sign or countersign in blank any bond, or give the power of attorney to, or otherwise authorize, anyone to countersign the name of the bail agent to bonds unless the person so authorized is a licensed agent directly employed by the agent giving the power of attorney.

4. A bail agent, bail enforcement agent, bail solicitor or general agent shall not advertise or hold himself or herself out to be a surety insurance company.

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

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 445 to Senate Bill No. 182 authorizes a sheriff to charge and collect the same \$21 fee that a constable is entitled to collect for each service in a summary eviction, except service of any notice required by law before commencement of the proceeding and for serving notice of and executing a writ of restitution. The bill further authorizes a constable to collect the same \$2 fee that a sheriff is entitled to collect for mailing a notice of a writ of execution.

Finally, the bill prohibits a deputy constable from being a bail agent, bail-enforcement agent or bail solicitor.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 348.

SUMMARY—Revises provisions governing wildlife. (BDR 45-814)

AN ACT relating to wildlife; creating the Nevada Wildlife Public Education ~~Council~~ Committee within the ~~Department~~ Board of Wildlife ~~and~~

Commissioners; prescribing the membership and duties of the ~~{Council}~~ Committee; authorizing the Department of Wildlife to fund the activities of the ~~{Council}~~ Committee from the Wildlife Heritage Account; requiring the Board of Wildlife Commissioners to maintain a list of qualified candidates for ~~{certain appointments}~~ appointment to the ~~{Council}~~ Committee; increasing the amount of money the Department may annually expend from the Account; authorizing the Department to request emergency funding from the Account if a catastrophic threat to wildlife or wildlife habitat occurs in this State; requiring the Commission to ensure that a certain minimum balance is maintained in the Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the management of wildlife in this State, including the regulation of hunting, fishing, trapping and the taking of game. (Title 45 of NRS) Section 3 of this bill creates the Nevada Wildlife Public Education ~~{Council}~~ Committee within the ~~{Department}~~ Board of Wildlife Commissioners and prescribes the composition of the members of the ~~{Council}~~ Committee. Section 5 of this bill requires the ~~{Council}~~ Committee, in cooperation with the Department ~~{}~~ of Wildlife, to develop and carry out a public information program to educate, promote and engage the residents of this State concerning the responsible stewardship of wildlife in this State. Section 5 further requires the ~~{Council}~~ Committee to prepare an operational plan to meet the future goals of the ~~{Council}~~ Committee and to report certain information to the Department and the Board of Wildlife Commissioners. Sections 6, 9 and 10 of this bill authorize the Department to fund the activities of the ~~{Council}~~ Committee from the Wildlife Heritage Account. Section 9 also: (1) increases the amount of money that the Department may annually expend from the Wildlife Heritage Account; (2) authorizes the Department to request emergency funding from the Account if a catastrophic threat to wildlife or wildlife habitat occurs in this State; and (3) requires the Board of Wildlife Commissioners to ensure that a certain minimum balance is maintained in the Account. Section 8 of this bill requires the Commission to maintain a list of qualified candidates for ~~{certain appointments}~~ appointment to the ~~{Council}~~ Committee.

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ~~"{Council}"~~ "Committee" means the Nevada Wildlife Public Education ~~{Council}~~ Committee created by section 3 of this act.

Sec. 3. 1. There is hereby created within the ~~{Department}~~ Commission the Nevada Wildlife Public Education ~~{Council}~~ Committee. The ~~{Council}~~ Committee consists of the following seven members ~~{}~~

~~(a) A representative of the Department, designated by the Director; and~~

~~(b) The following members to be~~ appointed by the ~~{Director}~~ Chair of the Commission with the advice of the ~~{Chair of the Commission}~~

~~(1)} Director:~~

~~(a) One member of the Commission or his or her designee;~~

~~{(2)} (b) Three residents of this State who are selected from the list of candidates compiled pursuant to subsection 10 of NRS 501.181;~~

~~{(3)} (c) One resident of this State who represents small businesses that are substantially affected by ~~{hunting, fishing and trapping}~~ recreational activities relating to wildlife in this State; ~~and~~~~

~~(4)} (d) One resident of this State who is not an employee of the Department and who has a background in media or marketing sufficient to advise the ~~{Council}~~ Committee in carrying out its duties pursuant to section 5 of this act ~~{1}~~; and~~

~~(e) One resident of this State who actively engages in watching or observing wildlife in this State.~~

2. The ~~{Director}~~ Chair of the Commission shall, to the extent practicable, ensure that the membership of the ~~{Council}~~ Committee represents all geographic areas of this State.

3. After the initial terms, each member of the ~~{Council appointed pursuant to paragraph (b) of subsection 1}~~ Committee serves a term of 4 years.

4. A vacancy in the ~~{appointed}~~ membership of the ~~{Council}~~ Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

5. ~~{An appointed}~~ A member of the ~~{Council}~~ Committee may be reappointed, but must not serve more than two full terms.

6. Each member of the ~~{Council}~~ Committee:

(a) Serves without compensation; and

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

7. The ~~{Director}~~ Chair of the Commission may remove any ~~{appointed}~~ member of the ~~{Council}~~ Committee for just cause or any ground for removal of a member of the Commission set forth in NRS 501.172.

Sec. 4. 1. At the first meeting of the ~~{Council}~~ Committee, the ~~{Council}~~ Committee shall adopt any rules and policies that are necessary to assist the ~~{Council}~~ Committee in carrying out its duties. ~~and elect~~ The Chair of the Commission shall select from ~~{its}~~ among the members of the Commission a Chair ~~and~~ of the Committee. The Committee shall elect from among its members any other officers considered necessary or appropriate by the ~~{Council}~~ Committee. Upon the expiration of the term of an officer elected pursuant to this subsection, the ~~{Council}~~ Committee shall, at the next subsequent meeting of the ~~{Council}~~ Committee, elect an officer to fill the vacated position.



2. The ~~{Council}~~ Committee shall meet at least once each calendar quarter and at other times upon the call of the Chair or a majority of its members.

3. A majority of the members of the ~~{Council}~~ Committee constitutes a quorum for the transaction of business, and a quorum may exercise any power or authority conferred on the ~~{Council}~~ Committee.

4. Meetings of the ~~{Council}~~ Committee must be conducted in accordance with chapter 241 of NRS.

5. Except as otherwise provided by a specific statute, the documents and other information compiled by the ~~{Council}~~ Committee in the course of its business are public records.

6. The Department shall provide the ~~{Council}~~ Committee with administrative support to comply with the provisions of chapter 241 of NRS.

Sec. 5. 1. The ~~{Council}~~ Committee shall, in cooperation with the Department:

(a) Develop and carry out, in collaboration with a marketing or advertising agency, an effective and comprehensive media-based public information program to educate, promote and engage the residents of this State concerning the responsible stewardship of wildlife in this State, including, without limitation, identifying:

(1) ~~The essential {roles} role and {contributions} contribution of {sportsmen and sportswomen who are conservationists} the North American Model of Wildlife Conservation in restoring, protecting and enhancing all wildlife resources in this State;~~

(2) The history of wildlife in this State;

(3) The benefits of wildlife to the residents of this State;

(4) The benefits of managing wildlife in this State;

(5) The recreational opportunities provided by wildlife in this State;

(6) The significant value of fish and game as a source of food; and

(7) The economic benefit of wildlife to communities and tourism in this State.

(b) ~~{Ensure that the program described in paragraph (a) promotes and includes, without limitation, information to educate the residents of this State that hunting, fishing and the harvesting and consumptive use of wildlife are:~~

~~(1) Necessary for the conservation, preservation and management of the natural resources of this State;~~

~~(2) A valued and integral part of the cultural heritage of this State that must be perpetuated; and~~

~~(3) An important part of the economy of this State.~~

~~(c)}~~ Not later than 120 days after the ~~{Council's}~~ Committee's first meeting of each year, and subject to the approval of the Director, prepare an operational plan with strategic goals and milestones in furtherance of the duties of the ~~{Council}~~

~~(d)}~~ Committee.

(c) Prepare a request for proposals for the purpose of selecting a marketing or advertising agency.

~~[(e)]~~ (d) Establish criteria for grading and selecting a marketing or advertising agency based on the submission of proposals.

~~[(f)]~~ (e) Conduct surveys for the purpose of developing a marketing campaign and determining the effectiveness of a campaign.

2. The ~~[(Council)]~~ Committee shall prepare, review and approve each annual budget for the ~~[(Council)]~~ Committee and review any periodic financial reports provided by the Department that are related to the activities of the ~~[(Council)]~~ Committee.

3. The ~~[(Council)]~~ Committee shall, on or before January 31 of each even-numbered year, prepare and submit a report to the Director and the Commission setting forth:

(a) The operational plan prepared pursuant to paragraph ~~[(e)]~~ (b) of subsection 1 and each public information program developed and carried out pursuant to that subsection;

(b) A financial accounting of the subaccount created pursuant to section 6 of this act; and

(c) Any recommendations concerning the ~~[(Council)]~~ Committee.

4. As used in this section, "North American Model of Wildlife Conservation" means a common set of principles used as a model to guide decisions relating to the conservation and management of wildlife in the United States, including, without limitation:

(a) The conservation and management of wildlife as a resource held in public trust and as an international resource;

(b) The elimination of markets for game mammals;

(c) The allocation of wildlife based upon laws and regulations;

(d) The killing of wildlife only for a legitimate purpose;

(e) The use of scientific methods in the conservation and management of wildlife; and

(f) The conservation and management of wildlife based upon democratic principles.

Sec. 6. 1. Any money transferred from the Wildlife Heritage Account pursuant to NRS 501.3575 or received pursuant to subsection 2 must be accounted for separately in a separate subaccount of the Account and used to fund the activities of the ~~[(Council)]~~ Committee pursuant to this section. The ~~[(Department)]~~ Commission shall administer the subaccount created pursuant to this section. Any interest and income earned on the money in the subaccount must be credited to the subaccount.

2. The ~~[(Director)]~~ Commission or the ~~[(Council)]~~ Committee may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to fund the activities of the ~~[(Council)]~~ Committee.

3. Any money specified in subsections 1 and 2 must be used for the activities of the ~~[(Council)]~~ Committee. Except as otherwise provided by law or

by the terms of any grant, bequest, devise, donation or gift, any money remaining in the subaccount at the end of a fiscal year does not revert to the Wildlife Heritage Account or the State General Fund and must be carried over to the next fiscal year.

4. The ~~{Council}~~ Committee shall approve expenditures from the subaccount by appropriation:

(a) To support the public information program developed pursuant to section 5 of this act and to pay any costs incurred by the ~~{Department}~~ Commission in administering the provisions of sections 2 to 6, inclusive, of this act, but such costs must not exceed ~~{10}~~ 20 percent of the annual appropriations from the subaccount;

(b) In accordance with the operational plan prepared pursuant to section 5 of this act and within the scope of any activities and amounts of funding authorized pursuant to the operational plan; and

(c) To comply with any requirements to obtain any aid or benefits pursuant to NRS 501.115 and 501.117.

Sec. 7. NRS 501.001 is hereby amended to read as follows:

501.001 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 8. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The management and control of predatory wildlife.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. If, in establishing any regulations pursuant to this subsection, the Commission rejects the recommendations of a county advisory board to manage wildlife with regard to the length of seasons for fishing, hunting and trapping or the bag or possession limits applicable within the respective county, the Commission shall provide to the county advisory board to manage wildlife at the meeting an explanation of the Commission's decision to reject the recommendations and, as soon as practicable after the meeting, a written explanation of the Commission's decision to reject the recommendations. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

9. Adopt regulations prescribing the circumstances under which a person, regardless of whether the person has obtained a valid tag issued by the Department, may assist in the killing and retrieval of a wounded big game mammal by another person who:

(a) Is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and

(b) Has obtained a valid tag issued by the Department for hunting that animal.

10. *Maintain a list of candidates qualified for appointment to the ~~the Council~~ Committee that is compiled from recommendations made by any established Nevada organization for sportsmen and sportswomen and the county advisory boards to manage wildlife. Except as otherwise provided in this subsection, the Commission shall not include a person on the list of candidates unless the person has been a resident of this State for at least 5 years and has held a hunting, fishing or trapping license, or any combination of those licenses, in this State for at least 3 of the immediately preceding 5 years. The ~~the Council~~ Committee may waive the required period of residency and the period for holding any of those licenses for a member of the ~~the Council~~ Committee appointed pursuant to ~~subparagraph (2) of~~ paragraph (b) of subsection 1 of section 3 of this act.*

11. In establishing any policy or adopting any regulations pursuant to this section, first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Sec. 9. NRS 501.3575 is hereby amended to read as follows:

501.3575 1. The Wildlife Heritage Account is hereby created in the State General Fund. The money in the Account must be used by the Department as provided in this section for:

(a) The protection, propagation, restoration, transplantation, introduction and management of any game fish, game mammal, game bird or fur-bearing mammal in this State; ~~and~~

(b) The management and control of predatory wildlife in this State ~~[-]~~; and

(c) *Funding the activities of the ~~the Council~~ Committee.*

2. Except as otherwise provided in NRS 502.250, money received by the Department from:

(a) A bid, auction, Silver State Tag Drawing or Partnership in Wildlife Drawing conducted pursuant to NRS 502.250; and

(b) A gift of money made by any person to the Wildlife Heritage Account, must be deposited with the State Treasurer for credit to the Account.

3. ~~The~~ *Except as otherwise provided in section 6 of this act, the interest and income earned on the money in the Wildlife Heritage Account, after deducting any applicable charges, must be credited to the Account.*

4. *For the period beginning on July 1, 2017, and ending on June 30, 2021, and except as otherwise provided in this subsection, to fund the activities of the ~~{Council}~~ Committee, the ~~{Department}~~ Commission may ~~{annually}~~ periodically transfer money from the principal in the Wildlife Heritage Account to the subaccount specified in section 6 of this act. ~~+~~*

~~—(a) Not more than \$500,000; and~~

~~—(b) In addition, an amount of money not greater than 20 percent of the amount of money deposited in the Account pursuant to subsection 2 during the previous year. The amount of money transferred during that period pursuant to this subsection must not exceed \$2,000,000.~~

5. The Department may annually expend from the Wildlife Heritage Account an amount of money not greater than ~~{75}~~ 80 percent of the money deposited in the Account pursuant to subsection 2 during the previous year and the total amount of interest earned on the money in the Account during the previous year. ~~{The}~~

6. *If, as determined by the Department, a catastrophic threat to wildlife or wildlife habitat occurs in this State, the Department may request emergency funding in an amount of money not more than 50 percent of the amount of principal in the Wildlife Heritage Account, adjusted for any outstanding commitments previously made but not paid at the time of the request.*

7. *The Commission shall ensure that a minimum adjusted principal balance of at least \$3,000,000 is maintained at all times in the Wildlife Heritage Account.*

8. *If, for any reason, the adjusted principal balance in the Wildlife Heritage Account falls below \$5,000,000, any funding pursuant to paragraph (b) of subsection 4 must be reduced to not greater than 15 percent and any expenditures pursuant to subsection 5 must be reduced to not greater than 75 percent until an adjusted principal balance of at least \$5,000,000 is achieved for the Account.*

9. *Except for expenditures made pursuant to subsection 4 and subsection 4 of section 6 of this act, the Commission shall review and approve expenditures from the Account ~~{No}~~, and no money may be expended from the Account without the prior approval of the Commission.*

~~{5-}~~ 10. The Commission shall administer the provisions of this section and may adopt any regulations necessary for that purpose.

Sec. 10. NRS 501.3575 is hereby amended to read as follows:

501.3575 1. The Wildlife Heritage Account is hereby created in the State General Fund. The money in the Account must be used by the Department as provided in this section for:

(a) The protection, propagation, restoration, transplantation, introduction and management of any game fish, game mammal, game bird or fur-bearing mammal in this State;

(b) The management and control of predatory wildlife in this State; and

(c) Funding the activities of the Committee.

2. Except as otherwise provided in NRS 502.250, money received by the Department from:

(a) A bid, auction, Silver State Tag Drawing or Partnership in Wildlife Drawing conducted pursuant to NRS 502.250; and

(b) A gift of money made by any person to the Wildlife Heritage Account, must be deposited with the State Treasurer for credit to the Account.

3. Except as otherwise provided in section 6 of this act, the interest and income earned on the money in the Wildlife Heritage Account, after deducting any applicable charges, must be credited to the Account.

4. ~~{For the period beginning on July 1, 2017, and ending on June 30, 2021, and except as otherwise provided in this subsection, to}~~ To fund the activities of the Committee, the Commission may periodically transfer money from the principal in the Wildlife Heritage Account to the subaccount specified in section 6 of this act. ~~{The amount of money transferred during that period pursuant to this subsection must not exceed \$2,000,000}~~

5. The Department may annually expend from the Wildlife Heritage Account an amount of money not greater than 80 percent of the money deposited in the Account pursuant to subsection 2 during the previous year and the total amount of interest earned on the money in the Account during the previous year.

6. If, as determined by the Department, a catastrophic threat to wildlife or wildlife habitat occurs in this State, the Department may request emergency funding in an amount of money not more than 50 percent of the amount of principal in the Wildlife Heritage Account, adjusted for any outstanding commitments previously made but not paid at the time of the request.

7. The Commission shall ensure that a minimum adjusted principal balance of at least \$3,000,000 is maintained at all times in the Wildlife Heritage Account.

8. If, for any reason, the adjusted principal balance in the Wildlife Heritage Account falls below \$5,000,000, any funding pursuant to paragraph (b) of subsection 4 must be reduced to not greater than 15 percent and any expenditures pursuant to subsection 5 must be reduced to not greater than 75 percent until an adjusted principal balance of at least \$5,000,000 is achieved for the Account.

9. Except for expenditures made pursuant to subsection 4 and subsection 4 of section 6 of this act, the Commission shall review and approve expenditures from the Account, and no money may be expended from the Account without the prior approval of the Commission.

10. The Commission shall administer the provisions of this section and may adopt any regulations necessary for that purpose.

Sec. 11. 1. The ~~{Director}~~ Chair of the ~~{Department}~~ Board of Wildlife Commissioners shall:

(a) ~~{Designate the representative pursuant to paragraph (a) of subsection 1 of section 3 of this act and appoint}~~ Appoint the initial members of the Nevada Wildlife Public Education ~~{Council}~~ Committee created by section 3 of this

act in accordance with ~~paragraph (b) of~~ subsection 1 of section 3 of this act not later than October 1, 2017.

(b) Call the first meeting of the ~~Council,~~ Committee, which must take place on or before December 31, 2017.

2. At the first meeting of the ~~Council,~~ Committee, the ~~six~~ members initially appointed by the ~~Director,~~ Chair of the ~~Department,~~ Board of Wildlife Commissioners pursuant to ~~paragraph (a) of~~ subsection 1 shall choose their initial terms by lot, in the following manner:

- (a) Two members to serve for terms of 2 years;
- (b) Two members to serve for terms of 3 years; and
- (c) Two members to serve for terms of 4 years.

Sec. 12. 1. This section and sections 1 to 9, inclusive, and 11 of this act become effective on July 1, 2017.

2. Section 10 of this act becomes effective on July 1, 2021.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 348 to Senate Bill No. 221 creates the Nevada Wildlife Public Education Committee within the Board of Wildlife Commissioners and requires the Committee, in cooperation with the Department of Wildlife, to develop and implement a public-information program to educate, promote and engage the residents of this State concerning the responsible stewardship of wildlife.

Finally, it authorizes the Department to fund the activities of the Committee from the Wildlife Heritage Account and sets forth certain reporting requirements of the Committee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 250.

Bill read second time.

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

Amendment No. 447.

SUMMARY—Revises the certification requirements for constables in certain townships. (BDR 20-947)

AN ACT relating to constables; requiring a person seeking election or appointment to the office of constable in certain townships to complete certain training as a peace officer before declaring or accepting candidacy for or accepting appointment to the office; repealing the requirement that constables hired in certain townships be certified by the Peace Officers' Standards and Training Commission as a category II peace officer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each constable of a township whose population is 100,000 or more and which is located in a county whose population is 700,000 or more (currently only Clark County), and each constable of a township whose population is 250,000 or more and which is located in a county whose population is less than 700,000 (currently all counties other than



Clark County), to be certified by the Peace Officers' Standards and Training Commission as a category II peace officer within 1 year after the constable's date of hire. (NRS 258.007) ~~[This] Sections 1.3 and 3 of this bill ~~repeals the~~ repeal the category II certification requirement for such constables ~~and~~ and instead require a person who seeks election or appointment to the office of constable in a township in which a city is located whose population is 220,000 or more (currently the cities of Las Vegas, Henderson and Reno) to complete certain certification or training programs before he or she declares or accepts candidacy for the office or accepts appointment to the office. Section 1.7 of this bill removes the requirements that: (1) the chief of police of the city authorize and consent to a constable's power as a peace officer when the constable is acting in an incorporated city; and (2) the sheriff of the county authorize and consent to a constable's power as a peace officer when the constable is acting in an area that is not within the limits of an incorporated city.~~

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

Section 1. NRS 289.470 is hereby amended to read as follows:

289.470 "Category II peace officer" means:

1. The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;
2. Subject to the provisions of NRS 258.070, ~~constables and their deputies;~~ *deputy constables*;
3. Inspectors employed by the Nevada Transportation Authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;
4. Special investigators who are employed full-time by the office of any district attorney or the Attorney General;
5. Investigators of arson for fire departments who are specially designated by the appointing authority;
6. The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;
7. The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;
8. Investigators for the State Forester Firewarden who are specially designated by the State Forester Firewarden and whose primary duties are related to the investigation of arson;
9. School police officers employed by the board of trustees of any county school district;
10. Agents of the Nevada Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

11. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

12. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

13. Legislative police officers of the State of Nevada;

14. Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

15. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

16. Field investigators of the Taxicab Authority;

17. Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

18. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

19. Criminal investigators who are employed by the Secretary of State; and

20. The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator.

*Sec. 1.3. NRS 258.005 is hereby amended to read as follows:*

258.005 1. No person is eligible to the office of constable unless the person:

(a) Will have attained the age of 21 years on the date he or she would take office if so elected or appointed ~~and~~;

(b) Is a qualified elector.

(c) If the person is seeking election or appointment to the office of constable in a township in which is located a city whose population is 220,000 or more, before the time of his or her declaration of candidacy, acceptance of candidacy or appointment to the office:

(1) Is certified as a category I or category II peace officer by the Peace Officers' Standards and Training Commission;

(2) Is certified as a category I or category II officer or its equivalent by the certifying authority of another state that imposes requirements for certification substantially similar to the requirements imposed by this State, as determined by the Commission; or

(3) Has successfully completed a federal law enforcement training program that is approved by the Commission.

2. A person who has been convicted of a felony in this state or any other state is not qualified to be a candidate for or elected or appointed to the office

of constable regardless of whether the person has been restored to his or her civil rights.

*Sec. 1.7. NRS 258.070 is hereby amended to read as follows:*

258.070 1. Subject to the provisions of subsections 2 and 3, each constable shall:

(a) Be a peace officer.

(b) Execute the process, writs or warrants of courts of justice, judicial officers and coroners, when delivered to the constable for that purpose.

(c) Discharge such other duties as are or may be prescribed by law.

2. Subject to the provisions of subsection 3, a constable or deputy constable has the powers of a peace officer:

(a) For the discharge of duties as are or may be prescribed by law; *and*

(b) For the purpose of arresting a person for a public offense committed or attempted in the presence of the constable or deputy constable, if the constable or deputy constable has reasonable cause to believe that the arrest is necessary to prevent harm to other persons or the escape of the person who committed or attempted the public offense. ~~[- and~~

~~-(c) In addition to the circumstances described in paragraphs (a) and (b):~~

~~-(1) In an area within the limits of an incorporated city, for the purposes authorized by and with the consent of the chief of police of the city; and~~

~~-(2) In an area that is not within the limits of an incorporated city, for the purposes authorized by and with the consent of the sheriff of the county.]~~

3. The constable and each deputy constable of a township shall not carry a firearm in the performance of his or her duties unless:

(a) The constable has adopted a written policy on the use of deadly force by the constable and each deputy constable; and

(b) The constable and each deputy constable has received training regarding the policy.

4. A constable or deputy constable authorized to carry a firearm pursuant to subsection 3 must receive training approved by the Peace Officers' Standards and Training Commission in the use of firearms at least once every 6 months.

5. A constable or deputy constable who wears a uniform in the performance of his or her duties shall display prominently as part of that uniform a badge, nameplate or other uniform piece which clearly displays the name or an identification number of the constable or deputy constable.

6. Pursuant to the procedures and subject to the limitations set forth in chapters 482 and 484A to 484E, inclusive, of NRS, a constable may issue a citation to an owner or driver, as appropriate, of a vehicle which is located in his or her township at the time the citation is issued and which is required to be registered in this State if the constable determines that the vehicle is not properly registered. Upon the imposition of punishment pursuant to NRS 482.385 on the person to whom the citation is issued, the constable is entitled to charge and collect a fee of \$100 from the person to whom the citation is issued, which may be retained by the constable as compensation.

7. If a sheriff or the sheriff's deputy in any county in this State arrests a person charged with a criminal offense or in the commission of an offense, the sheriff or the sheriff's deputy shall serve all process, whether mesne or final, and attend the court executing the order thereof in the prosecution of the person so arrested, whether in a justice court or a district court, to the conclusion, and whether the offense is an offense of which a justice of the peace has jurisdiction, or whether the proceeding is a preliminary examination or hearing. The sheriff or the sheriff's deputy shall collect the same fees and in the same manner therefor as the constable of the township in which the justice court is held would receive for the same service.

Sec. 2. NRS 289.550 is hereby amended to read as follows:

289.550 1. Except as otherwise provided in subsection 2 and NRS 3.310, 4.353, ~~258.007~~ 258.005 and 258.060, a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.

2. The following persons are not required to be certified by the Commission:

- (a) The Chief Parole and Probation Officer;
- (b) The Director of the Department of Corrections;
- (c) The Director of the Department of Public Safety, the deputy directors of the Department, the chiefs of the divisions of the Department other than the Investigation Division and the Nevada Highway Patrol, and the members of the State Disaster Identification Team of the Division of Emergency Management of the Department;
- (d) The Commissioner of Insurance and the chief deputy of the Commissioner of Insurance;
- (e) Railroad police officers; and
- (f) ~~Constables; and~~
- ~~(g)~~ California correctional officers.

Sec. 3. NRS 258.007 is hereby repealed.

Sec. 4. This act becomes effective on July 1, 2017.

#### TEXT OF REPEALED SECTION

258.007 Certification as category II peace officer required in certain townships; forfeiture of office.

1. Each constable of a township whose population is 100,000 or more and which is located in a county whose population is 700,000 or more, and each constable of a township whose population is 250,000 or more and which is located in a county whose population is less than 700,000, shall become certified by the Peace Officers' Standards and Training Commission as a

category II peace officer within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months.

2. If a constable does not comply with the provisions of subsection 1, the constable forfeits his or her office and a vacancy is created which must be filled in accordance with NRS 258.030.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 447 to Senate Bill No. 250 requires a person who seeks election or appointment to the office of constable in a township in which a city is located whose population is 220,000 or more to complete certain certification or training programs before he or she declares or accepts candidacy for the office or accepts appointment to the office.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 252.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 499.

SUMMARY—Revises provisions governing ~~the Nevada Interscholastic Activities Association~~ interscholastic activities. (BDR 34-785)

AN ACT relating to interscholastic activities; ~~requiring~~ authorizing the Nevada Interscholastic Activities Association to allow, by regulation, a pupil who is enrolled in a charter school, private school, ~~for~~ parochial school or public school to participate in a sanctioned sport or other interscholastic event at ~~for~~ another public school that offers the sanctioned sport or other interscholastic event under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation of the Nevada Interscholastic Activities Association, consisting of all the school districts in this State, for the purposes of controlling, supervising and regulating all interscholastic athletic events and other interscholastic events in the public schools in this State. (NRS 385B.050) Existing law further requires the rules and regulations adopted by the Association to provide for the membership of charter schools, private schools and parochial schools which may elect to join the Association. (NRS 385B.110) ~~This~~ Section 4 of this bill ~~requires the rules and regulations of~~ authorizes the Association to allow, by regulation, a pupil who is enrolled in a charter school, private school, ~~for~~ parochial school or public school to participate in a sanctioned sport or any other interscholastic event at ~~for~~ another public school which offers the sanctioned sport or other interscholastic event if: (1) the charter school, private school, parochial school or public school in which the pupil is enrolled does not enroll more than 30 pupils collectively in grades 9, 10, 11 and 12 during the school year; (2) the pupil resides in the

school district or zone of attendance in which the public school that offers the sanctioned sport or other interscholastic event is located; ~~and (2)~~ (3) the sanctioned sport or other interscholastic event is not offered at the charter school, private school, ~~for~~ parochial school ~~or~~ public school in which the pupil is enrolled; and (4) the board of trustees of the school district in which the public school that offers the sanctioned sport or other interscholastic event approves the participation of the pupil in the sanctioned sport or other interscholastic event at the public school. Section 4 also authorizes the board of trustees to require the payment of any costs associated with the participation of the pupil in the sanctioned sport or other interscholastic event at the public school. Section 3 of this bill defines the term "zone of attendance" for the purpose of section 4 and various other provisions of chapter 385B of NRS governing the Association. Sections 5 and 6 of this bill make conforming changes.

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

Section 1. ~~NRS 385B.110 is hereby amended to read as follows:~~

~~385B.110 The rules and regulations adopted by the Nevada Interscholastic Activities Association must [provide]:~~

~~1. Provide for the membership of charter schools, private schools and parochial schools which may elect to join the Association.~~

~~2. Allow a pupil who is enrolled in a charter school, private school or parochial school to participate in a sanctioned sport or any other interscholastic activity or event at a public school if:~~

~~(a) The pupil resides in the school district in which the public school is located; and~~

~~(b) The sanctioned sport or other interscholastic activity or event is not offered at the charter school, private school or parochial school.] (Deleted by amendment.)~~

Sec. 2. Chapter 385B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. *"Zone of attendance" means the zone established by the board of trustees of a school district pursuant to NRS 388.040 to designate which school within the district a pupil must attend.*

Sec. 4. 1. *The Nevada Interscholastic Activities Association may, by regulation, allow a pupil who is enrolled in a charter school, private school, parochial school or public school to participate in a sanctioned sport or other interscholastic event at a public school that offers the sanctioned sport or other interscholastic event if:*

*(a) The charter school, private school, parochial school or public school enrolls not more than 30 pupils collectively in grades 9, 10, 11 and 12 during a school year;*

*(b) The pupil resides in the school district or zone of attendance in which the public school is located or, if the pupil does not reside in that school district or zone of attendance, the pupil may participate in a sanctioned sport or other*

interscholastic event at a public school which is located nearest to the residence of the pupil or which is specified in regulations adopted by the Association;

(c) The sanctioned sport or other interscholastic event is not offered at the charter school, private school, parochial school or public school in which the pupil is enrolled; and

(d) The board of trustees of the school district in which the public school is located approves the participation of the pupil in the sanctioned sport or other interscholastic event at the public school.

2. If the board of trustees of a school district approves the participation of a pupil in a sanctioned sport or other interscholastic event at a public school located within the school district pursuant to paragraph (d) of subsection 1, the board of trustees may negotiate, contract for or otherwise require the payment of any costs associated with the participation of the pupil in the sanctioned sport or other interscholastic event pursuant to this section.

3. The provisions of this section do not limit or otherwise affect:

(a) The authority of a board of trustees of a school district relating to any public school or pupil enrolled in a public school in the school district.

(b) The authority of the Association to relating to any school or pupil enrolled in a school.

(c) The ability of a pupil who is enrolled in a charter school to participate in sports at a public school pursuant to NRS 388A.474.

Sec. 5. NRS 385B.010 is hereby amended to read as follows:

385B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 385B.020, 385B.030 and 385B.040 and section 3 of this act have the meanings ascribed to them in those sections.

Sec. 6. NRS 385B.140 is hereby amended to read as follows:

385B.140 ~~1.1~~ A pupil who enrolls in grade 9 at:

~~{(a)}~~ 1. A public school and who resides within the zone of attendance of the public school at the time of enrollment is immediately eligible to participate and practice in a sanctioned sport at the public school, regardless of whether the pupil:

~~{(1)}~~ (a) Resided in a different zone of attendance before the pupil's enrollment in grade 9; or

~~{(2)}~~ (b) Attended a school other than a public school before the pupil's enrollment in grade 9.

~~{(b)}~~ 2. A private school is immediately eligible to participate and practice in a sanctioned sport at the private school, regardless of whether the pupil attended a school other than a private school before the pupil's enrollment in grade 9.

~~{2. As used in this section, "zone of attendance" means the region established by the board of trustees of a school district or governing board of a charter school for the attendance of a pupil enrolled in the school.~~

~~Sec. 2.~~ Sec. 7. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other

administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2017, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 499 to Senate Bill No. 252 authorizes the Nevada Interscholastic Activities Association to, by regulation, allow a student who is enrolled in a charter, private, parochial or public school to participate in a sanctioned sport or other interscholastic event at another public school. To be eligible to participate in an event at another school: a student's school must enroll not more than 30 students collectively in grades 9 through 12; the student must reside in the school district or zone of attendance of the public school offering the event; the event must not be offered at the student's school. The board of trustees of the school district must provide approval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 411.

Bill read second time.

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

Amendment No. 452.

SUMMARY — ~~[Authorizes a local government to establish a program for the managed care of feral cat colonies.]~~ Revises provisions governing cruelty to animals. (BDR {20-11}) 50-11)

AN ACT relating to ~~[local governments; authorizing a board of county commissioners, the governing body of an incorporated city or the town board of an unincorporated town to establish a program for the managed care]~~ cruelty to animals; providing that the release of a feral cat ~~[colonies;]~~ that has been vaccinated and spayed or neutered is not an abandonment of the feral cat for the purpose of the prohibition against engaging in cruelty to animals under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~— [Existing law confers broad authority upon a county, incorporated city or unincorporated town regarding the control of animals within the jurisdiction of the county, incorporated city or unincorporated town. (NRS 244.189, 244.359, 266.325, 269.195) Sections 1-4 of this bill authorize a board of county commissioners, the governing body of a city or the town board or board of county commissioners within the limits of an unincorporated town to establish a program for the managed care of feral cat colonies. Pursuant to such a program, a feral cat may be provided care and treatment, including, without limitation, sterilization and vaccinations for rabies.]~~

Existing law prohibits a person from engaging in cruelty to animals, including, without limitation, abandoning an animal in certain circumstances. (NRS 574.100) Section 5 of this bill provides an exception from that prohibition for the release of a feral cat that has been ~~[provided care and treatment in accordance with a program for the managed care of feral cat colonies.]~~ caught to provide vaccination, spaying or neutering and released



back to the location where the feral cat was caught after providing the vaccination and spaying or neutering.

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

Section 1. ~~[NRS 244.359 is hereby amended to read as follows:~~

~~244.359 1. Each board of county commissioners may enact and enforce an ordinance or ordinances:~~

~~(a) Fixing, imposing and collecting an annual license fee on dogs and providing for the capture and disposal of all dogs on which the license fee is not paid.~~

~~(b) Regulating or prohibiting the running at large and disposal of all kinds of animals.~~

~~(c) Establishing a pound, appointing a poundkeeper and prescribing the poundkeeper's duties.~~

~~(d) Prohibiting cruelty to animals.~~

~~(e) Designating an animal as inherently dangerous and requiring the owner of such an animal to obtain a policy of liability insurance for the animal in an amount determined by the board of county commissioners.~~

~~(f) Establishing a program for the managed care of feral cat colonies. As used in this paragraph:~~

~~(1) "Feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with wild or undomesticated animals.~~

~~(2) "Feral cat colony" means a group of cats that congregates more or less together as a unit, regardless of whether each cat in the group is a feral cat.~~

~~(3) "Program for the managed care of feral cat colonies" means a program under which a person may:~~

~~(I) Monitor feral cat colonies;~~

~~(II) Trap a feral cat to provide care and treatment for the feral cat, including, without limitation, sterilization and vaccinations for rabies; and~~

~~(III) Release a feral cat that has been provided care and treatment.~~

~~2. Any ordinance or ordinances enacted pursuant to the provisions of paragraphs (a) and (b) of subsection 1 may apply throughout an entire county or govern only a limited area within the county which shall be specified in the ordinance or ordinances.~~

~~3. Except as otherwise provided in this subsection, a board of county commissioners may by ordinance provide that the violation of a particular ordinance enacted pursuant to this section imposes a civil liability to the county in an amount not to exceed \$500, instead of a criminal penalty. An ordinance enacted pursuant to this section that creates an offense relating to bites of animals, vicious or dangerous animals, horse tripping or cruelty to animals must impose a criminal penalty for the offense. As used in this subsection,~~

~~"horse tripping" does not include tripping a horse to provide medical or other health care for the horse.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 266.325 is hereby amended to read as follows:~~

~~266.325 The city council may:~~

~~1. Fix, impose and collect an annual license fee on all animals and provide for the capture and disposal of all animals on which the license fee is not paid.~~

~~2. Regulate or prohibit the running at large and disposal of all kinds of animals and poultry.~~

~~3. Establish a pound, appoint a poundkeeper and prescribe the poundkeeper's duties.~~

~~4. Prohibit cruelty to animals.~~

~~5. Establish a program for the managed care of feral cat colonies in accordance with section 3 of this act.] (Deleted by amendment.)~~

Sec. 3. ~~[Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The governing body of each city may enact an ordinance establishing a program for the managed care of feral cat colonies.~~

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

~~(a) "Feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with wild or undomesticated animals.~~

~~(b) "Feral cat colony" means a group of cats that congregates more or less together as a unit, regardless of whether each cat in the group is a feral cat.~~

~~(c) "Program for the managed care of feral cat colonies" means a program under which a person may:~~

~~(1) Monitor feral cat colonies;~~

~~(2) Trap a feral cat to provide care and treatment for the feral cat, including, without limitation, sterilization and vaccinations for rabies; and~~

~~(3) Release a feral cat that has been provided care and treatment.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 269.195 is hereby amended to read as follows:~~

~~269.195 The town board or board of county commissioners may [prohibit]:~~

~~1. Prohibit the keeping of hogs or the running at large of goats, cows or other animals within the limits of any unincorporated town.~~

~~2. Establish a program for the managed care of feral cat colonies within the limits of any unincorporated town. As used in this subsection:~~

~~(a) "Feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with wild or undomesticated animals.~~

~~(b) "Feral cat colony" means a group of cats that congregates more or less together as a unit, regardless of whether each cat in the group is a feral cat.~~

~~(e) "Program for the managed care of feral cat colonies" means a program under which a person may:~~

~~(1) Monitor feral cat colonies;~~

~~(2) Trap a feral cat to provide care and treatment for the feral cat, including, without limitation, sterilization and vaccinations for rabies; and~~

~~(3) Release a feral cat that has been provided care and treatment.]~~

(Deleted by amendment.)

Sec. 5. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal in circumstances other than those prohibited in NRS 574.110. *The provisions of this paragraph do not apply to ~~the release of a feral cat~~ as defined in NRS 244.359 or 269.195 or section 3 of this act, as applicable, that has been provided care and treatment in accordance with a program for the managed care of feral cat colonies established pursuant to NRS 244.359, 266.325 or 269.195 or section 3 of this act. that has been caught to provide vaccination, spaying or neutering and released back to the location where the feral cat was caught after providing the vaccination, spaying or neutering. As used in this paragraph, "feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal.*

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 14 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being kept in a shelter or boarding facility or temporarily in a camping area;

(f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; or

(h) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.

5. A person shall not:

(a) Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a charreada or rodeo that includes horse tripping.

6. A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

7. Except as otherwise provided in subsection 6, a person who violates subsection 1, 2, 3 or 5:

(a) For the first offense within the immediately preceding 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 either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 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 the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

8. In addition to any other fine or penalty provided in subsection 6 or 7, a court shall order a person convicted of violating subsection 1, 2, 3 or 5 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2, 3 or 5, including, without limitation, money expended for veterinary treatment, feed and housing.

9. The court may order the person convicted of violating subsection 1, 2, 3 or 5 to surrender ownership or possession of the mistreated animal.

10. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

(a) Carrying out the activities of a rodeo or livestock show; or

(b) Operating a ranch.

11. As used in this section, "horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:

(a) Tripping such an animal to provide medical or other health care for the animal; or

(b) Catching such an animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.

Sec. 6. This act becomes effective upon passage and approval.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 452 to Senate Bill No. 411 deletes the provisions related to establishing a program for the managed care of feral-cat colonies.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 413.

Bill read second time.

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

Amendment No. 453.

SUMMARY—Establishes "Public Lands Day" in the State of Nevada. (BDR 19-772)

AN ACT relating to public lands; establishing the last Saturday in September of each year as "Public Lands Day" in the State of Nevada; requiring the Governor to issue annually a proclamation encouraging the observance of Public Lands Day; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, various days and weeks of observance are recognized in this State. (NRS 236.018-236.085) Section 1 of this bill establishes the last Saturday in September of each year as "Public Lands Day" in the State of Nevada and requires the Governor to issue annually a proclamation encouraging the observance of Public Lands Day.

WHEREAS, In 1994, ~~three federal agencies established the~~ National Public Lands Day ~~was established~~, with 700 volunteers working at three sites ~~located on public lands~~ and, since then, the activities relating to National Public Lands Day have expanded to include new places, projects and persons; and

WHEREAS, More than 80 percent of the public lands in this State are owned by the people of the United States and are managed ~~and controlled~~ by various federal agencies for the benefit of all persons living in the United States; and

WHEREAS, The ~~federal~~ public lands in this State include national parks, national monuments, national conservation areas, national forests, national wildlife refuges, ~~monuments,~~ wilderness areas and public lands managed ~~and controlled~~ by the Bureau of Land Management, the United States Forest Service, the United States Fish and Wildlife Service, the National Park Service and other federal agencies; and

WHEREAS, All public lands located in this State feature a diverse ~~range~~ array of landscapes, from sculpted desert sandstone to dramatic limestone cliffs with caves and fossils, from colorful volcanic ranges to the high peaks with ancient bristlecone pine and lush oases that stand in sharp contrast to open sagebrush valleys; and

WHEREAS, The public lands in this State protect vital pieces of our region's past and important cultural heritages, including the remnants of ancient civilizations that once thrived in the region and whose ancestors still protect their legacy, deserted mining ~~(towns)~~ settlements where riches were made and lost ~~[, lush oases which stand in sharp contrast to surrounding barren lands, isolated ranches that are sometimes the size of small countries and trees which are thousands of years old,]~~ and contemporary works of art, all waiting to be discovered by current and future generations of Nevadans; and

WHEREAS, The public lands in this State reflect many noble democratic ideals because they are open and accessible to all persons, regardless of whether those persons are rich or poor; and

WHEREAS, The public lands in this State provide many benefits to the residents of this State and support a wide variety of activities, including recreational pursuits and the development of natural resources; and

WHEREAS, Outdoor recreation is dependent on access to public lands and is an essential part of the economy of this State, generating \$14.9 billion in consumer spending, \$1 billion in state and local tax revenue and 148,000 direct Nevada jobs in this State; and

WHEREAS, ~~[Efforts to transfer]~~ Large-scale transfers of the federal public lands in this State from the people of the United States into state or private control are contrary to the democratic values of the United States and jeopardize activities such as hiking, camping, hunting, fishing and off-road pursuits; and

WHEREAS, In 1864, Congress enacted a law (13 United States Statutes at Large (1864), pp. 30-32), commonly referred to as the Enabling Act, which authorized the people of the Territory of Nevada to form a constitution and state government, and provided for the admission of the State of Nevada into the Union; and

WHEREAS, As required by the Enabling Act, the Nevada Constitution includes an ordinance, immediately preceding the preamble to the Nevada Constitution, which states, in part, that the "people inhabiting [this State] do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within [this State], and that the same shall be and remain at the sole and entire disposition of the United States"; and

WHEREAS, At the general election held in 1996, those provisions of the Nevada Constitution were repealed, effective on the date Congress consents to the amendment or on a legal determination that the consent of Congress is not necessary; and

WHEREAS, The residents of this State support national efforts to promote the stewardship and celebration of all public lands in this State; now therefore,

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

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The last Saturday in September of each year is established as "Public Lands Day" in the State of Nevada.*

2. *The Governor shall issue annually a proclamation encouraging the observance of Public Lands Day. The proclamation ~~may~~ shall, without limitation:*

(a) *Call upon the news media, state and local officers, private nonprofit groups and foundations, schools, businesses and other public and private entities to bring to the attention of the residents of this State the importance of the public lands in the State of Nevada;*

(b) *Recognize the economic, scenic, historical, scientific, aesthetic and other ~~value~~ values of the public lands in the State of Nevada; and*

(c) *Encourage the residents of the State of Nevada to engage in volunteer stewardship activities which contribute to the conservation of the unique public lands which are only found in the State of Nevada.*

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

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

The amendment updates and adds to the enumerated public-land designations found in Nevada National Monuments, National Conservation Areas and others. It also adds a passage recognizing the cultural heritage protection afforded by public lands; adds a passage with economic data related to outdoor recreation on public lands; adds a passage recognizing Nevada's enabling act and constitutional ordinance statements on future State claims to public lands of the federal government; makes various language refinements throughout the transitory language in section 1 subsection 2 (b)4 and adds scientific and esthetic to the enumerated values of public lands.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 477.

Bill read second time.

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

Amendment No. 458.

SUMMARY—Enacts provisions relating to residential establishments for persons with disabilities. (BDR 22-146)

AN ACT relating to persons with disabilities; prescribing certain requirements relating to the zoning of certain facilities that provide residential care; requiring certain residential facilities for groups to be equipped with a residential fire sprinkler system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing bodies of cities and counties to regulate and restrict the improvement of land and to control the location and soundness of structures. (NRS 278.020) Section 7 of this bill requires that in any ordinance adopted by a city or county, the definition of the term "single-family residence" must include: (1) a residential facility for groups in which ~~10 or~~ more than 2 and fewer than 11 persons with disabilities reside



with house parents; (2) a home for individual residential care; and (3) a halfway house for recovering alcohol and drug abusers ~~[i]n which fewer than 11 persons reside.~~

~~[Section 5 of this bill defines the term "residential establishment" to mean: (1) a home for individual residential care in a county whose population is 100,000 or more; (2) a halfway house for recovering alcohol and drug abusers; or (3) a residential facility for groups. Section 7 prohibits the governing body of a city or county from refusing to issue a special use permit to a residential establishment that meets local public health and safety standards unless the residential establishment lacks a required license or certification. Section 8 of this bill requires the governing body of a city or county, as a prerequisite to the approval or issuance of any rezoning, zone variance or special use permit that is necessary to operate a residential establishment, to ensure that the residential establishment has obtained all required licenses and certifications. Section 8 also authorizes the governing body to provisionally approve or issue a rezoning, zone variance or special use permit that is necessary to operate a residential establishment pending the issuance of a required license or certification.]~~

Existing law prescribes certain requirements for various types of residential and health care facilities. (NRS 449.181-449.204) Section 16 of this bill requires a residential facility for groups to be equipped with a residential fire sprinkler system ~~[that meets certain requirements prescribed by the National Fire Protection Association]~~ if the facility has ~~[two]~~ three or more residents who would have difficulty perceiving danger or moving to safety in the event of a fire.

Sections 2-4, 6, 9-15 and 17-20 of this bill make conforming changes.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Halfway house for recovering alcohol and drug abusers" has the meaning ascribed to it in NRS 449.008.*

Sec. 4. *"Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.*

Sec. 5. ~~["Residential establishment" means a home for individual residential care in a county whose population is 100,000 or more, a halfway house for recovering alcohol and drug abusers or a residential facility for groups.] (Deleted by amendment.)~~

Sec. 6. *"Residential facility for groups" has the meaning ascribed to it in NRS 449.017.*

Sec. 7. 1. *In any ordinance adopted by a city or county, the definition of "single-family residence" must include, without limitation, a:*

(a) Residential facility for groups in which ~~10 or~~ more than 2 and fewer than 11 unrelated persons with disabilities reside with:

(1) House parents or guardians who need not be related to any of the persons with disabilities; and

(2) If applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity.

(b) Home for individual residential care.

(c) Halfway house for recovering alcohol and drug abusers ~~1-1~~ in which fewer than 11 persons reside.

2. The provisions of subsection 1 do not prohibit a definition of "single-family residence" that allows more persons to reside in a residential facility for groups or the regulation of homes that are operated on a commercial basis. For the purposes of this subsection, a residential facility for groups, a halfway house for recovering alcohol and drug abusers or a home for individual residential care shall not be deemed to be a home that is operated on a commercial basis for any purpose relating to ~~building codes or~~ zoning.

3. ~~Except as otherwise provided in section 8 of this act, the governing body of a city or county shall not refuse to issue a special use permit to a residential establishment that meets local public health and safety standards.~~

~~4-1~~ As used in this section, "person with a disability" means a person:

(a) With a physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) With a record of such an impairment; or

(c) Who is regarded as having such an impairment.

Sec. 8. ~~1. Except as otherwise provided in subsection 2, as a prerequisite to the approval or issuance of any rezoning, zone variance or special use permit that is necessary to operate a residential establishment, the governing body of a city or county shall ensure that the residential establishment or the owner or operator thereof has obtained any license or certification that is required by federal, state or local authorities.~~

~~2. If a residential establishment or the owner or operator thereof has not obtained any required license or certification, the governing body of a county or city or another entity designated to act on behalf of the governing body may conditionally or provisionally approve or issue any rezoning, zone variance or special use permit that is necessary to operate the residential establishment pending the issuance of the license or certification.~~ (Deleted by amendment.)

Sec. 9. ~~NRS 278.010 is hereby amended to read as follows:~~

~~278.010 As used in NRS 278.010 to 278.630, inclusive, and sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, and sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.~~ (Deleted by amendment.)

Sec. 10. NRS 278.0235 is hereby amended to read as follows:

278.0235 No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, *and sections 2 to 8, inclusive, of this act*, unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

Sec. 11. NRS 278.02788 is hereby amended to read as follows:

278.02788 1. If a city has a sphere of influence that is designated in the comprehensive regional plan, the city shall adopt a master plan concerning the territory within the sphere of influence. The master plan and any ordinance required by the master plan must be consistent with the comprehensive regional plan. After adoption and certification of a master plan concerning the territory within the sphere of influence and after adopting the ordinances required by the master plan, if any, the city may exercise any power conferred pursuant to NRS 278.010 to 278.630, inclusive, *and sections 2 to 8, inclusive, of this act* within its sphere of influence.

2. If the comprehensive regional plan designates that all or part of the sphere of influence of a city is a joint planning area, the master plan and any ordinance adopted by the city pursuant to subsection 1 must be consistent with the master plan that is adopted for the joint planning area.

3. Before certification of the master plan for the sphere of influence pursuant to NRS 278.028, any action taken by the county pursuant to NRS 278.010 to 278.630, inclusive, *and sections 2 to 8, inclusive, of this act* within the sphere of influence of a city must be consistent with the comprehensive regional plan.

4. A person, county or city that is represented on the governing board and is aggrieved by a final determination of the county or, after the certification of the master plan for a sphere of influence, is aggrieved by a final determination of the city, concerning zoning, a subdivision map, a parcel map or the use of land within the sphere of influence may appeal the decision to the regional planning commission within 30 days after the determination. A person, county or city that is aggrieved by the determination of the regional planning commission may appeal the decision to the governing board within 30 days after the determination. A person, county or city that is aggrieved by the determination of the governing board may seek judicial review of the decision within 25 days after the determination.

Sec. 12. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in this section and NRS 278.150 and 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following elements or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) A conservation element, which must include:

(1) A conservation plan for the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The conservation plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The conservation plan must also indicate the maximum tolerable level of air pollution.

(2) A solid waste disposal plan showing general plans for the disposal of solid waste.

(b) A historic preservation element, which must include:

(1) A historic neighborhood preservation plan which:

(I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.

(II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

(2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(c) A housing element, which must include, without limitation:

(1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(3) An analysis of projected growth and the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

(d) A land use element, which must include:

(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(I) Must, if applicable, address mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

(II) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(3) In any county whose population is 700,000 or more, a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods.

(e) A public facilities and services element, which must include:

(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.

(2) A population plan setting forth an estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(3) An aboveground utility plan that shows corridors designated for the construction of aboveground utilities and complies with the provisions of NRS 278.165.

(4) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(5) Provisions concerning public services and facilities showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145. If a public utility which provides electric

service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.

(6) A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.

(f) A recreation and open space element, which must include a recreation plan showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(g) A safety element, which must include:

(1) In any county whose population is 700,000 or more, a safety plan identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The safety plan may set forth policies for avoiding or minimizing the risks from those hazards.

(2) A seismic safety plan consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(h) A transportation element, which must include:

(1) A streets and highways plan showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(2) A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(3) A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other elements as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, *and sections 2 to 8, inclusive, of this act* prohibits the preparation and adoption of any such element as a part of the master plan.

Sec. 13. NRS 119.128 is hereby amended to read as follows:

119.128 An exemption pursuant to this chapter is not an exemption from the provisions of NRS 278.010 to 278.630, inclusive ~~[-]~~, *and sections 2 to 8, inclusive, of this act.*

Sec. 14. NRS 119.340 is hereby amended to read as follows:

119.340 The provisions of this chapter are in addition to and not a substitute for NRS 278.010 to 278.630, inclusive ~~[-]~~, *and sections 2 to 8, inclusive, of this act.*

Sec. 15. NRS 270.180 is hereby amended to read as follows:

270.180 NRS 270.160 and 270.170 are intended to supplement and not to supersede the existing laws relating to the vacation of city and town plats and do not apply to land divided pursuant to NRS 278.010 to 278.630, inclusive ~~[-]~~, *and sections 2 to 8, inclusive, of this act.*

Sec. 16. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[-]~~ *A residential facility for groups must be equipped with a residential fire sprinkler system [that meets the requirements prescribed in NFPA 13R: Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies of the National Fire Protection Association] if the facility has [two] three or more residents who would have difficulty perceiving danger or moving to safety in the event of a fire.*

~~[-]~~ *2. The Division shall review each edition of NFPA 13R: Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies that is published after the 2016 edition to ensure its suitability. Each new edition of that standard shall be deemed approved by the Division unless the edition is disapproved by the Division within 60 days after the publication of the standard.*

Sec. 17. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.030 to 449.2428, inclusive, *and section 16 of this act* do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof.

Sec. 18. NRS 449.0306 is hereby amended to read as follows:

449.0306 1. Money received from licensing medical facilities and facilities for the dependent must be forwarded to the State Treasurer for deposit in the State General Fund.

2. The Division shall enforce the provisions of NRS 449.030 to 449.245, inclusive, *and section 16 of this act* and may incur any necessary expenses not

in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 19. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.030 to 449.2428, inclusive, *and section 16 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, *and section 16 of this act*, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, *and section 16 of this act* and 449.435 to 449.965, inclusive, if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

↪ The facility shall make the information available to the public pursuant to NRS 449.2486.



4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 20. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, *and section 16 of this act*, or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (d) of subsection 1 must be in a total amount of not less than \$1,000 and not more than \$10,000 for each patient who was harmed or at risk of harm as a result of the violation.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Division may require any facility that violates any provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, *and section 16 of this act*, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and section 16 of this act* and 449.435 to 449.965, inclusive, to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 21. This act becomes effective on July 1, 2017.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 458 to Senate Bill No. 477 deletes language that would have created a new category for residential establishments in Washoe and Clark counties, as it relates to single family residence. It adjusts for 10 or fewer to more than 2 and fewer than 11 the number of persons with disabilities who may live with house-parents in a residential-facility for groups. It places a limit of fewer than 11 persons who may reside in such a residence that is considered a half-way for recovering alcohol and drug abusers.

Finally, it assures that a residential fire sprinkler system rather than a commercial sprinkler system is equipped in a residential facility for groups with 3 or more residents.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 492.

Bill read second time.

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

Amendment No. 519.

SUMMARY—Revises provisions relating to polling places. (BDR 24-450)

AN ACT relating to elections; authorizing ~~the~~ each county clerk ~~in counties with larger populations~~ to establish polling places where any registered voter of the county may vote in person on the day of a primary or general election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.209) Existing law prohibits a person from applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730)

Section 2 of this bill authorizes ~~the~~ each county clerk ~~of a county whose population is 100,000 or more (currently Clark and Washoe Counties)~~ to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. ~~Section~~ If any such polling place is established: (1) section 3 of this bill requires the county clerk to publicize the location of any such polling place ~~Section~~; and (2) section 4 of this bill requires the county clerk to prepare a roster of eligible voters in the county for any such polling place. Section 5 of this bill sets forth the procedure for a person to vote

in person at any such polling place. Sections 6-15 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 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. ~~In each county whose population is 100,000 or more, the~~ A county clerk may establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary election or general election.

2. Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.

Sec. 3. 1. ~~In each county whose population is 100,000 or more, if the~~ Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to section 2 of this act, the county clerk ~~shall publish~~ must:

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.

~~2. The county clerk shall post~~

(b) Post a list of the ~~locations established pursuant to section 2 of this act, if any,~~ location of each such polling place on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the county is a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.

3. No additional polling place may be established pursuant to section 2 of this act after the publication pursuant to this section ~~for~~, except in the case of an emergency and if approved by the Secretary of State.

Sec. 4. 1. For each polling place established pursuant to section 2 of this act, if any, the county clerk shall prepare a roster that contains, for every registered voter in the county, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and ~~a place for~~ the voter's signature.

2. The roster must be delivered or caused to be delivered by the county clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 5. 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:

(a) Determine that the person is a registered voter in the county ~~for~~ and has not already voted in that county in the election;

(b) Instruct the voter to sign the roster ~~for~~ or a signature card; and

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

~~[(d) Verify that the voter has not already voted in the current election.]~~

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

5. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

7. A voter applying to vote at a polling place established pursuant to section 2 of this act may be challenged pursuant to NRS 293.303.

Sec. 6. NRS 293.2546 is hereby amended to read as follows:

293.2546 The Legislature hereby declares that each voter has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote on election day if the voter is waiting in line *to vote before 7 p.m.* at ~~his or her~~ a polling place *at which he or she is entitled to vote before 7 p.m.* and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and is entitled to receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner.

8. To receive instruction in the use of the equipment for voting during early voting or on election day.

9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.

10. To have a uniform, statewide standard for counting and recounting all votes accurately.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 7. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.

2. ~~Whenever~~ *Except as otherwise provided in this subsection, whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed. This subsection does not apply to a polling place established pursuant to section 2 of this act.*

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.

Sec. 7.5. NRS 293.2735 is hereby amended to read as follows:

293.2735 ~~The~~

1. Except as otherwise provided in subsection 2, the county clerk shall establish at least one polling place for a precinct in any residential development exclusively for elderly persons if:

~~1.1~~ (a) More than 100 of the residents of the development are registered to vote;

~~1.2~~ (b) There is a common area which is adequate and available; and

~~1.3~~ (c) The owner of the development consents to the establishment of the polling place on the property.

2. The county clerk is not required to establish a polling place in a residential development as described in subsection 1 if, with the consent of the owner of the residential development, the county clerk establishes a temporary branch polling place for early voting at the residential development for at least 1 day.

Sec. 8. NRS 293.275 is hereby amended to read as follows:

293.275 ~~{No}~~

1. Except as otherwise provided in subsection 2, an election board may not perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it the roster for the polling place.

2. ~~{In each county whose population is 100,000 or more, if a county clerk establishes}~~ For a polling place established pursuant to section 2 of this act, the election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county.

Sec. 9. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283 and 293.541, if a person's name appears in the roster or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the roster or on a signature card when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

- (a) The card issued to the voter at the time he or she registered to vote;
- (b) A driver's license;
- (c) An identification card issued by the Department of Motor Vehicles;
- (d) A military identification card; or
- (e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

3. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

Sec. 9.5. NRS 293.283 is hereby amended to read as follows:

293.283 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster or on a signature card as required by NRS 293.277, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 10. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283, a registered voter applying to vote shall state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster ~~{--and}~~ or signature card, verify the signature of the voter in the manner set forth in NRS 293.277 ~~{--}~~ and verify that the registered voter has not already voted in that county in the current election.

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 11. NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~his or her~~ a polling place ~~{--}~~ at which he or she is entitled to vote.

Sec. 11.2. NRS 293.3561 is hereby amended to read as follows:

293.3561 1. ~~The~~ Except as otherwise provided in subsection 3, the permanent and temporary polling places for early voting by personal appearance must satisfy the criteria to be used to select permanent and temporary polling places for early voting by personal appearance provided by the county clerk pursuant to subsection 2.

2. The county clerk shall:

(a) Provide by rule or regulation for the criteria to be used to select permanent and temporary polling places for early voting by personal appearance; and

(b) At a meeting of the board of county commissioners, inform the board of the sites selected as permanent and temporary polling places for early voting by personal appearance.

3. The provisions of subsection 1 do not apply to a temporary polling place for early voting established at a residential development exclusively for elderly persons with the consent of the owner pursuant to NRS 293.3572.

Sec. 11.4. NRS 293.3564 is hereby amended to read as follows:

293.3564 1. The county clerk may establish permanent polling places for early voting by personal appearance in the county at the locations selected pursuant to NRS 293.3561.

2. Except as otherwise provided in subsection 3 ~~and~~ and NRS 293.3572, any person entitled to vote early by personal appearance may do so at any polling place for early voting.

3. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, the county clerk may:

(a) Provide appropriate forms of ballots for all offices within a township, city, town or county commissioner election district, as determined by the county clerk; and

(b) Limit voting at that polling place to registered voters in that township, city, town or county commissioner election district.

Sec. 11.6. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, the county clerk may establish temporary branch polling places for early voting which may include, without limitation ~~to the~~ :

(a) The clerk's office pursuant to NRS 293.3561.

(b) With the consent of the owner, a residential development exclusively for elderly persons. If the county clerk establishes a temporary branch polling place for early voting at a residential development exclusively for elderly persons pursuant to this paragraph, only residents of the development are entitled to vote at the temporary branch polling place.

2. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.



3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

*Sec. 11.8. NRS 293.3585 is hereby amended to read as follows:*

293.3585 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting ~~by~~ or a signature card.

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

(d) Verify that the voter has not already voted in that county in the current election pursuant to this section.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election pursuant to this section.

5. The roster for early voting or a signature card, as applicable, must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

*Sec. 11.9. NRS 293.3604 is hereby amended to read as follows:*

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day; ~~and~~

(4) The number of signatures in the roster for early voting for that day ~~;~~ ; and

(5) The number of signatures on signature cards for the day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) The signature cards used for early voting;

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~((d))~~ (e) Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Indicate the number of ballots on an official statement of ballots; and

(b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the storage devices to the central counting place.

*Sec. 12. NRS 293.4689 is hereby amended to read as follows:*

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information

maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place *or places* at which the registered voter is ~~required~~ *entitled* to cast a ballot; and

(b) The abstract of votes required pursuant to the provisions of NRS 293.388.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

*Sec. 12.5. NRS 293.563 is hereby amended to read as follows:*

293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for ~~each~~ :

*(a) Each* polling place a roster containing the registered voters eligible to vote at the polling place.

*(b) Each polling place established pursuant to section 2 of this act, if any, a roster containing the registered voters eligible to vote in the county.*

2. The ~~roster~~ *rosters* must be delivered or caused to be delivered by the county or city clerk to an election board officer of the proper polling place before the opening of the polls.

*Sec. 13. NRS 293.565 is hereby amended to read as follows:*

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~+~~ *or places*. If the location of the polling place *or places* has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE *OR*  
*PLACES* HAS CHANGED SINCE THE LAST ELECTION

7. Except as otherwise provided in subsection 8, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN  
LARGE TYPE, CALL (Insert appropriate telephone number)

8. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

9. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

10. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

11. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place ~~or~~ or places.

12. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 14. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

- (a) Remain in or outside of any polling place so as to interfere with the conduct of the election.
- (b) Except an election board officer, receive from any voter a ballot prepared by the voter.
- (c) Remove a ballot from any polling place before the closing of the polls.
- (d) Apply for or receive a ballot at any election precinct or district other than ~~the~~ one at which the person is entitled to vote.
- (e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.
- (f) Inside a polling place, ask another person for whom he or she intends to vote.
- (g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.

3. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 15. NRS 293.790 is hereby amended to read as follows:

293.790 If any person whose vote has been rejected offers to vote at the same election, at any polling place other than ~~the~~ one in which the person is ~~registered~~ entitled to vote, such person is guilty of a gross misdemeanor.

Sec. 15.3. NRS 293C.268 is hereby amended to read as follows:

293C.268 ~~The~~

1. Except as otherwise provided in subsection 2, the city clerk shall establish at least one polling place for a precinct in any residential development exclusively for elderly persons if:

~~1.1~~ (a) More than 100 of the residents of the development are registered to vote;

~~1.2~~ (b) There is a common area in the development which is adequate and available; and

~~1.3~~ (c) The owner of the development consents to the establishment of the polling place on his or her property.

2. The city clerk is not required to establish a polling place in a residential development as described in subsection 1 if, with the consent of the owner of the residential development, the city clerk establishes a temporary branch polling place for early voting pursuant to NRS 293C.3572 at the residential development for at least 1 day.

Sec. 15.5. NRS 293C.3561 is hereby amended to read as follows:

293C.3561 1. ~~The~~ Except as otherwise provided in subsection 3, the permanent and temporary polling places for early voting by personal appearance must satisfy the criteria to be used to select permanent and temporary polling places for early voting by personal appearance provided by the city clerk pursuant to subsection 2.

2. The city clerk shall:

(a) Provide by rule or regulation for the criteria to be used to select permanent and temporary polling places for early voting by personal appearance; and

(b) At a meeting of the city council or other governing body of the city, inform the city council or other governing body of the sites selected as permanent and temporary polling places for early voting by personal appearance.

3. The provisions of subsection 1 do not apply to a temporary polling place for early voting established at a residential development exclusively for elderly persons with the consent of the owner pursuant to NRS 293C.3572.

Sec. 15.6. NRS 293C.3564 is hereby amended to read as follows:

293C.3564 1. The city clerk may establish permanent polling places for early voting by personal appearance in the city at the locations selected pursuant to NRS 293C.3561.

2. ~~Any~~ Except as otherwise provided in NRS 293C.3572, any person entitled to vote early by personal appearance may do so at any polling place for early voting.

Sec. 15.8. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561 ~~or~~, including, without limitation, with the consent of the owner, at a residential development exclusively for elderly persons. If the city clerk establishes a temporary branch polling place for early voting at a residential development exclusively for elderly persons pursuant to this subsection, only residents of the development are entitled to vote at the temporary branch polling place.

2. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 16. This act becomes effective on July 1, 2017.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 519 to Senate Bill No. 492 removes the population threshold set forth in the measure as it relates to the option to establish vote-center polling places. This gives the option to operate vote centers to all counties. It gives the counties an option to establish an early-voting location in certain residential developments for elderly persons in lieu of an election-day polling place and allows for the establishment of a new or relocated vote center after the initial publication of the vote-center location in the event of an emergency. And, with the approval of the Secretary of State. It makes technical amendments to allow the counties to use a web-based voter registration module through the use of a "signature card" when verifying the signature of a voter.

Finally, it adds language to specify that the county clerk and Secretary of State shall prescribe a procedure to verify that the voter has not already voted in the current election in the county.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill No. 221 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Senator Ford moved that the Senate adjourn until Monday, April 24, 2017, at 10:00 a.m.

Motion carried.

Senate adjourned at 3:36 p.m.

Approved:

MARK A. HUTCHISON  
*President of the Senate*

Attest: CLAIRE J. CLIFT

*Secretary of the Senate*